
This act summary is provided for the convenience of the public and members of the General Assembly. It is intended to provide a general summary of the act and may not be exhaustive. It has been prepared by the staff of the Office of Legislative Council without input from members of the General Assembly. It is not intended to aid in the interpretation of legislation or to serve as a source of legislative intent.

Act No. 51 (S.3). Judiciary; mental health

An act relating to mental health professionals' duty to warn

This act negates the Vermont Supreme Court's decision in *Kuligoski v. Brattleboro Retreat and Northeast Kingdom Human Services*, 2016 VT 54A, and limits a mental health professional's duty to that as established in common law in *Peck v. Counseling Service of Addison County, Inc.* The *Peck* Court held that "a mental health professional who knows or, based upon the standards of the mental health profession, should know that his or her patient poses a serious risk of danger to an identifiable victim has a duty to exercise reasonable care to protect him or her from that danger." The act specifies that the *Peck* duty shall be applied in accordance with State and federal privacy and confidentiality laws. It further specifies that the act does not limit claims under State or federal law related to safe patient care, nor does it affect the requirements for mental health professionals to communicate with individuals involved in a patient's care in a manner that is consistent with legal and professional standards.

Effective Date: May 30, 2017