Section 7.7 - Duty to Warn

7.7.1 Introduction
Mercy Maricopa Integrated Care (Mercy Maricopa) employees, Mercy Maricopa healthcare providers and their 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.

7.7.2 Scope
This applies to Mercy Maricopa employees, any healthcare provider and their subcontracted providers in Arizona’s public healthcare system.

7.7.3 Definitions
Definitions for terms are located online at http://www.azdhs.gov/bhs/definitions/index.php. The following terms are referenced in this section:
- Mental Health Provider
- Patient

7.7.4 Objectives
The objective of this section is to identify situations in which Mercy Maricopa, a Mercy Maricopa healthcare provider have a duty to protect potential victims of physical harm when a patient poses a serious danger of violence to others.

7.7.5 Procedures
7.7.5-A Duty to Protect Potential Victims of Physical Harm
All Mercy Maricopa healthcare providers have a duty to protect others against the violent conduct of a patient. When a Mercy Maricopa healthcare 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 Mercy Maricopa healthcare 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 Mercy Maricopa healthcare provider to take reasonable precautions to prevent harm threatened by a patient can be discharged by any of the following, depending upon the circumstances:

- Communicating, when possible, the threat to all identifiable victims;
- Notifying a law enforcement agency in the vicinity where the patient or any potential victim resides;
- 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
- Taking any other precautions that a reasonable and prudent mental health provider would take under the circumstances.

### 7.7.6 References
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 Mental Health Center, Inc., 186 Ariz. 97, 919 P.2d 1368 (Ct. App. 1995)
- Section 3.18, Pre-Petition Screening, Court Ordered Evaluation and Court Ordered Treatment