



International Association of Interpersonal Hypnotherapists

Report: Miami-Dade County Hypnotherapist Affidavit

August 1st, 2018

The following pages show the changes that were made through working with the Miami-Dade Business Tax Receipt Department to change the requirements for an Affidavit that was being required to be signed by Hypnotherapists, which essentially limited our right to teach and practice our profession in a County with over two million people in it. The Affidavit, as attached to this document, clearly showed a significant restriction in our being able to practice and to teach hypnotherapy. It was referencing a law that was no longer in existence and was not in alignment with current hypnosis laws.

This process began on 6/5/2018 and was resolved by 7/27/2018. IAIH extends its gratitude to our attorney, Mr. Jan Govan, for assisting with this process.

Please find attached:

- The significant email correspondence to Mrs. Martha Manthrope of the Miami-Dade County Business Tax Receipt Office
- The original Affidavit that we protested
- The revised Affidavit that we have accepted as a final draft that IAIH can stand behind.

We continue to protect the profession of Hypnotherapy and thank you for your interest in this topic.

Sincerely,

Matthew Brownstein, CIHt
CEO, Anahat Education Group, Inc.
President, International Association of Interpersonal Hypnotherapists
Executive Director, Institute of Interpersonal Hypnotherapy

Email to Miami-Dade County

July 12, 2018

To: Martha Manthorpe
Miami-Dade County Business Tax Receipt Office
martha.manthorpe@miamidade.gov

From: Matthew Brownstein, CCHt
CEO, Anahat Education Group, Inc.
Executive Director, Institute of Interpersonal Hypnotherapy (State-License #3448)
Florida Representative, Hypnotherapists Union Local 472 (AFL-CIO Affiliated)
Florida Division of Vocational Rehabilitation License #202535784001
Certified Clinical Hypnotherapist
mbrownstein@instituteofhypnotherapy.com
Phone: 813-455-3309

Re: Interpretation of Florida Hypnosis Law Regarding Business Tax Receipt Affidavit

Our attorney, Mr. Jan Govan, recently emailed you about our concerns regarding your Counties' interpretation of Florida Hypnosis Law and the Affidavit that you are requiring for a Hypnotherapist to receive a Business Tax Receipt. As we have yet to hear back from your offices, I wanted to offer further clarification as to why we are writing and will kindly ask that you carefully read this letter. I thank you for your time in advance. Even though one of our attorneys is already involved in this matter, please feel free to correspond directly with me.

Hypnotherapy/Hypnotherapist is a Federally acknowledged occupation. The United States Department of Education, Bureau of Labor Statistic's Instructional Program Data catalogs Hypnotherapist as "**513603: Hypnotherapy/Hypnotherapist**", along with other such occupations as Acupuncture, Homeopathic Medicine, Massage Therapy, Yoga Teacher, and Health Professions and Related Clinical Sciences. Please reference: <http://www.bls.gov/jobs/forms/ip3datastandard.pdf>

The Institute of Interpersonal Hypnotherapy (formerly known as The Florida Institute of Hypnotherapy) was Florida's first school to be licensed by the Florida Department of Education's Commission for Independent Education (License #3448) to teach hypnosis, hypnotherapy, and medical and dental hypnotherapy and to offer legitimate career diplomas for "Hypnotherapist", "Clinical Hypnotherapist" and "Transpersonal Hypnotherapist". We have held this license since 2007. Therefore, on the State level, our graduates have legitimate credentials as Hypnotherapists as graduates from a State-Licensed Postsecondary Vocational Institute. This also implies that we are legally allowed to teach Hypnotherapy in your County as well. Please reference: <https://web02.fldoe.org/CIE/SearchSchools/SchoolSearch.aspx>

Please note the CIP code that the Florida Department of Education uses for a school of Hypnotherapy/Hypnotherapist as CIP: 03**513603**00. I have placed the numbers **513603** in bold to emphasize the Federal and State level of acknowledgement of Hypnotherapy as a recognized profession. I also offer this code to once again acknowledge our legal right to teach hypnosis, hypnotherapy, medical hypnotherapy, and dental hypnotherapy.

Our school is also licensed by the Florida Department of Education's Division of Vocational Rehabilitation (VF#202535784001) to grant diplomas/certifications for "Hypnotherapists". This government organization

would not fund us to train people undergoing rehabilitation to become Hypnotherapists in Florida if one had to be a medical doctor, psychologist or dentist to practice Hypnotherapy.

Your Affidavit clearly goes against our Federal and State rights to teach Hypnotherapy to people all over the State of Florida and beyond. It also limits our graduates from practicing in your County. People are going through the Florida Department of Vocational Rehabilitation to get careers in this field with tax-payer dollars and your current Affidavit blocks their right to have a career in this field.

It should also be noted that you have countless Hypnotherapists practicing in Miami-Dade County now. If all of those people registered properly with your offices, then many people would be out of a job. To encourage that they get a Business Tax Receipt in your County, then your Affidavit needs to be updated.

Florida Hypnosis Law does not make any reference, in any way, to the occupational title "Hypnotherapist". It is clear that anyone practicing hypnosis must make the distinction as to whether or not they are practicing hypnosis for "therapeutic" purposes. The occupational title "Hypnotherapist" does not imply that someone is doing therapeutic or medical/dental hypnosis. The law simply states that such a person, if not a licensed practitioner of the healing arts, must have a prescription, referral, supervision or direction from the appropriate licensed practitioner if working on medical, dental or mental health conditions. It does not limit the use of their occupational title; it limits what they can and cannot do without a prescription, referral, supervision or direction. The law also states that the referring practitioner must deem that the Hypnotherapist is "qualified" to receive referrals.

The law also does not limit a Hypnotherapist's, or Hypnotist's, right to use hypnosis for entertainment purposes.

We are clearly requesting that you adopt the Affidavit that we came up with in association Collier County, which states that a Hypnotherapist is aware of the Florida Hypnosis Statutes and will abide by them and to abandon your previous version. Please see the document attached to this email.

Your Affidavit also references a Florida Statute number that no longer exists (F.S. 456.33). You cannot ask as graduate of a State-Licensed School to swear in front of a notary about a law that does not exist. As you need to amend your document anyway, then we ask that you base it upon a clear understanding of the Florida Hypnosis Statutes. We are happy to help you to understand these laws and to honor our right to teach and practice Hypnotherapy in your County, just as we can all across the State of Florida. However, as schools and practitioners only need to abide by the law, then using the Affidavit from Collier County (attached) makes it so that your offices are not responsible to interpret the laws, yet only to have schools and practitioners swear to abide by them.

Thank you for your time and consideration in this matter and to ensure that graduates of State-Licensed Hypnotherapy schools are rightfully given their Business Tax Receipts as Hypnotherapists in your County to legally and ethically practice their occupation without hindrance.

While our corporate headquarters are in Tampa, Florida (Hillsborough County), we have an absolute legal right to teach Hypnotherapy in your County as well. Any changes made to your Affidavit must reflect this. A Florida State-Licensed Vocational Hypnotherapy School must be allowed a Business Tax Receipt in your County and your current Affidavit limits our right to expand into your area and to bring valuable services to your community.

Should you have any other interpretation of Florida Hypnosis Law, then I would kindly invite you to speak with me directly, or with our attorneys and associated licensed medical, dental and mental health professionals to resolve this issue as expediently as is possible. We will offer our full cooperation in this matter.

Sincerely,

Matthew J. Brownstein

Executive Director, Institute of Interpersonal Hypnotherapy

President, International Association of Interpersonal Hypnotherapists

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Original Miami-Dade Affidavit before IAIH Intervention

Miami-Dade County

Local Business Tax Section

HYPNOTHERAPIST AFFIDAVIT

STATE OF FLORIDA License # _____

COUNTY OF MIAMI-DADE

In regard to obtaining a Miami-Dade County Local Business Tax Receipt as a hypnotherapist, the undersigned appeared before me this date and made oath as follows:

I am a teacher or practitioner of medical hypnotherapy or the science of hypnosis. I teach or practice hypnosis in connection with the science of medicine, dentistry, development of creativity, rehabilitative services, psychiatric research and similar activities. If I teach hypnosis, my pupils consist exclusively of medical doctors, dentists, registered nurses, medical or dental students and persons professionally associated with practitioners of medical, dental science, rehabilitative and technical services.

I do not and will not practice or teach hypnosis for any theatrical or entertainment purpose whatsoever.

I submit this affidavit along with any supporting statements or other evidence as the Tax Collector may require, for the purpose of obtaining a Miami-Dade County Business Tax Receipt as a Hypnotherapist. F.S. 456.33

I understand that if this, my statement, contains any misrepresentation, I shall have rendered myself liable for the full penalty of the laws therefore made and provided.

Sworn and subscribed before me

_____ this _____ day of , 20 _____

Signature

Picture ID shown Notary Public

Final Miami-Dade Affidavit after IAIH Intervention

Miami-Dade County
Local Business Tax Section

HYPNOTHERAPIST AFFIDAVIT

The undersigned, _____ (applicant), hereby requests a
Local Business Tax Receipt for the Practice of Hypnosis for Therapeutic Purposes at:

_____ and certifies that
they have read, understand & will abide by the Florida Statutes Chapter 485 Hypnosis stated below.

485.002 Legislative intent:

(1) It is recognized that hypnosis has attained a significant place as another technique in the treatment of human injury, disease, and illness, both mental and physical; that the utilization of hypnotic techniques for therapeutic purposes should be restricted to certain practitioners of the healing arts who are qualified by professional training to fulfill the necessary criteria required for diagnosis and treatment of human illness, disease, or injury within the scope of their own particular field of competence; or that such hypnotic techniques should be employed by qualified individuals who work under the direction, supervision, or prescription of such practitioners.

(2) It is the intent of the Legislature to provide for certain practitioners of the healing arts, such as a trained and qualified dentist, to use hypnosis for hypno-anesthesia or for the allaying of anxiety in relation to dental work; however, under no circumstances shall it be legal or proper for the dentist or the individual to whom the dentist may refer the patient, to use hypnosis for the treatment of the neurotic difficulties of a patient. The same applies to the optometrist, podiatric physician, chiropractic physician, osteopathic physician, or physician of medicine.

(3) It is, therefore, the intent and purpose of this chapter to regulate the practice of hypnosis for therapeutic purposes by providing that such hypnotic techniques shall be used only by certain practitioners of the healing arts within the limits and framework of their own particular field of competence; or by qualified persons to whom a patient may be referred, in which event the referring practitioner of the healing arts shall be responsible, severally or jointly, for any injury or damages resulting to the patient because of either his or her own incompetence, or the incompetence of the person to whom the patient was referred.

485.003 Definitions

(4) "Qualified person" shall mean a person deemed by the referring practitioner to be qualified by both professional training and experience to be competent to employ hypnotic technique for therapeutic purposes, under supervision, direction, or prescription.

Date

Signature of Applicant