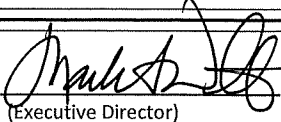


Policy & Procedure

ACCMHS

Allegan County Community Mental Health Services
P.O. Box 130, 3283 122nd Avenue, Allegan, MI 49010

POLICY/PROCEDURE TITLE: Duty to Warn POLICY/PROCEDURE #: 1305 Section: Recipient Rights Developed and maintained by: Recipient Rights Officer Scope: <input checked="" type="checkbox"/> ACCMHS Staff <input type="checkbox"/> MH/IDD, <input type="checkbox"/> Housing, <input type="checkbox"/> SUD, <input type="checkbox"/> Integrated Health, <input checked="" type="checkbox"/> ACCMHS Contract Providers <input type="checkbox"/> Other _____	Approved By:  (Executive Director)					
	Approved By: _____ (Medical Director; as applicable)					
	DATES					
	<table border="1"><tr><td>First Effective</td><td>12/1986</td></tr><tr><td>Revised</td><td>03/2020</td></tr><tr><td>Supersedes</td><td>03/2019</td></tr></table>	First Effective	12/1986	Revised	03/2020	Supersedes
First Effective	12/1986					
Revised	03/2020					
Supersedes	03/2019					

POLICY

It is the policy of ACCMHS to respond according to law if a recipient makes a threat of physical violence by releasing information to appropriate parties. A mental health professional who, in good faith, complies with the requirements of this policy does not violate the recipient's right to confidentiality or privilege as indicated in sections 748 and 750 of the Mental Health Code.

I) GUIDELINES

- A) Duty to warn takes effect when a recipient communicates to a mental health professional who is treating the recipient a threat of physical violence against a reasonably identifiable third person and the recipient has the apparent intent and ability to carry out that threat in the foreseeable future.
 - 1) A reasonably identifiable third person may be an individual or a specific class/ group of people (family, specific church membership, co-workers, etc...).
 - 2) Apparent intent and ability to carry out the threat is assessed by the mental health professional by considering:
 - (a) the specificity of the plan - clarity, severity, imminence;
 - (b) capability of the consumer;
 - (c) opportunity, access, and availability of the means;
 - (d) the client's history of known violent behavior (if history is available).
- B) The mental health professional must complete one or more of the following in a timely manner:
 - 1) Hospitalize the consumer or initiate proceedings for hospitalization; or
 - 2) Make a reasonable attempt to communicate the threat to the third person, and communicate the threat to the local police or sheriff's departments for the area where the threatened party resides or for the area the recipient resides, or to the state police.
- C) If the person threatened is a minor or is incompetent by other than age; the mental health professional must additionally complete all of the following in a timely manner:
 - 1) Communicate the threat to Adult/ Child Protective Services, and
 - 2) Communicate the threat to the minor's custodial or non-custodial parent, or legal guardian.

II) PROCEDURE

- A) Once a threat meeting the requirements under duty to warn have been made, the mental health professional shall:

- 1) If possible and appropriate for the situation, contact the consumer (by phone or in person) and get more information, and express your duty and intention to warn others. If direct contact is not possible or appropriate in a short time, proceed with the further steps.
- 2) Notify and consult with your Program Supervisor; if he/she is unavailable, contact a Program Director.
- 3) If after consultation, the decision is made that the duty to warn is required, the Recipient Rights Officer will be notified. The Rights Officer shall notify the Executive Director and a determination of the need for legal counsel will be made.
- 4) Evaluate for involuntary (or voluntary) hospitalization, and implement this if appropriate as a first choice.
- 5) If hospitalization does not occur and the threat to a third person still exists, directly notify the potential victim(s) of the threat of harm. Be as specific as possible about the details of the threat and indicate the appraisal of the degree of dangerousness. Do not otherwise divulge the mental status of the consumer or therapeutic content of the case. Consult with the Office of Recipient Rights as needed.
- 6) Notify appropriate police or sheriff authorities, protective services, and parents/guardians according to the guidelines above.
- 7) If the consumer is not hospitalized, continue treatment and consider the following:
 - (a) psychiatric consultation, reassess medication, diagnosis, mental status;
 - (b) psychological testing;
 - (c) evaluating relationship with therapist/Case Manager and/or team;
 - (d) increasing the level of care (more structured programs, increased supervision).
- 8) Document everything in non-billable notes in the record, including:
 - (a) Specific findings regarding the threat;
 - (b) Who was contacted inside and outside the agency and what was discussed with them;
 - (c) Interventions considered and which ones were implemented, and their outcomes.
- 9) An Incident Report will be filed every time the duty to warn is discharged.

REFERENCE

Mental Health Code 330.1946