

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		Comm report: To pass as amended and re-refer to Judiciary

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:

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Subd. 2. **Duty to warn; limitation on liability.** (a) Private information may be

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disclosed without the consent of the client when a duty to warn arises, or as otherwise

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provided by law or court order. The duty to warn of, or take reasonable precautions to

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provide protection from, violent behavior arises only when a client or other person has

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communicated to the provider a specific, serious threat of physical violence to self or a

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specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty

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is discharged by the provider if reasonable efforts are made to communicate the threat to

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law enforcement agencies, the potential victim, the family of the client, or appropriate

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third parties who are in a position to prevent or avert the harm. No monetary liability

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and no cause of action or disciplinary action by the board may arise against a provider

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for disclosure of confidences to third parties, for failure to disclose confidences to third

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parties, or for erroneous disclosure of confidences to third parties in a good faith effort to

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warn against or take precautions against a client's violent behavior or threat of suicide.

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(b) For purposes of this subdivision, "provider" includes an alcohol and drug

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counseling practicum student and individuals who are participating in a postdegree

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professional practice in alcohol and drug counseling.