

4-7-97 Referred Back State Gov.

FILED MAR 10 1997

SENATE FILE 380
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SF 101)

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

A BILL FOR

1 An Act relating to the practice of hypnotherapy and providing
2 penalties.

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

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S.F. 380

1 Section 1. NEW SECTION. 147.16) HYPNOTHERAPY.
2 1. As used in this section, unless the context otherwise
3 requires, "hypnotherapy" means the induction of a hypnotic
4 state in a client to alter behavioral patterns. Hypnotherapy
5 includes all of the following:
6 a. Assessment of hypnotic suggestibility.
7 b. Assessment to determine the suitability of
8 hypnotherapy.
9 c. Explanation of the nature of the hypnotic state.
10 d. Induction of the hypnotic state.
11 e. Use of posthypnotic suggestions.
12 f. Instruction in self-hypnosis.
13 2. a. A person shall not engage in the practice of
14 hypnotherapy unless the person is licensed as a health care or
15 mental health care professional by the state pursuant to this
16 chapter. For purposes of this section, "health care or mental
17 health care professional" means a physician, osteopathic
18 physician, podiatrist, physician assistant, psychologist,
19 chiropractor, registered nurse, dentist, optometrist, marital
20 and family therapist, mental health counselor, or social
21 worker who performs hypnotherapy within the scope of
22 professional practice as permitted by the professional's
23 respective examining board.
24 b. An individual administering hypnotherapy, or
25 representing to the public that the individual administers
26 hypnotherapy, other than an individual listed in paragraph
27 "a", shall be subject to the penalty as prescribed in section
28 147.86.
29 3. This section shall not apply to the administration of
30 hypnosis for purposes of recreation, entertainment, or
31 demonstration. Upon complaint, the department shall determine
32 whether the administration of hypnosis shall be characterized
33 as hypnotherapy and subject to the provisions of this section,
34 or whether the administration of hypnosis shall be
35 characterized as recreational in nature.

SENATE FILE 380

S-5026

1 Amend Senate File 380 as follows:

2 1. Page 1, by inserting after line 23 the
3 following:

4 "b. Notwithstanding paragraph "a", a person may
5 engage in the practice of hypnotherapy without being
6 licensed as a health care or mental health care
7 professional if all of the following apply:

8 (1) The individual does not represent to the
9 public that the individual is licensed as a health
10 care or mental health care professional by the state.

11 (2) The individual has completed, by July 1, 2000,
12 a minimum of one hundred hours of classroom training
13 in hypnotherapy from a program or course of
14 instruction recognized by the national guild of
15 hypnotists which advocates a code of ethics and
16 standards of practice, or similar code, for its
17 students. Individuals receiving classroom training in
18 satisfaction of this requirement between the effective
19 date of this Act and July 1, 2000, may maintain an
20 existing hypnotherapy practice, provided the
21 provisions of subparagraphs (1) and (3) are met.

22 (3) The scope of the individual's hypnotherapy
23 practice is confined to issues of vocational
24 functioning or general self-improvement, or the
25 alteration of minor matters of habit or behavior that
26 are germane to those endeavors."

27 2. Page 1, line 26, by striking the word
28 "paragraph" and inserting the following:
29 "paragraphs".

30 3. Page 1, line 27, by inserting after the word
31 ""a"" the following: "and "b"".

32 4. By renumbering as necessary.

By ELAINE SZYMONIAK
O. GENE MADDOX

S-5026 FILED FEBRUARY 9, 1998

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EXPLANATION

This bill establishes a definition of the term "hypnotherapy" to refer to the induction of a hypnotic state in a client to alter behavioral patterns. Hypnotherapy includes an assessment of hypnotic suggestibility and suitability, an explanation of the nature of the hypnotic state, induction of the hypnotic state, use of posthypnotic suggestions, and instruction in self-hypnosis. The bill provides that individuals shall not engage in the practice of hypnotherapy unless they are licensed as a health care or mental health care professional pursuant to chapter 147. The bill defines a health care or mental health care professional to include a physician, osteopathic physician, podiatrist, physician assistant, psychologist, chiropractor, registered nurse, dentist, optometrist, marital and family therapist, mental health counselor, or social worker performing hypnotherapy within the scope of professional practice as permitted by their respective examining boards. Individuals not so licensed shall be subject to the serious misdemeanor penalty provisions of Code section 147.86. The bill exempts individuals who administer hypnosis for recreational purposes from its provisions.