

FOR THE STATE OF _____ LEGISLATIVE SESSION

LAW TO BE ENACTED TO PREVENT ANY SEXUAL CONTACT, WITH OR WITHOUT CONSENT, BETWEEN A PSYCHIATRIST, PSYCHOLOGIST OR PSYCHOTHERAPIST WITH THEIR PATIENT(S).

A BILL ENTITLED

**Model Sexual Exploitation by Therapist Law —
Definitions and Penalty.**

Any person who is or who holds oneself out to be a therapist and who intentionally has sexual contact with a patient or client during any treatment, consultation, interview or examination or while maintaining a therapist/patient relationship is guilty of a felony; any person who is or who holds oneself out to be a therapist and who intentionally has sexual contact with a former patient or former client, regardless of the duration of time elapsed since the termination of treatment, is guilty of a felony.

Consent by the complainant is not a defense under this section. As used in this section, unless the context or subject matter otherwise requires definitions are as follows:

Definitions

1. "Psychotherapy" means the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction or so-called learning disabilities.
2. "Therapist" means a physician, psychologist, psychiatrist, social worker, chemical dependency counselor, whether licensed or not by the state, who performs or purports to perform psychotherapy, psychiatric or psychological practice or treatment.
3. a) "Sexual contact" means any of the following: sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the patient's or former patient's body by any part of the psychotherapist's body or by any object used by the psychotherapist for that purpose, or any intrusion, however slight, in the genital or anal openings of the psychotherapist's body by any part of the patient's body or by any object used by the patient or former patient for that purpose, if agreed to by the psychotherapist.

b) kissing or intentional touching by the psychotherapist of the patient's or former patient's genital area, groin, inner thigh, buttocks or breast or the clothing covering any of these body parts.

c) kissing or intentional touching by the patient of the psychotherapist's or former psychotherapist's genital area, groin, inner thigh, buttocks or breast or the clothing covering any of these body parts if the psychotherapist agrees to the kissing or intentional touching.

"Sexual contact" includes a request by the psychotherapist for conduct described in paragraphs 3a through 3c.

Penalty

A person convicted of an offense under this law may be sentenced to a penalty of 10 years imprisonment or as required by local law for a conviction of rape.