

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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