

## ARTICLE 12. HYPNOTIST COMMITTEE

### Rule 1. Definitions

#### 844 IAC 12-1-1 Applicability

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 1. The definitions in this rule apply throughout this article. *(Medical Licensing Board of Indiana; 844 IAC 12-1-1; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1381; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

#### 844 IAC 12-1-2 "Board" defined

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 2. "Board" refers to the medical licensing board of Indiana. *(Medical Licensing Board of Indiana; 844 IAC 12-1-2; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1381; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

#### 844 IAC 12-1-3 "Bureau" defined

Authority: IC 25-20.5-1-9

Affected: IC 25-1-5-3; IC 25-20.5-1

Sec. 3. "Bureau" refers to the health professions bureau established under IC 25-1-5-3. *(Medical Licensing Board of Indiana; 844 IAC 12-1-3; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1381; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

#### 844 IAC 12-1-4 "Permanent record" defined

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1-11

Sec. 4. "Permanent record" means an official document from a state-approved school as established in IC 25-20.5-1-11(c). *(Medical Licensing Board of Indiana; 844 IAC 12-1-4; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1381; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

### Rule 2. Fees

#### 844 IAC 12-2-1 Fees (Repealed)

Sec. 1. *(Repealed by Medical Licensing Board of Indiana; filed Feb 11, 2002, 4:37 p.m.: 25 IR 2248)*

#### 844 IAC 12-2-2 Fees

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 2. The board shall charge and collect the following fees:

Application for certification	\$100, plus the cost of the examination
Examination	\$75
Application to repeat examination	\$100, plus the cost of the examination
Certification renewal	\$100 biennially
Verification of licensure	\$10

Duplicate wall license                      \$10

*(Medical Licensing Board of Indiana; 844 IAC 12-2-2; filed Feb 11, 2002, 4:37 p.m.: 25 IR 2248)*

**Rule 3.      Admission to Practice**

**844 IAC 12-3-1    Application for certification**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 1. All applicants for certification must apply in such form and manner as the committee shall prescribe. Complete applications for certification must be submitted at least thirty (30) days prior to the examination date. *(Medical Licensing Board of Indiana; 844 IAC 12-3-1; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-3-2    Certification by examination**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1-11

Sec. 2. The committee shall issue a certificate by examination to an applicant who completes the following:

- (1) Applies in the form and manner prescribed by the committee.
- (2) Submits the fees specified in 844 IAC 12-2.
- (3) Successfully completes the examination required by the committee for certification as a hypnotist or hypnotherapist.
- (4) Submits two (2) recent passport type quality photographs of the applicant, approximately two (2) inches by two (2) inches in size, signed in black ink along the bottom with each application.
- (5) Submits an official transcript of grades from the state-approved school or program as identified in IC 25-20.5-1-11 from which the applicant obtained his or her degree that shows that the applicant has met all requirements for graduation.
- (6) Submits a notarized copy of a certificate of completion of the applicant's graduation from an approved school or program of hypnosis that meets the standards set by the committee.
- (7) Otherwise meets the requirements of IC 25-20.5-1-11.

*(Medical Licensing Board of Indiana; 844 IAC 12-3-2; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**Rule 4.      Certification**

**844 IAC 12-4-1    Mandatory registration; renewal**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 1. Every hypnotist or hypnotherapist holding a certificate issued by the committee shall renew their certificate biennially of each even-numbered year. If an individual fails to pay a renewal fee on or before the expiration date of a certificate, the certificate becomes invalid. *(Medical Licensing Board of Indiana; 844 IAC 12-4-1; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-4-2    Address; change of name**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 2. (a) Each certificate holder shall inform the committee, in writing, of all changes of address or name within thirty (30) days of the change.

(b) A certificate holder's failure to receive notification of renewal due to failure to notify the board of a change of address

or name shall not constitute an error on the part of the committee, board, or bureau, nor shall it exonerate or otherwise excuse the certificate holder from renewing such certification. *(Medical Licensing Board of Indiana; 844 IAC 12-4-2; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-4-3 Reinstatement of delinquent certificate**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 3. (a) A hypnotist or hypnotherapist who is less than three (3) years delinquent in renewing a certificate shall be reinstated upon receipt of a completed renewal application, penalty fee, and renewal fees.

(b) If more than three (3) years have elapsed since the expiration of a certificate to practice as a hypnotist or hypnotherapist, the applicant must take and pass an examination approved by the committee. *(Medical Licensing Board of Indiana; 844 IAC 12-4-3; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**Rule 5. Standards of Competent Practice of Hypnotism**

**844 IAC 12-5-1 Applicability**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 1. The hypnotist or hypnotherapist in the conduct of his or her practice of hypnotism shall abide by, and comply with, the standards of competent practice in this rule. *(Medical Licensing Board of Indiana; 844 IAC 12-5-1; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-5-2 Confidentiality**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 2. A hypnotist or hypnotherapist shall maintain the confidentiality of all knowledge and information regarding a patient, including, but not limited to, the following:

(1) The patient's diagnosis, treatment, and prognosis.

(2) All records relating to the patient about which the practitioner may learn or otherwise be informed during the course of, or as a result of, the patient-practitioner relationship.

Information about a patient shall be disclosed by a hypnotist or hypnotherapist when required by law or when authorized by the patient or those responsible for the patient's care. *(Medical Licensing Board of Indiana; 844 IAC 12-5-2; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1382; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-5-3 Public statements; advertising**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1-21

Sec. 3. A hypnotist or hypnotherapist shall not use or participate in the use of any form of public communication containing a false, fraudulent, misleading, deceptive, unfair statement or claim. *(Medical Licensing Board of Indiana; 844 IAC 12-5-3; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1383; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA)*

**844 IAC 12-5-4 Professional practice**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 4. (a) A hypnotist or hypnotherapist shall:

(1) accept responsibility for his or her work;

- (2) ensure his or her services are used appropriately;
- (3) make no unsubstantiated claims for his or her work;
- (4) avoid relationships limiting impartiality; and
- (5) provide services and use techniques for which he or she is qualified by training and experience.

(b) A hypnotist or hypnotherapist shall not:

- (1) diagnose, treat, or advise on matters outside his or her recognized scope of practice; or
- (2) engage in sexual relationships with a current patient or with a former patient until at least five (5) years after a professional relationship has been terminated.

(c) Hypnotists or hypnotherapists shall fully disclose and not misuse the purpose and nature of an evaluation, treatment, assessment technique, or educational procedure. The patient shall, at any time, discontinue an evaluation, treatment, assessment technique, or educational procedure unless explicitly agreed upon in advance by the practitioner and patient.

(d) Hypnotists or hypnotherapists shall report any known violation of IC 25-20.5-1 or this article.

(e) A hypnotist or hypnotherapist shall not perform hypnosis in a group setting larger than three (3) people per session for the treatment of the following:

- (1) Addictions.
- (2) Pain and stress management.
- (3) Phobias.
- (4) Self-hypnosis.
- (5) Sports enhancement.
- (6) Test taking.
- (7) Tobacco cessation.
- (8) Weight loss.

This subsection does not apply to or include educational courses where hypnosis is not performed as it relates to tobacco cessation, weight loss, relaxation, test taking, medical conditions, sports enhancement, and self-hypnosis conducted by a hypnotist. (*Medical Licensing Board of Indiana; 844 IAC 12-5-4; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1383; filed Feb 3, 2005, 2:30 p.m.: 28 IR 1693; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA*)

#### **844 IAC 12-5-5 Fees for service**

Authority: IC 25-20.5-1-9

Affected: IC 25-20.5-1

Sec. 5. Fees charged by a hypnotist or hypnotherapist for his or her professional services shall be reasonable and shall reasonably compensate the practitioner for services actually rendered. Fee structures shall be disclosed at the onset of treatment. Fees for services shall not be divided with another hypnotist or hypnotherapist who is not a partner, employee, or shareholder in a professional corporation. Gifts or anything of value shall not be accepted for receiving or making referrals. (*Medical Licensing Board of Indiana; 844 IAC 12-5-5; filed Jan 13, 2000, 9:50 a.m.: 23 IR 1383; readopted filed Nov 16, 2006, 10:54 a.m.: 20061129-IR-844060241RFA*)

\*