



January 21, 2000

SENATE BILL No. 178

DIGEST OF SB 178 (Updated January 19, 2000 12:38 PM - DI 97)

Citations Affected: IC 25-20.5.

Synopsis: Hypnotist school accreditation. Provides that one member of the Indiana hypnotist committee who is a hypnotist must be the owner or director of an approved school of hypnosis. Provides that the hours of hypnotism education completed by an individual who applies for a certificate as a hypnotist must be from an Indiana school or program of hypnotism approved by the Indiana commission on proprietary education or from any other state approved school or program that the commission finds has requirements as stringent as those necessary for the commission's approval of an Indiana school or program of hypnotism. (Under current law the hours must be from a school or program of hypnotism approved by the Indiana medical licensing board.). Provides that: (1) proposed final rules regarding hypnotist advertising and practice and certain terms related to hypnotism have the force and effect of a final rule; and (2) the medical licensing board shall adopt final rules based on the proposed final rules.

Effective: July 1, 2000.

Meeks R

January 10, 2000, read first time and referred to Committee on Health and Provider Services.

January 20, 2000, amended, reported favorably — Do Pass.

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SB 178—LS 6486/DI 100+



January 21, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

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SENATE BILL No. 178



A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-20.5-1-7 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) There is created
 3 a six (6) member Indiana hypnotist committee to assist the board in
 4 carrying out this chapter regarding the qualifications and examinations
 5 of hypnotists. The committee is comprised of:
 6 (1) three (3) hypnotists, **one (1) of whom must be the owner or**
 7 **director of a school of hypnosis approved by the Indiana**
 8 **commission on proprietary education under IC 20-1-19;**
 9 (2) one (1) physician licensed under IC 25-22.5;
 10 (3) one (1) licensed psychologist who has received a health
 11 service provider endorsement under IC 25-33-1-5.1; and
 12 (4) one (1) individual who is a resident of Indiana and who is not
 13 associated with hypnotism in any way, other than as a consumer.
 14 (b) The governor shall make each appointment for a term of three
 15 (3) years. Each hypnotist appointed must:
 16 (1) be a certified hypnotist for at least three (3) years under this
 17 chapter;

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- 1 (2) have at least three (3) years experience in the actual practice
- 2 of hypnotism immediately preceding appointment; and
- 3 (3) be a resident of Indiana and actively engaged in the practice
- 4 of hypnotism while a member of the committee.
- 5 (c) Not more than three (3) members of the committee may be from
- 6 the same political party. A member of the board is not required to be a
- 7 member of a professional hypnosis association.
- 8 (d) A member of the committee may be removed for cause by the
- 9 governor.
- 10 (e) The board shall appoint a chairman from among the members of
- 11 the committee.

12 SECTION 2. IC 25-20.5-1-11 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 11. (a) An individual
 14 who applies for a certificate as a hypnotist must do the following:

- 15 (1) Present satisfactory evidence to the committee that the
- 16 individual:
 - 17 (A) does not have a conviction for a crime that has a direct
 - 18 bearing on the individual's ability to practice competently;
 - 19 (B) has not been the subject of a disciplinary action by a
 - 20 licensing or certification agency of another state or jurisdiction
 - 21 on the grounds that the individual was not able to practice as
 - 22 a hypnotist without endangering the public; and
 - 23 (C) has at least three hundred fifty (350) hours of hypnotism
 - 24 education from ~~a an~~ **Indiana** school or program of hypnotism
 - 25 **that is approved by the board that includes Indiana**
 - 26 **commission on proprietary education (referred to as "the**
 - 27 **commission" in this clause) under IC 20-1-19 or from any**
 - 28 **other state approved school or program that is found by**
 - 29 **the commission to have requirements as stringent as**
 - 30 **necessary for the commission's approval of an Indiana**
 - 31 **school or program of hypnotism, including** the following:
 - 32 (i) At least one hundred fifty (150) hours of supervised
 - 33 practice of hypnotism with a qualified supervisor, with not
 - 34 less than one (1) hour of personal supervision for every
 - 35 fifteen (15) hours of supervised practice.
 - 36 (ii) At least one hundred fifty (150) hours of classroom
 - 37 instruction in the practice of hypnotism. A classroom hour
 - 38 may not be less than a fifty (50) minute period of instruction
 - 39 with both the instructor and student in attendance.
 - 40 Classroom instruction does not include video tape
 - 41 correspondence courses or other forms of electronic
 - 42 presentation.

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1 (iii) At least fifty (50) hours of video tape instruction in the
 2 practice of hypnotism. Video tape instruction may be used
 3 as a home study assignment.

4 (2) Pay the fee established by the board.

5 (b) An individual may not enroll in a school or program of
 6 hypnotism to satisfy the requirement under subsection (a)(1)(C) unless
 7 the individual:

8 (1) is at least eighteen (18) years of age; and

9 (2) has graduated from high school or received a:

10 (A) high school equivalency certificate; or

11 (B) state of Indiana general education development (GED)
 12 diploma under IC 20-10.1-12.1.

13 SECTION 3. P.L. 175-1997, SECTION 8, IS AMENDED TO READ
 14 AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The governor
 15 shall make the initial appointments to the Indiana hypnotist committee
 16 established by IC 25-20.5-1-7, as added by this act, before July 1, 1997.

17 (b) Notwithstanding IC 25-20.5-1-7, as added by this act, the initial
 18 terms of office of the members of the Indiana hypnotist committee are
 19 as follows:

20 (1) One (1) hypnotist member and the licensed psychologist
 21 member for terms of one (1) year.

22 (2) One (1) hypnotist member and the consumer member for
 23 terms of two (2) years.

24 (3) One (1) hypnotist member and the physician member for
 25 terms of three (3) years.

26 (c) Notwithstanding IC 25-20.5-1-7, as added by this act, an
 27 individual appointed to the Indiana hypnotist committee as a member
 28 under this SECTION does not need to be certified as a hypnotist.
 29 However, a hypnotist member must have completed at least three
 30 hundred (300) supervised classroom hours of hypnotism education
 31 from a school that is approved by the Indiana commission on
 32 proprietary education under IC 20-1-19 or by any other state that has
 33 requirements as stringent as required in Indiana. No two (2) hypnotist
 34 members appointed to the Indiana hypnotist committee may belong to
 35 the same professional hypnosis association (as defined by
 36 IC 25-20.5-1-6).

37 (d) Notwithstanding IC 25-20.5-1-15, as added by this act, an
 38 individual who applies for certification to the Indiana hypnotist
 39 committee before January 1, ~~1998~~, **1999**, may:

40 (1) be certified as a hypnotist without being required to take the
 41 examination if the individual has completed at least three hundred

42 (300) supervised classroom hours of hypnotism education from a

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1 school that is approved by the Indiana commission on proprietary
 2 education under IC 20-1-19 or by any other state that has
 3 requirements as stringent as required in Indiana; or
 4 (2) take the examination, notwithstanding the individual's failure
 5 to meet the requirements of IC 25-20.5-1-10(a)(1)(C), as added by
 6 this act, if the individual meets the other requirements under
 7 IC 25-20.5-1-10, as added by this act, and has had at least ten (10)
 8 years of continued experience in hypnotism or has completed
 9 before July 1, 1997, a course in hypnotism from a state approved
 10 school that included less than three hundred (300) classroom
 11 hours.

12 (e) This SECTION expires July 1, ~~2000~~ 2005.

13 SECTION 4. [EFFECTIVE UPON PASSAGE] (a)
 14 **Notwithstanding IC 4-22-2, each of the following proposed final**
 15 **rules in LSA document #99-52 as published in the May 1, 1999,**
 16 **Indiana Register have the force and effect of a final rule adopted**
 17 **under IC 4-22-2:**

18 (1) 844 IAC 12-1-4 (as printed at 22 IR 2643).

19 (2) 844 IAC 12-5-3(c) (as printed at 22 IR 2644).

20 (b) A proposed rule described in subsection (a) expires on the
 21 earlier of the following:

22 (1) The date a final rule based on the proposed rule described
 23 in subsection (a) is adopted.

24 (2) July 1, 2002.

25 (c) The medical licensing board of Indiana shall adopt final
 26 rules based on the proposed final rules described in subsection (a)
 27 before January 1, 2002. This SECTION does not relieve the
 28 medical licensing board of Indiana from complying with IC 4-22-2
 29 in the adoption of the final rules based upon the proposed rules
 30 described in subsection (a).

31 (d) This SECTION expires July 1, 2002.

32 SECTION 5. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 178, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 25-20.5-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 7. (a) There is created a six (6) member Indiana hypnotist committee to assist the board in carrying out this chapter regarding the qualifications and examinations of hypnotists. The committee is comprised of:

- (1) three (3) hypnotists, **one (1) of whom must be the owner or director of a school of hypnosis approved by the Indiana commission on proprietary education under IC 20-1-19;**
 - (2) one (1) physician licensed under IC 25-22.5;
 - (3) one (1) licensed psychologist who has received a health service provider endorsement under IC 25-33-1-5.1; and
 - (4) one (1) individual who is a resident of Indiana and who is not associated with hypnotism in any way, other than as a consumer.
- (b) The governor shall make each appointment for a term of three (3) years. Each hypnotist appointed must:
- (1) be a certified hypnotist for at least three (3) years under this chapter;
 - (2) have at least three (3) years experience in the actual practice of hypnotism immediately preceding appointment; and
 - (3) be a resident of Indiana and actively engaged in the practice of hypnotism while a member of the committee.
- (c) Not more than three (3) members of the committee may be from the same political party. A member of the board is not required to be a member of a professional hypnosis association.
- (d) A member of the committee may be removed for cause by the governor.
- (e) The board shall appoint a chairman from among the members of the committee."

Page 2, after line 26, begin a new paragraph and insert:

"SECTION 3. P.L.175-1997, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The governor shall make the initial appointments to the Indiana hypnotist committee established by IC 25-20.5-1-7, as added by this act, before July 1, 1997.

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(b) Notwithstanding IC 25-20.5-1-7, as added by this act, the initial terms of office of the members of the Indiana hypnotist committee are as follows:

- (1) One (1) hypnotist member and the licensed psychologist member for terms of one (1) year.
- (2) One (1) hypnotist member and the consumer member for terms of two (2) years.
- (3) One (1) hypnotist member and the physician member for terms of three (3) years.

(c) Notwithstanding IC 25-20.5-1-7, as added by this act, an individual appointed to the Indiana hypnotist committee as a member under this SECTION does not need to be certified as a hypnotist. However, a hypnotist member must have completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana. No two (2) hypnotist members appointed to the Indiana hypnotist committee may belong to the same professional hypnosis association (as defined by IC 25-20.5-1-6).

(d) Notwithstanding IC 25-20.5-1-15, as added by this act, an individual who applies for certification to the Indiana hypnotist committee before January 1, ~~1998~~, **1999**, may:

- (1) be certified as a hypnotist without being required to take the examination if the individual has completed at least three hundred (300) supervised classroom hours of hypnotism education from a school that is approved by the Indiana commission on proprietary education under IC 20-1-19 or by any other state that has requirements as stringent as required in Indiana; or
- (2) take the examination, notwithstanding the individual's failure to meet the requirements of IC 25-20.5-1-10(a)(1)(C), as added by this act, if the individual meets the other requirements under IC 25-20.5-1-10, as added by this act, and has had at least ten (10) years of continued experience in hypnotism or has completed before July 1, 1997, a course in hypnotism from a state approved school that included less than three hundred (300) classroom hours.

(e) This SECTION expires July 1, ~~2000~~, **2005**.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 4-22-2, each of the following proposed final rules in LSA document #99-52 as published in the May 1, 1999, Indiana Register have the force and effect of a final rule adopted



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under IC 4-22-2:

(1) 844 IAC 12-1-4 (as printed at 22 IR 2643).

(2) 844 IAC 12-5-3(c) (as printed at 22 IR 2644).

(b) A proposed rule described in subsection (a) expires on the earlier of the following:

(1) The date a final rule based on the proposed rule described in subsection (a) is adopted.

(2) July 1, 2002.

(c) The medical licensing board of Indiana shall adopt final rules based on the proposed final rules described in subsection (a) before January 1, 2002. This SECTION does not relieve the medical licensing board of Indiana from complying with IC 4-22-2 in the adoption of the final rules based upon the proposed rules described in subsection (a).

(d) This SECTION expires July 1, 2002.

SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 178 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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