

# MAINE STATE LEGISLATURE

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# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 792

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H.P. 541

House of Representatives, March 10, 2015

### **An Act To Protect Patients from Sexual Exploitation**

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

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10 **Sec. 2. 17-A MRSA §253, sub-§2, ¶I**, as repealed and replaced by PL 2011, c.  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17 **Sec. 3. 17-A MRSA §255-A, sub-§1, ¶U**, as repealed and replaced by PL 2011,  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.