

**BILL SUMMARY**  
1<sup>st</sup> Session of the 52<sup>nd</sup> Legislature

<b>Bill No.:</b>	<b>HB 1051</b>
<b>Version:</b>	<b>Introduced (5034)</b>
<b>Author:</b>	<b>Rep. John Carey</b>
<b>Date:</b>	<b>February 2, 2009</b>
<b>Impact:</b>	<b>Minimum of \$65,000</b>

**Bill Summary**

Research Analyst: Marcia Goff

The measure makes mental health services providers and their employers liable for damages a patient suffers as a result of sexual exploitation by the provider. The bill also requires mental health services providers or their employers who have a reasonable cause to suspect that a patient has been a victim of sexual exploitation by a provider during treatment, or if a patient makes such an allegation, to report the alleged conduct to certain entities.

**Fiscal Summary**

Fiscal Analyst: Mark Newman

HB 1051, as introduced, is new language creating the “Protection Against Sexual Exploitation By Mental Health Services Provider Act.” This legislation allows a patient or former patient to hold a mental health services provider liable and establishes liability for employers of mental health services providers for damages caused by sexual conduct, sexual exploitation, or therapeutic deception. This bill also defines terms, creates certain causes of action, provides limitation to liability, establishes duty to report, and provides for action against a governmental unit.

**Fiscal Analysis**

Based on information provided by the Oklahoma State Department of Health (OSDH) and the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS), HB 1051 will have a fiscal impact to these agencies and possibly to the Office of Juvenile Affairs and the Attorney General. OSDH and ODMHSAS receive an average of 60 complaints per year against LPCs, 12 against LMFTs, and 9 against LBPs. Of the total number of complaints received yearly, ten complaints allege sexual misconduct. The cost in salaries, travel, and supplies to investigate these complaints in a sixty-day timeframe will be a minimum of \$65,000.

**Long Term Fiscal Considerations**

This measure may impact OSDH and ODMHSAS if Licensed Professional Counselors (LPC), Licensed Marital and Family Therapists (LMFT), or Licensed Behavioral Practitioners (LBP) receive complaints against their licensure for violating the proposed measure. OSDH and ODMHSAS will review and investigate such complaints, which may result in administrative action. This legislation may increase the number of complaints received by OSDH and ODMHSAS due to the liability clause and could generate an increased workload to investigate.

Fiscal Analysis Reviewed by:

*Mark Tygret*

House Fiscal Director