

11/12/2013

Dear Mr. Stone,

I want to thank you for your time the other day on the phone to discuss Florida Hypnosis Law and your thoughts and policies about it. I believe you were strong, yet fair and presented an openness for further discussion that is admirable. I believe you want to do the right thing and that is why you are sticking to your understanding of the law, however I will ask you to consider what I will share now in that I believe your policies are causing people to actually violate the law and not actually get their Business Tax Receipts as they properly should. In fact, if you look I imagine you will find many Hypnotherapists in your County practicing hypnosis who are not registered with your offices. This should not be acceptable to you or to me as the owner of Florida's only State-Licensed Hypnotherapy School.

When you ask a Hypnotherapist to get a letter from a "licensed practitioner of the healing arts" stating that they will supervise the Hypnotherapist with clients that come for therapeutic reasons, then the truth is that this letter is meaningless after its inception. With all due respect, please let me explain how a Hypnotherapist works. We get a call from a client. If it is a medical or mental health condition, then we insist that that potential client speak to his or her "licensed practitioner of the healing arts" and gets a prescription from that practitioner for their specific condition. The way you are structuring your policies says that a licensed practitioner, who has never examined the patient, will be "supervising" the sessions and will be held responsible for those sessions. This practitioner who originally wrote the letter will in truth not be supervising or evaluating the sessions and should not be held liable as the sole person responsible for the Hypnotherapist's actions.

I know your office cannot monitor every time a Hypnotherapist uses hypnosis in a therapeutic manner, yet Florida Law does not prohibit Hypnotherapists from performing therapeutic hypnosis - it simply states that the Hypnotherapist must have a prescription, referral, supervision or direction (not only a one-time letter) from a licensed practitioner of the healing arts to do so. As the owner of a school licensed by the Florida Department of Education to give out diplomas in this field, where students are legally trained to perform therapeutic hypnosis under Florida Law, then I have to say that a one-time letter from a licensed practitioner does not protect the public. What will happen is that the Hypnotherapist will feel covered by having this one letter and will not insist on a prescription for each new client when therapeutic hypnosis is to be used.

In the City of Naples, in Collier County, we had a graduate who encountered the same issue that we are having with your offices. He simply went to his own personal physician, asked for this letter, received it, and then practiced therapeutic hypnosis without ever asking for a prescription again for each individual and from the licensed practitioner who examined the patient. We spoke directly with Collier County and they saw the problem with having only one letter to gain a Business Tax Receipt. They came up with the idea of the sworn affidavit of the Hypnotherapist declaring that whenever therapeutic hypnosis is used that the Florida Statutes will be abided by. I will include here with this email a copy of our letter to them and ask that you consider their position for your County rather than a letter that will actually allow

many instances of therapeutic hypnosis to occur frequently without a Hypnotherapist abiding by the law - as we have seen already.

For instance, a Hypnotherapist could get a letter from a mental health counselor that will fulfill your policy, yet when a client comes in for hypnosis for dentistry, then you and I both know that this letter is meaningless from the mental health counselor. They are not only not supervising the sessions, yet they are also not qualified to do so. The proper protocol here is that the Hypnotherapist asks a dentist, not a mental health counselor, for a prescription for the specific condition to be worked on. The dentist then decides if the Hypnotherapist is "qualified", as stated in the Florida Hypnosis Statutes. If that is the case, then on a case-by-case basis the dentist will refer after having examined the patient, checked the Hypnotherapist's credentials and then writes a prescription for the condition being treated. For true supervision to occur, the Hypnotherapist would need to be in the dentist's office using hypnosis. The letter you ask for is not in any way encouraging our graduates to follow the Florida Statutes in this law. Your letter creates a situation where true supervision most likely will never occur and where the public is not truly protected as Florida Hypnosis Law was intended to do.

The following link takes you to our website where you see:

1. A video of me describing our School's understanding of Florida Hypnosis Law and how to practice legally and ethically
2. A letter that brought resolution with Collier County
3. A letter that brought resolution with the City of Melbourne
4. A letter that brought resolution with Orlando
5. PDF document of our School's stance on the proper and legal practice of Hypnotherapy in Florida

<http://tfioh.com/IAIH-Law-and-Legislative-Efforts.html>

In each case with all of these Cities and/or Counties, they changed their policies based upon my intervention. This happened in the City of Gainesville as well although I do not have that documentation. I would encourage you to call the different Cities and Counties and you will find that your policy of a letter from one licensed practitioner of the healing arts is not common practice and is not what Florida Law requires.

I agree with you that you and I are not qualified to interpret the law. What we are questioning here is a policy that you have written based upon your understanding of the law and the best way to enforce it. The law is not intended to stop Hypnotherapists from practicing a federally acknowledged occupation for people with State-Licensed Diplomas. The law is encouraging a proper relationship on a case-by-case basis with licensed practitioners of the healing arts and not only one meaningless letter. I will close in saying once again that the letter you are asking for is not encouraging ethical practice and that it will only lead to people finding one way or another to get this letter (or practicing without it and without a Business Tax Receipt) and then not practicing in accord with Florida Law. I do believe the affidavit accomplishes both of our aims best and if this is not the solution, then I will continue to ensure that our

graduates are able to practice their occupation and that your policies encourage them to do so legally and ethically.

Sincerely,

Matthew Brownstein, CHT

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