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3 **JUDICIARY**

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5 **STATE OF MAINE**
6 **SENATE**
7 **126TH LEGISLATURE**
8 **FIRST REGULAR SESSION**9 COMMITTEE AMENDMENT " " to S.P. 282, L.D. 744, Bill, "An Act To Extend
10 the Statute of Limitations on Certain Civil Professional Negligence Suits"11 Amend the bill in section 1 in §853 in the paragraph in the 2nd and 3rd lines (page 1,
12 lines 6 and 7 in L.D.) by striking out the following: "~~section sections 2902 and 2902-B~~"
13 and inserting the following: 'section 2902 and, until July 1, 2017, section 2902-B'

14 Amend the bill by striking out all of section 3 and inserting the following:

15 **'Sec. 3. 24 MRSA §2902-B** is enacted to read:16 **§2902-B. Statute of limitations for mental health professionals for claims based on**
17 **sexual acts**18 **1. Limitation.** Except as provided in Title 14, section 752-C, actions for
19 professional negligence based on a sexual act engaged in by a professional listed in
20 subsection 3 with a person during the period of time that person was a patient or client of
21 the professional must be commenced within 6 years after the cause of action accrues. For
22 purposes of this section, a cause of action accrues on the date of the act or omission
23 giving rise to the injury.24 **2. Definitions.** As used in this section, the following terms have the following
25 meanings.26 A. "Patient or client" means a person who receives counseling or treatment from a
27 professional listed in subsection 3.

28 B. "Sexual act" means the following:

29 (1) A sexual act, as defined in Title 17-A, section 251, subsection 1, paragraph
30 C; or31 (2) Sexual contact, as defined in Title 17-A, section 251, subsection 1, paragraph
32 D.

3. Professionals. Subsection 1 applies with respect to the following types of professionals:

- A. A psychiatrist licensed in this State;
 - B. A psychologist licensed in this State;
 - C. A clinical social worker licensed in this State;
 - D. A social worker certified in this State;
 - E. A clinical professional counselor licensed in this State;
 - F. A pastoral counselor licensed in this State;
 - G. A marriage and family therapist licensed in this State; and

H. A clinical professional counselor licensed in the state of Florida.

Amend the bill in section 4 in the 2nd line (page 2, line 6 in L.D.) by striking out the following: "health care providers and health care practitioners" and inserting the following: 'professionals specified in the Maine Revised Statutes, Title 24, section 2902-B subsection 3'.

Amend the bill in section 4 in subsection 2 in the first and 2nd lines (page 2, lines 10 and 11 in L.D.) by striking out the following: "the Maine Revised Statutes."

SUMMARY

The bill proposes to extend the statute of limitations for professional negligence actions against certain health care providers and health care practitioners to 10 years when the action is based on a sexual act or sexual contact. The amendment decreases the extension of the statute of limitations to 6 years and applies it to professional negligence actions against specifically psychiatrists, psychologists, social workers, professional counselors, pastoral counselors, marriage and family therapists and clinical professional counselors. In addition, the amendment provides that the sexual act or sexual contact must have occurred during the period of time the person was a patient or client of the professional. The amendment also repeals this extension of the statute of limitations July 1, 2017.

COMMITTEE AMENDMENT