

Chapter: **RECIPIENT RIGHTS**
Title: **DUTY TO WARN THIRD PARTIES**

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Proposed by: Traci Smith 06/06/2025
Chief Executive Officer Date

Approved by: Al Lorenzo 06/07/2025
County Executive Office Date

I. ABSTRACT

This policy establishes the standards of Macomb County Community Mental Health (MCCMH), an official agency of the County of Macomb, regarding provider responsibility in response to a recipient's threat to harm a third party.

II. APPLICATION

This policy shall apply to all MCCMH directly-operated and contracted network providers and Certified Community Behavioral Health Clinics (CCBHC) in Macomb County.

III. POLICY

It is the policy of MCCMH that all mental health practitioners employed by or contracted within the MCCMH provider network shall act in accordance with MCL 330.1946 when a recipient under their treatment communicates to them a threat of physical violence against a reasonably identifiable third person.

IV. DEFINITIONS

- A. Licensed Professional Counselor
A person licensed under Part 181 of the Michigan Public Health Code to engage in the practice of counseling.
- B. Mental Health Practitioner
A psychiatrist, psychologist, psychiatric social worker, licensed professional counselor, or a person under the supervision of same.
- C. Psychiatrist
A person licensed to practice medicine or osteopathic medicine, or a person under the supervision of a psychiatrist, while engaged in the examination, diagnosis, or treatment of a recipient for a mental condition.

D. Psychologist

A person licensed under Part 182 of the Michigan Public Health Code to engage in the practice of psychology; a person with training and experience equivalent to that necessary for licensing as a psychologist; a person employed by a public agency as a psychologist; or a person under the supervision of a psychologist, while engaged in the examination, diagnosis, or treatment of a person served for a mental condition.

E. Psychiatric Social Worker

A certified social worker or social work technician who has successfully completed a psychiatric social service practicum.

V. STANDARDS

- A. If a recipient communicates a threat of physical violence against a reasonably identifiable third person and, in the opinion of the treating mental health practitioner, the recipient has the intent and capability to carry out the threat, the practitioner has a responsibility to report the threat.
- B. As mandated by the Michigan Mental Health Code, all psychiatrists, psychologists, certified social workers, and licensed professional counselors shall take immediate action as outlined in Section C., below. All other staff members shall immediately notify the provider director or manager, the supervisor, or his/her designee so that a determination for further action can be made.
- C. The responsibility of a psychiatrist, psychologist, certified social worker, and licensed professional counselor shall be fulfilled if he or she performs one or more of the following duties in a timely manner:
1. Initiates hospitalization proceedings or hospitalizes the recipient pursuant to Chapter 4 or 4a of Michigan Mental Health Code;
 2. Makes a reasonable attempt to communicate the threat to the third person and communicates the threat to the local police department or county sheriff for the area where the third person resides or for the area where the recipient resides, or the state police;
 3. If the practitioner believes that the identifiable third person is seventeen (17) years of age or younger, then the practitioner must comply with the above subsection 2. and also contact the Department of Health and Human Services (Children's Protective Services Unit) in the county where the minor resides and the minor's parent and inform him/her of the threat; and/or
 4. If the identifiable third person is believed by the practitioner to be incompetent (by other than age), the practitioner must comply with the above subsection 2. and contact the identifiable third person's custodial parent, non-custodial parent, or legal guardian, whomever is appropriately acting in the best interest of the third person.

- D. A mental health practitioner (i.e., psychiatrist, psychologist, certified social worker and professional counselor) who acts as prescribed in Section C. shall notify the provider director, manager, the supervisor, or his/her designee within forty-eight (48) hours following his/her determination that said action should occur.
- E. All practitioners shall record the recipient's communication of physical violence against a third person and, when notification of third party or agencies has been made, documentation shall include the person or agency contacted and the date of contact on the Duty to Warn Record (Exhibit B.). All providers should use appropriate releases of confidential information when taking action to warn third parties or agencies. Releases under these circumstances do not require recipient signature but shall state to whom the information was released and the reason release is made.
- F. If the practitioner treating the recipient is part of a team providing care for the recipient in a hospital, the hospital shall designate a person responsible for communicating the threat of physical violence to the required persons/agencies.

VI. PROCEDURES

None.

VII. REFERENCES / LEGAL AUTHORITY

- A. MCL 330.1750
- B. MCL 330.1946
- C. MCL 339.1610
- D. MCL 333.18101(b)
- E. MCL 333.18201(a)
- F. MCL 333.18501(a)(b)(c)

VIII. EXHIBIT

- A. Duty to Warn Record