
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1886 Session of
1993

INTRODUCED BY VAN HORNE, DALEY, MIHALICH, DeLUCA, FAJT,
BELFANTI, PISTELLA, HENNESSEY, MELIO, STERN, STEELMAN, KENNEY
AND LaGROTTA, JUNE 23, 1993

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JUNE 23, 1993

AN ACT

1 Relating to the practice of hypnotism and hypnotherapy;
2 providing for the licensing of hypnotists and hypnotherapists
3 and for regulation and control in the public interest and
4 welfare of those practicing hypnotism and hypnotherapy;
5 imposing penalties; and making an appropriation.

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13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. Short title.

16 This act shall be known and may be cited as the Hypnotist
17 Act.

18 Section 2. Legislative intent.

19 The practice of hypnotism within this Commonwealth is hereby
20 declared to affect the public safety and welfare and to be
21 subject to regulation and control in the public interest to
22 protect the public from unprofessional, improper, unauthorized
23 and unqualified practice of hypnotists. Acquisition of a license
24 under this act shall not be made a condition of the employment
25 of a person by the Commonwealth or any of its political
26 subdivisions or by nonprofit agencies.

27 Section 3. Definitions.

28 The following words and phrases when used in this act shall
29 have the meanings given to them in this section unless the
30 context clearly indicates otherwise:

1 "Board." The State Board of Hypnotist Examiners established
2 under section 5.

3 "Commissioner." The Commissioner of Professional and
4 Occupational Affairs in the Department of State.

5 "Convicted." A finding or verdict of guilt, an admission of
6 guilt or a plea of nolo contendere or receiving probation
7 without verdict, disposition in lieu of trial or an accelerated
8 rehabilitative disposition in the disposition of felony charges.

9 "Hypnosis." A condition or state in which the suggestibility
10 of a person is enhanced to the extent of the alteration of
11 processes by intensification or inhibition through suggestion.

12 "Hypnotherapist." A practitioner who has passed the
13 examination given by the State Board of Hypnotist Examiners and
14 has been awarded a license to practice hypnotherapy.

15 "Hypnotism." Utilization of the studies and skill of
16 hypnosis.

17 "Hypnotist." A practitioner who has passed the examination
18 given by the State Board of Hypnotist Examiners and has been
19 awarded a license to practice hypnosis as approved by the State
20 Board of Hypnotist Examiners.

21 "License applicant." A person applying for a license to
22 practice hypnotism and/or hypnotherapy.

23 "Licensee." A hypnotist who holds a current license under
24 this act.

25 "Practice of hypnotism." Holding one's self out to the
26 public by the title "hypnotist" and:

27 (1) Offering to render or rendering services in hypnosis
28 or hypnotism for remuneration to individuals, groups,
29 organizations, institutions, agencies or the public

30 (2) Through and under hypnosis and hypnotic suggestion,

1 intensifying or inhibiting processes or instilling patterns
2 of action for purposes of research, instruction or teaching,
3 for purposes of alleviation and general or specific
4 improvements, and for purposes of hypnosis as an aid to
5 therapy.

6 "Provisional hypnotist permit." A permit granted to an out-
7 of-State hypnotist, unlicensed in this Commonwealth, who meets
8 the requirements of this act and who is authorized to practice
9 hypnotism exhibitions during a certain restricted period of
10 time.

11 Section 4. Authorization to practice hypnotism or hypnotherapy.

12 Only persons who are licensed or possess a provisional
13 hypnotist permit under this act may engage in public exhibitions
14 of hypnotism. It shall be unlawful for any person to engage in
15 the practice of hypnotism or hypnotherapy unless he first
16 obtains a license under this act, except as follows:

17 (1) Persons licensed as physicians, dentists and
18 psychologists that have been approved in the art of hypnosis
19 by their respective licensing boards in this Commonwealth
20 shall be exempt.

21 (2) This act shall not apply to the simple acts of
22 persuasion or suggestion by one person to another or to a
23 group.

24 (3) The influences of salesmen, advertisers, speakers,
25 coaches and others using verbalisms in simple persuasion
26 techniques are exempt from this act.

27 (4) Suggestions given through printed or written words
28 are also exempt from this act.

29 Section 5. State Board of Hypnotist Examiners.

30 (a) Creation.--There is hereby created the State Board of

1 Hypnotist Examiners, a departmental administrative board in the
2 Department of State. The board shall consist of seven members
3 who are citizens of the United States and who have been
4 residents of this Commonwealth for a minimum of one year and
5 selected from a list of eligible persons submitted by the
6 hypnotist societies in this Commonwealth, who meet the
7 qualifications for licensure under this act.

8 (b) Terms of office.--Initially, two members shall be
9 appointed to a one-year term and two members shall be appointed
10 to a two-year term and three members shall be appointed for a
11 three-year term.

12 (c) Initial appointments.--Within 90 days of the effective
13 date of this act, the Governor shall appoint two professional
14 members to serve a one-year term, two professional members to a
15 two-year term and three professional members to a three-year
16 term.

17 (d) Continuation in office.--Each board member shall
18 continue in office for a term of three years until a successor
19 is duly appointed and qualified but no longer than six months
20 after the expiration of the term. In the event that a board
21 member shall die, resign or otherwise become disqualified during
22 the term of office, a successor shall be appointed in the same
23 way and with the same qualifications as set forth in this
24 section and shall hold office for the unexpired portion of that
25 term.

26 (e) Limit on terms.--No board member shall be eligible for
27 appointment to serve more than two consecutive three-year terms.

28 (f) Forfeiture of membership.--A board member who fails to
29 attend three consecutive meetings shall forfeit his seat unless
30 the commissioner, upon request from the member, finds that the

1 member should be excused from a meeting because of illness or
2 the death of a family member.

3 (g) Compensation.--Each board member shall be reimbursed for
4 all actual and necessary expenses incurred in carrying out the
5 provisions of this act.

6 (h) Quorum.--Four members of the board serving in accordance
7 with law shall constitute a quorum for purposes of conducting
8 the business of the board. A member may not be counted as part
9 of a quorum or vote on any issue unless he is physically in
10 attendance at the meeting.

11 (i) Meetings.--The board shall hold a meeting within 30 days
12 after the complete board has been appointed by the Governor and
13 shall elect a chairman, vice chairman and secretary-treasurer
14 and shall organize and carry out the provisions of this act.
15 Subsequent meetings of the board shall be held once each quarter
16 and additional meetings as deemed necessary by the chairman or
17 by a majority of the members.

18 (j) Notice.--Written notice of all meetings shall be given
19 to all members.

20 (k) Operating procedures.--The board shall meet within 30
21 days after the appointment of its initial members and set up
22 operating procedures and an application form for licensing
23 hypnotists. The board shall circulate these forms and educate
24 the public concerning the requirements of licensing hypnotists
25 within this Commonwealth.

26 Section 6. Powers and functions of board.

27 The board shall have the following powers and functions:

28 (1) To pass upon the qualifications, administered by an
29 independent third-party agency, fitness of applicants for
30 licenses and reciprocal licenses and to adopt and revise

1 regulations requiring applicants to pass examinations.

2 (2) To adopt and from time to time revise such
3 regulations as may be necessary to carry into effect the
4 provisions of this act. These regulations may include, but
5 not be limited to, standards of professional practice and
6 conduct for licensed hypnotists in this Commonwealth.

7 (3) To examine for, deny, approve, issue, revoke,
8 suspend or renew licenses of hypnotists pursuant to this act
9 and to conduct hearings in connection therewith.

10 (4) To conduct hearings upon complaints concerning
11 violations of the provisions of this act and the regulations
12 adopted pursuant to this act and seek the prosecution and
13 enjoinder of all such violations.

14 (5) To expend moneys necessary to the proper carrying
15 out of its assigned duties.

16 (6) To waive examination and grant a license in cases
17 deemed exceptional by the board and in accordance with
18 regulations promulgated by the board.

19 (7) To submit annually a report to the Consumer
20 Protection and Professional Licensure Committee of the Senate
21 and the Professional Licensure Committee of the House of
22 Representatives containing a description of the types of
23 complaints received, status of the cases, board action which
24 has been taken and length of time from the initial complaint
25 to final resolution.

26 (8) To establish and maintain a code of ethical
27 standards to apply to the conduct of the board and to the
28 ethical practice of hypnotism and hypnotherapy for the
29 protection of the public.

30 (9) To keep records of those persons classified as

1 license applicants and provisional hypnotist permits.

2 Section 7. Qualifications for license.

3 (a) Regular license.--An applicant shall be qualified for a
4 license to hold oneself out as a licensed hypnotist, provided he
5 submits proof satisfactory to the board that:

6 (1) He is 18 years of age or older, a citizen of the
7 United States and a resident of this Commonwealth for at
8 least one year and shall verify the facts given and listed on
9 the application forms by legal affidavit or notarization. Any
10 applicant who knowingly or willfully makes a false statement
11 of fact shall be subject to prosecution for false swearing.

12 (2) The applicant is of good moral character, must
13 furnish character references and must not be addicted to
14 alcohol nor to any controlled substance.

15 (3) He has completed a course that has been approved by
16 the board, having the basis of hypnotism, hypnosis as an aid
17 to therapy and hypnotism and hypnotherapy exhibitions.

18 (4) His or her application has been accompanied by the
19 correct application fee.

20 (b) Exceptional hypnotists.--A practicing hypnotist who has
21 practiced in this Commonwealth for a period of five years or
22 more on the effective date of this act shall be deemed
23 exceptional.

24 Section 8. Restrictions upon issuance of licenses or permits.

25 No license or permit shall be issued to any person who has:

26 (1) Been convicted of a felony or any crimes involving
27 moral turpitude or resulting in serious physical injury.

28 (2) Been found lacking in moral character which the
29 board considers detrimental to the welfare of the public or
30 is found guilty of the unethical practice of hypnotism or

hypnotherapy as detailed by the ethical standards of the board.

(3) Fraudulently misrepresented credentials in his application for license and/or registration.

Section 9. Qualifications.

An applicant shall be qualified for a license to practice hypnotism or hypnotherapy when he has met the following qualification provisions:

(1) Submitted a notarized application containing the requirements of section 8(a).

(2) Accompanied his application with a fee specified by the board and payable to the board.

(3) Has been issued an eligibility certificate.

(4) Has successfully passed the examination given by the board.

Section 10. Licensure without examination.

Any hypnotist meeting the provisions of section 8(a) shall be issued a hypnotist license without examination upon submission of proof satisfactory to the board that the applicant is an exceptional case as provided in section 6(6).

Section 11. Provisional hypnotist permit.

A nonresident provisional hypnotist, upon application and after meeting the requirements of the board, shall be permitted to practice hypnotism exhibitions for a 30-day period upon payment of a fee set by the board.

Section 12. Reciprocity.

The board shall have the power to grant a reciprocal license to an applicant who is licensed or certified as a hypnotist or hypnotherapist in another state and has demonstrated qualifications which equal or exceed those required under this

1 act in the determination of the board, provided that no license
2 shall be granted under this section to an applicant unless the
3 state in which the applicant is licensed affords reciprocal
4 treatment to the persons who are residents of this Commonwealth
5 and who are licensed pursuant to this act.

6 Section 13. Reexamination.

7 In case of a failure at any examination, an applicant shall
8 have the privilege of a second examination, without payment of
9 an additional fee at the next examination date. Subsequent
10 examinations shall be at the discretion of the board.

11 Section 14. Revocation of licenses.

12 The board may revoke the license of any hypnotist who is
13 convicted of any of the following:

14 (1) The fraudulent misrepresentation of any credentials
15 in support of his application for a license.

16 (2) The unethical practice of hypnotism or hypnotherapy
17 as set forth by the code of ethical standards adopted by the
18 board.

19 (3) A felony or any crimes involving moral turpitude or
20 resulting in serious physical injuries or on any charge the
21 board may consider as detrimental to the practice of
22 hypnotism or hypnotherapy.

23 Section 15. Refusal and suspension of licenses.

24 The board may refuse to license or suspend, restrict or
25 reprimand a licensee for any of the following:

26 (1) Being convicted of a felony or a crime of moral
27 turpitude in any Federal or State court or being convicted of
28 the equivalent of a felony in any foreign country, territory
29 or possession.

30 (2) Being found guilty of immoral or unprofessional

1 conduct. Unprofessional conduct shall include any departure
2 from or failure to conform to the standards of acceptable and
3 prevailing hypnotism work practice. In proceedings based on
4 this paragraph, actual injury to the client need not be
5 established.

6 (3) Violating standards of professional practice or
7 conduct adopted by the board.

8 (4) Presenting false credentials or documents or making
9 a false statement of fact in support of his application for a
10 license.

11 (5) Submitting a false or deceptive renewal to the
12 board.

13 (6) Violating a regulation promulgated by the board,
14 including, but not limited to, standards of professional
15 practice and conduct, or violating an order of the board
16 previously entered in a disciplinary proceeding.

17 (7) Being unable to practice hypnotism with reasonable
18 skill and safety by reason of illness, drunkenness, excessive
19 use of drugs, narcotics, chemicals or any other type of
20 material or as a result of any mental or physical condition.
21 In enforcing this paragraph, the board shall, upon probable
22 cause, have the authority to compel a hypnotist to submit to
23 a mental or physical examination by a physician approved by
24 the board. Failure of a hypnotist to submit to such an
25 examination when directed by the board, unless the failure is
26 due to circumstances beyond his control, shall constitute an
27 admission of the allegations against him. Consequent upon
28 which, a default and final order may be entered without the
29 taking of testimony or presentation of evidence. A hypnotist
30 affected under this paragraph shall, at reasonable intervals

1 as determined by the board, be afforded an opportunity to
2 demonstrate that he can resume the competent practice of
3 hypnotism with reasonable skill and safety.

4 Section 16. Board action for refusal, suspension or
5 reexamination of licenses.

6 When the board finds that the license or application for
7 license of any person may be refused, revoked, restricted or
8 suspended under the terms of sections 13, 14 and 15, the board
9 may:

10 (1) Deny the application for a license.

11 (2) Administer a public reprimand.

12 (3) Revoke, suspend, limit or otherwise restrict a
13 license as determined by the board.

14 (4) Suspend enforcement of its findings thereof and
15 place a licensee on probation with the right to vacate the
16 probationary order for noncompliance.

17 (5) Restore a suspended license to practice hypnotist
18 work and impose any disciplinary or corrective measure.

19 Section 17. Hearings.

20 All actions of the board shall be taken subject to the right
21 of notice, hearing and adjudication and the right of appeal
22 therefrom in accordance with 2 Pa.C.S. (relating to
23 administrative law and procedure).

24 Section 18. Temporary suspension.

25 The board shall temporarily suspend a license under
26 circumstances as determined by the board to be an immediate and
27 clear danger to the public health and safety. The board shall
28 issue an order to that effect without a hearing, but upon due
29 notice to the licensee concerned at his last known address,
30 which shall include a written statement of all allegations

1 against the licensee. The provisions of section 17 shall not
2 apply to a temporary suspension. The board shall thereupon
3 commence formal action to suspend, revoke or restrict the
4 license of the person concerned as otherwise provided for in
5 this act. All actions shall be taken promptly and without delay.
6 Within 30 days following the issuance of an order temporarily
7 suspending a license, the board shall conduct or cause to be
8 conducted a preliminary hearing to determine if there is a prima
9 facie case supporting the suspension. The licensee whose license
10 has been temporarily suspended may be present at the preliminary
11 hearing and may be represented by counsel, cross-examine
12 witnesses, inspect physical evidence, call witnesses, offer
13 evidence and testimony and make a record of the proceedings. If
14 it is determined that there is not a prima facie case, the
15 suspended license shall be immediately restored. The temporary
16 suspension shall remain in effect until vacated by the board but
17 in no event longer than 180 days.

18 Section 19. Renewal of licenses.

19 Renewal of licenses shall be biannually for a fee as
20 determined by the board.

21 Section 20. Display of license or permit.

22 The hypnotist's license or permit shall be displayed in a
23 conspicuous location in his place of business, and a duplicate
24 of the license or permit shall be kept on his person.

25 Section 21. Penalties.

26 After 12 months from the effective date of this act, it shall
27 be unlawful to practice hypnotism or hypnotherapy or conduct
28 hypnotism or hypnotherapey performances in this Commonwealth
29 without registration, permit or license, as defined under
30 section 3. The unlawful practice of hypnotism or hypnotherapy,

1 as defined under section 3, may be enjoined by the courts on
2 petition of the board or by the commissioners. A person who
3 violates any provision of this act commits a misdemeanor and
4 shall, upon conviction, be sentenced to pay a fine of \$1,000 or
5 to imprisonment for a period of one year, or both.

6 Section 22. Appropriation.

7 The sum of \$50,000, or as much thereof as may be necessary,
8 is hereby appropriated from the Professional Licensure
9 Augmentation Account in the General Fund to the Bureau of
10 Professional and Occupational Affairs in the Department of State
11 for the payment of costs of processing licenses and renewals,
12 for the operation of the board and for other general costs of
13 the bureau operations relating to this act. The appropriation
14 granted shall be repaid by the board within three years of the
15 beginning of issuance of licenses by the board.

16 Section 23. Severability.

17 The provisions of this act are severable. If any provision of
18 this act or its application to any person or circumstance is
19 held invalid, the invalidity shall not affect other provisions
20 or applications of this act which can be given effect without
21 the invalid provision or application.

22 Section 24. Effective date.

23 This act shall take effect immediately.