



# Broome County Mental Health Department

Debra A. Preston, County Executive . Arthur R. Johnson, LCSW, Commissioner

## **Article 9.46 New York State Mental Hygiene Law (effective March 16, 2013)**

*All mental health practitioners should be aware that Section 9.46 MHL involves reporting a name to a database for gun control purposes. 9.46 MHL is a **reporting statute only**; it does not trigger any other action and will not help a mentally ill person receive emergency services*

In the event of an emergency (imminent risk of harm to self or others), call 911 or follow your established procedures for urgent or emergent situations requiring immediate action.

Procedures regarding reports of substantial risk or threat of harm by mental health professionals:

### **Who must report under 9.46 MHL:**

1. Physicians
2. Psychologists,
3. Registered nurses, or
4. Licensed clinical social workers

Reporters must be **currently treating** the person being reported. The report should be made to the Director of Community Services (Mental Health Director) of the County where the person being reported resides.

### **What are the criteria for reporting:**

In the exercise of reasonable professional judgment, the mental health professional determines that the person is likely to engage in conduct that would result in serious harm to self or others. The standard “likelihood to result in serious harm” means threats of, or attempts at, suicide/serious bodily harm to self or homicidal/violent behavior towards others. This standard justifies the need for immediate action, as a public safety measure, to prevent harm. Mental health professionals must use reasonable professional judgment when making this determination.

### **Exception to Reporting:**

Mental Health Professionals are **not** required to report if, in the exercise of reasonable professional judgment, the mental health professional believes that reporting would endanger the mental health professional or increase the danger to a potential victim or victims.

### **What information must be reported:**

- 1. Identifying information for the person being reported:** Name, Address, Date of Birth or Approximate Age, Gender, Race and Social Security Number of the person being reported (if available).

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2. **Diagnoses** (Axis 1 and Axis II)
3. The **reason** the reporting professional believes that the person is likely to engage in conduct that would result in serious harm to self or others
4. **Treatment relationship** of the reporting professional to the subject of the report, including last date seen by the reporting professional
5. **Identifying information of the reporting professional:** Name, Licensed Profession, Professional license number, last four digits of the professional's Social Security number, phone number and e-mail address where the reporting professional can be reached if additional information is needed.
6. The report must include an affirmation that you are the professional listed as making the report, and that the report is truthful to the best of your knowledge

**How to make a report:**

Click on the link below for access to NYS Office of Mental Health Guidance documents and required 9.46 electronic reporting forms:

[http://www.omh.ny.gov/omhweb/safe\\_act/index.html](http://www.omh.ny.gov/omhweb/safe_act/index.html)