



127th MAINE LEGISLATURE

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Legislative Document

No. 792

H.P. 541

House of Representatives, March 10, 2015

An Act To Protect Patients from Sexual Exploitation

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative SAWICKI of Auburn.
Cosponsored by Senator BRAKEY of Androscoggin and
Representatives: BROOKS of Lewiston, CHACE of Durham, FREDETTE of Newport,
O'CONNOR of Berwick, PIERCE of Dresden, SANDERSON of Chelsea, Senators:
CUSHING of Penobscot, DIAMOND of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §251, sub-§1, ¶H** is enacted to read:

3 H. "Health care services provider" means:

4 (1) A physician licensed under Title 32, chapter 48;

5 (2) An osteopathic physician licensed under Title 32, chapter 36;

6 (3) A chiropractor licensed under Title 32, chapter 9;

7 (4) A physical therapist licensed under Title 32, chapter 45-A;

8 (5) A physician assistant licensed under Title 32, chapter 48; or

9 (6) A nurse licensed under Title 32, chapter 31.

10 **Sec. 2. 17-A MRSA §253, sub-§2, ¶I**, as repealed and replaced by PL 2011, c.
11 691, Pt. A, §13, is amended to read:

12 I. The actor is a ~~psychiatrist~~ health care services provider, a psychologist or licensed
13 as a social worker or purports to be a ~~psychiatrist~~ health care services provider, a
14 psychologist or licensed as a social worker to the other person and the other person,
15 not the actor's spouse, is a current patient or client of the actor. Violation of this
16 paragraph is a Class C crime;

17 **Sec. 3. 17-A MRSA §255-A, sub-§1, ¶U**, as repealed and replaced by PL 2011,
18 c. 691, Pt. A, §14, is amended to read:

19 U. The actor is a ~~psychiatrist~~ health care services provider, a psychologist or licensed
20 as a social worker or purports to be a ~~psychiatrist~~ health care services provider, a
21 psychologist or licensed as a social worker to the other person and the other person,
22 not the actor's spouse, is a current patient or client of the actor. Violation of this
23 paragraph is a Class D crime;

24 **Sec. 4. 17-A MRSA §255-A, sub-§1, ¶V**, as repealed and replaced by PL 2011,
25 c. 691, Pt. A, §15, is amended to read:

26 V. The actor is a ~~psychiatrist~~ health care services provider, a psychologist or licensed
27 as a social worker or purports to be a ~~psychiatrist~~ health care services provider, a
28 psychologist or licensed as a social worker to the other person and the other person,
29 not the actor's spouse, is a current patient or client of the actor and the sexual contact
30 includes penetration. Violation of this paragraph is a Class C crime;

31 **Sec. 5. 17-A MRSA §260, sub-§1, ¶K**, as repealed and replaced by PL 2011, c.
32 691, Pt. A, §16, is amended to read:

33 K. The actor is a ~~psychiatrist~~ health care services provider, a psychologist or licensed
34 as a social worker or purports to be a ~~psychiatrist~~ health care services provider, a
35 psychologist or licensed as a social worker to the other person and the other person,
36 not the actor's spouse, is a current patient or client of the actor. Violation of this
37 paragraph is a Class D crime;

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SUMMARY

2 Current laws regarding gross sexual assault, unlawful sexual contact and unlawful
3 sexual touching prohibit relationships or contact by a person who is a psychiatrist, a
4 psychologist or licensed as a social worker or a person who purports to be a psychiatrist,
5 a psychologist or licensed as a social worker with a current patient or client. This bill
6 amends the laws regarding gross sexual assault, unlawful sexual contact and unlawful
7 sexual touching by adding additional medical professionals licensed under the Maine
8 Revised Statutes, Title 32 to the list of persons prohibited from having certain
9 relationships or contact with patients and adds the definition of "health care services
10 providers" to Title 17-A, chapter 11. "Health care services providers" includes
11 physicians, osteopathic physicians, chiropractors, physical therapists, physician assistants
12 and nurses.