

2A: 62A - 16

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(Psychologists
physicians--i m munity)

LAWS OF: 1991

CHAPTER: 270

Bill No: S3063

Sponsor(s): Van Wagner & O'Connor

Date Introduced: November 19, 1990

Committee: Assembly: -----

Senate: Judiciary

Amended during passage: Yes Senate Committee Substitute (1R) enacted

Date of Passage: Assembly: April 25, 1991

Senate: March 25, 1991

Date of Approval: August 27, 1991

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: Yes

Message on signing: No

Following were printed:

Reports: No

Hearings: No

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See

Gottlieb, Henry "new law immunizes therapists..."

129 N.J.L.J. index page 1 (9-5-91)

KBG/SLJ

P.L.1991, CHAPTER 270, approved August 27, 1991
Senate Committee Substitute (First Reprint) for
1990 Senate No. 3063

1 AN ACT providing immunity from certain civil suits to licensed
2 practitioners of psychology, psychiatry, medicine, nursing ¹,
3 clinical social work¹ or marriage counseling and supplementing
4 chapter 53A of Title 2A of the New Jersey Statutes.

5
6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. a. Any person who is licensed in the State of New Jersey to
9 practice psychology, psychiatry, medicine, nursing ¹, clinical
10 social work¹ or marriage counseling, whether or not
11 compensation is received or expected, is immune from any civil
12 liability for a patient's violent act against another person or
13 against himself unless the practitioner has incurred a duty to
14 warn and protect the potential victim as set forth in subsection b.
15 of this section and fails to discharge that duty as set forth in
16 subsection c. of this section.

17 b. A duty to warn and protect is incurred when the following
18 conditions exist:

19 (1) The patient has communicated to that practitioner a threat
20 of imminent, serious physical violence against a readily
21 identifiable individual or against himself and the circumstances
22 are such that a reasonable professional in the practitioner's area
23 of expertise would believe the patient intended to carry out the
24 threat; or

25 (2) The circumstances are such that a reasonable professional
26 in the practitioner's area of expertise would believe the patient
27 intended to carry out an act of imminent, serious physical
28 violence against a readily identifiable individual or against
29 himself.

30 c. A licensed practitioner of psychology, psychiatry, medicine,
31 nursing ¹, clinical social work¹ or marriage counseling shall
32 discharge the duty to warn and protect as set forth in subsection
33 b. of this section by doing any one or more of the following:

34 (1) Arranging for the patient to be admitted voluntarily to a
35 psychiatric unit of a general hospital, a short-term care facility,
36 a special psychiatric hospital or a psychiatric facility, under the
37 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
¹ Senate amendments adopted in accordance with Governor's
recommendations July 25, 1991.

1 (2) Initiating procedures for involuntary commitment of the
2 patient to a short-term care facility, a special psychiatric
3 hospital or a psychiatric facility, under the provisions of
4 P.L.1987, c.116 (C.30:4-27.1 et seq.);

5 (3) Advising a local law enforcement authority of the patient's
6 threat and the identity of the intended victim;

7 (4) Warning the intended victim of the threat, or, in the case
8 of an intended victim who is under the age of 18, warning the
9 parent or guardian of the intended victim; or

10 (5) If the patient is under the age of 18 and threatens to
11 commit suicide or bodily injury upon himself, warning the parent
12 or guardian of the patient.

13 d. A practitioner who is licensed in the State of New Jersey to
14 practice psychology, psychiatry, medicine, nursing ¹, clinical
15 social work¹ or marriage counseling who, in complying with
16 subsection c. of this section, discloses a privileged
17 communication, is immune from civil liability in regard to that
18 disclosure.

19 ¹2. When a duty to warn and protect arises from the receipt of
20 a privileged communication from a patient in a drug or alcohol
21 abuse program governed by federal law, a licensed practitioner of
22 psychology, psychiatry, medicine, nursing, clinical social work or
23 marriage counseling may be required to obtain a court order
24 authorizing disclosure prior to disclosure of information about the
25 patient including the patient's threat of violence, in accordance
26 with 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 and regulations
27 promulgated thereunder.¹

28 ¹[2.] 3.¹ This act shall take effect immediately.

29

30

31

CIVIL JUSTICE

32

33 Provides civil immunity to licensed practitioners of psychology,
34 psychiatry, medicine, nursing, clinical social work or marriage
35 counseling under certain circumstances.

SENATE, No. 3063

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 19, 1990

By Senators VAN WAGNER and O'CONNOR

1 AN ACT providing immunity from certain civil suits to licensed
2 practitioners of psychology, medicine or marriage counseling
3 and supplementing chapter 53A of Title 2A of the New Jersey
4 Statutes.

5

6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. a. Any person who is licensed in the State of New Jersey to
9 practice psychology, medicine or marriage counseling, whether or
10 not compensation is received or expected, is immune from any
11 civil liability for a patient's violent act against another person
12 unless the practitioner has incurred a duty to protect the
13 potential victim and fails to discharge that duty. A duty to
14 protect is incurred if:

15 (1) The patient has communicated to that practitioner a threat
16 of imminent, serious physical violence against a readily
17 identifiable individual; and

18 (2) The circumstances are such that a reasonable professional
19 in the practitioner's area of expertise would believe the patient
20 intended to carry out the threat.

21 b. The practitioner may discharge the duty to protect by doing
22 any of the following:

23 (1) Arranging for the patient to be admitted voluntarily to a
24 psychiatric unit of a general hospital, a short-term care facility,
25 a special psychiatric hospital or a psychiatric facility, under the
26 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

27 (2) Initiating procedures for involuntary commitment of the
28 patient to a short-term care facility, a special psychiatric
29 hospital or a psychiatric facility, under the provisions of
30 P.L.1987, c.116 (C.30:4-27.1 et seq.);

31 (3) Advising a local law enforcement authority of the patient's
32 threat and the identity of the intended victim, or

33 (4) Warning the intended victim of the threat, or, in the case
34 of an intended victim who is under the age of 18, warning the
35 parent or guardian of the intended victim.

36 c. A practitioner who is licensed in the State of New Jersey to
37 practice psychology, medicine or marriage counseling who, in
38 complying with paragraph 3 of subsection b. of section 1 of this
39 act, discloses a privileged communication, is immune from civil
40 liability in regard to that disclosure.

41 2. This act shall take effect immediately.

SPONSOR'S STATEMENT

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2
3 State and federal courts are shaping remedies for victims of
4 violent crimes which include a cause of action against licensed
5 practitioners of psychology, medicine or marriage counseling for
6 failing to warn of a patient's potentially violent behavior.

7 Although it is obviously in the public interest to protect the
8 potential victims of violent crimes, disruption of a practitioner's
9 therapeutic relationship with a severely upset patient may also
10 serve to increase the possibility of the patient's violent acts.
11 The legislature has historically recognized the unique nature of
12 the therapeutic relationship and has protected communications
13 between patient and therapist by requiring that the therapist
14 keep such communications confidential.

15 Under current law, the therapist's legal responsibility to warn
16 of a patient's potential for violence is unclear. At the same
17 time, the therapist must attempt to maintain a therapeutic
18 relationship with that patient. Thus, a therapist may be placed in
19 the untenable position of being subject to liability under two
20 competing theories: for failing to warn a potential victim of the
21 patient's capability for violence, or, in the alternative (if the
22 therapist has chosen to disclose the threat), for disclosing
23 confidential communications between the therapist and the
24 patient.

25 This bill serves as a specific guideline for practitioners caught
26 in this quandary and protects them from liability under
27 appropriate circumstances. The bill also affords a reasonable
28 degree of protection to the potential victims of these violent
29 crimes, by delineating the circumstances under which the
30 practitioner incurs a duty to protect.

31 Under the bill, such a duty is incurred when: (1) The patient has
32 communicated to the practitioner a threat of imminent, serious,
33 physical violence against a readily identifiable individual, and (2)
34 Circumstances are such that a reasonable practitioner would
35 believe that the patient intended to carry out the threat. The
36 practitioner may discharge the duty to protect the potential
37 victim by either (1) Arranging for the patient to be admitted
38 voluntarily to a psychiatric unit or psychiatric facility; (2)
39 Initiating procedures for the patient's involuntary commitment;
40 (3) Advising a local law enforcement authority of the patient's
41 threat and the identity of the intended victim, or (4) Warning the
42 intended victim of the threat, or, in the case of an intended
43 victim who is under the age of 18, warning the parent or guardian
44 of the intended victim.

45 In addition, the bill provides that any practitioner who discloses
46 privileged information in complying with the act would be
47 immune from civil liability for the disclosure.

CIVIL JUSTICE

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Provides civil immunity to licensed practitioners of psychology,
medicine or marriage counseling under certain circumstances.

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3063
STATE OF NEW JERSEY

By Senator Van Wagner

AN ACT providing immunity from certain civil suits to licensed practitioners of psychology, psychiatry, medicine, nursing or marriage counseling and supplementing chapter 53A of Title 2A of the New Jersey Statutes.

Sugg:
ALPC:

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

2A:53A-

7.4
RKY

1. a. Any person who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing or marriage counseling, whether or not compensation is received or expected, is immune from any civil liability for a patient's violent act against another person or against himself unless the practitioner has incurred a duty to warn and protect the potential victim as set forth in subsection b. of this section and fails to discharge that duty as set forth in subsection c. of this section.

b. A duty to warn and protect is incurred when the following conditions exist:

(1) The patient has communicated to that practitioner a threat of imminent, serious physical violence against a readily identifiable individual or against himself and the circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out the threat; or

(2) The circumstances are such that a reasonable professional in the practitioner's area of expertise would believe the patient intended to carry out an act of imminent, serious physical violence against a readily identifiable individual or against himself.

c. A licensed practitioner of psychology, psychiatry, medicine, nursing or marriage counseling shall discharge the duty to warn and protect as set forth in subsection b. of this section by doing any one or more of the following:

(1) Arranging for the patient to be admitted voluntarily to a psychiatric unit of a general hospital, a short-term care facility, a special psychiatric hospital or a psychiatric facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

(2) Initiating procedures for involuntary commitment of the patient to a short-term care facility, a special psychiatric hospital or a psychiatric facility, under the provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

(3) Advising a local law enforcement authority of the patient's threat and the identity of the intended victim;

(4) Warning the intended victim of the threat, or, in the case of an intended victim who is under the age of 18, warning the parent or guardian of the intended victim; or

(5) If the patient is under the age of 18 and threatens to commit suicide or bodily injury upon himself, warning the parent or guardian of the patient.

d. A practitioner who is licensed in the State of New Jersey to practice psychology, psychiatry, medicine, nursing or marriage counseling who, in complying with subsection c. of this section, discloses a privileged communication, is immune from civil liability in regard to that disclosure.

2. This act shall take effect immediately.

CIVIL JUSTICE

Provides civil immunity to licensed practitioners of psychology, psychiatry, medicine, nursing or marriage counseling under certain circumstances. ✓

SENATE JUDICIARY COMMITTEE
STATEMENT TO
SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3063
STATE OF NEW JERSEY

DATED: MARCH 11, 1991

The Senate Judiciary Committee reports favorably Senate Committee Substitute for Senate Bill No. 3063.

In recent years, there has been a growth in the number of civil actions in which victims of violent crimes have sued psychiatrists and therapists for failing to warn of a patient's potentially violent behavior. In McIntosh v. Milano, 168 N.J. Super. 466 (Law Div. 1979), for example, the court held that a psychiatrist or therapist may have a duty to take reasonably necessary steps to protect an intended or potential victim from his patient if there exists a probability of violent behavior.

Senate committee substitute for Senate Bill No. 3063 would provide that a person licensed to practice psychology, psychiatry, medicine, nursing or marriage counseling, whether or not compensation is received or expected, is immune from civil liability for a patient's violent acts against another person or against himself unless the practitioner has incurred a duty to warn and fails to discharge that duty. The committee substitute also provides immunity for disclosure of privileged communication when the practitioner incurs a duty to warn.

Under the committee substitute, the duty to warn and protect is incurred when either of the following conditions exist: (a) the patient has communicated to the practitioner a threat of imminent, serious, physical violence against a readily identifiable individual or against himself; or (b) the circumstances are such that a practitioner in the practitioner's area of expertise would believe that the patient intended to carry out an act of imminent, serious physical violence against a readily identifiable individual or against himself.

The practitioner's duty to warn and protect is discharged by the practitioner doing any one or more of following: (a) arranging for the voluntary commitment of the patient; (b) initiating procedures for the involuntary commitment the patient; (c) advising the local law enforcement authority of the patient's threat and the identity of the victim; (d) warning the intended victim of the threat, or if the intended victim is a minor, warning the parent or guardian; or (e) if the patient is under the age of 18 and threatens to commit suicide or bodily injury upon himself, warning the parent or guardian.

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1991

Sponsored by Senator VAN WAGNER

1 AN ACT providing immunity from certain civil suits to licensed
2 practitioners of psychology, psychiatry, medicine, nursing or
3 marriage counseling and supplementing chapter 53A of Title 2A
4 of the New Jersey Statutes.

5

6 BE IT ENACTED by the Senate and General Assembly of the
7 State of New Jersey:

8 1. a. Any person who is licensed in the State of New Jersey to
9 practice psychology, psychiatry, medicine, nursing or marriage
10 counseling, whether or not compensation is received or expected,
11 is immune from any civil liability for a patient's violent act
12 against another person or against himself unless the practitioner
13 has incurred a duty to warn and protect the potential victim as
14 set forth in subsection b. of this section and fails to discharge
15 that duty as set forth in subsection c. of this section.

16 b. A duty to warn and protect is incurred when the following
17 conditions exist:

18 (1) The patient has communicated to that practitioner a threat
19 of imminent, serious physical violence against a readily
20 identifiable individual or against himself and the circumstances
21 are such that a reasonable professional in the practitioner's area
22 of expertise would believe the patient intended to carry out the
23 threat; or

24 (2) The circumstances are such that a reasonable professional
25 in the practitioner's area of expertise would believe the patient
26 intended to carry out an act of imminent, serious physical
27 violence against a readily identifiable individual or against
28 himself.

29 c. A licensed practitioner of psychology, psychiatry, medicine,
30 nursing or marriage counseling shall discharge the duty to warn
31 and protect as set forth in subsection b. of this section by doing
32 any one or more of the following:

33 (1) Arranging for the patient to be admitted voluntarily to a
34 psychiatric unit of a general hospital, a short-term care facility,
35 a special psychiatric hospital or a psychiatric facility, under the
36 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

37 (2) Initiating procedures for involuntary commitment of the
38 patient to a short-term care facility, a special psychiatric
39 hospital or a psychiatric facility, under the provisions of
40 P.L.1987, c.116 (C.30:4-27.1 et seq.);

41 (3) Advising a local law enforcement authority of the patient's
42 threat and the identity of the intended victim;

1 (4) Warning the intended victim of the threat, or, in the case
2 of an intended victim who is under the age of 18, warning the
3 parent or guardian of the intended victim; or

4 (5) ~~If the patient is under the age of 18 and threatens to~~
5 ~~commit suicide or bodily injury upon himself, warning the parent~~
6 ~~or guardian of the patient.~~

7 d. A practitioner who is licensed in the State of New Jersey to
8 practice psychology, psychiatry, medicine, nursing or marriage
9 counseling who, in complying with subsection c. of this section,
10 discloses a privileged communication, is immune from civil
11 liability in regard to that disclosure.

12 2. This act shall take effect immediately.

13

14

15 **CIVIL JUSTICE**

16

17 Provides civil immunity to licensed practitioners of psychology,
18 psychiatry, medicine, nursing or marriage counseling under
19 certain circumstances.

[FIRST REPRINT]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 3063

STATE OF NEW JERSEY

ADOPTED MARCH 11, 1991

Sponsored by Senator VAN WAGNER and Assemblyman DOYLE

1 AN ACT providing immunity from certain civil suits to licensed
2 practitioners of psychology, psychiatry, medicine, nursing ¹,
3 clinical social work¹ or marriage counseling and supplementing
4 chapter 53A of Title 2A of the New Jersey Statutes.

5

6 BE IT ENACTED *by the Senate and General Assembly of the*
7 *State of New Jersey:*

8 1. a. Any person who is licensed in the State of New Jersey to
9 practice psychology, psychiatry, medicine, nursing ¹, clinical
10 social work¹ or marriage counseling, whether or not
11 compensation is received or expected, is immune from any civil
12 liability for a patient's violent act against another person or
13 against himself unless the practitioner has incurred a duty to
14 warn and protect the potential victim as set forth in subsection b.
15 of this section and fails to discharge that duty as set forth in
16 subsection c. of this section.

17 b. A duty to warn and protect is incurred when the following
18 conditions exist:

19 (1) The patient has communicated to that practitioner a threat
20 of imminent, serious physical violence against a readily
21 identifiable individual or against himself and the circumstances
22 are such that a reasonable professional in the practitioner's area
23 of expertise would believe the patient intended to carry out the
24 threat; or

25 (2) The circumstances are such that a reasonable professional
26 in the practitioner's area of expertise would believe the patient
27 intended to carry out an act of imminent, serious physical
28 violence against a readily identifiable individual or against
29 himself.

30 c. A licensed practitioner of psychology, psychiatry, medicine,
31 nursing ¹, clinical social work¹ or marriage counseling shall
32 discharge the duty to warn and protect as set forth in subsection
33 b. of this section by doing any one or more of the following:

34 (1) Arranging for the patient to be admitted voluntarily to a
35 psychiatric unit of a general hospital, a short-term care facility,
36 a special psychiatric hospital or a psychiatric facility, under the
37 provisions of P.L.1987, c.116 (C.30:4-27.1 et seq.);

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows.

¹ Senate amendments adopted in accordance with Governor's
recommendations July 25, 1991.

1 (2) Initiating procedures for involuntary commitment of the
2 patient to a short-term care facility, a special psychiatric
3 hospital or a psychiatric facility, under the provisions of
4 P.L.1987, c.116 (C.30:4-27.1 et seq.);

5 (3) Advising a local law enforcement authority of the patient's
6 threat and the identity of the intended victim;

7 (4) Warning the intended victim of the threat, or, in the case
8 of an intended victim who is under the age of 18, warning the
9 parent or guardian of the intended victim; or

10 (5) If the patient is under the age of 18 and threatens to
11 commit suicide or bodily injury upon himself, warning the parent
12 or guardian of the patient.

13 d. A practitioner who is licensed in the State of New Jersey to
14 practice psychology, psychiatry, medicine, nursing ¹, clinical
15 social work¹ or marriage counseling who, in complying with
16 subsection c. of this section, discloses a privileged
17 communication, is immune from civil liability in regard to that
18 disclosure.

19 ¹². When a duty to warn and protect arises from the receipt of
20 a privileged communication from a patient in a drug or alcohol
21 abuse program governed by federal law, a licensed practitioner of
22 psychology, psychiatry, medicine, nursing, clinical social work or
23 marriage counseling may be required to obtain a court order
24 authorizing disclosure prior to disclosure of information about the
25 patient including the patient's threat of violence, in accordance
26 with 42 U.S.C. 290dd-3 and 42 U.S.C. 290ee-3 and regulations
27 promulgated thereunder.¹

28 ¹[2.] 3.¹ This act shall take effect immediately.

29

30

31

CIVIL JUSTICE

32

33 Provides civil immunity to licensed practitioners of psychology,
34 psychiatry, medicine, nursing, clinical social work or marriage
35 counseling under certain circumstances.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

June 10, 1991

SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 3063

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning the Senate Committee Substitute for Senate Bill No. 3063 with my objections for reconsideration.

This committee substitute provides that a licensed practitioner of psychology, psychiatry, medicine, nursing or marriage counseling shall be immune from civil liability for a patient's violent acts unless the practitioner has incurred a duty to warn and protect the potential victim and fails to discharge that duty as provided by this act. This immunity would also extend to disclosure of confidential communications required for compliance with this act.

A duty to warn and protect would arise if: 1. The patient has communicated to the practitioner a threat of imminent, serious physical violence against a readily identifiable individual or himself, and the circumstances are such that a reasonable practitioner would believe that the patient intended to carry out the threat; or 2. The circumstances are such that a reasonable practitioner would believe that the patient intended to carry out an act of imminent, serious physical violence against a readily identifiable individual or himself. This duty could be discharged if the practitioner arranged for voluntary or involuntary commitment of the patient, advised a local law enforcement authority of the patient's threat and the identity of the intended victim, warned the intended victim, or warned the parent or guardian if the intended victim is a minor or if the patient is a minor and threatens to injure himself.

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

2

While I support the intent of this bill, which is to codify existing professional standards of practice in our statutes, I am concerned that this bill does not address an important provision under federal law which would preempt this act and could result in the imposition of federal criminal penalties against certain practitioners who rely solely on state law. In contrast to this act, current federal law and regulations prohibit counselors in federally assisted drug and alcohol abuse programs from disclosing any identifying details about a patient unless a prior court order is obtained. See: 42 U.S.C.A. Sec. 290dd-3 and Sec. 290ee-3; 42 C.F.R. part 2.

Specifically, the federal law bars disclosure of the identity, diagnosis, prognosis or treatment of any patient, unless the disclosure is authorized by a court after a showing of good cause therefor. The standard for whether good cause exists depends on whether the public interest and need for disclosure outweighs the injury to the patient, to the physician-patient relationship and to the treatment services. 42 U.S.C.A. Sec. 290dd-3(a), (b); 42 U.S.C.A. Sec. 290ee-3(a), (b). The rules provide that patient information may not be disclosed in any civil, criminal, administrative or legislative proceedings under local, state, or federal law unless it is permitted by the regulations, and the disclosure is limited to that information which is necessary to carry out the purpose of the disclosure. 42 C.F.R. Sec. 2.13. The rules further provide that a confidential communication may be disclosed pursuant to a court order only: 1. if it is necessary to prevent loss of life or serious bodily injury; 2. if it is necessary for the investigation or prosecution of a serious crime directly involving loss of life or serious bodily injury; or 3. if the patient reveals the confidential communication in a civil proceeding. 42 C.F.R. Sec. 2.63. Finally, the rules provide that

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

3

"no State law may either authorize or compel any disclosure prohibited by these regulations." 42 C.F.R. Sec. 2.20.

I am concerned that without reference to the federal standards, certain practitioners may be lulled into a false sense of security if they rely on this act as written.

In addition, I note that this bill does not refer to clinical social workers. References should be added, since clinical social workers are becoming subject to state licensure and they function in a similar therapeutic manner to the practitioners listed in this act.

Therefore, I herewith return Senate Bill No. 3063 SCS and recommend that it be amended as follows:

- | | |
|--|---|
| <u>Page 1, Section 1, Line 9:</u> | After "nursing" insert
"clinical social worker". |
| <u>Page 1, Section 1, Line 30:</u> | After "nursing" insert
"clinical social worker". |
| <u>Page 2, Section 1, Line 8:</u> | After "nursing" insert
"clinical social worker". |
| <u>Page 2, Section 2, after Line 11:</u> | Insert new section as follows:
"When a duty to warn and
protect arises from the
receipt of a privileged
communication from a patient
in a drug or alcohol abuse
program governed by federal
law, a licensed practitioner |

STATE OF NEW JERSEY
EXECUTIVE DEPARTMENT

4

of psychology, psychiatry,
medicine, nursing, clinical
social work or marriage
counseling may be required
to obtain a court order
authorizing disclosure prior
to disclosure of information
about the patient including
the patient's threat of
violence, in accordance with
42 U.S.C. 290dd-3 and 42
U.S.C. 290ee-3 and
regulations promulgated
thereunder."

Page 3, Section 2, Line 12:

Delete "2" insert "3"

Respectfully,

/s/ James J. Florio

GOVERNOR

[seal]

Attest:

/s/ Andrew Weber

Chief Counsel to the Governor