

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Watts

# A Bill

HOUSE BILL 1980

## For An Act To Be Entitled

8 "AN ACT TO PROVIDE FOR THE REGULATION OF THE PRACTICE OF  
9 HYPNOTHERAPY; TO CREATE A BOARD OF EXAMINERS IN  
10 HYPNOTHERAPY AND PRESCRIBE THE POWERS AND DUTIES OF THE  
11 BOARD; TO PROVIDE FOR THE EXAMINATION AND LICENSURE OF  
12 HYPNOTHERAPISTS; AND FOR OTHER PURPOSES."

## Subtitle

15 "AN ACT TO PROVIDE FOR THE REGULATION OF  
16 THE PRACTICE OF HYPNOTHERAPY."

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. Policy and purpose.

22 (a) Since the profession of hypnotherapist significantly affects the  
23 lives of the people of this state, it is the purpose of this act to protect  
24 the public by setting standards of qualification, training and experience for  
25 those who seek to represent themselves to the public as hypnotherapists and  
26 by promoting high standards of professional performance for those engaged in  
27 the practice of hypnotherapy.

28 (b) It is declared to be the policy of the state of Arkansas that  
29 activities of those persons who render service to the public in the area of  
30 hypnotherapy and use the title of hypnotherapist, hypnotist or any other  
31 title in which hypnotism is used, should be regulated for the protection of  
32 public health, safety and welfare. Therefore, it is the purpose and intent  
33 of this act to provide for the regulation of the practice of hypnotherapy in  
34 the state of Arkansas and to create a Board of Examiners in Hypnotherapy.

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1       SECTION 2. Definitions.

2       As used in this act:

3       (a) "Board" means the Board of Examiners in Hypnotherapy.

4       (b)(1) "Hypnotherapist" means a person who induces a hypnotic state in  
5 a client to increase motivation or alter behavior patterns.

6               (2) "Hypnotherapist" does not include a hypnotist.

7       (c) "Hypnotist" means a person who practices hypnotism as  
8 entertainment.

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10       SECTION 3. Exemptions.

11       (a) Nothing in this act shall be construed to limit members of the  
12 clergy, Christian Science practitioners, and licensed health care  
13 professionals, such as physicians, psychologists, nurses and counselors from  
14 doing work within the standards and ethics of their respective professions,  
15 providing they do not hold themselves out to the public by any title or  
16 description of service as a hypnotherapists.

17       (b) Nothing in this act shall be construed as limiting the activities  
18 of a student or other person preparing for the profession of hypnotherapist,  
19 provided hypnotherapy is performed only under qualified supervision.

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21       SECTION 4. Prohibitions - Penalties.

22       (a) If any person shall practice or hold himself out to the public as  
23 being engaged in the practice of hypnotherapy and is not then currently  
24 registered to practice as a hypnotherapist, he or she shall be deemed guilty  
25 of a Class B misdemeanor.

26       (b) Each day the violation continues constitutes a separate offense.

27       (c) The board shall assist the prosecuting attorney in the enforcement  
28 of this act, and any member of the board may present evidence of a violation  
29 to the appropriate prosecuting attorney.

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31       SECTION 5. Arkansas Board of Hypnotherapy created.

32       (a) There is created the Arkansas Board of Examiners in Hypnotherapy  
33 composed of seven (7) members appointed by the Governor. Board members must  
34 be a resident of Arkansas, of good moral character, and in active practice in  
35 the area of hypnotherapy.

1 (b) Board members shall serve staggered terms of two (2) years. Board  
2 members shall be eligible for reappointment. Four (4) of the members  
3 initially appointed by the Governor shall be appointed for a term of two (2)  
4 years and three (3) shall be appointed for a one (1) year term.

5 (c) Upon a vacancy occurring with the board, it shall be at the  
6 discretion of the board to fill the interim vacancy with an individual in  
7 active practice.

8 (d) The members of the Board shall annually elect a chairman. The  
9 chairman of the board shall vote only in case of a tie.

10 (e) The board shall meet at a regularly convened annual meeting, and  
11 special meetings, as required, and adopt such rules, regulations and  
12 procedures as they deem necessary for the performance of their duties,  
13 governing the practice of hypnotherapy in the state of Arkansas.

14 (f) Board members shall not be entitled to compensation but may receive  
15 reasonable reimbursement for necessary expenses.

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17 **SECTION 6. Powers and duties.**

18 (a) The board shall administer, coordinate, and enforce the provisions  
19 of this act and evaluate the qualifications and supervise the examinations of  
20 applicants for licensure under this act. The board may issue subpoenas,  
21 examine witnesses, and administer oaths and shall, at its discretion,  
22 investigate allegations or practices violating the provisions of this act.

23 (b) The board shall adopt regulations relating to professional conduct  
24 commensurate with the policy of this act, including, but not limited to,  
25 regulations which establish ethical standards of practice necessary to the  
26 enforcement and orderly administration of this act. Regulations shall be  
27 adopted in accordance with the Arkansas Administrative Procedure Act, as  
28 amended, § 25-15-201 et seq. Following their adoption, the regulations shall  
29 govern and control the professional conduct of every person who holds a  
30 license as a hypnotherapist in this state.

31 (c) The Administrative Procedure Act, as amended, § 25-15-201 et seq.,  
32 shall apply to the authority and procedure of the board.

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34 **SECTION 7. License - Application and Examination.**

35 (a) An application for a license under this act shall be in the form

1 prescribed by the board. The application shall be accompanied by proof that  
2 the applicant has completed at least one hundred (100) hours of basic and  
3 fifty (50) hours of advanced training in hypnotherapy. The application shall  
4 also be accompanied by an examination fee of twenty-five dollars (\$25.00).

5 (b) The examination shall require that the applicant demonstrate his or  
6 her knowledge and application in the area of the occupation.

7 (c) The place of examination shall be designated in advance by the  
8 board, and such examination shall be given annually to new applicants, under  
9 the supervision as the board may determine, and specifically at other times  
10 as in the opinion of the board, when the number of applicants warrants.

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12 SECTION 8. Grandfather clause.

13 An individual with at least two (2) years active experience as a  
14 hypnotherapist on the effective date of this act shall be entitled to receive  
15 a license. Upon registration with the board and payment of the annual fee,  
16 the individual shall not be required to meet the training and examination  
17 requirements of Section 7 of this act.

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19 SECTION 9. Renewal.

20 (a) Each certificate of registration issued by the board shall expire  
21 on December 31, following the date of issue. A renewal certificate may be  
22 issued to the holder of a current certificate of registration who makes  
23 application prior to the expiration of his certificate and pays a renewal fee  
24 set by the board. Failure to pay renewal fee shall automatically suspend the  
25 right any licensee to practice while delinquent.

26 (b) A former registered hypnotherapist, whose certificate has expired  
27 or has been suspended or revoked, may make application for reinstatement by  
28 paying a renewal fee and submitting satisfactory proof to the board that he  
29 has complied with the continuing education requirements. The board shall  
30 consider the moral character and professional qualifications of the applicant  
31 as in the case of an original application.

32 (c) The board may refuse to renew or may suspend or revoke a  
33 certificate upon proof that the applicant:

34 (1) is not of good character;

35 (2) is guilty of fraud, deceit, gross negligence, incompetency

1 or misconduct relative to his or her duties as a hypnotherapist.

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3 SECTION 10. Continuing education.

4 The board shall promulgate rules and regulations establishing standards  
5 for continuing education as a means to maintain professional competency. The  
6 continuing education units shall be awarded for direct participation in  
7 courses approved by the board. The standards shall be established in a  
8 manner to assure that a variety of approved continuing education programs are  
9 available to registered hypnotherapists, including but not limited to  
10 academic studies, in-service education, institutes, seminars, lectures,  
11 conferences and workshops.

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13 SECTION 11. Suspension of revocation of license.

14 The board shall have the power to suspend or revoke the license of any  
15 person licensed by the board and found guilty of violating any ethical or  
16 professional standard. The sanction of suspension upon order of the board  
17 shall not be for a period greater than three (3) months and any licensee  
18 thereby sanctioned shall not be allowed to practice hypnotherapy in the state  
19 until the termination of the suspension period and subsequent timely review  
20 by the board.

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22 SECTION 12. Licensure fees.

23 (a) Annual fees for hypnotherapist shall not be less than twenty-five  
24 dollars (\$25.00) nor more than one hundred dollars (\$100).

25 (b) All fees or payments collected by the board under this act shall be  
26 deposited into a bank designed by the board and the board shall make a report  
27 annually to the Governor showing all receipts and disbursements of monies,  
28 and a summary of all business transacted during the year. The per diem and  
29 other expenses , as required, shall be paid by the board, as available, from  
30 the fees collected by it.

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32 SECTION 13. All provisions of this act of a general and permanent  
33 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
34 Code Revision Commission shall incorporate the same in the Code.

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1           SECTION 14. If any provision of this act or the application thereof to  
2 any person or circumstance is held invalid, such invalidity shall not affect  
3 other provisions or applications of the act which can be given effect without  
4 the invalid provision or application, and to this end the provisions of this  
5 act are declared to be severable.

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7           SECTION 15. All laws and parts of laws in conflict with this act are  
8 hereby repealed.

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