

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 657 By: Brecheen of the Senate
3 and
4 Ritze of the House
5
6

7 [mental health - specifying punishments -
8 codification - effective date]
9

10 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
11 entire bill and insert

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

1 B. As used in the Protection Against Sexual Exploitation by a
2 Mental Health Services Provider Act:

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

5 a. intended to cause a person to believe that performing,
6 or failing to perform, an act would result in serious
7 physical, financial or emotional harm or distress to
8 or physical restraint against any person, and

9 b. that can reasonably be construed as being for the
10 purpose of sexual gratification of the licensed mental
11 health professional.

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

16 1. A single act of therapeutic deception by a licensed mental
17 health professional with one current or former patient shall be a
18 felony punishable by a fine not exceeding Five Thousand Dollars
19 (\$5,000.00) and the immediate revocation of the licensed mental
20 health professional's license by the appropriate licensing board;

21 2. Multiple acts of therapeutic deception by a licensed mental
22 health professional with one current or former patient shall be a
23 felony punishable by a fine not exceeding Ten Thousand Dollars
24 (\$10,000.00) and the immediate revocation of the licensed mental

1 health professional's license by the appropriate licensing board;
2 and

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

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

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

15 Passed the House of Representatives the 18th day of April, 2017.

16

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18 _____
19 Presiding Officer of the House of
Representatives

20 Passed the Senate the ____ day of _____, 2017.

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22

23 _____
Presiding Officer of the Senate

24

ENGROSSED SENATE
BILL NO. 657

By: Brecheen of the Senate

and

Ritze of the House

[mental health - specifying punishments -
codification - effective date]

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

SECTION 3. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 14-101 of Title 43A, unless
there is created a duplication in numbering, reads as follows:

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

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

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

- a. intended to cause a person to believe that performing,
or failing to perform, an act would result in serious
physical, financial or emotional harm or distress to
or physical restraint against any person, and

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 b. that can reasonably be construed as being for the
2 purpose of sexual gratification of the licensed mental
3 health professional.

4 C. A licensed mental health professional as defined by Section
5 1-103 of Title 43A of the Oklahoma Statutes who engages in
6 therapeutic deception of a patient or former patient shall be
7 subject to any applicable criminal sanctions as follows:

8 1. A single act of therapeutic deception by a licensed mental
9 health professional with one current or former patient shall be a
10 felony punishable by a fine not exceeding Five Thousand Dollars
11 (\$5,000.00) and the immediate revocation of the licensed mental
12 health professional's license by the appropriate licensing board;

13 2. Multiple acts of therapeutic deception by a licensed mental
14 health professional with one current or former patient shall be a
15 felony punishable by a fine not exceeding Ten Thousand Dollars
16 (\$10,000.00) and the immediate revocation of the licensed mental
17 health professional's license by the appropriate licensing board;
18 and

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

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

6 SECTION 4. This act shall become effective November 1, 2017.
7 Passed the Senate the 21st day of March, 2017.

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9 _____
10 Presiding Officer of the Senate

11 Passed the House of Representatives the ____ day of _____,
12 2017.

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14 _____
15 Presiding Officer of the House
16 of Representatives