

SENATE BILL REPORT

SB 5870

As of March 30, 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.

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.

SENATE COMMITTEE ON HEALTH CARE

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, 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: It is unprofessional conduct for a licensed health care provider to perform prohibited aversion therapy on a patient under the age of 18. This does not apply to speech or practices that do not constitute sexual orientation change efforts such as religious counseling or non-licensed counselors acting under a religious denomination or church.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Prohibited aversion therapy is defined as a practice, treatment, or therapy involving sexual orientation change efforts, or electrical shock or extreme temperatures intending to cause pain, discomfort, or unpleasant sensations to the client or patient. This does not include electro-conclusive therapies provided in accordance with guidelines set forward by the American Psychiatric Association and National Institute of Mental Health.

Sexual orientation change efforts is defined as a regime that seeks to change an individual's sexual orientation and includes efforts to change behaviors or gender expressions, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same sex. It does not include psychotherapies that provide acceptance of clients or the facilitation of clients' coping, social support, and identity exploration, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices.

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: 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.