

ADVISORY

In order to avoid liability under Minnesota Statutes chapter 148A, employers must make inquiries of employers and former employers of psychotherapists concerning requests for, and occurrences of, sexual contact by psychotherapists with their patients or former patients. A psychotherapist is defined as *“a physician, psychologist, nurse, chemical dependency counselor, social worker, member of the clergy, marriage and family therapist, mental health service provider, or other person, whether or not licensed by the state, who performs or purports to perform psychotherapy.”* Psychotherapy is defined as *“professional treatment, assessment, or counseling of a mental or emotional illness, symptom, or condition.”* A patient is *“a person who seeks or obtains psychotherapy”* and a former patient is *“a person who was given psychotherapy within two years prior to sexual contact with the psychotherapist.”*

A patient or former patient may bring legal action against a psychotherapist if sexual contact occurred during the period the patient was receiving psychotherapy from the psychotherapist, or after the patient received psychotherapy from the psychotherapist, or after the patient received psychotherapy if the former patient was emotionally dependent on the psychotherapist, or if the sexual contact occurred by means of therapeutic deception. The statute defines emotionally dependent to mean that *“the nature of the patient’s or former patient’s emotional condition and the nature of the treatment provided by the psychotherapist are such that the psychotherapist knows or has reason to believe that the patient or former patient is unable to withhold consent to sexual contact by the psychotherapist.”* The statute defines therapeutic deception to mean *“a representation by a psychotherapist that sexual contact with the psychotherapist is consistent with or part of the patient’s or former patients treatment.”*

Employers may be liable under the statute if they fail to make inquiries of employers who employed the psychotherapist within the past five years regarding occurrences of sexual contact and/or if they fail to take reasonable action in response to such inquires.

I have read and understand the above advisory and I will provide the State of Minnesota and/or its agents and/or representatives with the names, addresses, and telephone numbers of employers for whom I have worked in the past five years as a psychotherapist, as defined in Minnesota Statutes chapter 148A. I further understand that failure to sign this Advisory and provide the required information about current or previous employers will result in my name being removed from consideration for employment with the State of Minnesota as a psychotherapist, as defined in Minnesota Statute chapter 148A.

Applicant’s Signature

Date

Social Security Number

* Your social security number is requested only to further identify you and you are not legally obliged to provide it.