

Introduced: 2/22/88
Referred: Health, Education and
Social Services and
Judiciary

5-1762A

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

SENATE BILL NO. 481

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the duty of health professionals
7 to warn of a patient's violent threats; and providing
8 for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 09.65 is amended by adding a new section to read:

11 Sec. 09.65.096. DUTY TO WARN OF PATIENT'S VIOLENT THREAT. (a)

12 A health professional shall promptly notify an identifiable potential
13 victim if

14 (1) a patient communicates to the health professional an
15 imminent threat that the patient will physically injure, or arrange
16 for the physical injury of, an identified or reasonably identifiable
17 person; and

18 (2) in the clinical judgment of the health professional,
19 the patient has the apparent intent and ability to carry out the
20 threat.

21 (b) In addition to the notice required under (a) of this sec-
22 tion, a health professional shall promptly notify an appropriate law
23 enforcement agency or, in an appropriate case, shall take actions that
24 result in the emergency detention or commitment of the patient under
25 AS 47.30.655 - 47.30.915.

26 (c) A health professional who complies with, or makes a reason-
27 able, good faith effort to comply with, the requirements of this
28 section is not liable for civil damages for

29 (1) failing to notify or otherwise prevent injury to a

1 person who is physically injured by a patient of the professional or
2 as a result of the patient's actions; or

3 (2) breaching a duty to maintain the confidences of the
4 patient.

5 (d) In this section "health professional" includes a physician,
6 psychiatrist, registered nurse, psychologist, psychological associate,
7 or physician's assistant who is licensed or required to be licensed to
8 practice in the state or who is employed by the federal government; a
9 social worker or counselor with a masters degree or bachelors degree
10 in social work, psychology, sociology, art therapy, or counseling and
11 guidance; and a Native health aide employed by the Indian Health
12 Service.

13 * Sec. 2. This Act takes effect July 1, 1988.