

PATHWAYS CMH

PROCEDURE TITLE: Duty to Warn Procedure – Appendix 8 of Privacy Policy	CATEGORY: Recipient Rights
EFFECTIVE DATE: April 14, 2003	BOARD APPROVAL DATE: April 14, 2003
REVIEWED DATE: June 2013; July 11, 2014; May 5, 2015; April 22, 2016; April 15, 2017	REVISION(S) TO PROCEDURE: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
RESPONSIBLE PARTY/APPROVAL: Recipient Rights Supervisor or Designee/ Mary J. Swift, CEO	

PURPOSE:

To protect the rights of recipients.

PROCEDURES:

- A. When assessing and responding to consumers threats or harm to others, information will be elicited through non-threatening inquiry. The following elements at a minimum need to be present for the Duty to Warn to take effect:
1. A threat of physical violence.
 2. Against a reasonably identifiable third person.
 3. With apparent intent.
 4. An ability to carry out the threat.
 5. In the foreseeable future.
- B. If, in the judgment of the worker, there is a Duty to Warn, the following steps must be taken:
1. Notify potential victim (s) and notify appropriate police authorities, (city, county and state).
 2. Notify your supervisor. The supervisor will be responsible for notifying the CEO or designee.
 3. Evaluate for involuntary or voluntary hospitalization.
 4. Document everything in the clients progress notes, giving rationale for every decision.
- C. If the third party who is threatened is a minor or is considered incompetent by other than age, the worker must:

1. Do step B.
 2. Communicate with the Department of Health and Human Services.
 3. Communicate with the parent or legal guardian.
- D. In all such cases, treatment must be continued. Documentation in client progress notes must be comprehensive and concise, giving rationale for every decision.
- E. For co-occurring recipients see co-occurring privacy procedures.

REFERENCES:

Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), 750 and 946.
45 CFR Part 164 section 512 (j)
42 CFR Part 2 Subpart Subpart D.