S-1034.1

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**SENATE BILL 5800**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Baumgartner

AN ACT Relating to obligations of mental health professionals; and adding a new section to chapter 7.70 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 7.70 RCW to read as follows:

(1) As used in this section:

(a) "Mental health professional" means a psychiatrist, psychologist, physician assistant working with a supervising psychiatrist, psychiatric advanced registered nurse practitioner, psychiatric nurse, social worker, or chemical dependency professional, and any person licensed by the department of health as a mental health counselor, mental health counselor associate, marriage and family therapist, or marriage and family therapist associate.

(b) "Mental health services" means outpatient and inpatient services provided to diagnose or treat mental disorders covered by the diagnostic categories listed in the most current version of the diagnostic and statistical manual of mental disorders, published by the American psychiatric association, or any successor publication.

(2) A mental health professional or an individual health care provider providing mental health services to a patient has a duty to warn or to take reasonable precautions to provide protection from a patient's violent behavior only if the patient has communicated to the mental health professional or the individual health care provider providing mental health services to the patient an actual threat of physical violence against a reasonably identifiable victim or victims.

(3) The duty to warn or take reasonable precautions to provide protection from a patient's violent behavior is discharged by the mental health professional or the individual health care provider providing mental health services to the patient if reasonable efforts are made to communicate the threat to the reasonably identifiable victim or victims and to law enforcement personnel.

(4) A mental health professional or an individual health care provider providing mental health services to a patient is not liable for civil damages for failing to predict, warn of, or take reasonable precautions to provide protections from a patient's violent behavior unless the patient has communicated to the mental health professional or the individual health care provider providing mental health services to the patient an actual threat of physical violence against a reasonably identifiable victim or victims and the mental health professional or the individual health care provider providing mental health services to the patient has failed to take reasonable precautions to provide protection to the reasonably identifiable victim or victims by communicating the threat as provided in this section or taking other reasonable measures, which may include reasonable attempts to hospitalize the patient voluntarily.

(5) This section does not limit, and is in addition to, any other statutory immunities from liability of mental health professionals or individual health care providers as otherwise provided by law.

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