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| Title 1 | Northern Lakes Policies |
| Part 106 | Supports and Services – NLCMH Provided and Contract |
| Subpart J | Mental Health Code Protected Recipient Rights |
| Policy No. | 106.1012 |
| Subject | Duty to Warn (RR) |

Applicability

Policy applies to all NLCMH activities, operations and sites and to all Workforce Members except members of the governing body. Policy also applies to any Network Provider and its employees, volunteers, or agents that has elected to adopt and adhere to NLCMH policies and procedures pertaining to Recipient Rights under the terms of its Participating Provider Agreement.

Policy

Pursuant to Michigan Mental Health Code (PA 258 of 1974, MCL 330.946), a mental health professional employed by or under contract with Northern Lakes CMH or any of its contracted providers has a duty to take action to protect a consumer and to warn others if all of the following occur:

1. A consumer communicates to that mental health professional a threat of physical violence; and
2. The threat is made against a reasonably identifiable third person; and
3. The consumer has the apparent intent to carry out that threat in the foreseeable future; and
4. The consumer has the apparent ability to carry out that threat in the foreseeable future.

Subsequent to an assessment that ALL of the above criteria have been met the mental health professional must do AT LEAST ONE of the following in a timely manner:

1. Initiate proceedings to hospitalize the consumer under Chapter 4 or 4a of Mental Health Code.
2. Make a reasonable attempt to communicate the threat to both of the following:
 - a. The third person; and to
 - b. The local police department or the county sheriff for the area where the third person resides for the area where the consumer resides, or to the state police.

Additionally, if the mental health professional has reason to believe that the third person is a minor or is incompetent by other than age, the professional must also communicate the threat to:

1. The Department of Human Services in the county where the third person resides; and
2. That person's custodial parent, non-custodial parent, or guardian as appropriate.

A mental health professional who determines, in good faith, that a situation meets the above criteria and takes the appropriate steps to warn the identifiable third person is NOT in violation of Sections 748 or 750 of the Michigan Mental Health Code or of other confidentiality or patient privilege statutes.

Procedures

REPORTING AND DOCUMENTATION

If a mental health professional believes he/she have a duty to warn he/she shall do all of the following:

1. Clearly assess whether there is a duty to warn or take other action using the criteria listed in the policy above.
2. Take appropriate action as listed in the policy above.
3. If action is warranted, contact their immediate supervisor or another administrator, and the consumer's psychiatrist, if assigned.
4. Contact the Recipient Rights Officer or the Compliance Officer for consultation if necessary for clarification of policy and statute.
5. Document the content of specific threat, assessment of intent, and consumer's ability to carry out expressed intent.
6. Document all attempts to hospitalize the consumer and/or communicate the threat to the identifiable threatened third person and the appropriate law enforcement agency.
7. Such documentation shall be co-signed by the supervisor.
8. Complete an Incident Report

Adoption Date: May 23, 2006

Review Dates:
June 8, 2009
May 14, 2010

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