



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/05/04, by Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

New Act

Creates the Hypnosis Consumer Protection Act. Provides that a person who is not otherwise licensed to provide some form of health care and who provides hypnotism services shall not be in violation of the health care profession practice Acts and shall be deemed to engage in the nontherapeutic practice of hypnotism, unless that person engages in specified activities. Provides that an unlicensed person providing hypnotism services shall, prior to providing those services, (i) disclose specified information in a plainly-worded written statement and (ii) obtain a written acknowledgement from the client stating that he or she has been provided with the written statement. Provides that an unlicensed person providing hypnotism services shall state in any advertisement that he or she is not an Illinois licensed health care practitioner. Provides criminal penalties for violation. Effective immediately.

LRB093 20633 AMC 47092 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning hypnosis.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Hypnosis Consumer Protection Act.

6 Section 5. Purpose and findings.

7 (a) The use of hypnotism as a helpful practice to increase
8 self-control and to improve personal productivity is well
9 documented in numerous studies. The Illinois General Assembly
10 has recognized in the past that hypnotism for nontherapeutic
11 purposes is a lawful activity by unlicensed persons and has
12 exempted such persons from the requirement for psychological
13 licensure as there is no demonstration that their practice
14 poses an imminent risk of significant harm to the public's
15 health and safety. Notwithstanding this exemption, some
16 providers of hypnotism services have held their services out to
17 the public in technical compliance with the law, but using
18 titles, representations, or academic degree designations that
19 could lead reasonable persons to believe that the provider was
20 a licensed health care practitioner able to treat, diagnose, or
21 prescribe. This has resulted in confusion among the public as
22 to the appropriate limits of practice of an unlicensed person,
23 uncertainty in how to weigh advice given by such persons, and
24 unfair marketing practices by some providers at the expense of
25 those who are careful to hold services out to the public in a
26 manner that is not deceptive.

27 (b) The General Assembly finds that the unlicensed practice
28 by persons providing nontherapeutic hypnotism services is not
29 harmful to the public's health and safety. The General Assembly
30 intends, by passage of this Act, to allow public access to
31 nontherapeutic hypnotism services and to protect the public
32 from unlicensed providers of hypnotism services who hold

1 themselves out to the public in a deceptive or misleading
2 manner or who seek to increase their authority with consumers
3 by using bogus or unaccredited academic degrees.

4 Section 10. Nontherapeutic practice of hypnotism;
5 violation.

6 (a) Nothing in this Act shall be construed to limit the
7 activities and services provided by a person legally regulated
8 in this State by any other Act from engaging in the practice of
9 hypnotism if the regulatory Act governing the person contains a
10 scope of practice that might reasonably be interpreted to
11 include the use of hypnotism.

12 (b) Notwithstanding any other provision of law, a person
13 who is not otherwise licensed to provide some form of health
14 care by a valid Illinois regulatory Act and who provides
15 hypnotism services in accordance with this Section shall not be
16 in violation of any of the health care profession practice Acts
17 and shall be deemed to be engaged in the nontherapeutic
18 practice of hypnotism, unless that person does any of the
19 following:

20 (1) Willfully diagnoses or independently treats a
21 physical or mental illness of any person and thereby causes
22 an imminent risk of significant bodily injury, significant
23 physical or mental illness, or death.

24 (2) Conducts surgery or any other procedure on any
25 person that punctures the skin.

26 (3) Prescribes or administers x-ray radiation to any
27 person.

28 (4) Prescribes or administers legend drugs or
29 controlled substances to any person.

30 (5) Recommends to any person the discontinuance of
31 legend drugs or controlled substances prescribed by a
32 licensed physician or the discontinuance of mental health
33 care provided by a licensed health care practitioner.

34 (6) Holds out, states, indicates, advertises, or
35 implies to any person that he or she is an Illinois

1 licensed health care professional.

2 (c) An unlicensed practitioner who is found to fail to
3 comply with this Section shall be deemed to have committed a
4 Class C misdemeanor and may be fined an amount not to exceed
5 \$500 for each offense.

6 Section 15. Disclosure; advertising.

7 (a) An unlicensed person providing hypnotism services
8 shall, prior to providing those services, disclose to the
9 client in a plainly-worded written statement all of the
10 following:

11 (1) That he or she is not a physician or an Illinois
12 licensed health care practitioner.

13 (2) The nature of the services to be provided and the
14 theory upon which the services are based.

15 (3) The academic or professional degrees held,
16 including the accreditation or lack of accreditation of
17 such degrees by an agent recognized by the United States
18 Department of Education.

19 (4) His or her training, experience, credentials, or
20 other qualifications regarding the hypnotism services
21 being provided, including whether or not such training was
22 obtained from a school that has been approved by the State
23 to offer such training or from a school in another state
24 that has licensure, accreditation, or approval that is at
25 least as rigorous from its state government.

26 (5) That the consumer of hypnotism services has the
27 right to continuity of care, the right to refuse services
28 at any time, the right to be free of physical, verbal, or
29 sexual abuse, the right to know the expected duration of
30 services and the costs of those services, and that the
31 client may assert any right without retaliation.

32 (b) An unlicensed person providing hypnotism services
33 shall obtain a written acknowledgement from the client stating
34 that he or she has been provided with the information described
35 in subsection (a), which shall be maintained by the person

1 providing the services for 3 years. The client shall be
2 provided with a copy of this written acknowledgement.

3 (c) An unlicensed person providing hypnotism services
4 shall state in any display advertisement that he or she is not
5 an Illinois licensed health care practitioner.

6 (d) An unlicensed practitioner who is found to fail to
7 comply with this Section shall be deemed to have committed a
8 Class C misdemeanor and may be fined an amount not to exceed
9 \$500 for each offense.

10 Section 20. Application. Nothing in this Act or in any of
11 the Acts licensing health care professionals shall be construed
12 to prohibit the practice of nontherapeutic hypnotism services
13 in compliance with this Act by persons not licensed to practice
14 a health care profession.

15 Section 99. Effective date. This Act takes effect upon
16 becoming law.