

~~DEFINED--IN--§-10-101-OF-THE-HEALTH--GENERAL-ARTICLE~~ FOR FAILING TO PREDICT, WARN OF, OR TAKE PRECAUTIONS TO PROVIDE PROTECTION FROM A PATIENT'S VIOLENT BEHAVIOR UNLESS THE PATIENT, WHOM THE MENTAL-HEALTH-CARE-PROVIDER-BELIEVES-HAS-A-CAPACITY-AND-INTENTION TO PROCEED, INFORMS MENTAL HEALTH CARE PROVIDER OR ADMINISTRATOR KNEW OF THE PATIENT'S PROPENSITY FOR VIOLENCE AND THE PATIENT INDICATED TO THE MENTAL HEALTH CARE PROVIDER OR ADMINISTRATOR, BY SPEECH, CONDUCT, OR WRITING, OF A--REAL--AND--SPECIFIC THE PATIENT'S INTENTION TO INFLICT IMMINENT PHYSICAL INJURY UPON A SPECIFIED VICTIM OR GROUP OF VICTIMS.

{B} (C) (1) THE DUTY TO TAKE THE ACTIONS UNDER PARAGRAPH (2) OF THIS SUBSECTION ARISES ONLY UNDER THE LIMITED CIRCUMSTANCES DESCRIBED UNDER SUBSECTION {A} (B) OF THIS SECTION.

(2) THE DUTY DESCRIBED UNDER THIS SECTION IS DEEMED TO HAVE BEEN DISCHARGED IF THE MENTAL HEALTH CARE PROVIDER ~~LICENSED-UNDER-THE-HEALTH-OCCUPATIONS--ARTICLE~~ OR ADMINISTRATOR MAKES REASONABLE AND TIMELY EFFORTS TO:

(I) SEEK CIVIL COMMITMENT OF THE PATIENT;

(II) FORMULATE A DIAGNOSTIC IMPRESSION AND ESTABLISH AND UNDERTAKE A DOCUMENTED TREATMENT PLAN CALCULATED TO ELIMINATE THE POSSIBILITY THAT THE PATIENT WILL CARRY OUT THE THREAT; OR

(III) INFORM THE APPROPRIATE LAW ENFORCEMENT AGENCY OR AND, IF FEASIBLE, THE SPECIFIED VICTIM OR VICTIMS OF:

1. THE NATURE OF THE THREAT;

2. THE IDENTITY OF THE PATIENT MAKING THE

THREAT; AND

3. THE IDENTITY OF THE SPECIFIED VICTIM

OR VICTIMS.

{E} (D) NO CAUSE OF ACTION OR DISCIPLINARY ACTION MAY ARISE UNDER ANY PATIENT CONFIDENTIALITY ACT AGAINST A MENTAL HEALTH CARE PROVIDER ~~LICENSED-UNDER-THE-HEALTH-OCCUPATIONS--ARTICLE~~ OR ADMINISTRATOR FOR CONFIDENCES DISCLOSED OR NOT DISCLOSED IN GOOD FAITH TO THIRD PARTIES IN AN EFFORT TO DISCHARGE A DUTY ARISING UNDER THIS SECTION ACCORDING TO THE PROVISIONS OF SUBSECTION {B} (C) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any cause of action arising prior to the effective date of this Act.