

Attachment B

Business and Professions Code Section	APA Ethical Principles of Psychologists and Code of Conduct	BOP Omnibus Proposal
<p>BPC Section 2936 (excerpt) ... The board shall establish as its standards of ethical conduct relating to the practice of psychology, the “Ethical Principles of Psychologists and Code of Conduct” published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.</p> <p>BPC Section 726 (a) (a) The commission of any act of sexual abuse, misconduct, or relations with a patient, client, or customer constitutes unprofessional conduct and grounds for disciplinary action for any person licensed under this division or under any initiative act referred to in this division.</p> <p>BPC Section 2960 (excerpt) The board may refuse to issue any registration or license, or may issue a registration or license with terms and conditions, or may suspend or revoke the registration or license of any registrant or licensee if the applicant, registrant, or licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to: (o) Any act of sexual abuse, or sexual relations with a patient or former patient within two years following termination of therapy, or sexual misconduct that is substantially related to the qualifications, functions or duties of a psychologist or psychological assistant or registered psychologist.</p>	<p>Ethical Standard 3.08 Exploitative Relationships Psychologists do not exploit persons over whom they have supervisory, evaluative, or other authority such as clients/ patients, students, supervisees, research participants, and employees. (See also Standards 3.05, Multiple Relationships; 6.04, Fees and Financial Arrangements; 6.05, Barter With Clients/Patients; 7.07, Sexual Relationships With Students and Supervisees; 10.05, Sexual Intimacies With Current Therapy Clients/Patients; 10.06, Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients; 10.07, Therapy With Former Sexual Partners; and 10.08, Sexual Intimacies With Former Therapy Clients/Patients.)</p>	

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<p><u>SEXUAL HARASSMENT</u> <i>[Note: Sexual Harassment is not defined in the Psychology Licensing Law]</i></p>	<p><u>SEXUAL HARASSMENT</u> Ethical Standard 3.02 Sexual Harassment Psychologists do not engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances, or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the psychologist’s activities or roles as a psychologist, and that either (1) is unwelcome, is offensive, or creates a hostile workplace or educational environment, and the psychologist knows or is told this or (2) is sufficiently severe or intense to be abusive to a reasonable person in the context. Sexual harassment can consist of a single intense or severe act or of multiple persistent or pervasive acts. (See also Standard 1.08, Unfair Discrimination Against Complainants and Respondents.)</p>	<p><u>SEXUAL HARASSMENT</u> <i>[Note: Sexual Harassment is not included in the Professional Therapy Never Includes Sex Brochure as it is not required in BPC Section 728]</i></p>
<p><u>CONSENSUAL INAPPROPRIATE COMMUNICATION OF A SEXUAL NATURE</u></p>	<p><u>CONSENSUAL INAPPROPRIATE COMMUNICATION OF A SEXUAL NATURE</u> <i>[Note: Sexual intimacies is not defined in the APA Ethical Principles of Psychologists and Code of Conduct]</i></p>	<p><u>CONSENSUAL INAPPROPRIATE COMMUNICATION OF A SEXUAL NATURE</u> BPC Section 728(c) (excerpt) (c) For the purpose of this section, the following definitions apply: (3) “Sexual behavior” means inappropriate contact or communication of a sexual nature. <i>[Note: Underline here indicates added text.]</i></p>
<p><u>PHYSICAL SEXUAL CONTACT OR RELATIONS</u> BPC Section 729 (a) & (c) (a) Any physician and surgeon, psychotherapist, alcohol and drug abuse counselor or any person holding himself or herself out to be a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor, who engages in an act of sexual intercourse, sodomy, oral copulation, or sexual contact with a patient or client, or with a former patient or client when the relationship was terminated primarily for the purpose of engaging in</p>	<p><u>PHYSICAL SEXUAL CONTACT OR RELATIONS</u> Ethical Standard 10.05 Sexual Intimacies With Current Therapy Clients/Patients Psychologists do not engage in sexual intimacies with current therapy clients/patients. <i>[Note: Sexual intimacies are not defined in the APA Ethical Principles of Psychologists and Code of Conduct]</i></p>	<p><u>PHYSICAL SEXUAL CONTACT OR RELATIONS</u> BPC Section 728(c) (excerpt) (c) For the purpose of this section, the following definitions apply: (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. (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.</p>

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<p>those acts, unless the physician and surgeon, psychotherapist, or alcohol and drug abuse counselor has referred the patient or client to an independent and objective physician and surgeon, psychotherapist, or alcohol and drug abuse counselor recommended by a third-party physician and surgeon, psychotherapist, or alcohol and drug abuse counselor for treatment, is guilty of sexual exploitation by a physician and surgeon, psychotherapist, or alcohol and drug abuse counselor.</p> <p>(c) For purposes of this section:</p> <p>(1) “Psychotherapist” has the same meaning as defined in Section 728.</p> <p>(2) “Alcohol and drug abuse counselor” means an individual who holds himself or herself out to be an alcohol or drug abuse professional or paraprofessional.</p> <p>(3) “Sexual contact” means sexual intercourse or the touching of an intimate part of a patient for the purpose of sexual arousal, gratification, or abuse.</p> <p>(4) “Intimate part” and “touching” have the same meanings as defined in Section 243.4 of the Penal Code.</p> <p>BPC Section 728(c) (excerpt)</p> <p>(c) For the purpose of this section, the following definitions apply: ...</p> <p>(2) “Sexual contact” means the touching of an intimate part of another person.</p> <p>(3) “Intimate part” and “touching” have the same meaning as defined in subdivisions (g) and (e), respectively, of Section 243.4 of the Penal Code.</p> <p>(4) “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.</p>	<p>Ethical Standard 10.06 Sexual Intimacies With Relatives or Significant Others of Current Therapy Clients/Patients</p> <p>Psychologists do not engage in sexual intimacies with individuals they know to be close relatives, guardians, or significant others of current clients/patients. Psychologists do not terminate therapy to circumvent this standard.</p> <p>Ethical Standard 10.07 Therapy With Former Sexual Partners</p> <p>Psychologists do not accept as therapy clients/patients persons with whom they have engaged in sexual intimacies.</p> <p>Ethical Standard 10.08 Sexual Intimacies With Former Therapy Clients/Patients</p> <p>(a) Psychologists do not engage in sexual intimacies with former clients/patients for at least two years after cessation or termination of therapy.</p> <p>(b) Psychologists do not engage in sexual intimacies with former clients/patients even after a two-year interval except in the most unusual circumstances. Psychologists who engage in such activity after the two years following cessation or termination of therapy and of having no sexual contact with the former client/patient bear the burden of demonstrating that there has been no exploitation, in light of all relevant factors, including (1) the amount of time that has passed since therapy terminated; (2) the nature, duration, and intensity of the therapy; (3) the circumstances of termination; (4) the client’s/patient’s personal history; (5) the client’s/patient’s current mental status; (6) the likelihood of adverse impact on the client/patient; and (7) any statements or actions made by the therapist during the course of therapy suggesting or inviting the possibility of a posttermination sexual or romantic relationship with the client/patient. (See also Standard 3.05, Multiple Relationships.)</p>	<p>(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.</p> <p><i>[Note: Underline here indicates added text.]</i></p>

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<p>Penal Code Section 243.4 (excerpt) (f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense. (g) As used in this section, the following terms have the following meanings: (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.</p>		

*Note: Highlighting was added for emphasis