



February 1, 2002

SENATE BILL No. 153

DIGEST OF SB 153 (Updated January 30, 2002 11:27 AM - DI 104)

Citations Affected: IC 23-1.5; IC 25-20.5; noncode.

Synopsis: Hypnotists. Provides that additional health care professionals may form professional corporations. Provides that an individual who teaches hypnotism is a hypnotist. Revises the requirements to serve on the hypnotist board and the requirements for hypnotist certification. Revises acts that are prohibited by a hypnotist. Makes practicing hypnotism without certification a Class A misdemeanor. Authorizes injunctions against individuals who violate the hypnotist laws. Repeals definitions of "qualified supervisor" and "supervision".

Effective: July 1, 2002.

Meeks R

January 7, 2002, read first time and referred to Committee on Health and Provider Services.

January 31, 2002, amended, reported favorably — Do Pass.

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SB 153—LS 6432/DI 77+



February 1, 2002

Second Regular Session 112th General Assembly (2002)

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 2001 General Assembly.

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SENATE BILL No. 153

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 23-1.5-1-8 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. "Health care
3 professional" means
4 (1) a chiropractor licensed under IC 25-10-1;
5 (2) a dentist licensed under IC 25-14;
6 (3) a nurse licensed under IC 25-23-1;
7 (4) an optometrist licensed under IC 25-24;
8 (5) a pharmacist licensed under IC 25-26;
9 (6) a physical therapist licensed under IC 25-27;
10 (7) a physician licensed under IC 25-22.5;
11 (8) a podiatrist licensed under IC 25-29;
12 (9) a psychologist licensed under IC 25-33-1; or
13 (10) a speech-language pathologist or audiologist licensed under
14 IC 25-35.6-3.
15 **an individual who is licensed, certified, or registered by a board (as**
16 **defined in IC 25-1-9-1). However, the term does not include a**
17 **veterinarian.**

SB 153—LS 6432/DI 77+



1 SECTION 2. IC 23-1.5-1-9, AS AMENDED BY P.L.82-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 9. "Licensing authority" means the following:

- 4 (1) In the case of an accounting professional, the Indiana state
5 board of public accountancy.
6 (2) In the case of an architectural professional, the board of
7 registration for architects and landscape architects.
8 (3) In the case of an engineering professional, the state board of
9 registration for professional engineers.
10 (4) In the case of an attorney, the Indiana supreme court.
11 (5) In the case of a health care professional, ~~who is:~~
12 (A) a ~~chiropractor, the board of chiropractic examiners;~~
13 (B) a ~~dentist, the state board of dentistry;~~
14 (C) a ~~nurse, the Indiana state board of nursing;~~
15 (D) an ~~optometrist, the Indiana optometry board;~~
16 (E) a ~~pharmacist, the Indiana board of pharmacy;~~
17 (F) a ~~physical therapist, the Indiana physical therapy~~
18 ~~committee;~~
19 (G) a ~~physician, the medical licensing board of Indiana;~~
20 (H) a ~~podiatrist, the board of podiatric medicine;~~
21 (I) a ~~psychologist, the state psychology board;~~ or
22 (J) a ~~speech-language pathologist, the speech-language~~
23 ~~pathology and audiology board.~~
24 **the board (as defined in IC 25-1-9-1) that issues the**
25 **individual's license, certification, or registration.**
26 (6) In the case of a veterinarian, the Indiana board of veterinary
27 medical examiners.
28 (7) In the case of a land surveyor, the state board of registration
29 for land surveyors.
30 (8) In the case of a real estate professional, the Indiana real estate
31 commission.

32 SECTION 3. IC 25-20.5-1-5 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. As used in this
34 chapter, "hypnotist" means an individual who practices hypnotism,
35 **teaches an individual to become a hypnotist,** or trains an individual
36 in self-hypnosis.

37 SECTION 4. IC 25-20.5-1-7, AS AMENDED BY P.L.75-2000,
38 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2002]: Sec. 7. (a) There is created a six (6) member Indiana
40 hypnotist committee to assist the board in carrying out this chapter
41 regarding the qualifications and examinations of hypnotists. The
42 committee is comprised of:



- 1 (1) three (3) hypnotists;
 2 (2) one (1) physician licensed under IC 25-22.5;
 3 (3) one (1) licensed psychologist who has received a health
 4 service provider endorsement under IC 25-33-1-5.1; and
 5 (4) one (1) individual who is a resident of Indiana and who is not
 6 associated with hypnotism in any way, other than as a consumer.
- 7 (b) The governor shall make each appointment for a term of three
 8 (3) years. Each hypnotist appointed must:
- 9 (1) be a certified hypnotist for at least ~~three (3) years~~ **one (1) year**
 10 under this chapter;
 11 **(2) have at least five hundred (500) supervised classroom**
 12 **hours of hypnotism education from a school that is approved**
 13 **by the Indiana commission on proprietary education under**
 14 **IC 20-1-19 or by any other state that has requirements as**
 15 **stringent as required in Indiana;**
 16 ~~(2) (3)~~ **(3)** have at least ~~three (3) years~~ **one (1) year** of experience in
 17 the actual practice of hypnotism immediately preceding
 18 appointment; and
 19 ~~(3) (4)~~ **(4)** be a resident of Indiana and actively engaged in the
 20 practice of hypnotism while a member of the committee.
- 21 (c) Not more than three (3) members of the committee may be from
 22 the same political party. A member of the committee is not required to
 23 be a member of a professional hypnosis association. However, no two
 24 (2) hypnotist members appointed to the committee may belong to the
 25 same professional hypnosis association.
- 26 (d) A member of the committee may be removed for cause by the
 27 governor.
- 28 (e) The board shall appoint a chairman from among the members of
 29 the committee.
- 30 SECTION 5. IC 25-20.5-1-11, AS AMENDED BY P.L.75-2000,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2002]: Sec. 11. (a) An individual who applies for a certificate
 33 as a hypnotist must do the following:
- 34 (1) Present satisfactory evidence to the committee that the
 35 individual:
- 36 (A) does not have a conviction for a crime that has a direct
 37 bearing on the individual's ability to practice competently;
 38 (B) has not been the subject of a disciplinary action by a
 39 licensing or certification agency of another state or jurisdiction
 40 on the grounds that the individual was not able to practice as
 41 a hypnotist without endangering the public; and
 42 (C) has at least ~~three hundred fifty (350)~~ **five hundred (500)**

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1 **classroom** hours of hypnotism education from an Indiana
 2 school or program of hypnotism that is approved by the
 3 Indiana commission on proprietary education (referred to as
 4 "the commission" in this clause) under IC 20-1-19 or from any
 5 other state approved school or program that is found by the
 6 commission to have requirements as stringent as necessary for
 7 the commission's approval of an Indiana school or program of
 8 hypnotism. ~~including the following:~~

9 (i) ~~At least one hundred fifty (150) hours of supervised~~
 10 ~~practice of hypnotism with a qualified supervisor, with not~~
 11 ~~less than one (1) hour of personal supervision for every~~
 12 ~~fifteen (15) hours of supervised practice.~~

13 (ii) ~~At least one hundred fifty (150) hours of classroom~~
 14 ~~instruction in the practice of hypnotism.~~ A classroom hour
 15 may not be less than a fifty (50) minute period of instruction
 16 with both the instructor and student in attendance.
 17 Classroom instruction does not include video tape
 18 correspondence courses or other forms of electronic
 19 presentation.

20 (iii) ~~At least fifty (50) hours of video tape instruction in the~~
 21 ~~practice of hypnotism. Video tape instruction may be used~~
 22 ~~as a home study assignment.~~

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

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

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

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

29 (A) high school equivalency certificate; or

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

32 SECTION 6. IC 25-20.5-1-24, AS ADDED BY P.L.75-2000,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2002]: Sec. 24. A hypnotist may not use, advocate, teach, or
 35 condone the following practices **demoniac rituals or acts, including**
 36 **spirit or demon deposal**, while engaged in the practice of
 37 hypnotism or advertising hypnotism services.

38 (1) ~~Satanism.~~

39 (2) ~~Satanic rituals.~~

40 (3) ~~Spiritualism.~~

41 (4) ~~Spirit or demon deposal.~~

42 SECTION 7. IC 25-20.5-1-25 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2002]: **Sec. 25. (a) An individual may not**
 3 **practice hypnotism unless the individual is certified under this**
 4 **chapter.**

5 **(b) An individual who knowingly violates this section commits**
 6 **a Class A misdemeanor.**

7 SECTION 8. IC 25-20.5-1-26 IS ADDED TO THE INDIANA
 8 CODE AS A NEW SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2002]: **Sec. 26. (a) If an individual violates**
 10 **this chapter, the attorney general, the committee, or the**
 11 **prosecuting attorney of the county in which an individual violates**
 12 **this chapter may maintain an action in the name of the state to**
 13 **enjoin the individual from continuing in violation of this chapter.**

14 **(b) An individual who is enjoined and who violates the**
 15 **injunction shall be punished for contempt of court.**

16 **(c) An injunction issued under this section does not relieve an**
 17 **individual person from criminal prosecution but is in addition to**
 18 **any remedy provided under criminal law.**

19 SECTION 9. THE FOLLOWING ARE REPEALED [EFFECTIVE
 20 JULY 1, 2002]: IC 25-20.5-1-12; IC 25-20.5-1-13.

21 SECTION 10. P.L.75-2000, SECTION 5, IS AMENDED TO READ
 22 AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **(a) The governor shall**
 23 **make the initial appointments to the Indiana hypnotist committee**
 24 **established by IC 25-20.5-1-7, as added by this act, before July 1, 1997.**

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

28 **(1) One (1) hypnotist member and the licensed psychologist**
 29 **member for terms of one (1) year:**

30 **(2) One (1) hypnotist member and the consumer member for**
 31 **terms of two (2) years:**

32 **(3) One (1) hypnotist member and the physician member for**
 33 **terms of three (3) years:**

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



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1 the same professional hypnosis association (as defined by
2 IC 25-20.5-1-6).

3 ~~(d)~~ (a) Notwithstanding IC 25-20.5-1-15, as added by this act, an
4 individual who applies for certification to the Indiana hypnotist
5 committee before January 1, 2005, may

6 (1) be certified as a hypnotist without being required to take the
7 examination if the individual has completed at least three hundred
8 (300) supervised classroom hours of hypnotism education from a
9 school that is approved by the Indiana commission on proprietary
10 education under IC 20-1-19 or by any other state that has
11 requirements as stringent as required in Indiana; or

12 (2) take the examination, notwithstanding the individual's failure
13 to meet the requirements of ~~IC 25-20.5-1-10(a)(1)(C)~~;
14 **IC 25-20.5-1-11(a)(1)(C)**, as ~~added~~ amended by this act, if the
15 individual meets the other requirements under ~~IC 25-20.5-1-10~~;
16 **IC 25-20.5-1-11**, as ~~added~~ amended by this act, and has had at
17 least ten (10) years of continued experience in hypnotism or has
18 completed before July 1, 1997, a course in hypnotism from a state
19 approved school that included less than three hundred (300)
20 classroom hours.

21 ~~(e)~~ (b) This SECTION expires July 1, 2005.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 153, 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 3, line 16, strike "three (3) years" and insert "**one (1) year of**".

Page 6, line 16, delete ".".

Page 6, line 16, reset in roman "or has".

Page 6, reset in roman lines 17 through 19.

and when so amended that said bill do pass.

(Reference is to SB 153 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 8, Nays 0.

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