

September 13, 2019

The Honorable Gavin Newsom  
Governor  
State Capitol, First Floor  
Sacramento, CA 95814

**RE: SB 425 (Hill) – Health Care Practitioners: Licensee’s File: Probationary  
Physician’s and Surgeon’s Certificate: Unprofessional Conduct –  
Request for SIGNATURE**

Dear Governor Newsom:

At its April 26, 2019 meeting, the Board of Psychology (Board) adopted a **SUPPORT** position on SB 425 (Hill). This bill would require any health care facility, or other entity that arranges for healing arts licensees to practice or provide care for patients at their institution (such as a college), to report any written allegation of sexual abuse or sexual misconduct made against a healing arts licensee by a patient, or the patient’s representative, to the relevant state licensing agency within 15 days of receiving the written allegation. This bill would also make a willful failure to file the report by a health care facility or other entity punishable by a civil fine not to exceed \$100,000 per violation and any other failure to make that report punishable by a civil fine not to exceed \$50,000 per violation. As this bill would also make changes to Medical Board of California’s (MBC) authority and operations that are unrelated to this Board’s purview, the Board is silent on those provisions of the bill.

SB 425 adds a critical reporting tool to ensure that when allegations of sexual misconduct with a patient are made against a licensee at a licensed health facility or educational institution, the allegations must also be reported to the Board for investigation and potential discipline. This new reporting requirement is similar to reports currently required under Business and Professions Code (BPC) Section 805, but with the added safeguard that adverse action against the healing arts licensee’s privileges does not have to occur before the health facility/educational institution reports the allegations to the Board. The current requirements to wait to report sexual misconduct allegations until an investigation is completed and action is taken against the healing arts licensee’s privileges undermines the Board’s responsibility to protect California consumers of psychological services and maintains current loopholes that have allowed seriously egregious behavior by a small number of bad actors to go unreported to their respective licensing boards.

The Board does not have any concerns regarding the other provisions of the bill regarding complaint confidentiality and civil fines. All complaints remain confidential unless an accusation is filed against a licensee, including complaints initiated through mandatory reports like BPC Section 805 Reports. SB 425 would not change the way the Board treats these complaints, only when the Board would receive them.

Regarding workload impacts, the new reporting requirement in SB 425 (Hill) could potentially cause a small increase in the number of sexual misconduct complaints that the Board receives and investigates, but it is more likely that the Board would simply be seeing

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the same complaints sooner. Note that if two identical complaints were received against the same licensee over the same incident, this would be investigated as one complaint.

Regarding fiscal impacts of this bill, it is unknown and unquantifiable at this time. Currently, the Board receives few reports under BPC Section 805, and it is impossible to know if the new provisions in this bill to report all accusations of sexual abuse or misconduct would create a significant increase in the number of reports and subsequent complaints against Board licensees or would simply bring a change in the timing of the reports.

The Board believes that the additional sexual misconduct reporting requirements in SB 425 (Hill) are not only warranted but are long overdue. This new reporting tool will ensure all allegations of sexual misconduct with a patient that are made against a licensee at a licensed health facility or educational institution are reported to the Board for investigation and potential discipline in a more timely fashion, thereby heightening consumer protection.

For these reasons, the Board asks for your **“Signature”** on SB 425 (Hill). If you have any questions or concerns, please feel free to contact the Board’s Executive Officer, Antonette Sorrick, at (916) 574-7113.

Sincerely,

A handwritten signature in blue ink, appearing to read 'SC Phillips', written over a horizontal line.

STEPHEN C. PHILLIPS, JD, PsyD  
President, Board of Psychology

cc: Senator Hill  
Anthony Williams, Secretary, Legislative Affairs, Office of the Governor