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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2691

03/08/2016 Authored by Persell, Mullery and Hornstein

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to health occupations; extending the duty to warn to alcohol and drug
1.3 counseling practicum students and postdegree professional practice; amending
1.4 Minnesota Statutes 2014, section 148F.13, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2014, section 148F.13, subdivision 2, is amended to read:

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

1.20 (b) For purposes of this subdivision, "provider" includes an alcohol and drug
1.21 counseling practicum student and individuals who are participating in a postdegree
1.22 professional practice in alcohol and drug counseling.