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1. [Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 5-609](#)

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[Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. § 5-609](#)

Current through October 1, 2017, of the 2017 Regular Session of the Maryland General Assembly.

Annotated Code of Maryland > COURTS AND JUDICIAL PROCEEDINGS > TITLE 5. LIMITATIONS, PROHIBITED ACTIONS, AND IMMUNITIES > SUBTITLE 6. IMMUNITIES AND PROHIBITED ACTIONS -- HEALTH AND PUBLIC SAFETY

§ 5-609. Mental health care providers or administrators

(a) Definitions. --

(1) In this section the following words have the meanings indicated.

(2) "Administrator" means an administrator of a facility as defined in [§ 10-101 of the Health - General Article](#).

(3) "Mental health care provider" means:

(i) A mental health care provider licensed under the Health Occupations Article; and

(ii) Any facility, corporation, partnership, association, or other entity that provides treatment or services to individuals who have mental disorders.

(b) In general. -- A cause of action or disciplinary action may not arise against any mental health care provider or administrator for failing to predict, warn of, or take precautions to provide protection from a patient's violent behavior unless the mental health care provider or administrator knew of the patient's propensity for violence and the patient indicated to the mental health care provider or administrator, by speech, conduct, or writing, of the patient's intention to inflict imminent physical injury upon a specified victim or group of victims.

(c) Duties. --

(1) The duty to take the actions under paragraph (2) of this subsection arises only under the limited circumstances described under subsection (b) of this section.

(2) The duty described under this section is deemed to have been discharged if the mental health care provider or administrator makes reasonable and timely efforts to:

(i) Seek civil commitment of the patient;

(ii) Formulate a diagnostic impression and establish and undertake a documented treatment plan calculated to eliminate the possibility that the patient will carry out the threat; or

(iii) Inform the appropriate law enforcement agency and, if feasible, the specified victim or victims of:

1. The nature of the threat;

2. The identity of the patient making the threat; and

3. The identity of the specified victim or victims.

(d) Patient confidentiality. --No cause of action or disciplinary action may arise under any patient confidentiality act against a mental health care provider or administrator for confidences disclosed or not disclosed in good faith to third parties in an effort to discharge a duty arising under this section according to the provisions of subsection (c) of this section.

History

[1989, ch. 634](#); [1997, ch. 14, § 9](#); [1999, ch. 44](#); [2012, ch. 66, § 6](#).

Annotations

Notes

EDITOR'S NOTE. --

Section 9, ch. 14, Acts 1997, approved Apr. 8, 1997, and effective from date of enactment, transferred former § 5-316 of this article to be present § 5-609 of this article.

Section 2, ch. 634, Acts 1989, provides that "this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any cause of action arising prior to July 1, 1989."

Pursuant to § 6, ch. 66, Acts 2012, the definitions in (a)(2) and (a)(3) were redesignated to maintain alphabetical order in (a).

Case Notes

NO THREAT TO PARTICULAR PERSON OR GROUP. --In medical malpractice suit occasioned by death of plaintiff's mother from surgery-related complications after she had been knocked down by another patient in the same unit as she had been in, the requirements of (b) were not met where the evidence did not demonstrate that the psychiatric patient who knocked plaintiff's mother down had informed the hospital staff that he intended to harm a particular person or group of persons. [Falk v. Southern Md. Hosp., 129 Md. App. 402, 742 A.2d 51 \(1999\)](#).

[QUOTED IN Laznovsky v. Laznovsky, 357 Md. 586, 745 A.2d 1054 \(2000\); Afamefune v. Suburban Hosp., Inc., 385 Md. 677, 870 A.2d 592 \(2005\)](#).

Annotated Code of Maryland

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