

MEMORANDUM

DATE	January 30, 2018
TO	Board of Psychology Members
FROM	 Cherise Burns Central Services Manager
SUBJECT	Omnibus Legislative Proposal to Amend sections 337 and 728 of the Business and Professions Code Regarding the Brochure Addressing Sexual Contact between a Psychotherapist and a Patient: Agenda Item 20(a)(1)

Background:

At the March 2017 Licensing Committee (Committee) meeting, the Committee discussed the current draft of the Professional Therapy Never Includes Sex Brochure which is required to be provided to trainees accruing supervised professional experience. The Committee agreed that the Outreach and Education Committee should review the draft and work with the Medical Board of California and the Board of Behavioral Sciences to update the brochure.

At the March 2017 Outreach and Education Committee meeting, that Committee discussed a plan to have all three board's staff review/amend the brochure, convene an expert panel to review proposed amendments, and present it to the Department of Consumer Affairs for final consideration. While reviewing the statutory requirement to produce the brochure, all three boards agreed that changes to the general provisions of the Business and Professions Codes should be made.

At the November 2017 Board Meeting, the Board approved the draft Omnibus Legislative Proposal and directed Staff to submit the proposal to the Senate Committee on Business, Professions and Economic Development (Senate BP&ED) for inclusion in their omnibus bill.

In December 2017, Staff submitted the Omnibus Legislative Proposal to Senate BP&ED for consideration of inclusion in their omnibus bill. In January, Senate BP&ED staff notified Staff that they did not accept the Board's Omnibus Legislative Proposal for inclusion in their omnibus bill, but offered assistance in finding an individual Senator or Assembly Member to author the bill.

Currently, Staff is seeking an author for the proposal as approved at the November 2017 Board Meeting. Additionally, Board Staff is proposing additional amendments (Attachment A - double underlined and highlighted) to harmonize the approved text with other statutory provisions.

Action Requested:

Move to adopt the attached language and delegate staff to work with prospective author.

Attachment A: Proposed Text

Attachment B: Sexual Behaviors Definition vs. Current Statute