

## **BILL ANALYSIS**

Senate Research Center

S.B. 542  
By: Barrientos  
Criminal Justice  
4-8-97  
Committee Report (Amended)

### **DIGEST**

Currently, the law provides that a sexual assault is committed without the consent of another person if a mental health provider causes a patient or a former patient to submit or participate in a sexual act by exploiting that person's emotional dependence on the mental health care provider. However, current law does not extend similar penalties to other health care professionals who sexually exploit their patients or former patients. It is also unclear as to when certain licensed physicians become "mental health providers." This bill will expand the definition of "mental health provider" to include all physicians licensed under the Medical Practice Act.

### **PURPOSE**

As proposed, S.B. 542 provides for the prosecution for sexual assault of certain doctors who cause a patient or former patient to submit or participate by exploiting the other person's emotional dependency.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 22.011(b), Penal Code, to provide that a sexual assault under Subsection (a)(1) is without the consent of the other person if the actor is a physician, chiropractor, licensed vocational nurse, physical therapist, physician's assistant, registered nurse, or advanced practice nurse, licensed under various statutes, who causes the other person, who is a patient or former patient of the actor, to submit or participate by exploiting the other person's emotional dependency on the actor.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

### **SUMMARY OF COMMITTEE CHANGES**

Amendment 1.

Page 2, line 13, after "Statutes)," insert the following: "a licensed vocational nurse licensed under Chapter 118, Acts of the 52nd Legislature, Regular Session, 1951 (Article 4582c, Vernon's Texas Civil Statutes), a physical therapist licensed under Chapter 836, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512e, Vernon's Texas Civil Statutes), a physician's assistant licensed under the Physician Assistant Licensing Act (Article 4495b-1, Vernon's Texas Civil Statutes), or a registered nurse or an advanced practice nurse licensed under Chapter 7, Title 71, Revised Statutes."