

1 **SENATE FLOOR VERSION**

2 March 1, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 657

6 By: Brecheen

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

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

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

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

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

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

- 20 a. intended to cause a person to believe that performing,
21 or failing to perform, an act would result in serious
22 physical, financial or emotional harm or distress to
23 or physical restraint against any person, and
24

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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