

- SUBJECT:** Licensing requirements for hypnotherapists
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Wilson, Kubiak, Brimer, Dear, Goolsby, D. Jones, Pickett, Torres
1 nay — Yarbrough
- WITNESSES:** For — Richard Taylor; Otis Henisey; Marx Howell; Gerald Schoonover
Against — Reginald B. Humphreys, Ph.D, Texas Psychological Association; David Wiegler, Texas Counseling Association; Melvin C. Peeples; Jerry R. Grammer, Ph.D., Texas Radiological Association and Capitol Area Psychological Association; Gary Elkins, Ph.D.
On — Peter Julian, OPEIU AFL-CIO Federation of Hypnotists
- BACKGROUND:** In the Psychologists' Certification and Licensing Act of 1993 the Legislature defined the practice of psychology as including hypnosis for health care purposes, hypnotherapy and biofeedback. This required licensing of hypnotherapists under the act.
- DIGEST:** CSHB 1519 would delete hypnosis for health care purposes, hypnotherapy, and biofeedback from the services described under "psychological services" in the Psychologists' Certification and Licensing Act. Hypnotherapy would be defined as the induction of a hypnotic state in a person to increase motivation or alter behavioral patterns that may help a person stop smoking or control weight, among other things.

CSHB 1519 would allow the Texas Department of Licensing and Regulation (TDLR) to issue a one-year license to an applicant satisfying all of the requirements established by a hypnotherapy advisory council created under the bill. Licenses could be renewed with evidence of continuing education completion. The hypnotherapy advisory council would have the discretion to set any fee for license application. The bill would require the following to be eligible for registration:

- completion of at least 125 hours of personal instruction;
- completion of a 12-week internship of between 50 and 100 hours, including 25 hours of supervised hypnotherapy sessions and
- registration issued by a national organization.

Before September 1, 1996, the TDLR would issue a license to a person who meets the educational requirements, is a member of a national organization dedicated to providing training, and submits an application fee of \$150, regardless of whether of the person has completed an internship, personal instruction, or training.

A person could not perform hypnotherapy without being duly licensed, unless licensed by another state agency as a health professional and performing the act in the course and scope of the licensed profession. Unless licensed, a person could not use the term "hypnotherapist" or "licensed hypnotherapist" in describing a service. The attorney general or a district attorney could bring an action to enjoin prohibited activity.

The hypnotherapy advisory council would consist of five members, four hypnotherapists appointed by the Texas Commission of Licensing and Regulation (TCLR) and one member appointed by the governor. The TCLR would have to make appointments reasonably reflecting the geographic areas of the state. A psychologist, psychologist associate or licensed professional counselor could not be a member of the council. The TCLR and TDLR would not have any rulemaking authority other than that designated.

The council would be administratively attached to the TDLR, which would supply necessary employees according to contract.

The council would have rulemaking authority for form and content of license applications and other forms, setting fees and monitoring records. The council would also have authority to adopt rules relating to the practice of hypnotherapy, including continuing education requirements, which the bill would set at 15 hours a year, and adoption of a code of ethics. The council would need to adopt rules under this Article by December 1, 1995.

A proposed rule of the advisory council would be submitted to the license holders affected if the rule would increase a fee more than two times the annual percentage increase in the cost of living or imposes a higher educational or continuing education requirement.

The TDLR would enforce the rules of the hypnotherapy advisory council. The council could revoke a license if after a hearing the council finds that the person violated this article. The TDLR could assess an administrative penalty of up to \$1,000 for each day of violation.

The bill would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSHB 1519 would allow qualified, trained hypnotists to continue practicing their profession without the unnecessary step of becoming licensed under the psychology licensing act. Hypnotists who perform essentially self-improvement services do not need and should not be required to receive psychological training. Without the changes proposed by this bill, approximately 23,000 qualified professionals would be prohibited from practicing. The psychology licensing act inappropriately and unconstitutionally failed to grandfather in the large population of qualified professionals already practicing hypnotherapy.

The bill defines hypnotherapy as therapy dealing with smoking cessation, weight control, surgery preparation, pregnancy and childbirth, memory improvement, self-esteem, control of bed-wetting and the like. Psychological diagnostic skills are not be required to treat any of these problems, and hypnotherapy has proven very successful in this kind of treatment. Use of the psychological licensing act against techniques for avocational or vocational self-improvement probably was not the intent of the Legislature in adopting the 1993 act.

Psychologists would like to monopolize this area of therapy and say that lay therapists are not qualified to practice hypnotherapy. However, most psychologists receive no training in hypnosis, and a hypnotherapist licensed under this bill would receive more hypnosis training than 99 percent of all psychologists or licensed professional counselors in the state.

Extensive training, at least 125 hours, would ensure that hypnotherapists were capable and also knowledgeable about when to send clients to doctors for questionable symptoms. For instance, a hypnotist would receive training that if a client came in for relief from headaches, the hypnotist should send that person to a doctor first to see if a medical problem existed before pursuing hypnotherapy.

In fact, for all medical hypnotherapy a doctor would need to diagnose the condition and then refer the person to the licensed hypnotherapist. In addition, hypnotherapists would refer clients to psychologists if symptoms indicated depression or other psychological ailment, and would only continue treatment if the psychologist referred the person back for hypnotherapy.

Moreover, the licensed professionals would not only be extensively trained, but would be subject to a code of ethics developed by the advisory council and continuing education.

OPPONENTS
SAY:

CSHB 1519 would exempt hypnotherapists from any meaningful educational or professional requirements and would endanger the public in doing so. The psychology licensing act included hypnotherapy as a profession requiring licensure under the act because of the damage that can be done by lay hypnotherapists.

Under this bill, hypnotherapists would not be required to have a college degree, or even a high school diploma. The lay hypnotherapists would receive unregulated training from which they would not be qualified to appropriately diagnose potentially serious disorders.

For example, hypnosis can bring out emotional problems in certain people. Suicidal tendencies might be evoked from hypnotherapy that could be averted if a psychologist were able to properly diagnose depression. People might seek hypnotherapy help but really need psychological help. It may be extremely difficult for a lay hypnotist to recognize the signs of psychological distress.

Hypnotherapy represents a large area of health-care fraud by people who call themselves "therapists" but have no educational background in therapy.

It would be extremely dangerous for the state to sanction this type of practice for untrained individuals knowing that hypnosis has the potential to encourage cult behavior and other forms of mind control. No other state offers a license for hypnotherapy. This bill would legitimize a shady business and attract to Texas many of the unqualified lay hypnotists from around the country.

NOTES: The original bill also provided for licensing of other adjunctive therapists, including art, drama and music therapists.