

## SAFE ACT – psychotherapy reporting.

Below is the portion of the new gun control legislation, passed in 2013, which pertains to psychotherapists (LCSWs) reporting patients who present serious harm to themselves or others. Note sections 31-34. Further clarification is needed re: to whom specifically one should report.

11 § 9.46 Reports of substantial risk or threat of harm by mental health  
12 professionals.

13 (a) For purposes of this section, the term "mental health professional"  
14 shall include a physician, psychologist, registered nurse or  
15 licensed clinical social worker.

16 (b) Notwithstanding any other law to the contrary, when a mental  
17 health professional currently providing treatment services to a person  
18 determines, in the exercise of reasonable professional judgment, that  
19 such person is likely to engage in conduct that would result in serious  
20 harm to self or others, he or she shall be required to report, as soon  
21 as practicable, to the director of community services, or the director's  
22 designee, who shall report to the division of criminal justice services  
23 whenever he or she agrees that the person is likely to engage in such  
24 conduct. Information transmitted to the division of criminal justice  
25 services shall be limited to names and other non-clinical identifying  
26 information, which may only be used for determining whether a license  
27 issued pursuant to section 400.00 of the penal law should be suspended  
28 or revoked, or for determining whether a person is ineligible for a  
29 license issued pursuant to section 400.00 of the penal law, or is no  
30 longer permitted under state or federal law to possess a firearm.

31 (c) Nothing in this section shall be construed to require a mental  
32 health professional to take any action which, in the exercise of reason-  
33 able professional judgment, would endanger such mental health professional  
34 or increase the danger to a potential victim or victims.

35 (d) The decision of a mental health professional to disclose or not to  
36 disclose in accordance with this section, when made reasonably and in  
37 good faith, shall not be the basis for any civil or criminal liability  
38 of such mental health professional.