

Attachment A

BUSINESS AND PROFESSIONS CODE - BPC

DIVISION 1. DEPARTMENT OF CONSUMER AFFAIRS [100 - 472.5]

(Heading of Division 1 amended by Stats. 1973, Ch. 77.)

CHAPTER 4. Consumer Affairs [300 - 337]

(Chapter 4 added by Stats. 1970, Ch. 1394.)

ARTICLE 6. Information [337- 337.]

(Article 6 added by Stats. 1970, Ch. 1394.)

337.

(a) The department shall prepare and disseminate an informational brochure for victims of psychotherapist-patient sexual behavior and sexual contact and their advocates ~~for these victims~~. This brochure shall be developed by the department ~~in consultation with members of the Sexual Assault Program of the Office of Criminal Justice Planning and the office of the Attorney General~~.

(b) The brochure shall include, but is not limited to, the following:

(1) A legal and an informal definition of psychotherapist-patient sexual behavior and sexual contact.

(2) A brief description of common personal reactions ~~and histories of victims and victim's families~~.

(3) A patient's bill of rights.

(4) ~~Options~~ Instructions for reporting psychotherapist-patient sexual behavior and sexual contact ~~relations and instructions for each reporting option~~.

(5) A full description of administrative, ~~civil, and professional associations~~ complaint procedures.

(6) A description of services available for support of victims.

(c) The brochure shall be provided to each individual contacting the Medical Board of California, the Board of Psychology, and affiliated health boards, or the Board of Behavioral Sciences regarding a complaint involving psychotherapist-patient sexual behavior and sexual contact ~~relations~~.

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DIVISION 2. HEALING ARTS [500 - 4999.129]

(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 1. General Provisions [500 - 865.2]

(Chapter 1 enacted by Stats. 1937, Ch. 399.)

ARTICLE 10.5. Unprofessional Conduct [725 - 733]

(Article 10.5 added by Stats. 1979, Ch. 348.)

728.

(a) Any psychotherapist or employer of a psychotherapist who becomes aware through a patient that the patient had alleged sexual intercourse or alleged sexual behavior or sexual contact with a previous psychotherapist during the course of a prior treatment shall provide to the patient a brochure developed promulgated by the department that delineates the rights of, and remedies for, patients who have been involved sexually with their psychotherapists. Further, the psychotherapist or employer shall discuss with the patient the brochure prepared by the department.

(b) Failure to comply with this section constitutes unprofessional conduct.

(c) For the purpose of this section, the following definitions apply:

(1) "Psychotherapist" means a physician and surgeon specializing in the practice of psychiatry or practicing psychotherapy, a psychologist, a psychological assistant, a registered psychologist, a trainee under the supervision of a licensed psychologist, a clinical social worker, a marriage and family therapist, a licensed professional clinical counselor, a psychological assistant, an associate marriage and family therapist registered intern or marriage and family therapist trainee, an intern-associate professional clinical counselor or clinical counselor trainee, and a Licensed Educational Psychologist as specified in Chapter 16 (commencing with Section 4999.10), or an associate clinical social worker.

(2) "Sexual contact" means the touching of an intimate part of another person.

(3) "Sexual behavior" means inappropriate contact or communication of a sexual nature. This definition does not include the provision of appropriate therapeutic interventions relating to sexual issues.

(34) "Intimate part" and "touching" have the same meaning as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.

(45) "The course of a prior treatment" means the period of time during which a patient first commences treatment for services that a psychotherapist is authorized to provide under his or her scope of practice, or that the psychotherapist represents to the patient as being within his or her scope of practice, until the psychotherapist-patient relationship is terminated.

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DIVISION 2. HEALING ARTS [500 - 4999.129]

(Division 2 enacted by Stats. 1937, Ch. 399.)

CHAPTER 6.6. Psychologists [2900 - 2999]

(Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.)

ARTICLE 4. Denial, Suspension and Revocation [2960 - 2969]

(Article 4 added by Stats. 1967, Ch. 1677.)

2960.1.

Notwithstanding Section 2960, any proposed decision or decision issued under this chapter in accordance with the procedures set forth in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, that contains any finding of fact that the licensee or registrant engaged in any act of sexual **behavior or sexual** contact, as defined in Section 728, when that act is with a patient, or with a former patient within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.