

JAN 24 2007

A BILL FOR AN ACT

RELATING TO HYPNOTHERAPY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the dictionary of
2 occupational titles, of the United States Department of Labor,
3 properly lists hypnotherapy as a profession separate and
4 independent of psychiatry or psychology. The legislature
5 further finds that the national center of educational
6 statistics, of the United States Department of Education
7 assigned a classification of instructional programs number to
8 hypnotherapy under the human services classification in the
9 health sciences and human services division.

10 The purpose of this Act is to recognize hypnotherapy as a
11 legal profession and a provider of human services separate and
12 independent of psychiatry and/or psychology.

13 SECTION 2. The Hawaii Revised Statutes is amended by
14 adding a new chapter to be appropriately designated and to read
15 as follows:



1 "CHAPTER

2 HYPNOTHERAPISTS

3 § -1 Declaration of necessity for regulation and
4 control. The legislature finds that the practice of
5 hypnotherapy is a theory and method for treatment of illness and
6 disability and for strengthening and invigorating the body and
7 as such affects the public health, safety, and welfare,
8 therefore there is a necessity that individuals practicing
9 hypnotherapy be subject to regulation and control.

10 § -2 Definitions. As used in this chapter:

11 "Board" means the board of hypnotherapy.

12 "Department" means the department of commerce and consumer
13 affairs.

14 "Director" means the director of commerce and consumer
15 affairs.

16 "Earned degree" means an academically or a clinically
17 obtained certificate (not honorary).

18 "Hypnotherapist" means a person engaged in the practice of
19 hypnotherapy.

20 "Practice of hypnotherapy" means the practice of employing
21 the controlled inducement of altered states of consciousness, or
22 trance, to reduce pain, resolve emotional conflicts, and enhance



1 communications as part of diagnostic and treatment programs,
2 which includes instruction in the principles of hypnosis and
3 suggestion, induction and deepening, post-hypnotic suggestion,
4 awakening techniques, regression, pacing, and leading,
5 resistance transformation, and client testing.

6 **§ -3 License required.** Except as otherwise provided by
7 law, no person shall practice hypnotherapy in this State either
8 gratuitously or for pay, or shall offer to so practice, or shall
9 announce themselves either publicly or privately as prepared or
10 qualified to so practice any method of hypnotherapy without
11 having a valid unrevoked license.

12 **§ -4 Physicians, chiropractors, and osteopaths not**
13 **exempt.** Persons licensed under chapters 442, 453, and 460 who
14 desire to practice hypnotherapy shall be subject to licensing
15 under this chapter.

16 **§ -5 Exemptions.** A licensed hypnotherapist of another
17 state or country for demonstrations or lectures to be given at
18 hypnotherapy or medical society meetings or at hypnotherapy
19 schools shall be exempt from licensing procedures set forth in
20 this chapter.

21 **§ -6 Qualifications for examination.** (a) No person
22 shall be licensed to practice hypnotherapy unless the person has



1 passed an examination and has been found to have the necessary
2 qualifications as prescribed in the rules adopted by the board
3 pursuant to chapter 91.

4 (b) Prior to September 1, 2007, and except as provided in
5 subsection (c), before any applicant shall be eligible for the
6 examination, the applicant shall furnish satisfactory proof to
7 the board that the applicant has received a total of not less
8 than one thousand five hundred hours of education and training
9 consisting of:

10 (1) A formal program in the science of hypnotherapy at an
11 institute or school approved by the board that:

12 (A) Shall be for a period of not less than six months
13 (not less than three hundred hours); and

14 (B) Shall result in the award of a certificate or
15 diploma; and

16 (2) Six months clinical internship program (not less than
17 six months; and not less than three hundred hours)
18 supervised by a licensed hypnotherapist; provided that
19 the three hundred hours of the clinical internship
20 program may be obtained from the institute or school
21 awarding the certificate or diploma or may be obtained



1 under the supervision of a licensed hypnotherapist not
2 affiliated with an institute or school.

3 (c) Students who started training prior to September 1,
4 1995, and who have been certified for five of ten years in a
5 school approved by the board, for the purposes of this chapter
6 shall:

7 (1) Not lose their rights of continued education, earned
8 or accumulated credits; and

9 (2) Meet requirements for examination and licensure as
10 provided by law and rules adopted by the board;
11 provided that the school has not altered its program
12 so as to lower the standards for completion of the
13 program.

14 (d) Students who file an application with the board before
15 September 1, 2007 shall:

16 (1) Not lose their rights of continued education, and
17 earned or accumulated credits; and

18 (d) Notwithstanding subsections (b) and (c), effective
19 September 1, 2007, before any applicant shall be eligible for
20 the examination, the applicant shall furnish satisfactory proof
21 to the board that the applicant has completed a formal
22 hypnotherapist program and has received a total of not less than



1 three hundred hours of academic and clinical training consisting
2 of an academic program of not less than three hundred hours in
3 hypnotherapy and a clinical training program of not less than
4 three hundred hours under the supervision of a licensed
5 hypnotherapist, which shall result in the award of a certificate
6 or diploma at an institute, school, or college, accredited or
7 recognized as a candidate for accreditation by any hypnotherapy
8 accrediting body recognized by the United States Department of
9 Education or at a foreign institute, school, or college with a
10 formal program in the science of hypnotherapy licensed,
11 approved, or accredited by the appropriate governmental
12 authority or an agency recognized by a governmental authority in
13 that jurisdiction and whose curriculum is approved by the board.

14 § -7 **Board of hypnotherapy.** There shall be a board of
15 hypnotherapy, the members of which shall be appointed by the
16 governor.

17 The board shall consist of five persons, two of whom shall
18 be private citizens and three shall be hypnotherapists licensed
19 in accordance with this chapter.

20 § -8 **Powers and duties of the board.** In addition to
21 any other powers and duties authorized by law, the board shall:



- 1 (1) Adopt rules in accordance with chapter 91 to carry out
- 2 the purposes of this chapter, with special emphasis on
- 3 the health and safety of the public;
- 4 (2) Develop standards for licensure;
- 5 (3) Prepare, administer, and grade examinations, provided
- 6 that the board may contract with a testing agency to
- 7 provide those services;
- 8 (4) Issue, renew, suspend, and revoke licenses;
- 9 (5) Register applicants or holders of a license;
- 10 (6) Investigate and conduct hearings regarding any
- 11 violation of this chapter and any rules of the board;
- 12 (7) Maintain a record of its proceedings; and
- 13 (8) Do all things necessary to carry out the functions,
- 14 powers, and duties set forth in the chapter.

15 § -9 **Biennial renewal.** Every person holding a license
16 under this chapter shall register with the board and pay a
17 biennial fee on or before June 30 of each odd-numbered year.
18 Failure to pay the biennial fee shall constitute a forfeiture of
19 the license as of the date of expiration. Any license so
20 forfeited may be restored within one year after the expiration
21 upon filing of an application and payment of a restoration fee.



1 § -10 Revocation or suspension of licenses. In
2 addition to any other actions authorized by law, any license to
3 practice hypnotherapy under this chapter may be revoked or
4 suspended by the board of hypnotherapy at any time in a
5 proceeding before the board for any cause authorized by law,
6 including but not limited to the following:

- 7 (1) Obtaining a fee on the assurance that a manifestly
8 incurable ailment can be permanently cured;
- 9 (2) The use of false, fraudulent, or deceptive advertising
10 and making untruthful and improbable statements;
- 11 (3) Habitually using any habit forming controlled
12 substance, such as opium or any of its derivatives,
13 morphine, heroin, or cocaine;
- 14 (4) Procuring a license through fraud, misrepresentation,
15 or deceit;
- 16 (5) Professional misconduct or gross carelessness or
17 manifest incapacity in the practice of hypnotherapy;
18 or
- 19 (6) Violating any rules adopted under this chapter.

20 § -11 Penalty. (a) Any person except a person
21 licensed under this chapter who practices, treats, or instructs
22 in any phase of hypnotherapy without a license or permit issued



1 by the board, or uses any word or title to induce the belief
2 that they are engaged in the practice of any type of
3 hypnotherapy, shall be guilty of a misdemeanor and subject to a
4 fine of not less than \$50 nor more than \$1,000 for each
5 violation.

6 (b) Any person, except a licensed hypnotherapist, who:

7 (1) Practices or attempts to practice hypnotherapist;

8 (2) Buys, sells, or fraudulently obtains any diploma or
9 license to practice hypnotherapy whether recorded or
10 not;

11 (3) Uses the title "hypnotherapist", or any word or title
12 to induce the belief that the person is engaged in the
13 practice of hypnotherapy without complying with this
14 chapter; or

15 (4) Violates this chapter;

16 shall be penalized as provided in subsection (a). The
17 department may also seek all legal and equitable remedies
18 available to it for the enforcement of this chapter, including
19 seeking injunctive relief.

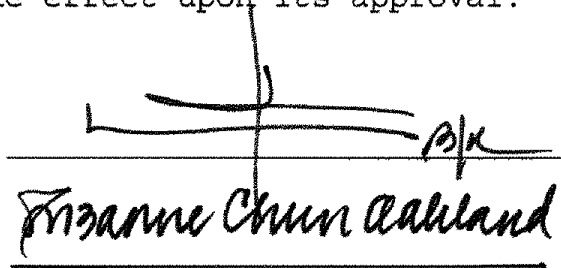
20 § -12 Foreign school curricula and standards. The
21 board of hypnotherapy shall not recognize and approve an earned
22 doctoral degree from a foreign university or college whose



1 curricula and standards are not equivalent to or higher than
2 institutions in the United States which have been recognized and
3 approved by the board in the study or practice of hypnotherapy."

4 SECTION 3. This Act shall take effect upon its approval.
5

INTRODUCED BY:


Franne Chun Oakland



Report Title:

Hypnotherapy; Hypnotherapists

Description:

Creates new chapter establishing hypnotherapy as a qualified, licensed practice in the State.

