
By: **Senator Hollinger**

Introduced and read first time: February 5, 1999

Assigned to: Judicial Proceedings

Committee Report: Favorable

Senate action: Adopted

Read second time: March 23, 1999

CHAPTER _____

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:

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

3 (II) ANY FACILITY, CORPORATION, PARTNERSHIP, ASSOCIATION, OR
4 OTHER ENTITY THAT PROVIDES TREATMENT OR SERVICES TO INDIVIDUALS WHO
5 HAVE MENTAL DISORDERS.

6 (3) "Administrator" means an administrator of a facility as defined in §
7 10-101 of the Health - General Article.

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

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

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

21 (i) Seek civil commitment of the patient;

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

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

27 1. The nature of the threat;

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

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

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

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

