

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1219

By: Brecheen

6 AS INTRODUCED

7 An Act relating to mental health providers; creating
8 the Protection Against Sexual Exploitation by a
Mental Health Services Provider Act; providing short
9 title; defining term; specifying punishments and
fines for certain acts; requiring certain licensing
10 boards to report complaints to law enforcement;
providing for codification; and providing an
11 effective date.

12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

22 "Therapeutic deception" means any act, scheme, plan or pattern
23 by a licensed mental health professional:
24

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

8 C. A licensed mental health professional as defined by Section
9 1-103 of Title 43A of the Oklahoma Statutes who engages in
10 therapeutic deception of a patient or former patient shall be
11 subject to any applicable criminal sanctions as follows:

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

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

23 3. Multiple acts of therapeutic deception by a licensed mental
24 health professional with two or more current or former patients

1 shall be a felony punishable by a fine not exceeding Twenty Thousand
2 Dollars (\$20,000.00) and the immediate revocation of the licensed
3 mental health professional's license by the appropriate licensing
4 board.

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

10 SECTION 2. This act shall become effective November 1, 2018.

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