

MEMORANDUM

DATE	December 4, 2018
TO	Policy and Advocacy Committee
FROM	 Cherise Burns Central Services Manager
SUBJECT	Agenda Item #5: Committee Review of Stakeholder Input and Potential Recommendations for Revisions to Section 2960.1 of the Business and Professions Code Regarding Denial, Suspension and Revocation for Acts of Sexual Contact

Background:

After receiving stakeholder input on the proposed amendments to Business and Professions Code (BPC) section 2960.1 (Attachment A), the Committee should review stakeholder input and discuss whether any potential recommended changes to the language should be proposed to the full Board at its February 2019 Board Meeting.

Action Requested: Review and discuss stakeholder input to determine whether additional changes to the proposed statutory language are necessary.

Attachment A: Proposed Amendments to Business and Professions Code Section 2960.1

BUSINESS AND PROFESSIONS CODE - BPC
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(*Chapter 6.6 repealed and added by Stats. 1967, Ch. 1677.*)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.

a) 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 contact, as defined in Section 728, or sexual behavior, as defined in subsection b, when that act is with a **patientclient**, or with a former **patientclient** within two years following termination of therapy, shall contain an order of revocation. The revocation shall not be stayed by the administrative law judge.

b) “Sexual behavior” means inappropriate contact or communication of a sexual nature for the purpose of sexual arousal, gratification, exploitation, or abuse. “Sexual behavior” does not include the provision of appropriate therapeutic interventions relating to sexual issues.

(*Amended by Stats. 1998, Ch. 879, Sec. 3. Effective January 1, 1999.*)