

§13867. Duty to warn and protect

(REALLOCATED FROM TITLE 32, SECTION 13866)

1. Duty. A licensee under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a client's violent behavior if the licensee has a reasonable belief based on communications with the client that the client is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.
[PL 2019, c. 317, §6 (NEW); RR 2019, c. 1, Pt. A, §47 (RAL).]

2. Discharge of duty. A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the client under Title 34-B, chapter 3, subchapter 4, article 3.
[PL 2019, c. 317, §6 (NEW); RR 2019, c. 1, Pt. A, §47 (RAL).]

3. Immunity. No monetary liability and no cause of action may arise concerning client privacy or confidentiality against a person licensed under this chapter for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.
[PL 2019, c. 317, §6 (NEW); RR 2019, c. 1, Pt. A, §47 (RAL).]

SECTION HISTORY

PL 2019, c. 317, §6 (NEW). RR 2019, c. 1, Pt. A, §47 (RAL).

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