WEST VIRGINIA CODE: §61-8-31

§61-8-31. Therapeutic deception; penalties.

(a) In this section, unless a different meaning plainly is required:

(1) “Client” or “patient” means a person who is being treated clinically or medically by a psychotherapist for more than one session or initial visit.

(2) "Psychotherapist" means any of the following:

(A) A psychiatrist licensed pursuant to article three, chapter thirty of this code;

(B) A psychologist licensed pursuant to article twenty-one, chapter thirty of this code or a medical psychologist licensed pursuant to article three, chapter thirty of this code;

(C) A licensed clinical social worker licensed pursuant to article thirty, chapter thirty of this code; or

(D) A mental health counselor licensed pursuant to article thirty-one, chapter thirty of this code.

(3) "Sexual contact" has the same meaning as provided in article eight-b, chapter sixty-one of this code.

(4) "Sexual intercourse" has the same meaning as provided in article eight-b, chapter sixty-one of this code.

(5) "Therapeutic deception" means a representation by the psychotherapist to the patient or client that sexual contact or sexual intercourse with the psychotherapist is consistent with or part of the treatment of the patient or client.

(b) It is unlawful for any psychotherapist, or any person who fraudulently represents himself or herself as a psychotherapist, to engage in sexual contact or sexual intercourse with a client or patient by means of therapeutic deception.

(c) For purposes of this section, consent of the patient or client is not a defense, regardless of the age of the patient or client.

(d) Any person who violates subsection (b) of this section is guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000.00 or imprisoned in a state correctional facility for not less than one year nor more than five years, or both fined and imprisoned.

WV Legislature