


MEMORANDUM

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| DATE | April 27, 2018 |
| TO | Board of Psychology |
| FROM |  Jason Glasspiegel Central Services Coordinator |
| SUBJECT | Agenda Item #21(b)(1)(B) – AB 1779 (Nazarian) Sexual Orientation: Change Efforts |

Background:

This bill would prohibit a mental health provider from engaging in sexual orientation change efforts with a patient who is under a conservatorship or a guardianship regardless of age.

On April 19, 2018, the Policy and Advocacy Committee took a support position on the bill, as the bill would have extended protections to consumers who are currently not protected due to their age but due to conservatorship or guardianship need this protection.

On April 26, 2018, Board staff contacted the author's office and were informed that the bill would no longer be pursued by the author as they were instead supporting the passage of AB 2943.

Location: Assembly Committee on Business and Professions

Status: 04/09/2018 – Re-referred to Committee on Business and Professions

Action Requested:

This item is for informational purposes only. No action is required at this time.

Attachment A: Analysis of AB 1779 (Nazarian)

Attachment B: AB 1779 (Nazarian) Text

2018 Bill Analysis

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| Author: Nazarian | Bill Number: AB 1779 | Related Bills: AB 2943 (Low) |
| Sponsor: Author | Version: Amended 4/5/2018 | |
| Subject: Sexual orientation: change efforts | | |

SUMMARY

This bill would prohibit a mental health provider from engaging in sexual orientation change efforts with a patient who is under a conservatorship or a guardianship regardless of age.

RECOMMENDATION

SUPPORT. The Policy and Advocacy Committee recommends that the Board support AB 1779 as this bill extends protections to consumers who are currently not protected due to their age but due to conservatorship or guardianship require this protection.

REASON FOR THE BILL

Per the author, AB 1779 simply closes a loophole in current law to expand the protection of another vulnerable population of Californians from the harmful effects of sexual orientation change therapy. The author believes that individuals whose legal rights are limited by their disabilities and are under conservatorships or guardianships should receive the same protection from sexual orientation change therapy as underage individuals.

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| Other Boards/Departments that may be affected: Board of Behavioral Sciences, Medical Board of California, Osteopathic Medical Board of California | |
| <input type="checkbox"/> Change in Fee(s) <input type="checkbox"/> Affects Licensing Processes <input checked="" type="checkbox"/> Affects Enforcement Processes | |
| <input type="checkbox"/> Urgency Clause <input type="checkbox"/> Regulations Required <input type="checkbox"/> Legislative Reporting <input type="checkbox"/> New Appointment Required | |
| Policy & Advocacy Committee Position: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Support if Amended <input type="checkbox"/> Oppose <input type="checkbox"/> Oppose Unless Amended <input type="checkbox"/> Neutral <input type="checkbox"/> Watch Date: <u>4/19/2018</u> Vote: <u>3-0-0</u> | Full Board Position: <input type="checkbox"/> Support <input type="checkbox"/> Support if Amended <input type="checkbox"/> Oppose <input type="checkbox"/> Oppose Unless Amended <input type="checkbox"/> Neutral <input type="checkbox"/> Watch Date: _____ Vote: _____ |

ANALYSIS

According to the APA Task Force on Appropriate Therapeutic Responses to Sexual Orientation, efforts to change sexual orientation are unlikely to be successful and involve some risk of harm. Research and clinical literature demonstrate that same-sex sexual and romantic attractions, feelings and behaviors are normal and positive variations of human sexuality, regardless of sexual orientation identity. The appropriate application of affirmative therapeutic interventions for those who seek Sexual Orientation Change Efforts involves therapist acceptance, support and understanding of clients and the facilitation of clients' active coping, social support and identity exploration and development, without imposing a specific sexual orientation identity outcome.

Per Section 865 of the Business and Professions Code, "sexual orientation change efforts" are defined as any practices by mental health providers that seek to change an individual's sexual orientation. This 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.

Currently, under 865.1 of the Business and Professions Code, these practices are outlawed for anyone under the age of 18. If passed, this bill would expand this consumer protection by adding language to the Business and Professions Code to prohibit any mental health provider from engaging in sexual orientation change with any patient who is under a conservatorship or guardianship, regardless of the patient's age.

LEGISLATIVE HISTORY

SB 1172 (Lieu, Chapter 835, Statutes of 2012) – Makes it unprofessional conduct to attempt sexual orientation change therapy on a patient under the age of 18.

OTHER STATES' INFORMATION

Not Applicable

PROGRAM BACKGROUND

The Board advances quality psychological services for Californians by ensuring ethical and legal practice and supporting the evolution of the practice. To accomplish this, the Board regulates licensed psychologists, psychological assistants, and registered psychologists.

This bill could result in an increase in enforcement cases received by the Board, but would not change the way in which our enforcement program reviews and investigates violations.

FISCAL IMPACT

Not Applicable

ECONOMIC IMPACT

Not Applicable

LEGAL IMPACT

Not Applicable

APPOINTMENTS

Not Applicable

SUPPORT/OPPOSITION

Support: None on File

Opposition: None on File

ARGUMENTS

Proponents: None on File

Opponents: None on File



AB-1779 Sexual orientation: change efforts. (2017-2018)

SECTION 1. *Section 865.3 is added to the Business and Professions Code, to read:*

865.3. *Under no circumstances shall a mental health provider engage in sexual orientation change efforts with a patient, regardless of age, under a conservatorship or a guardianship.*

SEC. 2. *Section 865.4 is added to the Business and Professions Code, to read:*

865.4. *Any sexual orientation change efforts attempted on a patient, regardless of age, under a conservatorship or a guardianship by a mental health provider shall be considered unprofessional conduct and shall subject a mental health provider to discipline by the licensing entity for that mental health provider.*

SEC. 3. *The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.*