

Lunch & Learn | Friday, March 8 | 12:00 pm - 1:00 PM CST | 1 CE Credit

## Red Flag Gun Law & the Duty to Warn & Duty to Prevent Suicide

Speaker: Gary R. Schoener, M.Eq., LP

### Virtual

*This program qualifies for 1.0 continuing education credit.*

Level: Intermediate: Assumes post-doctoral education status and general familiarity with topic.

Location: Registrants will receive a Zoom link to access the session online

### About the Program:

In 2023 Minnesota became the 21<sup>st</sup> jurisdiction in the USA to enact a Red Flag law providing a number of provisions to attempt to prevent harm to self or others with firearms. This law includes new duties for mental health professionals as regards the contacting of county sheriffs in situations where a client possesses a gun and is deemed by the professional to be a risk to harm themselves or others. These new duties will be reviewed and then examined along with other pre-existing duties which continue through the present: (1) the duty to warn or protect, and (2) duty to prevent suicide.

All these duties – old and new – involve potential breaches of confidentiality. HIPAA allows for any breaches covered by laws, so there is no conflict with existing laws. However, ERPO has expanded the challenges related to clinical and ethical decision-making.

We will examine this expansion in duties as well as the companion duty to advise law enforcement as regards whether the client should lose access to a firearm. Some key issues will include ethical decision-making, risks of taking action, thresholds for breaching confidentiality, and the construction of client information informing them of the limits of privacy. One of the challenges in such situations is the slippery slope as regards inquiry about firearms and the danger of slipping into an investigative role that is not consistent with clinical focus on the client.

Furthermore, although the natural tendency is to focus on things learned of directly from the client who is at risk to harm self or others, as a practical reality family members, friends, or neighbors could consult the professional and might be the source of information which could trigger action.

*This program qualifies for 1.0 continuing education credits. Attendees must attend the entire session to gain credit. The speaker has no conflicts of interest to report.*

Registration fee includes access to live webinar, program agenda, program PowerPoint, and continuing education certificate.

Participants will be able to:

1. Describe the differences between “duty to warn or protect” and ERPO duties and describe a situation in which both come into play.

2. Review and revise what clients are informed as to the limits of confidentiality in situations of potential violence towards self or others with a firearm.

About the Presenter:

**Gary Schoener, M.Ed., LP**, is a Clinical Psychologist, licensed since 1974, who currently divides his time between private forensic practice and his role as Director, Inst. for Consultation & Training, Walk-In Counseling Center (WICC). Gary served as Executive Director of the WICC for 37 years.

Gary consults and testifies in legal cases involving professional practice in psychology and other health care fields. Among his work in more than 2,000 cases are some cases involving duty to warn or protect as well as suicide intervention. This has included cases in Minnesota, but also some in states like Oklahoma and Wisconsin where therapists have a duty to warn but not the sort of protection they have in Minnesota when they carry out this duty.

Gary has monographs on dealing with dangerous clients and suicide intervention which are updated continuously and have been used in his training work and conferences on professional boundaries and ethics. These are posted on the WICC website and are widely circulated.

Gary also consults and trains on issues related to organizational responsibility and liability, and on clinical supervision.

*You must attend the full program to get continuing education credit.*

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Registration is available until the event begins.

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