

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 657

By: Brecheen

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5  
6 AS INTRODUCED

7 An Act relating to mental health providers; creating  
8 the Protection Against Sexual Exploitation By a  
9 Mental Health Services Provider Act; providing short  
10 title; defining terms; specifying punishments and  
11 fines for certain acts; providing for codification;  
12 and providing an effective date.

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 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 SECTION 2. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 14-102 of Title 43A, unless  
22 there is created a duplication in numbering, reads as follows:

23 A. As used in the Protection Against Sexual Exploitation By a  
24 Mental Health Services Provider Act:

1           1. "Sexual exploitation" means a pattern, practice or scheme of  
2 conduct, which may include sexual conduct that can reasonably be  
3 construed as being for the purposes of sexual arousal or  
4 gratification or sexual abuse of any person. The term does not  
5 include obtaining information about the sexual history of a patient  
6 within standard accepted practice while treating a sexual or marital  
7 dysfunction; and

8           2. "Therapeutic deception" means a representation by a mental  
9 health services provider that sexual conduct with, or sexual  
10 exploitation by, the mental health services provider is consistent  
11 with, or a part of, the treatment of a patient or former patient.

12           B. A licensed mental health services provider who engages in  
13 sexual exploitation or therapeutic deception of a patient or former  
14 patient shall be subject to any applicable criminal sanctions as  
15 follows:

16           1. A single act of sexual exploitation or therapeutic deception  
17 by a mental health services provider with one current or former  
18 patient shall be a misdemeanor punishable by a fine not exceeding  
19 Five Thousand Dollars (\$5,000.00);

20           2. Multiple acts of sexual conduct, sexual exploitation or  
21 therapeutic deception by a mental health services provider with one  
22 current or former patient shall be a misdemeanor punishable by a  
23 fine not exceeding Ten Thousand Dollars (\$10,000.00); and  
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1           3. Multiple acts of sexual conduct, sexual exploitation or  
2 therapeutic deception by a mental health services provider with two  
3 or more current or former patients shall be a felony punishable by a  
4 fine not exceeding Twenty Thousand Dollars (\$20,000.00).

5           SECTION 3. This act shall become effective November 1, 2017.

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