

§20163. Duty to warn and protect**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)****(WHOLE SECTION TEXT EFFECTIVE 1/1/27)**

1. Duty. A licensee has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the licensee has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others. The duty imposed under this subsection may not be interpreted to require the licensee to take any action that in the reasonable professional judgment of the licensee would endanger the licensee or increase the threat of danger to a potential victim.

[PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

2. Discharge of duty. A licensee subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the licensee makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

[PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

3. Immunity. No monetary liability and no cause of action may arise concerning patient privacy or confidentiality against a licensee for information disclosed to 3rd parties in an effort to discharge a duty under subsection 2.

[PL 2025, c. 738, Pt. A, §7 (NEW); PL 2025, c. 738, Pt. A, §9 (AFF).]

SECTION HISTORY

PL 2025, c. 738, Pt. A, §7 (NEW). PL 2025, c. 738, Pt. A, §9 (AFF).

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