



Pascua Yaqui TRBHA
CENTERED SPIRIT PROGRAM
Provider Manual - 2023



Section 7.7 Duty to Warn

- I. Statement of Purpose
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I. STATEMENT OF PURPOSE:

Any Tribal Regional Behavioral Health Authority (TRBHA) behavioral health provider employed or contracted by a TRBHA or its subcontracted providers, having determined that a patient poses a serious danger of violence to others, shall take reasonable actions to protect the potential victim(s) of that danger.

II. REFERENCES:

The following Pascua Yaqui (PY) Centered Spirit Program (CSP) Provider Manual Sections can serve as additional resources for this content area:

Section 3.18, Pre-Petition Screening, Court-Ordered Evaluation and Court-Ordered Treatment
Section 4.1, Disclosure of Behavioral Health Information

The following citations can serve as additional resources for this content area:

A.R.S. § 36-501
A.R.S. § 36-517.02
Tarasoff v. Regents of the University of California, 551 P2d. 334 (Cal. 1976)
Little v. All Phoenix South Community Behavioral health Center, Inc., 186 Ariz. 97, 919 P.2d 1368 (Ct. App. 1995)
Hamman v. County of Maricopa, 161 Ariz. 58, 775 P.2d 1122 (1989)

III. STANDARDS:

CSP is committed to identifying situations in which the TRBHA or its subcontracted provider may have a duty to protect potential victims of physical harm when a patient poses a serious danger of violence to others.



IV. **PROCEDURES:**

A. Duty to protect potential victims of physical harm:

All TRBHA behavioral health providers employed or contracted by a TRBHA or subcontracted providers of behavioral health providers have a duty to protect others against the violent conduct of a patient. When a TRBHA behavioral health provider employed or contracted by a TRBHA or a subcontracted provider of a behavioral health provider determines, or under applicable professional standards reasonably should have determined, that a patient poses a serious danger to others, he/she bears a duty to exercise care to protect the foreseeable victim of that danger. The foreseeable victim need not be specifically identified by the patient, but may be someone who would be the most likely victim of the patient's violent conduct.

While the discharge of this duty may take various forms, the TRBHA behavioral health providers employed or contracted by a TRBHA or a subcontracted provider of a behavioral health provider need only exercise that reasonable degree of skill, knowledge and care ordinarily possessed and exercised by members of that professional specialty, under similar circumstances. Any duty owed by a behavioral health provider to take reasonable precautions to prevent harm threatened by a patient can be discharged by any of the following, depending upon the circumstances:

1. Communicating when possible the threat to all identifiable victims;
2. Notifying a law enforcement agency in the vicinity where the patient or any potential victim resides;
3. Taking reasonable steps to initiate proceedings for voluntary or involuntary hospitalization, if appropriate, and in accordance with *Section 3.18, Pre-petition Screening, Court-Ordered Evaluation and Court-Ordered Treatment*; or
4. Taking any other precautions that a reasonable and prudent behavioral health provider would take under the circumstances.