COMMUNITY MENTAL HEALTH AUTHORITY

ADMINISTRATIVE POLICY AND PROCEDURES MANUAL				
Chapter **Program Quality**	**Section** **HIPAA**	**Chapter** **05**	**Section** **03**	**Subject** **11**
Subject **Duty to Warn**	**Authorization**		**Approved: 04/08/03** **Replaces: None**	

Updated: October 2024; Reviewed/No Update: October 2025

I. PURPOSE: To establish policy and procedure for the use and disclosure of protected health information to prevent or lessen a serious and imminent threat to the health or safety of a person or the public.

II. APPLICATION: All programs operated under the authority of the Gogebic Community Mental Health Authority (GCMHA).

III. DEFINITIONS: None

IV. POLICY: GCMHA may use or disclose protected health information to prevent or lessen a serious and imminent threat to the health or safety of a person or the public. There are additional protections to those individuals receiving substance abuse treatment; refer to policy 05-01-33 (42 C.F.R. Part 2).

V. PROCEDURE:

A. If 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, the mental health professional has a duty to warn.

B. If, in the judgment of the mental health professional, 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 their immediate supervisor. If the immediate supervisor is not the Department Director, the supervisor will notify the Department Director. The Department Director will be responsible for notifying the CEO or designee.
3. Evaluate for involuntary or voluntary hospitalization.
4. Document everything in the recipient's 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. Follow steps in Item B.
2. Communicate with the Michigan Department of Health and Human Services.
3. Communicate with the parent or legal guardian.

VI. REFERENCES AND LEGAL AUTHORITY: Act 258 of the Public Acts of 1974, as amended (Michigan Mental Health Code) Sections 748, 748 (a), 750 and 946; 45 C.F.R. Part 164 section 512 (j); 42 C.F.R. Part 2 Subpart D.

VII. EXHIBITS: None