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| Team Name: Quality, Planning & Performance<br><br>Team Lead: Regional Lead - Quality, Planning & Performance<br><br>Approved by: Chief Executive Officer | Reference Number: ORG.1810.SG.004<br><br>Program Area: Quality, Planning & Performance<br><br>Policy Section: General |
| Issue Date: March 27, 2023<br>Review Date:<br><br>Revision Date:   | Subject: Duty to Warn Guideline   |

*Use of pre-printed documents: Users are to refer to the electronic version of this document located on the Southern Health-Santé Sud Health Provider Site to ensure the most current document is consulted.*

**STANDARD GUIDELINE SUBJECT:**

Duty to Warn Guideline

**PURPOSE:**

To provide guidance in clinical situations where there is an assessed ethical duty to warn for the protection of an individual or the public.

This practice guideline also provides support for weighing legal, ethical and clinical considerations when faced with an individual at imminent risk of driving impaired due to substance use or pursuing other high-risk transportation.

**BOARD POLICY REFERENCE:**

Executive Limitation (EL-2) Treatment of Clients

**DEFINITIONS:**

**Duty to warn:** A healthcare professional has assessed an ethical duty to disclose Information, with or without consent of the individual, due to a serious risk of harm to an individual or the public. The disclosure is assessed as necessary according to the professional practice standards of the the healthcare professional. In a duty to warn situation, healthcare professionals will act in good faith and in the interest of the client and the public by providing the minimal amount of information necessary to address individual and/or public safety.

**High Risk Transportation:** any form of transportation (e.g. driving, bus, walking) which poses a clear and imminent risk to the safety of the client or others due to the client’s apparent impaired abilities.

**Imminent Risk of Impaired Driving:** the potential for a client, whose driving abilities appear compromised to operate a motor vehicle within the same day of accessing health care services.

**Impaired:** an individual can be impaired by a variety of factors and conditions including intoxication, medications/narcotics, illicit substances, acute psychosis, dementia, and lack of sleep.

**Risk of Serious Harm:** there is an identified risk of serious harm due to an individual's current state of mental wellbeing / physical health that poses a potential risk to the individual's safety, or towards another individual (group), or public health.

**IMPORTANT POINTS TO CONSIDER:**

Individuals with certain medical conditions may present behaviours that mimic intoxication. It is imperative to rule out other life-threatening conditions rather than assuming intoxication. For example; low blood sugars, low oxygen levels, head injury, postictal states following a seizure, psychosis, Cerebral Palsy, Multiple Sclerosis, Severe liver disease, Congestive Heart Failure and drug interactions etc.

Personal Health Information may be disclosed to any person without the consent of the individual the information is about where there is a reasonable belief that the disclosure is necessary to prevent or lessen a risk of harm to the health or safety of a minor; or a risk of serious harm to the health or safety of the individual the information is about; or another individual; or to public health or public safety. Refer to *Personal Health Information Disclosure Due to Risk of Serious Harm Policy CLI.4110.PL.016*.

Obtaining a patient's/client's consent to disclose personal health information remains best practice.

This policy only pertains to patients/clients and should not be confused with the Human Resources Policy ORG.1510.PL.015 "*Chemical Impairment*" which is related to staff who are chemically impaired in the workplace.

**PROCEDURE:**

- Where there is an assessed ethical duty to warn for the protection of an individual or the public, consent to disclose will be obtained from the individual the information is about.
- In circumstances where consent cannot be reasonably obtained or is refused, follow the Duty to Warn Guideline Checklist – ORG.1810.SG.013.SD.01.
- Complete the Duty to Warn Guideline Form – ORG.1810.SG.013.FORM.01.

**SUPPORTING DOCUMENTS:**

[ORG.1810.SG.004.FORM.01](#)

Duty to Warn Guideline Form

[ORG.1810.SG.004.SD.01](#)

Duty to Warn Guideline Checklist

**REFERENCES:**

Addictions Foundation of Manitoba (AFM) Practice Guideline: Imminent Risk of Impaired Driving  
December 18, 2015

College of Registered Nurses of Manitoba- Code of Ethics for Registered Nurses 2017 Edition

Manitoba Laws- The Regulated Health Professions Act accessed on January 19, 2023

Newfoundland Central Health-Duty to report/Warn Policy 1-30

Southern Health-Santé Sud- *Personal Health Information Disclosure Due to Risk of Serious Harm*  
*Policy CLI.4110.PL.016 22 (2) (b)* June 4, 2019

Southern Health Santé Sud-Disclosure of Personal Health Information to Police ORG.1411.PL.505  
February 4, 2020

The College of Physicians & Surgeons of Manitoba-Duty to Report Frequently Asked Questions June  
2021

The Legislative Assembly of Manitoba The Highway Traffic Act accessed on December 28, 2022