

SENATE FILE 148
BY MADDOX

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for registration of hypnotherapists, imposing a
2 fee, and making penalties applicable.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 148

1 Section 1. NEW SECTION. 154E.1 DEFINITIONS.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "Board" means the board of behavioral science examiners
5 established in chapter 154D.

6 2. "Department" means the Iowa department of public
7 health.

8 3. "Hypnosis" means an artificially induced trance state,
9 resembling sleep, characterized by heightened susceptibility
10 to suggestion.

11 4. "Hypnotherapist" means a person who uses hypnosis as a
12 treatment modality.

13 5. "Hypnotherapy" means the use of hypnosis as a treatment
14 modality.

15 Sec. 2. NEW SECTION. 154E.2 REGISTRATION AND RENEWAL
16 REQUIRED.

17 A person shall not engage in the practice of hypnotherapy
18 unless the person has registered with the board and received a
19 certificate of registration pursuant to this chapter.
20 Registration shall be renewed annually. The board shall
21 charge a fee for renewal.

22 Sec. 3. NEW SECTION. 154E.3 REGISTRATION REQUIREMENTS
23 AND RECIPROCAL AGREEMENTS.

24 1. A person shall be registered as a hypnotherapist and
25 issued a certificate of registration by the board, if the
26 person does all of the following:

27 a. Submits a completed application form as provided by the
28 board and the application fee as required by the board.

29 b. Successfully completes and passes the certification and
30 registration process required by the board.

31 2. The board may register a person as a hypnotherapist and
32 issue a certificate of registration based upon a reciprocal
33 agreement pursuant to chapter 147.

34 Sec. 4. NEW SECTION. 154E.4 DISPLAY OF CERTIFICATE AND
35 DISCLOSURE OF INFORMATION TO PATIENTS.

1 A hypnotherapist shall display the certificate of
2 registration issued pursuant to section 154E.3 in a
3 conspicuous place in the hypnotherapist's place of business.
4 A hypnotherapist shall provide to each patient upon initial
5 contact with the patient the following information in written
6 form:

7 1. The name, business address, and business phone number
8 of the hypnotherapist.

9 2. A fee schedule.

10 3. A listing of the hypnotherapist's education,
11 experience, degrees, certificates, or credentials related to
12 hypnotherapy awarded by professional organizations, the length
13 of time required to obtain the degrees or credentials, and
14 experience.

15 4. A statement indicating any license, certificate, or
16 registration in a health care occupation which was revoked by
17 any local, state, or national health care agency.

18 5. A statement that the hypnotherapist is complying with
19 rules adopted by the department or the board.

20 6. A statement indicating that the practice of
21 hypnotherapy is regulated by the department.

22 Sec. 5. NEW SECTION. 154E.5 REVOCATION OR SUSPENSION OF
23 CERTIFICATE AND REGISTRATION.

24 In addition to the grounds for revocation or suspension
25 referred to in section 147.55, the registration and
26 certificate of registration to practice hypnotherapy shall be
27 revoked or suspended when the hypnotherapist is guilty of any
28 of the following acts or offenses:

29 1. Failure to provide information as required in section
30 154E.4 or provision of false information to patients.

31 2. Acceptance of remuneration for referral of a patient to
32 other health professionals.

33 3. Offering of or giving of remuneration for the referral
34 of patients, not including paid advertisements or marketing
35 services.

1 4. Failure to comply with this chapter, rules adopted
2 pursuant to this chapter, or applicable provisions of chapter
3 147.

4 5. Engaging in sexual activity or genital contact with a
5 patient while acting or purporting to act within the scope of
6 practice, whether or not the patient consented to the sexual
7 activity or genital contact.

8 6. Disclosure of confidential information regarding the
9 patient.

10 Sec. 6. NEW SECTION. 154E.6 ACCIDENT AND HEALTH
11 INSURANCE COVERAGE.

12 This chapter shall not be construed to require accident and
13 health insurance coverage for hypnotherapy services under an
14 existing or future contract or policy for insurance issued or
15 issued for delivery in this state, unless otherwise provided
16 by the contract or policy.

17 Sec. 7. NEW SECTION. 154E.7 SCOPE OF CHAPTER.

18 This chapter does not apply to a person otherwise licensed
19 to practice medicine and surgery, osteopathy, osteopathic
20 medicine and surgery, chiropractic, podiatry, or dentistry.

21 Sec. 8. Section 147.74, Code 1995, is amended by adding
22 the following new subsection:

23 NEW SUBSECTION. 18A. A hypnotherapist registered under
24 chapter 154E may use the words "registered hypnotherapist"
25 after the person's name.

26 Sec. 9. Section 147.80, Code 1995, is amended by adding
27 the following new subsection:

28 NEW SUBSECTION. 24A. Registration to practice
29 hypnotherapy, registration to practice hypnotherapy under a
30 reciprocal agreement, or renewal of registration to practice
31 hypnotherapy.

32 Sec. 10. Section 154D.3, subsection 1, unnumbered
33 paragraph 1, Code 1995, is amended to read as follows:

34 In addition to duties and responsibilities provided in
35 chapters 147, 154E, and 272C, the board shall adopt rules

1 relating to:

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EXPLANATION

3 This bill requires registration of hypnotherapists with the
4 board of behavioral science examiners under the purview of the
5 Iowa department of public health. Hypnotherapists are added
6 to the health care professions regulated under chapter 147.

7 The bill delineates registration requirements and provides
8 that a certificate of registration be issued to the registered
9 hypnotherapist by the board. The board is also allowed to
10 register hypnotherapists and issue certificates of
11 registration based upon reciprocal agreements under the bill.
12 Registration is to be renewed annually. Fees are imposed for
13 initial application for registration and for renewal of
14 registration. Hypnotherapists are required to display the
15 certificate of registration and to provide certain information
16 in written form to patients upon initial contact.

17 Grounds for revocation and suspension of registration and
18 the certificate of registration are provided, including
19 acceptance or giving of remuneration for referral of patients,
20 disclosure of confidential information regarding patients, and
21 engaging in sexual activity or genital contact with a patient
22 while acting or purporting to act within the scope of
23 practice, regardless of patient consent to the activity or
24 contact.

25 The bill also states that the bill should not be construed
26 to require accident and health coverage for hypnotherapy
27 services under existing or future insurance contracts or
28 policies, unless otherwise provided by the contract or policy.

29 The requirements of the bill do not apply to physicians or
30 dentists who provide hypnotherapy services within the scope of
31 their professional practices.

32 Existing penalties for violation of this bill and chapter
33 147 of the Code of Iowa, which regulates all health practice
34 professions, are made applicable under the bill.

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