

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2377

(SENATE AUTHORS: EATON)

| DATE | D-PG | OFFICIAL STATUS |
|------------|-------|--|
| 03/08/2016 | 4910 | Introduction and first reading Referred to Health, Human Services and Housing |
| 03/17/2016 | 5056a | Comm report: To pass as amended and re-refer to Judiciary |
| 03/21/2016 | 5143 | Comm report: To pass |
| | 5147 | Second reading |

A bill for an act

relating to health occupations; extending the duty to warn to alcohol and drug counseling practicum students and postdegree professional practice, to individuals who are completing their postdegree supervised employment in preparation for licensure as a licensed psychologist, and to students and interns practicing marriage and family therapy under supervision as required for licensure; amending Minnesota Statutes 2014, sections 148.975, subdivision 1; 148B.1751; 148F.13, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 148.975, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

(b) "Other person" means an immediate family member or someone who personally knows the client and has reason to believe the client is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified or identifiable victim.

(c) "Reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim or the client.

(d) For purposes of this section, "licensee" includes practicum psychology students, predoctoral psychology interns, and individuals who have earned a doctoral degree in psychology and are in the process of completing their postdoctoral supervised psychological employment in order to qualify for licensure.

Sec. 2. Minnesota Statutes 2014, section 148B.1751, is amended to read:

148B.1751 DUTY TO WARN.

2.1 (a) A licensee must comply with the duty to warn established in section 148.975.

2.2 (b) For purposes of this section, "licensee" includes students or interns practicing
2.3 marriage and family therapy under qualified supervision as part of an accredited
2.4 educational program or under a supervised postgraduate experience in marriage and
2.5 family therapy required for licensure.

2.6 Sec. 3. Minnesota Statutes 2014, section 148F.13, subdivision 2, is amended to read:

2.7 Subd. 2. **Duty to warn; limitation on liability.** (a) Private information may be
2.8 disclosed without the consent of the client when a duty to warn arises, or as otherwise
2.9 provided by law or court order. The duty to warn of, or take reasonable precautions to
2.10 provide protection from, violent behavior arises only when a client or other person has
2.11 communicated to the provider a specific, serious threat of physical violence to self or a
2.12 specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty
2.13 is discharged by the provider if reasonable efforts are made to communicate the threat to
2.14 law enforcement agencies, the potential victim, the family of the client, or appropriate
2.15 third parties who are in a position to prevent or avert the harm. No monetary liability
2.16 and no cause of action or disciplinary action by the board may arise against a provider
2.17 for disclosure of confidences to third parties, for failure to disclose confidences to third
2.18 parties, or for erroneous disclosure of confidences to third parties in a good faith effort to
2.19 warn against or take precautions against a client's violent behavior or threat of suicide.

2.20 (b) For purposes of this subdivision, "provider" includes alcohol and drug counseling
2.21 practicum students and individuals who are participating in a postdegree professional
2.22 practice in alcohol and drug counseling.