

Date: (Filing No. H-)

JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " " to H.P. 844, L.D. 1200, Bill, "An Act To Impose a Duty To Warn and Protect on Mental Health Professionals"

Amend the bill by striking out the title and substituting the following:

'An Act To Impose a Duty To Warn and Protect on Health Professionals'

Amend the bill by inserting after the enacting clause and before section 1 the following:

'Sec. 1. 32 MRSA §2600-C is enacted to read:

§2600-C. Duty to warn and protect

1. Duty. An osteopathic physician licensed under this chapter has a duty to warn of or to take reasonable precautions to provide protection from a patient's violent behavior if the osteopathic physician has a reasonable belief based on communications with the patient that the patient is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property. The duty imposed under this subsection may not be interpreted to require the osteopathic physician to take any action that in the reasonable professional judgment of the osteopathic physician would endanger the osteopathic physician or increase the threat of danger to a potential victim.

2. Discharge of duty. An osteopathic physician subject to a duty to warn or provide protection under subsection 1 may discharge that duty if the osteopathic physician makes reasonable efforts to communicate the threat to a potential victim, notifies a law enforcement agency or seeks involuntary hospitalization of the patient under Title 34-B, chapter 3, subchapter 4, article 3.

3. Immunity. The decision of an osteopathic physician to take or not to take an action authorized under this section may not be the basis for any civil or criminal liability of the osteopathic physician.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

COMMITTEE AMENDMENT

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SUMMARY

This amendment is the minority report of the committee and adds to the bill by imposing on osteopathic physicians a duty to warn and protect if a patient is likely to engage in physical violence that poses a serious risk of harm to self or others or that constitutes a serious threat of substantial damage to real property.

FISCAL NOTE REQUIRED

(See attached)