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March 1, 2017

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 657

By: Brecheen

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[ mental health - specifying punishments -  
codification - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. 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

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 misdemeanor punishable by a fine not exceeding Five Thousand Dollars
11 (\$5,000.00);

12 2. Multiple acts of therapeutic deception by a licensed mental
13 health professional with one current or former patient shall be a
14 misdemeanor punishable by a fine not exceeding Ten Thousand Dollars
15 (\$10,000.00); and

16 3. Multiple acts of therapeutic deception by a licensed mental
17 health professional with two or more current or former patients
18 shall be a felony punishable by a fine not exceeding Twenty Thousand
19 Dollars (\$20,000.00).

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

21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
22 March 1, 2017 - DO PASS AS AMENDED
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