
SENATE BILL 5800

State of Washington

65th Legislature

2017 Regular Session

By Senator Baumgartner

Read first time 02/10/17. Referred to Committee on Health Care.

1 AN ACT Relating to obligations of mental health professionals;
2 and adding a new section to chapter 7.70 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.70 RCW
5 to read as follows:

6 (1) As used in this section:

7 (a) "Mental health professional" means a psychiatrist,
8 psychologist, physician assistant working with a supervising
9 psychiatrist, psychiatric advanced registered nurse practitioner,
10 psychiatric nurse, social worker, or chemical dependency
11 professional, and any person licensed by the department of health as
12 a mental health counselor, mental health counselor associate,
13 marriage and family therapist, or marriage and family therapist
14 associate.

15 (b) "Mental health services" means outpatient and inpatient
16 services provided to diagnose or treat mental disorders covered by
17 the diagnostic categories listed in the most current version of the
18 diagnostic and statistical manual of mental disorders, published by
19 the American psychiatric association, or any successor publication.

20 (2) A mental health professional or an individual health care
21 provider providing mental health services to a patient has a duty to

1 warn or to take reasonable precautions to provide protection from a
2 patient's violent behavior only if the patient has communicated to
3 the mental health professional or the individual health care provider
4 providing mental health services to the patient an actual threat of
5 physical violence against a reasonably identifiable victim or
6 victims.

7 (3) The duty to warn or take reasonable precautions to provide
8 protection from a patient's violent behavior is discharged by the
9 mental health professional or the individual health care provider
10 providing mental health services to the patient if reasonable efforts
11 are made to communicate the threat to the reasonably identifiable
12 victim or victims and to law enforcement personnel.

13 (4) A mental health professional or an individual health care
14 provider providing mental health services to a patient is not liable
15 for civil damages for failing to predict, warn of, or take reasonable
16 precautions to provide protections from a patient's violent behavior
17 unless the patient has communicated to the mental health professional
18 or the individual health care provider providing mental health
19 services to the patient an actual threat of physical violence against
20 a reasonably identifiable victim or victims and the mental health
21 professional or the individual health care provider providing mental
22 health services to the patient has failed to take reasonable
23 precautions to provide protection to the reasonably identifiable
24 victim or victims by communicating the threat as provided in this
25 section or taking other reasonable measures, which may include
26 reasonable attempts to hospitalize the patient voluntarily.

27 (5) This section does not limit, and is in addition to, any other
28 statutory immunities from liability of mental health professionals or
29 individual health care providers as otherwise provided by law.

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