

33-3-201. Liability of counselor for suicide or attempted suicide of person counseled.

(a) As used in this section, unless the context otherwise requires:

(1) "Counseling center" means any nonprofit service operated at least partially with volunteer assistance that provides counseling, assistance or guidance, either in person or by telephone, to persons with mental illness or serious emotional disturbance; and

(2) "Counselor" means any psychiatrist, psychologist, licensed psychologist with health service provider designation, certified or licensed marital and family therapist, certified or licensed professional counselor, certified or licensed social worker, or other professional trained in the field of psychiatry or psychology or any nonprofessional person acting under the guidance or supervision of the professionals.

(b) A counselor, while acting within the scope of responsibilities assigned by a counseling center, is not liable civilly or criminally for the suicide or attempted suicide of any person consulting the counselor.

33-3-206. Duty to predict, warn or take precautions to provide protection — Liability.

IF AND ONLY IF

(1) a service recipient has communicated to a qualified mental health professional or behavior analyst an actual threat of bodily harm against a clearly identified victim, AND

(2) the professional, using the reasonable skill, knowledge, and care ordinarily possessed and exercised by the professional's specialty under similar circumstances, has determined or reasonably should have determined that the service recipient has the apparent ability to commit such an act and is likely to carry out the threat unless prevented from doing so,

THEN

(3) the professional shall take reasonable care to predict, warn of, or take precautions to protect the identified victim from the service recipient's violent behavior

33-3-207. Discharge of duty. —

The duty imposed by § 33-3-206 may be discharged by the professional or service provider by:

(1) Informing the clearly identified victim of the threat;

(2) Having the service recipient admitted on a voluntary basis to a hospital;

(3) Taking steps to seek admission of the service recipient to a hospital or treatment resource on an involuntary basis pursuant to chapter 6 of this title; or

(4) Pursuing a course of action consistent with current professional standards that will discharge the duty.

33-3-208. Duty of employees who transmit or record patient communications.

IF AND ONLY IF

(1) an employee of a service provider is normally responsible for

transmitting or recording communications from a service recipient to a qualified mental health professional or behavior analyst, AND

(2) the employee receives a communication from a service recipient of an actual threat of bodily harm against a clearly identified victim,

THEN

(3) the employee shall communicate the threat to the professional employed by the service provider.

33-3-209. Immunity from liability where duty satisfied.

If a professional or an employee has satisfied the person's duty under § 33-3-206 or § 33-3-208, no monetary liability and no cause of action may arise against the professional, an employee, or any service provider in whose service the duty arose for the professional or employee not predicting, warning of, or taking precautions to provide protection from violent behavior by the person with mental illness, serious emotional disturbance, or developmental disability.

33-3-212. Immunity for refusal to perform act prohibited by this title.

IF

(1) (A) a person has refused to perform any act that is prohibited by or is not lawful under this title, OR

(B) a person has relinquished authority over a service recipient based on a decision by another to whom this title gives express authority to make the decision,

THEN

(2) no monetary liability and no cause of action may arise against the person or the service provider in whose service the person was acting for the conduct.