



DUTY TO WARN POLICY

PURPOSE

To provide direction regarding the notification and/or involvement of the people we support, employees and others when threats of harm are made by people we support or other employees associated with LADD.

SCOPE

This policy applies to all the locations operated by LADD.

POLICY

LADD must act to warn and protect reasonably identifiable victims when a threat of harm is made.

STANDARDS AND DEFINITIONS

None

PROCEDURE

1. When a person receiving services or a member of their immediate family or other credible informant, whether during initial contact or during the course of service, communicates to any employee that a serious threat of physical violence against a reasonably identifiable victim or victims has occurred, then a member of management must be contacted in order to protect the third party.
2. Management will:
 - a. Report the situation to the CCO or the Director of Operations and Development in the CCO's absence.
 - b. Review past and present history.
 - c. Discuss with Supervisors, contract agency, and other applicable agencies to gather information and identify if there is a serious danger to a reasonable identifiable foreseeable victim or victims.
3. If it is decided there is a serious danger to an identifiable/foreseeable victim or victims, then this fact will be documented by the CCO and treated as a HIPAA disclosure per the Notice of Privacy Practices. The CCO will include the rationale, or if it is decided that there is serious danger to a reasonably identifiable/foreseeable victim or victims, the following three actions must be taken:
 - a. Make reasonable efforts to notify the intended victim or victims. Contact may be made through telephone, visitation or other methods of communication.
 - b. Documentation in the Individual records is required. It must include specific efforts to contact the potential victim, times and dates of these attempts written in the progress notes, retaining a copy of written correspondence, and contact with family or friends with specific times and names noted in the progress notes.
 - c. Contact the local law enforcement agency having jurisdiction where the possible victim resides. Record in the clinical record the name of the person to whom the report was made with the date, time, and content released. Involuntary hospitalization of the client does not discharge the duty to warn and protect which includes notifying law enforcement.
4. In a situation that involves "substantial probability of harm" as determined by the CCO and/or contract agency, confidentiality of individuals involved will be waived and the appropriate agencies or individuals will be notified immediately.
5. Only the minimum amount of information necessary to protect the intended victim or victims shall be released.
6. This exception to confidentiality must be carried out with care and consideration, with the maintenance of the public safety and therapeutic relationship as objectives.
7. If the situation involves a reasonable cause to suspect child or vulnerable adult abuse, the CCO will make a report to the Department of Health and Human Services (DHHS) LADD Inc management employees will also immediately make a verbal report to DHHS per the policy on Incident Reporting Investigation Policy on Unusual and Critical Incidents at Central Reporting at 855-444-3911. A written report via DHHS form 3200 may be required at this time.