

Part 5

Limitation of Therapist's Duty to Warn

78B-3-501 Definitions.

As used in this part, "therapist" means:

- (1) a psychiatrist licensed to practice medicine under Section 58-67-301, Utah Medical Practice Act or under Section 58-68-301, Utah Osteopathic Medical Practice Act;
- (2) a psychologist licensed to practice psychology under Section 58-61-301;
- (3) a marriage and family therapist licensed to practice marriage and family therapy under Section 58-60-304;
- (4) a social worker licensed to practice social work under Section 58-60-204;
- (5) a psychiatric and mental health nurse specialist licensed to practice advanced psychiatric nursing under Title 58, Chapter 31b, Nurse Practice Act; and
- (6) a clinical mental health counselor licensed to practice professional counseling under Title 58, Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act.

Amended by Chapter 179, 2012 General Session

78B-3-502 Limitation of therapist's duty to warn.

- (1) A therapist has no duty to warn or take precautions to provide protection from any violent behavior of his client or patient, except when that client or patient communicated to the therapist an actual threat of physical violence against a clearly identified or reasonably identifiable victim. That duty shall be discharged if the therapist makes reasonable efforts to communicate the threat to the victim, and notifies a law enforcement officer or agency of the threat.
- (2) An action may not be brought against a therapist for breach of trust or privilege, or for disclosure of confidential information, based on a therapist's communication of information to a third party in an effort to discharge his duty in accordance with Subsection (1).
- (3) This section does not limit or affect a therapist's duty to report child abuse or neglect in accordance with Section 80-2-602.

Amended by Chapter 335, 2022 General Session