

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2107 Session of
2006

INTRODUCED BY HARHART, GANNON, DeWEESE, BENNINGHOFF, MUSTIO,
ALLEN, MICOZZIE, CAPPELLI, SAYLOR, RIEGER, WALKO, RAMALEY,
MILLARD, DALLY, KILLION, HERMAN, BOYD, MAJOR, T. STEVENSON,
BARRAR, DeLUCA, GOODMAN, J. EVANS, GEIST, TIGUE, BAKER AND
B. SMITH, FEBRUARY 9, 2006

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
FEBRUARY 9, 2006

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for sexual assault by health
3 care practitioners.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 18 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3130. Sexual assault by health care practitioner.

9 (a) Offense defined.--A health care practitioner commits the
10 offense of sexual assault by health care practitioner if the
11 health care practitioner has indecent contact, deviate sexual
12 intercourse or sexual intercourse with a patient during the
13 professional relationship.

14 (b) Grading.--An offense under subsection (a) constitutes a
15 misdemeanor of the first degree.

16 (c) Consent.--It is not a defense that the patient consented

1 to the activity prohibited by subsection (a).

2 (d) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection:

5 "Health care practitioner." An individual licensed by any of
6 the following:

7 (1) State Board of Medicine.

8 (2) State Board of Osteopathic Medicine.

9 (3) State Board of Chiropractic.

10 (4) State Board of Podiatry.

11 (5) State Board of Optometry.

12 (6) State Board of Dentistry.

13 (7) State Board of Nursing.

14 (8) State Board of Pharmacy.

15 (9) State Board of Examiners of Nursing Home
16 Administrators.

17 (10) State Board of Occupational Therapy Education and
18 Licensure.

19 (11) State Board of Physical Therapy.

20 (12) State Board of Social Workers, Marriage and Family
21 Therapists and Professional Counselors.

22 "Patient." An individual being treated by a health care
23 practitioner. The term does not include a health care
24 practitioner's:

25 (1) sexual or intimate partner if the relationship began
26 prior to the commencement of the professional relationship;
27 or

28 (2) spouse.

29 "Professional relationship." A period of time beginning with
30 the first professional contact between a health care

1 practitioner and patient and ending 60 days after the final
2 professional contact between a health care practitioner and
3 patient.

4 Section 2. This act shall take effect in 60 days.