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SENATE BILL 5800

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State of Washington

65th Legislature

2017 Regular Session

By Senator Baumgartner

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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