

2018 LEGISLATIVE ADVISORIES:

(Note: Each bill has a separate page on our website)

LEGISLATIVE ADVISORY: AB 2968 (Levine) Chapter 778. Statutes of 2018 – Psychotherapist-Client Relationship: Victims of Sexual Behavior and Sexual Contact: Informational Brochure.

Operative Date of Legislation: January 1, 2019

Attention Board of Psychology (Board) stakeholders:

Assembly Bill 2968 (Levine) was signed by Governor Edmund G. Brown on September 26, 2018, and became operative January 1, 2019. This legislation amends sections 337 and 728 of the Business and Professions Code relating to the content required for inclusion in the informational brochure for victims of psychotherapist-patient sexual contact (which is now called “Professional Therapy Never Includes Sex”) regarding inappropriate sexual behavior, sexual contact, and touching of an intimate part between a psychotherapist and a client or patient. This legislation also expands the existing requirement so that psychotherapists, or an employer of a psychotherapist, who become aware of alleged sexual behaviors, in addition to sexual contact, between a previous psychotherapist of a client or patient, must provide and discuss the brochure with the client/patient.

SUMMARY OF CHANGES:

All Licensees:

- **New Legal Requirement:** If a licensee or their employer becomes aware of any alleged incident(s) of sexual intercourse, touching of an intimate body part, or sexual behavior(s) between a previous psychotherapist of a client or patient during the course of previous treatment(s), the licensee must provide the client or patient a copy of the brochure prepared by the Department of Consumer Affairs (currently called “Professional Therapy Never Includes Sex”) and discuss the brochure with the client or patient.
- This bill defines “sexual behavior” as inappropriate contact or communication of a sexual nature. Note: this does not include the provision of appropriate therapeutic interventions relating to sexual issues.
- This bill also requires that the brochure be available on the websites of the Board of Psychology, the Board of Behavioral Sciences, the Medical Board of California, and the Osteopathic Medical Board of California. Links to the current publications can be found on the Board of Psychology’s [Publications](#) page or at the Department of Consumer Affairs link below.

IMPLEMENTATION:

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The Board is working with the Board of Behavioral Sciences, Medical Board of California, and Osteopathic Medical Board of California on final revisions to the “Professional Therapy Never Includes Sex” brochure. The Board is hopeful to have the revised publication available by late-2019. An electronic copy of the current brochure is available at <https://www.dca.ca.gov/publications/proftherapy.shtml>. To order paper copies of the current and revised brochure, please email bopmail@dca.ca.gov.

To help provide additional clarity about what is intended by the term “sexual behavior,” a few examples of actions or communications that could be considered sexual behavior include:

- Touching or exposing oneself inappropriately in a client’s presence,
- Sending flirtatious, sexually suggestive or sexually explicit texts, messages or emails to a client,
- Sending clients photos that include nudity, genitals, or sexually suggestive poses,
- Asking clients to send the licensee photos of themselves that include nudity, genitals, or sexually suggestive poses, or
- Kissing a client.

****NOTE: This is not an exhaustive list and is provided to give context to the types of behaviors that could be found to be sexual behaviors upon investigation.***

Special Note to Supervisors:

- Pursuant to Title 16 California Code of Regulations section 1387.1(m), primary supervisors are required to review the “Professional Therapy Never Includes Sex” brochure with trainees. This would include reviewing the revised brochure upon its publication in late-2019.