

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 657

By: Brecheen of the Senate

and

Ritze of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to mental health providers; creating
12 the Protection Against Sexual Exploitation By a
13 Mental Health Services Provider Act; providing short
14 title; defining term; specifying punishments and
15 fines for certain acts; providing for codification;
16 and providing an effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 14-101 of Title 43A, unless
20 there is created a duplication in numbering, reads as follows:

21 A. This act shall be known and may be cited as the "Protection
22 Against Sexual Exploitation by a Mental Health Services Provider
23 Act".

24 B. As used in the Protection Against Sexual Exploitation By a
 Mental Health Services Provider Act:

1 "Therapeutic deception" means any act, scheme, plan or pattern
2 by a licensed mental health professional:

- 3 a. intended to cause a person to believe that performing,
4 or failing to perform, an act would result in serious
5 physical, financial or emotional harm or distress to
6 or physical restraint against any person, and
- 7 b. that can reasonably be construed as being for the
8 purpose of sexual gratification of the licensed mental
9 health professional.

10 C. A licensed mental health professional as defined by Section
11 1-103 of Title 43A of the Oklahoma Statutes who engages in
12 therapeutic deception of a patient or former patient shall be
13 subject to any applicable criminal sanctions as follows:

14 1. A single act of therapeutic deception by a licensed mental
15 health professional with one current or former patient shall be a
16 felony punishable by a fine not exceeding Five Thousand Dollars
17 (\$5,000.00) and the immediate revocation of the licensed mental
18 health professional's license by the appropriate licensing board;

19 2. Multiple acts of therapeutic deception by a licensed mental
20 health professional with one current or former patient shall be a
21 felony punishable by a fine not exceeding Ten Thousand Dollars
22 (\$10,000.00) and the immediate revocation of the licensed mental
23 health professional's license by the appropriate licensing board;

24 and

1 3. Multiple acts of therapeutic deception by a licensed mental
2 health professional with two or more current or former patients
3 shall be a felony punishable by a fine not exceeding Twenty Thousand
4 Dollars (\$20,000.00) and the immediate revocation of the licensed
5 mental health professional's license by the appropriate licensing
6 board.

7 D. Each licensing board with jurisdiction over the professions
8 specified in Section 1-103 of Title 43A of the Oklahoma Statutes
9 shall promptly report complaints of sexual exploitation made by
10 patients to a local law enforcement agency for criminal
11 investigation.

12 SECTION 2. This act shall become effective November 1, 2017.

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 04/04/2017 -
15 DO PASS, As Amended.

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