

SENATE BILL REPORT

SB 5870

As Reported by Senate Committee On:
Health Care, February 19, 2015

Title: An act relating to protecting youth from aversive mental health therapies.

Brief Description: Prohibiting the use of aversion therapy in the treatment of minors. [**Revised for 1st Substitute:** Protecting youth from aversive mental health therapies.]

Sponsors: Senators Lias, Litzow, Pedersen, Fain, Ranker, Rivers, Frockt, Cleveland, Mullet, Kohl-Welles, Keiser, Chase, Billig, Hasegawa, Darneille and Habib.

Brief History:

Committee Activity: Health Care: 2/17/15, 2/19/15 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON HEALTH CARE

Majority Report: That Substitute Senate Bill No. 5870 be substituted therefor, and the substitute bill do pass.

Signed by Senators Becker, Chair; Dammeier, Vice Chair; Frockt, Ranking Minority Member; Bailey, Brown, Cleveland, Conway, Jayapal, Keiser and Rivers.

Minority Report: Do not pass.
Signed by Senator Angel.

Minority Report: That it be referred without recommendation.
Signed by Senator Parlette.

Staff: Kathleen Buchli (786-7488)

Background: The Uniform Disciplinary Act (UDA) governs disciplinary actions for all credentialed health care providers. The UDA establishes sanctions for acts of unprofessional conduct and provides disciplinary procedures. Acts of unprofessional conduct may include malpractice, misuse of drugs or alcohol, betrayal of a practitioner-patient privilege, and misrepresentation or fraud related to the profession.

Disciplinary responsibilities are divided between the Secretary of Health and 16 disciplining authorities according to the individual health care provider's profession and relevant step in the disciplinary process. If a disciplining authority finds a provider has committed an act of unprofessional conduct, it may impose sanctions, such as license revocation or suspension,

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practice restrictions, mandatory remedial education or treatment, practice monitoring, censure or reprimand, probation conditions, or payment of a fine.

A Health Impact Review of this legislation was requested and will be available at the Washington State Board of Health's website: sboh.wa.gov/Portals/7/Doc/HealthImpactReviews/HIR-2015-05-SB5870.pdf.

Summary of Bill (Recommended Substitute): It is unprofessional conduct for a licensed health care provider to perform prohibited aversion therapy on a patient under the age of 18.

Prohibited aversion therapy is defined as a practice, treatment, or therapy involving electrical shock, extreme temperatures, prolonged isolation, chemically induced nausea or vomiting, assault, or other procedures intending to cause pain, discomfort, or unpleasant sensations to the client or patient. It does not include therapies that are within the standards of practice for health care license holders.

EFFECT OF CHANGES MADE BY HEALTH CARE COMMITTEE (Recommended Substitute): Provides that the intent of the bill is to regulate the professional conduct of licensed health care providers with respect to performing aversive mental health therapies on patients under the age of 18. Prohibited aversive therapies are defined as procedures intending to cause physical pain, discomfort, or unpleasant sensations to a person, but does not call out sexual orientation change efforts as an example of a prohibited aversive therapy. References to sexual orientation change efforts are removed from the bill.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Youths that go through sexual orientation change efforts are more likely to attempt suicide than others and more likely to use illegal drugs. Sexual orientation change efforts harms those who go through them and lead to feelings of hopelessness. A person's sexual orientation cannot be changed and these efforts have been discredited by mental health care organizations. Sexual orientation change efforts are never appropriate and never work. This bill prohibits a specific regime and prohibits therapists from influencing the outcome of the treatment.

CON: Our clients need a safe place to process what they are going through and to discuss their goals. This bill would prevent our clients from having that safe place. We help people to get the help that they need; we help a person to live their life in line with their personal beliefs. We do not support aversion therapies or other therapies that are not patient driven. This bill limits our ability to provide a patient-driven approach; people with sexual identify issues should not be limited in treatment options.

Persons Testifying: PRO: Senator Liias, prime sponsor; Daniel Cords, Matt Goldendburg, Licensed Mental Health Counselor, Licensed Psychologist; Lucy Homans, WA State Psychological Assn.; Monisha Harrell, Equal Rights WA.

CON: Holly Culver, Licensed Mental Health Counselor; Jeff Simunds, Director, Tower of Light Ministries; Brian Tingley, Family Foundations Counseling, Counselor/Therapist; Dan McKinnon, citizen.