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By: **Senator Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Mental Health Care Providers - Patient's Violent Behavior - Duty to Predict,**  
3 **Warn, or Take Precautions**

4 FOR the purpose of expanding the definition of a certain term to make certain  
5 provisions regarding the duty of a mental health provider to predict, warn of, or  
6 take precautions to provide protection from a patient's violent behavior  
7 applicable to certain facilities, corporations, partnerships, associations, or other  
8 entities that provide treatment or services to individuals who have mental  
9 disorders; and generally relating to mental health care providers.

10 BY repealing and reenacting, with amendments,

11 Article - Courts and Judicial Proceedings

12 Section 5-609

13 Annotated Code of Maryland

14 (1998 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article - Courts and Judicial Proceedings**

18 5-609.

19 (a) (1) In this section the following words have the meanings indicated.

20 (2) "Mental health care provider" means:

21 (I) [a] A mental health care provider licensed under the Health  
22 Occupations Article; AND

23 (II) ANY FACILITY, CORPORATION, PARTNERSHIP, ASSOCIATION, OR  
24 OTHER ENTITY THAT PROVIDES TREATMENT OR SERVICES TO INDIVIDUALS WHO  
25 HAVE MENTAL DISORDERS.

26 (3) "Administrator" means an administrator of a facility as defined in §  
27 10-101 of the Health - General Article.

1 (b) A cause of action or disciplinary action may not arise against any mental  
2 health care provider or administrator for failing to predict, warn of, or take  
3 precautions to provide protection from a patient's violent behavior unless the mental  
4 health care provider or administrator knew of the patient's propensity for violence  
5 and the patient indicated to the mental health care provider or administrator, by  
6 speech, conduct, or writing, of the patient's intention to inflict imminent physical  
7 injury upon a specified victim or group of victims.

8 (c) (1) The duty to take the actions under paragraph (2) of this subsection  
9 arises only under the limited circumstances described under subsection (b) of this  
10 section.

11 (2) The duty described under this section is deemed to have been  
12 discharged if the mental health care provider or administrator makes reasonable and  
13 timely efforts to:

14 (i) Seek civil commitment of the patient;

15 (ii) Formulate a diagnostic impression and establish and undertake  
16 a documented treatment plan calculated to eliminate the possibility that the patient  
17 will carry out the threat; or

18 (iii) Inform the appropriate law enforcement agency and, if feasible,  
19 the specified victim or victims of:

20 1. The nature of the threat;

21 2. The identity of the patient making the threat; and

22 3. The identity of the specified victim or victims.

23 (d) No cause of action or disciplinary action may arise under any patient  
24 confidentiality act against a mental health care provider or administrator for  
25 confidences disclosed or not disclosed in good faith to third parties in an effort to  
26 discharge a duty arising under this section according to the provisions of subsection  
27 (c) of this section.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 1999.