



National and State Law Guide for Professional Hypnosis

Please note that at the time of this document creation, all information was believed to be accurate on 6/11/2017. However state and national laws can change. It is your responsibility to monitor and be aware of changes in your state/country. Additionally, this document is for informational purposes and legal decisions about your practice should be made in collaboration with your personal attorney who is familiar with the laws of your state/country.

Some useful information:

No state in the USA has restricted the practice of professional hypnosis to the extent that hypnotists are unable to practice and build a vibrant practice. Some states do require registration, others restrict certain terms, but no state restricts the right to practice professional hypnosis regardless of professional licensure, education, or certification

Hypnosis certification is a voluntary process of association. Its value is primarily in creating professional associations and accountability, and in establishing and communicating expertise to clients and referral resources. No state in the USA requires certification by any organization to practice hypnosis with clients. No certification is "recognized" by any state in the USA.

If you have questions, post in our forum at:

www.ICBCHGroup.com

United States

There are 50 states in the United States and the majority of these states have no laws or regulation governing hypnosis in any way.

Business License

A business license is not the same thing as a professional license. Almost all states and municipalities require a business license for financial transactions with the public. Contact your state, county or city for requirements on obtaining business licenses, even in the states where hypnosis is completely unregulated.

Three Registration States

Three states (CO, CT, WA) require professional hypnotists to “register” with the state. This is not the same thing as licensing of hypnotists. No state requires, nor does licensing exist in any state in the United States.

Connecticut: This state requires a simple registration process and a fee of \$100. The one page form asks for current contact information and verification that one is not subject to sex offender registries. <http://www.ct.gov/dcp/cwp/view.asp?q=446934>

It is my recommendation that hypnotists who live in other states where hypnosis is unregulated, voluntarily register in Connecticut even if you do not practice there. The reason, is that this established a government level recognition of your professional practice – and this documentation could be useful in establishing your expertise and how long you have been practicing in the event. If Connecticut or any other state ever does adopt licensing for hypnotists, this type of history/documentation can be valuable in helping you “grandfather” in or meet other documentation criteria.

Colorado: There is a requirement to take a jurisprudence exam covering Colorado state law and the mental health practice act. You must also register as a psychotherapist.

https://www.colorado.gov/pacific/dora/Psychotherapist_Applications

Washington: Washington requires hypnotherapists who are unlicensed to register with the state health department. You must also complete HIV education prior to registration – that course may be completed online. Dr. Richard Nongard offers several HIV courses that may be accepted by the Washington board on his website at www.FastCEUs.com The state of Washington has a nifty flyer you can download at:

<http://www.doh.wa.gov/Portals/1/Documents/2600/Hypno2015-670186.pdf> This is the page for registration:

<http://www.doh.wa.gov/LicensesPermitsandCertificates/ProfessionsNewReneworUpdate/Hypnotherapist>

Unregulated States

Alabama, Delaware, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Nebraska, New Hampshire, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Vermont, Virginia, and Wisconsin.

There are no laws known at the time of this publication relating to the practice of hypnosis. That being said, some of the state licensing laws related to psychology, marriage and family therapy, mental health counselling, or social work may contain language that restricts hypnotist from practicing if it believed that the services offer encroach upon the domain of the regulated discipline.

Be aware of two things: State regulatory boards do try to enforce rules (which are different than laws) and have been known to send “cease-and-desist letters.” In multiple cases that we are aware of, the hypnotists who have pushed back against these letters have prevailed and in no case that we are aware of, has the hypnotist ultimately been regulated by the board – unless they clearly were offering services outside of the scope of practice of hypnosis. Texas, which is a regulated state, is in turmoil because a Texas supreme court decision, in favor of psychologist who was sent such a letter by the board because she did not hold a current psychology license has rendered large part of these regulations void.

Boards will try to assert territory, but the assertion by a board of actual jurisdiction, has not been upheld in multiple related cases.

While anyone in these states may call themselves a “hypnotherapist” in these states we recommend the best practice of using the term professional hypnotist even in these states.

Note: A longstanding registration requirement in Indiana was eliminated almost a decade ago. However you might find references to it on old webpages on the internet. It was the perfect example of someone who owned a training school, getting a law written that basically required people attend that school to get registered in Indiana. The law was sun-setted many years ago and is no longer in effect.

States with Guidelines

Alaska, Arkansas, Arizona, District of Columbia, Hawaii, Maryland, Mississippi, Missouri, Montana, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, West Virginia, Wyoming.

In most cases these guidelines relate to defining hypnosis, diagnostic terms, the practice of counseling and working with mentally or physically ill people. No registration or license is required, but adherence to these requirements is state law.

The best practice in these state is to avoid any diagnostic language (i.e. Weight loss vs. obesity, personal satisfaction and happiness vs. depression, creating calm vs. anxiety) and to avoid the word therapy, using the word professional hypnosis or professional hypnotist instead of hypnotherapist.

In these states making clear that you are working with clients for non-diagnostic purposes, using non-therapeutic hypnosis and teaching the skill of self-hypnosis will help you avoid difficulty.

As hypnotists, we are rarely working with people who have mental of physical illnesses, but rather healthy people and helping them to achieve their highest level of peak performance. When we are working with people with health and psychologic issues, our role is teaching and training a person in the methods of self-hypnosis. Teaching and training is different than counseling or treating.

Regulated States

Alabama, California, Colorado, Connecticut, Florida, Illinois, Minnesota, New Jersey, New Mexico, Nevada, Rhode Island, Utah, and Washington.

These states have some type of regulation at some level. The states requiring registration include Washington, Connecticut and Colorado.

Here are the relevant laws in the other states:

Alabama: The state board of education does not permit hypnosis to be used by school personnel in schools. They also do not permit learning actual science.

California: Hypnotists not licensed in the healing arts (medical and mental health) must have clients sign a disclosure form that states you are not licensed or regulated by the state, and also disclosed your qualifications as a hypnotist.

Florida: In Florida, licensed mental health professionals are required to complete 50 hours of training pre-approved by the state board. The training programs we offer are listed in CEBroker.com and are pre-approved by the state board for licensed mental health professionals.

Oddly, in Florida, if one has no professional license, there is no mandate for any specific training. But because of statue, using non-diagnostic language and avoiding the word therapy or hypnotherapist is essential. Because of some recent high-profile cases in Florida, adherence to this standard is essential.

Illinois: In some states the legislation is actually favorable, and Illinois clearly permits anyone to practice hypnosis within these guidelines: "Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology including, but not limited to, the independent evaluation, classification, and treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse,

disorders of habit or conduct, the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold himself or herself out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.” (225 Illinois Compiled Statutes 15/3(h).

Minnesota: An unlicensed hypnosis practitioner may not provide a medical diagnosis or recommend discontinuance of medically prescribed treatments. Minn. Stat. 146A.11.

New Jersey: This is another state where hypnotists are given specific exemptions to other state law: “No license is required in New Jersey for certain hypnosis practices such as, altering habits such as smoking and weight management, increasing client motivation in employment, the workplace and in sports activities and enhancing creative, artistic and scholastic endeavors.”(New Jersey Administrative Code § 13:42-1.2)

Nevada: Clark county has specific regulations regarding obtaining a business license for any type of hypnosis. See Clark county business license regulations.

Utah: In Utah the term “clinical hypnosis” is regulated and required a psychology license to use. It also may not be used to “treat” conditions related to those in the DSM-5 or medical and dental diagnostic codes.

CANADA:

In all provinces hypnosis is unregulated, except in Ontario. In Ontario hypnotists should avoid the term therapy, and treatment of diagnosis of mental health or medical conditions.

AUSTRALIA:

In Australia hypnosis is largely unregulated. NSW has a registration requirement we are aware of.

United Kingdom:

Despite many organizations claiming they are the ‘legitimate’ authority in the U.K. nothing exists that would keep a practitioner of hypnosis from providing services.

If you have updated information, please email our office so we can update this document or post in our Facebook forum at www.ICBCHGroup.com