

Policy Title: Duty to Warn

Policy Owner: Senior Business Analyst Policy Originated by: Program	Date Written: 05/08/2019
Applicable Programs: Behavioral Health Programs	Date Reviewed and Approved by PLT: 9/9/2020, 6/21/23
Statutory or Regulatory Citation: Minn. Stat. §148.975, §148B.1751, §148E.230	Signature if needed:

Policy:

It is the policy of St. David's Center that any employee who becomes aware of a threat, serious and specific in nature, make every reasonable effort to provide warning to the victim and alert St. David's Center leadership.

Procedure:

Upon hearing or being informed of a specific and serious threat of violence to a client or staff, it is the duty of all St. David's Center employees to make a reasonable effort to provide warning of the threat to the potential victim or client and report to executive leadership.

- A. In the case of Licensed Psychologists (*Minn. Stat. §148.975*), Social Workers (*Minn. Stat. §148E.230*), Licensed Professional Counselors/Licensed Professional Clinical Counselors (*Minn. Stat. §148B.593*) and Licensed Marriage and Family Therapists (*Minn. Stat. §148B.1751*) the duty to warn is executed by the Licensed Mental Health Professional if reasonable efforts are made which include:
 - communicating the serious, specific threat to the potential victim and;
 - if unable to contact the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the client.
 - i. Compliance with the duty to warn does not constitute a breach of confidence.
 - ii. Having a duty to warn should not be construed as authorization to terminate treatment as a direct result of a client's violent behavior or threat unless the client is referred to another practitioner or appropriate health care facility.
- B. All St. David's Center employees have a duty to report any known specific and serious threat made towards a client or employee. The following steps should be followed when reporting a threat:
 - a. Threat should be communicated immediately to your direct supervisor.

- b. With the support of your supervisor, the threat should be communicated as soon as possible to the victim.
- c. If unable to contact the victim, the local law enforcement agency should be alerted to the threat.
- d. A [Critical Event Report form](#) should be completed and submitted to the critical event leadership team.

Violation of this Policy or Procedure

No or only partial adherence to this policy or procedure may result in noncompliance with current regulatory requirements and subsequent penalties to St. David's Center. Remediation for violators will include, but not be limited to, disciplinary action up to and including termination depending on the circumstances of the situation at the time.

Reference or Attachment: