

INTERNATIONAL ASSOCIATION OF INTERPERSONAL HYPNOTHERAPISTS

State Laws and Regulations Regarding the Practice of Hypnosis



Publication Date: November 1st, 2022



INTERNATIONAL ASSOCIATION OF INTERPERSONAL HYPNOTHERAPISTS

As we continue our work to raise the standards of hypnotherapy education and credentialing, it is important that all IAIH certified practitioners operate within the law and within the scope of their credentials. We offer this document for informational purposes only and those who are practicing hypnosis are always responsible to understand the respective laws of their state. While we work with attorneys when creating this document, it is still important for anyone using hypnosis to research the laws themselves and to know what they are legally allowed to do based upon their training and credentials. We keep this document online and work to update it annually. The most current version can be found at: <https://www.instituteofhypnotherapy.com/iaih-hypnosis-law/>

It is also important to follow a clear Code of Ethics when practicing hypnosis. The IAIH Code of Ethics can be found at: <https://www.instituteofhypnotherapy.com/iaih-code-of-ethics/>

When a Hypnotherapist receives a referral from a licensed practitioner of the healing arts, they are legally bound by HIPAA and are required to keep confidential a client's Protected Health Information. For more information, please visit: <https://www.instituteofhypnotherapy.com/iaih-hipaa-compliance/>

When practicing hypnosis, a major distinction needs to be made between therapeutic and non-therapeutic uses. Therapeutic hypnosis involves working with medical, dental, or mental health conditions, where human illness, injury, or disease is concerned. In most states, a referral from an appropriate licensed practitioner of the healing arts allows unlicensed professionals to engage in this practice, however in states such as Colorado and Arizona this is not the case. We encourage you to reach out to us directly if you are at all unsure about the legality of practicing in your state and within your specific credentials.

We support the use of the federally acknowledged occupational title of "Hypnotherapist", for those with such credentials, rather than just "Hypnotist", as the title itself does not imply the therapeutic use of hypnosis, however it is always the responsibility of the professional to operate within the law and to understand the scope of their credentials and what they can and cannot work with.

Unlicensed practitioners are strongly encouraged not to use words such as: heal, healing, cure, treat, diagnose, therapy, etc. in their advertising. In Utah, the term 'clinical' can only be used by those with the proper credentials.

Some states require mandatory registration to practice hypnosis professionally. Please make note of that when reviewing this document.

States' laws and regulations regarding the practice of hypnosis can loosely be broken down into three categories:

- **Mandatory Registration**

- [Connecticut](#)
- [Washington](#)

- **Explicit Guidelines for Licensure Exemption**

- [California](#)
- [Colorado](#)
- [Florida](#)
- [Illinois](#)
- [New Jersey](#)
- [Texas](#)
- [Utah](#)

- **No specific regulations (on the practice of hypnosis)**

- [Alabama](#)
- [Alaska](#)
- [Arizona](#)
- [Arkansas](#)
- [Delaware](#)
- [District of Columbia](#)
- [Georgia](#)
- [Hawaii](#)
- [Idaho](#)
- [Indiana](#)
- [Iowa](#)
- [Kansas](#)
- [Kentucky](#)
- [Louisiana](#)
- [Maine](#)
- [Maryland](#)
- [Massachusetts](#)
- [Michigan](#)
- [Minnesota](#)
- [Mississippi](#)
- [Missouri](#)
- [Montana](#)
- [Nebraska](#)
- [Nevada](#)
- [New Hampshire](#)
- [New Mexico](#)
- [New York](#)
- [North Carolina](#)

- [North Dakota](#)
- [Ohio](#)
- [Oklahoma](#)
- [Oregon](#)
- [Pennsylvania](#)
- [Rhode Island](#)
- [South Carolina](#)
- [South Dakota](#)
- [Tennessee](#)
- [Vermont](#)
- [Virginia](#)
- [West Virginia](#)
- [Wisconsin](#)
- [Wyoming](#)

States with Mandatory Registration:

Connecticut

Registration Requirement: Persons who practice hypnosis must obtain a registration from the Department of Consumer Protection before engaging in business in Connecticut. The Commissioner of Consumer Protection may assess a civil penalty of not more than \$100 against any person who has practiced hypnosis in CT without first registering with the department.

Eligibility: The individual must pay an application fee of \$100 by check or money order made payable to “Treasurer, State of Connecticut” and complete a notarized application form. The form requires name, address, DOB, SSN, DLN, and a representation that the applicant has not committed a felony and is not subject to sexual offender registration laws. All registrations expire annually on October 31st.

Renewal: Renewal notices are sent approximately 30 – 45 days prior to the expiration date of registration via email or regular mail. Renewals can be completed online at <https://elicense.ct.gov> using the User ID and/or Fast Track Renewal PIN provided in the renewal notice. Renewals can also be completed by mail by emailing name, registration type, registration number, and email address to dcp.licenseservices@ct.gov. Renewal fee is \$100.

Changes: Any change of a registered hypnotist’s name, residence address, business address, or status as a registered sexual offender (pursuant to Chapter 369 of the Connecticut General Statutes, or an equivalent statute in another jurisdiction) must be reported in writing to the Department of Consumer Protection within thirty (30) days of said change.

Definition of hypnotist: “Hypnotist” means any person who performs hypnosis, but does not include those individuals licensed by this State to perform medical, dental, nursing, counseling or other health care, substance abuse or mental health services.

Definition of hypnosis: “Hypnosis” means an artificially induced altered state of consciousness, characterized by heightened suggestibility and receptivity to direction.

Relevant Regulation(s): Section 20-660 of the Connecticut General Assembly Statutes states:

(c) The Commissioner of Consumer Protection may deny registration as a hypnotist to an individual who has been the subject of a finding rendered pursuant to subsection (d) of this section. The registry shall contain information concerning any individual who has been denied said registration, as well as any brief statement disputing such denial by such individual.

(d) The Department of Consumer Protection shall receive and investigate complaints against individuals who are practicing or have practiced hypnosis in this state and may cause a prosecution to be instigated based on such investigation. The grounds for complaint shall include physical or sexual abuse, misappropriation of property, and fraud or deceit in obtaining or attempting to obtain registration as a hypnotist. A hypnotist shall be given written notice by certified mail by the commissioner of any complaint against him or her. A hypnotist who wishes to appeal a complaint against him or her shall, not later than thirty days after the date of the mailing, file with the department a request in writing for a hearing to contest the complaint. Any such hearing shall be

conducted pursuant to chapter 54. The commissioner shall render a finding on such complaint and enter such finding on the registry. The commissioner shall have the authority to render a finding and enter such finding on the registry against an individual who is practicing or has practiced hypnosis in this state, without regard to whether such individual is on the registry or has obtained registration as a hypnotist from the department.

(e) A hypnotist may petition the Commissioner of Consumer Protection to have the finding removed from the registry upon a determination by the commissioner that: (1) The employment and personal history of the hypnotist does not reflect a pattern of abusive, deceitful or fraudulent behavior; and (2) the conduct involved in the original finding was a singular occurrence. In no case shall a determination on a petition submitted under this subsection be made prior to the expiration of a one-year period beginning on the date on which the finding was added to the registry pursuant to subsection (d) of this section.

(f) The Commissioner of Consumer Protection may, after notice and hearing, in accordance with the provisions of chapter 54, assess a civil penalty of not more than one hundred dollars against any person who has practiced hypnosis in this state without first registering with the department pursuant to subsection (b) of this section.

(g) The Commissioner of Consumer Protection shall revoke the registration of a person under this section after notice and hearing in accordance with the provisions of chapter 54 if such person becomes subject to the registration requirements of chapter 969.

Regulatory Agency: The Connecticut Department of Consumer Protection

References:

- Connecticut Statutes § 20-660. https://www.cga.ct.gov/current/pub/chap_400m.htm
- Registration Info: <https://portal.ct.gov/DCP/License-Services-Division/All-License-Applications/Hypnotist-Registration-Information>
- Application: https://portal.ct.gov/-/media/DCP/pdf/Applications_Added_2017/HYP-Application_17Jan.pdf
- Renewal: <https://portal.ct.gov/DCP/License-Services-Division/License-Division/To-Renew-Online>

Washington

Registration Requirement: In Washington State, “Hypnotherapists” and “Counselors” are required to register. Under Chapter 246-810 WAC, hypnotherapists are included under the definition of “Counselor.” Note that the “registered counselor” category was eliminated in 2010. Hypnotherapy regulations were not modified.

A person may not, for a fee or as a part of his or her position as an employee of a state agency, practice hypnotherapy without being registered to practice as a hypnotherapist by the department.

Eligibility: For registration, an individual must:

- Submit an application form online or by mail. Forms are available at <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/hypnotherapist/licensing-information>.
- Pay a non-refundable \$155 application and registration fee at the time of application, by VISA or Mastercard or ACH/e-check.
- Complete a minimum of four hours of AIDS education and training, which may include self-study, direct patient care, courses, or formal training, and read AIDS education and training attestation included in the application forms. Course content can be found in WAC 246-12-270.
- Note that a fingerprint-based background check may be required for licensing purposes if you have lived in another state or if you have a criminal record in Washington State. This would be at your own expense.

Renewals: Under chapter [246-12](#) WAC, a counselor must renew their credential every year on the practitioner's birthday.

Fees: The following nonrefundable fees will be charged:

- Application and registration: \$155.00
- Renewal: \$80.00
- Late renewal penalty: \$75.00
- Expired registration reissuance: \$75.00
- Duplicate registration: \$10.00
- Verification of registration: \$25.00

Relevant Regulation(s):

- You must provide disclosure information to each client prior to implementation of a treatment plan. See § 246-810-031 for a complete list of information that must be included in the disclosure statement.
- You must document all services. See § 246-810-035 detailed documentation and record retention requirements.
- You have a duty to report reasonable suspicion of abuse or neglect of a child. You have a duty to report reasonable suspicion of abandonment, abuse, financial exploitation, or neglect of a vulnerable adult. Reports must be made to the local law enforcement agency or to the department of social and health services within 24 hours after there is reasonable cause to believe that the child or vulnerable adult has suffered abuse or neglect.
- Counselors who collect fees in advance of the service provided must separate such funds from operating/expense funds. The counselor may not spend the funds until the service is provided. Any funds left in the account for services not provided must be returned to the client within 30 days of the request.

- Counselors shall not engage, or attempt to engage, in sexual misconduct with a current or former patient, client, or key party. Sexual misconduct shall constitute grounds for disciplinary action.
- Counselors are subject to the mandatory reporting requirements of chapter [246-16 WAC](#).

Definition of Counselor: "Counselor" means an individual who engages in the practice of counseling to the public for a fee, including for the purposes of this chapter, agency affiliated counselors, certified counselors, certified advisers, hypnotherapists, and until July 1, 2010, registered counselors.

Definition of Hypnotherapist: "Hypnotherapist" means a person registered under chapter 18.19 RCW, and this chapter, who is practicing hypnosis as a modality.

Exemptions: Nothing in this chapter may be construed to prohibit or restrict:

(1) The practice of a profession by a person who is either registered, certified, licensed, or similarly regulated under the laws of this state and who is performing services within the person's authorized scope of practice, including any attorney admitted to practice law in this state when providing counseling incidental to and in the course of providing legal counsel;

(2) The practice of counseling by an employee or trainee of any federal agency, or the practice of counseling by a student of a college or university, if the employee, trainee, or student is practicing solely under the supervision of and accountable to the agency, college, or university, through which he or she performs such functions as part of his or her position for no additional fee other than ordinary compensation;

(3) The practice of counseling by a person for no compensation;

(4) The practice of counseling by persons offering services for public and private nonprofit organizations or charities not primarily engaged in counseling for a fee when approved by the organizations or agencies for whom they render their services;

(5) Evaluation, consultation, planning, policy-making, research, or related services conducted by social scientists for private corporations or public agencies;

(6) The practice of counseling by a person under the auspices of a religious denomination, church, or organization, or the practice of religion itself;

(7) The practice of counseling by peer counselors who use their own experience to encourage and support people with similar conditions or activities related to the training of peer counselors; and

(8) Counselors who reside outside Washington state from providing up to ten days per quarter of training or workshops in the state, as long as they do not hold themselves out to be registered or certified in Washington state. [[2008 c 135 § 5](#); [2001 c 251 § 20](#); [1987 c 512 § 4](#).]

Regulatory Agency: Washington State Department of Health

References:

- Washington Administrative Code § 246-810.
<https://app.leg.wa.gov/wac/default.aspx?cite=246-810>
- Licensing Information: <https://doh.wa.gov/licenses-permits-and-certificates/professions-new-renew-or-update/hypnotherapist/licensing-information>.

States with Explicit Guidelines for Licensure Exemption

California

Registration Requirement: Per California Business & Professions Code Section 2908, quoted below, psychologists and qualified members of other recognized professional groups licensed to practice in the State of California are permitted to practice hypnosis, provided that non-psychologists do not state or imply that they are licensed to practice psychology.

Eligibility:

Relevant Regulation(s): BPC § 2908 “Nothing in this chapter shall be construed to prevent qualified members of other recognized professional groups licensed to practice in the State of California, such as, but not limited to, physicians, clinical social workers, educational psychologists, marriage and family therapists, licensed professional clinical counselors, optometrists, psychiatric technicians, or registered nurses, or attorneys admitted to the State Bar of California, or persons utilizing hypnotic techniques by referral from persons licensed to practice medicine, dentistry, or psychology, or persons utilizing hypnotic techniques which offer avocational or vocational self-improvement and do not offer therapy for emotional or mental disorders, or duly ordained members of the recognized clergy, or duly ordained religious practitioners from doing work of a psychological nature consistent with the laws governing their respective professions, provided they do not hold themselves out to the public by any title or description of services incorporating the words “psychological,” “psychologist,” “psychology,” “psychometrist,” “psychometrics,” or “psychometry,” or that they do not state or imply that they are licensed to practice psychology; except that persons licensed under Chapter 13.5 (commencing with Section 4989.10) of Division 2 may hold themselves out to the public as licensed educational psychologists.”

Pursuant to BPC § 2053.5, a person who advertises any services that are not unlawful under Section 2051 or 2052 pursuant to subdivision (a) shall disclose in the advertisement that he or she is not licensed by the state as a healing arts practitioner.

A person who provides services pursuant to Section 2053.5 that are not unlawful under Section 2051 2052 shall, prior to providing those services, do the following:

- Disclose to the client in a written statement using plain language the following information:
 - That he or she is not a licensed physician.
 - That the treatment is alternative or complementary to healing arts services licensed by the state.
 - That the services to be provided are not licensed by the state.
 - The nature of the services to be provided.
 - The theory of treatment upon which the services are based.
 - His or her educational, training, experience, and other qualifications regarding the services to be provided.
- Obtain a written acknowledgment from the client stating that he or she has been provided with the information described above. The client shall be provided with a copy of the written acknowledgment, which shall be maintained by the person providing the service for three

years.

The information required by subdivision (a) shall be provided in a language that the client understands.

References:

- California Business and Professions Code § 2908.
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=BPC§ionNum=2908
- California Business and Professions Code § 2053.5.
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2053.5.&lawCode=BPC
- California Business and Professions Code § 2053.6.
https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=2053.6.&nodeTreePath=4.7.3&lawCode=BPC

Colorado

Eligibility: Hypnosis falls under the practice of psychology pursuant to CO Code 12-45-303. Unlicensed psychotherapists may practice in CO by applying for registration in the State Board of Unlicensed Psychotherapists database.

Relevant Regulation(s): 12-245-303. Practice of psychology defined.

(2) The practice of psychology includes:

(b) Counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy;

(g) The supervision of any of the practices described in this subsection (2).

CO Rev Stat § 12-245-202 (2020) changes the title “registered psychotherapist” to “unlicensed psychotherapist” for all psychotherapists on the registry as of the law’s effective date.

CO Code § 12-245-703 (2021) established the State Board of Unlicensed Psychotherapists, which is tasked with maintaining a database of all unlicensed psychotherapists.

A person not otherwise licensed, registered, or certified pursuant to article 245 who is practicing psychotherapy in CO must register with the board by submitting the person’s name, current address, educational qualifications, disclosure statements, therapeutic orientation or methodology, or both, years of experience in each specialty area, and whether the unlicensed psychotherapist has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or misdemeanor. Upon receipt and review of the required information, the board may approve the psychotherapist for registration in the database. An unlicensed psychotherapist must also complete a jurisprudence exam to be approved by the Board for registration.

An unlicensed person whose primary practice is psychotherapy or who holds himself or herself out to the public as able to practice psychotherapy for compensation shall not practice psychotherapy unless the person is registered with the board and included in the database. An unlicensed psychotherapist shall not use the term “licensed”, “certified”, “clinical”, “state-approved”, or any other term or abbreviation that would falsely give the impression that the psychotherapist or the service that is being provided is recommended by the state, based solely on inclusion in the database.

Any unlicensed person who practices psychotherapy without first complying with the registration requirements is subject to penalties pursuant to section 12-20-407 (1)(a).

Definition of Unlicensed Psychotherapist: "Unlicensed psychotherapist" means a person:

- Whose primary practice is psychotherapy or who holds himself or herself out to the public as being able to practice psychotherapy for compensation; and
- Who is registered with the state board of unlicensed psychotherapists pursuant to section 12-245-703 to practice psychotherapy in this state.

"Unlicensed psychotherapist" also includes a person who:

- Is a licensed school psychologist licensed pursuant to section 22-60.5-210 (1)(b);
- Is practicing outside of a school setting; and
- Is registered with the state board of unlicensed psychotherapists pursuant to section 12-245-703.

References:

- CO Code § 12-245-202 (2020)
- CO Code § 12-245-303
- CO Code § 12-245-701 (2021)
- CO Code § 12-245-703 (2021)
- <https://advance.lexis.com/container?config=0345494EJAA5ZjE0MDIyYy1kNzZkLTRkNzktYTkxMS04YmJhNjBINWUwYzYKAFBvZENhdGFsb2e4CaPI4cak6laXLCWyLBO9&crd=dca9c301-6186-4cd2-8e5d-954c8fb31f0a>

Florida

Eligibility: Hypnosis practitioners in Florida must be licensed to practice ‘one of the healing arts’ or be directly supervised by someone who is.

Relevant Regulation(s):

§ 485.004 It shall be unlawful for any person to engage in the practice of hypnosis for therapeutic purposes unless such person is a practitioner of one of the healing arts, as herein defined, or acts under the supervision, direction, prescription, and responsibility of such a person.

§ 490.0141 Practice of hypnosis.—A licensed psychologist who is qualified as determined by the board may practice hypnosis as defined in s. 485.003(1). The provisions of this chapter may not be interpreted to limit or affect the right of any person qualified pursuant to chapter 485 to practice hypnosis pursuant to that chapter or to practice hypnosis for nontherapeutic purposes, so long as such person does not hold herself or himself out to the public as possessing a license issued pursuant to this chapter or use a title protected by this chapter.

Definition of Hypnosis: “Hypnosis” shall mean hypnosis, hypnotism, mesmerism, posthypnotic suggestion, or any similar act or process which produces or is intended to produce in any person any form of induced sleep or trance in which the susceptibility of the person’s mind to suggestion or direction is increased or is intended to be increased, where such a condition is used or intended to be used in the treatment of any human ill, disease, injury, or for any other therapeutic purpose.

Definition of Practitioner of the Healing Arts: “Practitioner of the healing arts” shall mean a person licensed under the laws of the state to practice medicine, surgery, psychiatry, dentistry, osteopathic medicine, chiropractic medicine, naturopathy, podiatric medicine, chiropody, psychology, clinical social work, marriage and family therapy, mental health counseling, or optometry within the scope of his or her professional training and competence and within the purview of the statutes applicable to his or her respective profession, and who may refer a patient for treatment by a qualified person, who shall employ hypnotic techniques under the supervision, direction, prescription, and responsibility of such referring practitioner.

Definition of Qualified Person: “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.

References:

- Florida Statutes Title XXXII Chapter 485: Hypnosis.
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0485/0485ContentsIndex.html&StatuteYear=2022&Title=%2D%3E2022%2D%3EChapter%20485
- Florida Statutes Title XXXII § 490.0141.
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0490/Sections/0490.0141.html

Illinois

Eligibility: Hypnosis is largely unregulated in Illinois and can be practiced without a license, provided that the practitioner does not otherwise engage in clinical psychology or the practice of medicine.

Relevant Regulation(s): 225 ILCS 15/1 “Nothing in this Act shall be construed to prevent a person from practicing hypnosis without a license issued under this Act provided that the person (1) does not otherwise engage in the practice of clinical psychology including, but not limited to, the independent evaluation, classification, and treatment of mental, emotional, behavioral, or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, (2) does not otherwise engage in the practice of medicine including, but not limited to, the diagnosis or treatment of physical or mental ailments or conditions, and (3) does not hold himself or herself out to the public by a title or description stating or implying that the individual is a clinical psychologist or is licensed to practice clinical psychology.”

Definition of Clinical Psychology: "Clinical psychology" means the independent evaluation, classification, diagnosis, and treatment of mental, emotional, behavioral or nervous disorders or conditions, developmental disabilities, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness. The practice of clinical psychology includes psychoeducational evaluation, therapy, remediation and consultation, the use of psychological and neuropsychological testing, assessment, psychotherapy, psychoanalysis, hypnosis, biofeedback, and behavioral modification when any of these are used for the purpose of preventing or eliminating psychopathology, or for the amelioration of psychological disorders of individuals or groups. "Clinical psychology" does not include the use of hypnosis by unlicensed persons pursuant to Section 3.

References:

- 225 Illinois Compiled Statutes 15/2-3(h).
<https://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1294&ChapterID=24>

New Jersey

Eligibility: Licensure is not required in New Jersey for those who practice “hypnocounseling” to assist clients with stress management not related to a medical or mental health disorder, altering habits such as smoking and weight management, increasing client motivation in employment, the workplace and in sports activities, and enhancing creative, artistic and scholastic endeavors. Hypnotherapy is included within the scope of services of a licensed psychologist per N.J. Admin. Code § 13:42-1.1.

Relevant Regulation(s):

§ 13:42-1.2 Persons not requiring licensure are limited to persons engaged in the practice of hypnocounseling as well as those whose conduct and practice is exempt from licensure pursuant to this subchapter.

1) For purposes of this subsection, hypnocounseling means the induction of a hypnotic state by applying individualized techniques to induce hypnosis in order to assist clients with stress management not related to a medical or mental health disorder, altering habits such as smoking and weight management, increasing client motivation in employment, the workplace and in sports activities and enhancing creative, artistic and scholastic endeavors.

2) The services of a hypnocounselor shall be limited to:

i) Interviewing a client to determine the nature of the client's problem;

ii) Assessing the client's suitability for hypnocounseling;

iii) Testing a prospective client to determine the client's level of suggestibility;

iv) Preparing clients for hypnosis through an explanation of the process and procedures used as well as a description of the resulting hypnotic state to be experienced by the client;

v) Teaching self-hypnosis to clients;

vi) Inducing the hypnotic state; and

vii) Applying hypnotic techniques.

§ 13:42-1.1 (a) The scope of practice of a licensed psychologist includes, but is not limited to, the use or advertisement of the use of theories, principles, procedures, techniques or devices of psychology, whether or not for a fee or other recompense. Psychological services include, but are not limited to:

4. Use of psychological procedures, which are applications employing the principles of psychology and associated techniques, instruments and devices. These procedures include, but are not limited to, psychological interviews, counseling, psychotherapy, **hypnotherapy**, biofeedback, and psychological assessments.

References:

- N.J. Admin. Code § 13:42-1.2. <https://www.njconsumeraffairs.gov/regulations/Chapter-42-Board-of-Psychological-Examiners.pdf>
- N.J. Admin. Code § 13:42-1.1 (Lexis Advance through the New Jersey Register, Vol. 54 No. 17, September 6, 2022)

Texas

Eligibility: Hypnotherapy can be utilized by licensed psychologists, licensed professional counselors, and licensed marriage and family therapists and marriage and family therapist associates. Members of law enforcement can also obtain an investigative hypnosis proficiency certificate by completing a basic investigative hypnosis course, passing an approved examination, and submitting an application and \$35 fee to the Texas Commission on Law Enforcement.

Relevant Regulation(s):

3 Texas Occupations Code § 501.003 (1) "Practice of psychology" means:

(iii) providing psychological, neuropsychological, and psychoeducational evaluation, therapy, and remediation as well as counseling, psychoanalysis, psychotherapy, hypnosis, and biofeedback; or

22 Texas Administrative Code § 681.31 The use of specific methods, techniques, or modalities within the practice of professional counseling is limited to professional counselors appropriately trained and competent in the use of such methods, techniques, or modalities. Authorized counseling methods, techniques and modalities may include, but are not restricted to, the following:

(13) hypnotherapy, which uses the principles of hypnosis and post-hypnotic suggestion in the treatment of mental and emotional issues and addictions;

22 Texas Administrative Code § 801.42 The following are professional therapeutic services which may be provided by an LMFT or LMFT Associate.

(15) Hypnotherapy using systems methods and processes which include the principles of hypnosis and post-hypnotic suggestion in the treatment of mental and emotional disorders and addictions.

37 Texas Administrative Code § 221.7 (a) To qualify for an investigative hypnosis proficiency certificate, an applicant must meet all proficiency requirements including:

(1) successful completion of the current basic investigative hypnosis course; and

(2) pass the approved examination for investigative hypnosis proficiency.

(b) A certificate is valid for two years.

(c) To keep the certificate valid, the holder must successfully complete an update course once every two years.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under the application standards in this section.

Hypnosis and Hypnotherapy when performed by a licensed psychologist are subject to Board Rules. 22 Texas Administrative Code § 465

References:

- 37 Texas Administrative Code § 221.7 (2001 & rev. 2001).
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=163857&p_tloc=&p_ploc=&pg=1&p_tac=163857&ti=37&pt=7&ch=221&rl=7&dt=&z_chk=1653526&z_contains=hypnosis](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=163857&p_tloc=&p_ploc=&pg=1&p_tac=163857&ti=37&pt=7&ch=221&rl=7&dt=&z_chk=1653526&z_contains=hypnosis)
- 22 Texas Administrative Code § 681.31 (2020).
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=201669&p_tloc=&p_ploc=&pg=1&p_tac=201669&ti=22&pt=30&ch=681&rl=31&dt=&z_chk=1653524&z_contains=hypnosis](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=201669&p_tloc=&p_ploc=&pg=1&p_tac=201669&ti=22&pt=30&ch=681&rl=31&dt=&z_chk=1653524&z_contains=hypnosis)
- 22 Texas Administrative Code § 801.42 (2020).
[https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=201295&p_tloc=&p_ploc=&pg=1&p_tac=201295&ti=22&pt=35&ch=801&rl=42&dt=&z_c
hk=1653525&z_contains=hypnosis](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=2&p_dir=&p_rloc=201295&p_tloc=&p_ploc=&pg=1&p_tac=201295&ti=22&pt=35&ch=801&rl=42&dt=&z_chk=1653525&z_contains=hypnosis)
- <https://statutes.capitol.texas.gov/Docs/OC/htm/OC.501.htm>
- https://www.tcole.texas.gov/sites/default/files/FormsAppsPubs/investigative_hypnosis_certificate_09.01.2021.pdf

Utah

Eligibility: Pursuant to Utah Code § 58-61-307, an individual may perform hypnosis without being licensed provided they do not engage in mental health therapy, use hypnosis to treat a medical or psychological condition, or represent themselves using the title of a license classification

Relevant Regulation(s):

§ **58-60-107** (2) In addition to the exemptions from licensure in Section [58-1-307](#), the following when practicing within the scope of the license held, may engage in acts included within the definition of practice as a psychologist, subject to the stated circumstances and limitations, without being licensed under this chapter:

- (e) an individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice, and who:
 - (i) (A) induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;
 - (B) consults with a client to determine current motivation and behavior patterns;
 - (C) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;
 - (D) tests clients to determine degrees of suggestibility;
 - (E) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and
 - (F) trains clients in self-hypnosis conditioning;
- (ii) may not:
 - (A) engage in the practice of mental health therapy;
 - (B) represent himself using the title of a license classification in Subsection [58-60-102\(5\)](#); or
 - (C) use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized diagnostic and statistical manuals of medical, psychological, or dental disorders;

§ **58.60.109** As used in this chapter, “unlawful conduct” includes:

- representing oneself as or using the title of any of the following unless currently licensed in a license classification under this title:
 - o psychiatrist;
 - o psychotherapist;
 - o clinical hypnotist;

Hypnosis Definition: "Hypnosis" means, when referring to individuals exempted from licensure under this chapter, a process by which an individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing

motivation or to assist the individual to alter lifestyles or habits.

References:

- Utah Code § 58-60-102 (1994). <https://le.utah.gov/xcode/Title58/Chapter60/58-60-S102.html>
- Utah Code § 58-60-107 (2021). <https://le.utah.gov/xcode/Title58/Chapter60/58-60-S107.html>
- Utah Code § 58-60-109 (2020). <https://le.utah.gov/xcode/Title58/Chapter60/58-60-S109.html>

States with No Specific Regulations on the Practice of Hypnosis

Many of the states below address hypnotherapy as part of a psychologist's practice and do not refer to it as a separate practice (as far as the research showed). While the states above regulate hypnotherapy as a potentially distinct service, many of those below did not have specific statutes on the practice of hypnotherapy absent an underlying qualification as a psychologist. States listed with no information have no mention of hypnosis or hypnotherapy in their legal code.

Alabama

Alaska

(5) "to practice psychology" means to render or offer to render for a fee to individuals, groups, organizations, or the public for the diagnosis, prevention, treatment, or amelioration of psychological problems and emotional and mental disorders of individuals or groups or for conducting research on human behavior, a psychological service involving the application of psychological principles, methods, and procedures of understanding, predicting, and influencing behavior, including

(B) the methods and procedures for interviewing, counseling, psychotherapy, biofeedback, behavior modification, and hypnosis;

References:

- Alaska Statutes 08.86.230(5) (2021).
<https://www.commerce.alaska.gov/web/portals/5/pub/PsychologistStatutes.pdf>

Arizona

Arizona law does not provide a definition for clinical hypnosis. The only mention of hypnosis or hypnotherapy in Arizona law appears in Arizona Administrative Code § R4-38-306 which provides restrictions on delegated procedures for homeopathic physicians.

Relevant Regulation(s):

A homeopathic physician shall not delegate the following procedures to a registered medical assistant:

1. Psycho-therapeutic procedures, including individual or group psychotherapy, clinical hypnosis, or other behavioral health interventions subject to independent regulation in this state; or

References:

- Arizona Administrative Code § R4-38-306 (1995 & rev. 2010).
http://apps.azsos.gov/public_services/Title_04/4-38.pdf

Arkansas

(B) “Practice of psychology” includes without limitation:

(i) Testing and measuring, that consist of the administration and interpretation of tests measuring personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological brain functioning, and other psychological attributes of individuals or groups;

(ii)

(a) Diagnosis and treatment of mental and emotional disorders, that consist of the appropriate diagnosis of mental disorders, behavior disorders, and brain dysfunctions, according to standards of the profession and the ordering or providing of treatments according to need.

(b) Treatment includes without limitation providing:

(1) Counseling;

(2) Psychotherapy;

(3) Marital and family therapy;

(4) Group therapy;

(5) Behavior therapy;

(6) Psychoanalysis;

(7) **Hypnosis;**

(8) Biofeedback;

(9) Other psychological interventions that aim to modify and adjust perceptions, habits, or conduct; and

(10) The psychological aspects of physical illness, pain, injury, or disability; and

References

:

- A.C.A. § 17-97-102.

<https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=ff5b7ee6-ec10-47a3-82cb-46c4ed21a77e&config=00JAA2ZjZiM2VhNS0wNTVILTQ3NzUtYjQzYy0yYWZmODJiODRmMDYKAFBvZENhdGFsb2fXiYCnse10pllgqpYkw9PK&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A4WM2-8WN0-R03N-30GK-00008-00&pdcontentcomponentid=234170&pdteaserkey=sr0&pditab=allpods&ecomp=vs65kkk&earg=sr0&prid=5ecf0c65-2844-4c4d-b809-d7e8050c6746>

Delaware

While Delaware Code includes hypnosis under the definition of “practice of psychology,” the Office of Workers’ Compensation Health Care Practice Guidelines for chronic pain treatment also includes hypnosis under the Complementary Alternative Medicine (CAM) category.

Relevant Regulation(s):

24 Delaware Code § 3502. (5) “Practice of psychology” shall mean the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods, and/or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior, and of enhancing interpersonal relationships, work and life

adjustment, personal effectiveness, behavioral health and mental health.

The practice of psychology includes psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes and neuropsychological function; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions and the public.

19 Delaware Code § 1342B. 6.4.3 COMPLEMENTARY ALTERNATIVE MEDICINE (CAM) is a term used to describe a broad range of treatment modalities, a number of which are generally accepted and supported by some scientific evidence, and others which still remain outside the generally accepted practice of conventional Western Medicine. In many of these approaches, there is attention given to the relationship between physical, emotional, and spiritual well-being. While CAM may be performed by a myriad of both licensed and nonlicensed health practitioners with training in one or more forms of therapy, credentialed practitioners should be used when available or applicable.

Although CAM practices are diverse and too numerous to list, they can be generally classified into five domains:

6.4.3.2 Mind-Body Interventions: These include practices such as **hypnosis**, meditation, bioenergetics, and prayer.

References:

- 24 Delaware Code § 3502. <https://delcode.delaware.gov/title24/c035/sc01/index.html>
- 19 Delaware Code § 1342B. <https://regulations.delaware.gov/AdminCode/title19/1000/1300/1340/PART%20B%20Chronic%20Pain.shtml>

District of Columbia

§ 8699 Practice of psychology – means the development and application, with or without compensation, of scientific concepts, theories, methods, techniques, procedures, and principles of psychology to aid in the understanding, measuring, explaining, predicting, preventing, fostering, and treating of abilities, disabilities, attributes, or behaviors that are: (a) principally cognitive, such as aptitudes, perceptions, attitudes, or intelligence; (b) affective, such as happiness, anger, or depression; or (c) behavioral, such as physical abuse. The practice of psychology includes: (a) coaching, consulting, counseling, and various types of therapy, such as behavior therapy, group therapy, hypnotherapy, psychotherapy, and marriage, couples, and family therapy; (b) Intellectual, personality, behavioral, educational, neuropsychological, and psycho-physiological testing; and (c)

professional activities, such as research, teaching, training, interviewing, assessment, evaluation, pharmacology, and biofeedback.

§ 5210.1 An individual licensed to practice naturopathic medicine under the Act may use the titles "Doctor of Naturopathic Medicine," "Naturopathic Physician," "Licensed Naturopath," "Naturopathic Doctor," "Doctor of Naturopathy," "Naturopath," or the initials "ND."

§ 5210.2 An individual licensed to practice naturopathic medicine may:

(a) Administer or provide for preventive and therapeutic purposes natural medicines by their appropriate route of administration the following:

- (1) Natural remedies;
- (2) Topical medicine;
- (3) Counseling;
- (4) Hypnotherapy;
- (5) Dietary therapy;
- (6) Naturopathic physical medicine;
- (7) Therapeutic devices; and
- (8) Barrier devices for contraception.

References:

- 17 DCMR § 8699.
<https://dcregs.dc.gov/Common/DCMR/RuleDetail.aspx?RuleId=R0038812>
- 17 DCMR § 5210
<https://www.dcregs.dc.gov/Common/DCMR/SectionList.aspx?SectionId=12695>

Georgia

Hypnotists are listed as one of many examples of business or practitioners of professions or occupations which may be subject to regulatory fees of local governments. This is the only mention of hypnosis, hypnotherapy, hypnotists, etc. in Georgia law so far as has been found by this research.

Relevant Regulation(s):

(b) Examples of businesses or practitioners of professions or occupations which may be subject to regulatory fees of local governments include, but are expressly not limited to, the following:

(24) Hypnotists;

Reference:

- O.C.G.A. § 48-13-9.
<https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=a6b41201-c516-45bf-8202->

[f5ccd58bc003&config=00JAA1MDBIYzczZi11YjFILTQxMTgtYWE3OS02YTgyOGM2N
WJIMDYKAFBvZENhdGFsb2feed0oM9qoQOMCSJFX5qkd&pddocfullpath=%2Fshared
%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A6348-G0H1-DYB7-
W488-00008-
00&pdcontentcomponentid=234186&pdteaserkey=sr3&pditab=allpods&ecomp=vs65kkk&
earg=sr3&prid=8d552cd0-5705-4648-9a51-9ba3de11be1e](http://files.hawaii.gov/dcca/pvl/pvl/hrs/hrs_pvl_455.pdf)

Hawaii

HRS §455-1 “Behavioral medicine” means therapy techniques including biofeedback, relaxation training, hypnosis, mindfulness-based stress reduction, and cognitive therapy.

“Behavioral medicine” is included in the definition of “naturopathic medicine,” which must be practiced by a licensed naturopathic physician.

HRS §465-1 "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

References:

- Hawaii Revised Statutes § 455-1. http://files.hawaii.gov/dcca/pvl/pvl/hrs/hrs_pvl_455.pdf
- Hawaii Revised Statutes § 465-1. https://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0465/HRS_0465-0001.htm

Idaho

Indiana

Iowa

Kansas

Kentucky

Louisiana

§ 37:2352 (5) "Practice of psychology" is defined as the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods, and procedures, for the purpose of eliminating symptomatic, maladaptive, or undesired behavior, and of improving interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, stress management, biofeedback, behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and of the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, institutions, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

References:

- LA Rev Stat § 37:2352. <https://www.legis.la.gov/legis/Law.aspx?d=93633>

Maine

§ 3811 2. Psychologist. A person practices as a "psychologist" within the meaning of this chapter when he holds himself out to be a psychologist, or renders to individuals or to the public for remuneration any service involving the application of recognized principles, methods and procedures of the science and profession of psychology. Services which may be provided by psychologists include diagnosing, assessing and treating mental, emotional and psychological illness, disorders, problems and concerns and evaluation and treatment of vocational, social, educational, behavioral, intellectual and learning and cognitive disorders. These functions are performed through recognized psychological techniques such as, but not limited to, psychological testing, psychological interviews, psychological assessments, psychotherapy, personality counseling, behavior modification, cognitive therapies, learning therapies, biofeedback, hypnotherapy and psychological consultation to individuals and organizations.

§ 12522 1 Medicines and therapies. A naturopathic doctor may use and order for preventative and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid and other natural hormones, plant substances, all homeopathic preparations, immunizations, counseling, hypnotherapy, biofeedback, dietary therapy, naturopathic manipulative therapy, naturopathic physical medicine, therapeutic devices, barrier devices for contraception and office procedures. Naturopathic doctors may also prescribe medications, including natural antibiotics and topical medicines, within the limitations set forth in subsection 4. This subsection may not be construed to prevent an individual other than a naturopathic doctor from using, ordering or recommending any of the above listed items as long as the individual is not prohibited from doing so by any other federal or state statute or regulation.

References:

- 32 Maine Revised Statute § 3811 (2021).
<https://legislature.maine.gov/legis/statutes/32/title32sec3811.html>
- 32 Maine Revised Statute § 12522.
<https://legislature.maine.gov/legis/statutes/32/title32sec12522.html>

Maryland

(d) "License" means, unless the context requires otherwise, a license issued by the Board to practice psychology as a psychologist.

(e) "Licensed psychologist" means an individual who meets the requirements in § 18-302(f) of this title and is licensed by the Board to practice psychology.

(f) (1) "Practice psychology" means to provide to any person:

(i) Any service for compensation involving the application of psychological methods or psychological procedures for interviewing, counseling, psychotherapy, behavior modification, or hypnosis; or

References:

- MD. Health Occupations Code Ann. § 18-101 (2020).

<https://dhs.maryland.gov/documents/Licensing-and-Monitoring/Maryland%20Law%20Articles/RCC/HEALTH%20OCCUPATIONS%20Title%202018%20Psychologist.pdf>

Massachusetts

"The practice of psychology", rendering or offering to render professional service for any fee, monetary or otherwise, to individuals, groups of individuals, organizations or members of the public which includes the observation, description, evaluation, interpretation, and modification of human behavior, by the application of psychological principles, methods and procedures, for the purpose of assessing or effecting changes in symptomatic, maladaptive or undesired behavior and issues pertaining to interpersonal relationships, work and life adjustment, personal effectiveness and mental health. The practice of psychology includes, but is not limited to, psychological testing, assessment and evaluation of intelligence, personality, abilities, attitudes, motivation, interests and aptitudes; counseling, psychotherapy, hypnosis, biofeedback training and behavior therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, and the psychological aspects of physical illness or disability; psychoeducational evaluation, therapy, remediation and consultation. Psychological services may be rendered to individuals, families, groups, and the public. For purposes of this definition, the practice of psychology does not include the teaching of psychology, the conduct of psychological research, or the provision of psychological consultation to organizations, unless such teaching research or consultation involves the delivery or supervision of the types of direct services described above, to individuals or groups of individuals.

References:

- M.G.L. ch. 112, § 118.
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXVI/Chapter112/Section118>

Michigan

(1) As used in this part:

(a) "Psychologist" means an individual licensed under this article to engage in the practice of psychology.

(b) "Practice of psychology" means the rendering to individuals, groups, organizations, or the public of services involving the application of principles, methods, and procedures of understanding, predicting, and influencing behavior for the purposes of the diagnosis, assessment related to diagnosis, prevention, amelioration, or treatment of mental or emotional disorders, disabilities or behavioral adjustment problems by means of psychotherapy, counseling, behavior modification, **hypnosis**, biofeedback techniques, psychological tests, or other verbal or behavioral means. The practice of psychology shall not include the practice of medicine such as prescribing drugs, performing surgery, or administering electro-convulsive therapy.

References:

- MCL § 333.18201.
[https://www.legislature.mi.gov/\(S\(jdt3nekldzdm3hdipxxmi4ux\)\)/mileg.aspx?page=getObject&objectName=mcl-333-18201&highlight=hypnosis](https://www.legislature.mi.gov/(S(jdt3nekldzdm3hdipxxmi4ux))/mileg.aspx?page=getObject&objectName=mcl-333-18201&highlight=hypnosis)

Minnesota

Minnesota code includes “hypnosis” in the scope of practice of psychology and “hypnotherapy” in the scope of practice of naturopathic medicine. The use of hypnosis is considered to be “practicing medicine” if used for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease, unless it is performed by any person licensed by a health-related licensing board or registered by the commissioner of health, provided that the person confines their activities within the scope of their license.

Relevant Regulation(s):

§ 148.89 Subd. 5. "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for any reason, including to prevent, eliminate, or manage symptomatic, maladaptive, or undesired behavior and to enhance interpersonal relationships, work, life and developmental adjustment, personal and organizational effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, the following services, regardless of whether the provider receives payment for the services:

(4) psychotherapy, including but not limited to, categories such as behavioral, cognitive, emotive, systems, psychophysiological, or insight-oriented therapies; counseling; **hypnosis**; and diagnosis and treatment of

§ 147E.05 Subd. 1. (a) The practice of naturopathic medicine includes, but is not limited to, the following services:

(1) ordering, administering, prescribing, or dispensing for preventive and therapeutic purposes: food, extracts of food, nutraceuticals, vitamins, minerals, amino acids, enzymes, botanicals and their extracts, botanical medicines, herbal remedies, homeopathic medicines, dietary supplements and nonprescription drugs as defined by the Federal Food, Drug, and Cosmetic Act, glandulars, protomorphogens, lifestyle counseling, **hypnotherapy**, biofeedback, dietary therapy, electrotherapy, galvanic therapy, oxygen, therapeutic devices, barrier devices for contraception, and minor office procedures, including obtaining specimens to assess and treat disease;

§ 147.081 Subd. 3. Practice of medicine defined.

For purposes of this chapter, a person not exempted under section 147.09 is "practicing medicine" or engaged in the "practice of medicine" if the person does any of the following:
(5) offers to undertake to use hypnosis for the treatment or relief of any wound, fracture, or bodily injury, infirmity, or disease.

§ 147.09 Section [147.081](#) does not apply to, control, prevent or restrict the practice, service, or activities of:

(9) Any person licensed by a health-related licensing board, as defined in section [214.01, subdivision 2](#), or registered by the commissioner of health pursuant to section [214.13](#), including psychological practitioners with respect to the use of hypnosis; provided that the person confines activities within the scope of the license.

References:

- MN Statutes § 148.89. <https://www.revisor.mn.gov/statutes/cite/148.89>

- MN Statutes § 147E.05. <https://www.revisor.mn.gov/statutes/cite/147E.05>
- MN Statutes § 147.081. <https://www.revisor.mn.gov/statutes/cite/147.081>
- MN Statutes § 147.09. <https://www.revisor.mn.gov/statutes/cite/147.09>

Mississippi

*Note that Mississippi rules automatically repeal every five (5) years, unless reviewed and reenacted. § 73-31-3 is repealed effective July 1, 2025 if not reenacted.

(ii) The practice of psychology includes, but is not limited to:

1. Psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, behavioral, physical and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning;
2. Counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy;

References:

- Miss. Code Ann. § 73-31-3.
<https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=ef260a31-d268-45b4-902a-004c89c9623a&config=00JABhZDIzMTViZS04NjcxLTQ1MDItOTIiOS03MDg0ZTQxYzU4ZTQKAFBvZENhdGFsb2f8inKxYiqNVSihJeNKRIUp&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A8S9X-4X32-8T6X-71H2-00008-00&pdcontentcomponentid=234190&pdteaserkey=sr0&pditab=allpods&ecomp=vs65kkk&earg=sr0&prid=1a23afab-9789-4cce-8412-bd8732cfa054>
- <http://msdh.ms.gov/msdhsite/static/resources/1509.pdf>

Missouri

337.015. Practice of psychology regulated — practice of psychology, defined. — 1. No person shall represent himself as a psychologist in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter. No person shall engage in the practice of psychology in the state of Missouri unless he is validly licensed and registered under the provisions of this chapter unless otherwise exempt under the provisions of sections 337.010 to 337.090.

2. A person represents himself as a "psychologist" within the meaning of this chapter when he holds himself out to the public by any title or description of services incorporating the words "psychology", "psychological", or "psychologist", or any term of like import, "psychometry", "psychometrics", "psychometrist", "psychotherapy", "psychotherapists", "psychoanalysis", "psychoanalyst", or variants thereof or when the person purports to be trained, experienced or an expert in the field of psychology, and offers to render or renders services as defined below to individuals, groups, organizations, or the public for a fee, monetary or otherwise; provided, however, that professional counselors licensed to practice under this chapter, or a physician licensed to practice pursuant to chapter 334, who specializes in psychiatry, may use any of such

terms except "psychology", "psychological", or "psychologist" so long as such is consistent with their respective licensing laws.

3. The "practice of psychology" within the meaning of this chapter is defined as the observation, description, evaluation, interpretation, treatment, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing, treating, or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology includes, but is not limited to, psychometric or psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability in both inpatient and outpatient settings, alcoholism and substance abuse, disorders of habit or conduct, as well as the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and teaching and training of psychological competence. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

4. The application of these principles and methods includes, but is not restricted to: diagnosis, prevention, treatment, and amelioration of adjustment problems and emotional and mental disturbances of individuals and groups; **hypnosis**; counseling; educational and vocational counseling; personnel selection and management; the evaluation and planning for effective work and learning situations; advertising and market research; and the resolution of interpersonal and social conflicts.

- Missouri Revised Statutes § 337.015.
<https://revisor.mo.gov/main/OneSection.aspx?section=337.015>

Montana

(4) (a) "Practice of psychology" means the observation, description, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work and life adjustment, personal effectiveness, and mental health.

(b) The practice of psychology includes but is not limited to psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders or disabilities, chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation.

(5) A person represents to the public that the person is a "psychologist" when the person uses a

title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services described in subsection (4) to individuals, groups, corporations, or the public, whether or not the person does so for compensation or fee

References:

- MCA § 37-17-102.
https://leg.mt.gov/bills/mca/title_0370/chapter_0170/part_0010/section_0020/0370-0170-0010-0020.html

Nebraska

(1) Practice of psychology means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.

(2) The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and psychophysiological and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and supervision of qualified individuals performing services specified in this section.

(3) Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

References:

- Nebraska Revised Statutes § 38-3108 (2021).
<https://nebraskalegislature.gov/laws/statutes.php?statute=38-3108>

Nevada

"Practice of psychology" means the observation, description, evaluation, interpretation or modification of human behavior by the application of psychological principles, methods or procedures to prevent or eliminate problematic, unhealthy or undesired behavior and to enhance personal relationships and behavioral and mental health. The term includes, without limitation, such specialized areas of competence as:

5. Hypnosis;

References:

- Nevada Revised Statutes § 641.025.
<https://www.leg.state.nv.us/Division/Legal/LawLibrary/NRS/NRS-641.html#NRS641Sec025>

New Hampshire

§ 329-B:2 VII. "Psychology practice by a licensed psychologist" means:

(c) Counseling, consultation, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy;

§ 328-E:4 I. Doctors of naturopathic medicine shall be authorized to use for preventive and therapeutic purposes the following natural medicines and therapies: food, food extracts, vitamins, minerals, enzymes, digestive aids, whole gland thyroid, plant substances, all homeopathic preparations, topical medicines, counseling, **hypnotherapy**, biofeedback, dietary therapy, naturopathic physical medicine, therapeutic devices, and barrier devices for contraception.

References:

- NH Rev Stat § 329-B:2 (2021). <https://www.gencourt.state.nh.us/rsa/search/default.aspx>
- NH Rev Stat § 328-E:4 (2021). <https://www.gencourt.state.nh.us/rsa/search/default.aspx>

New Mexico

New York

North Carolina

(8) Practice of psychology. – The observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior or of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, or mental health. The practice of psychology includes, but is not limited to: psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis, including etiology and prognosis, and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological and neuropsychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.

(9) Psychologist. – A person represents himself or herself to be a psychologist if that person uses any title or description of services incorporating the words "psychology", "psychological",

"psychologic", or "psychologist", states that he or she possesses expert qualification in any area of psychology, or provides or offers to provide services defined as the practice of psychology in this Article. All persons licensed under this Article may present themselves as psychologists, as may those persons who are exempt by G.S. 90-270.138 and those who are qualified applicants under G.S. 90-270.139. (1967, c. 910, s. 2; 1977, c. 670, s. 1; 1979, c. 670, s. 1; 1993, c. 375, s. 1; 1993 (Reg. Sess., 1994), c. 569, s. 14; 1999-292, ss. 1, 2; 2020-82, s. 1(a).) .

References:

- North Carolina General Statutes § 90-270.2.
https://www.ncleg.gov/enactedlegislation/statutes/html/bysection/chapter_90/gs_90-270.136.html

North Dakota

6. "Practice of psychology" means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The term includes psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychotherapy, biofeedback, behavior analysis and therapy, **clinical applications of hypnosis**, and other therapeutic techniques based on psychological principles; diagnosis and treatment of mental and emotional disorder or disability, compulsive disorders, disorders of habit or conduct as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. The term includes providing psychological services to individuals, families, groups, organizations, institutions, and the public regardless of whether payment is received for services rendered. The term includes supervising others who are engaged in the practice of psychology.

7. "Psychologist" means an individual who is licensed under this chapter in the practice of psychology.

References:

- North Dakota Century Code § 43-32-01. <https://ndlegis.gov/cencode/t43.html>

Ohio

Rev. Code § 4732.01 (C) "Psychological procedures" include but are not restricted to application of principles, methods, or procedures of understanding, predicting, or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions, or interpersonal relationships; the methods or procedures of verbal interaction, interviewing,

counseling, behavior modification, environmental manipulation, group process, psychological psychotherapy, or **hypnosis**; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, or motivation.

Administrative Code § 4732-5-01 (A) Consistent with division (A)(7) of section 4732.22 of the Revised Code, persons regulated under other sections of the Revised Code can use hazardous psychological procedures when consistent with their professions, provided they do not hold themselves out to the public by the title "psychologist." As defined in division (A) of section 4732.01 of the Revised Code, using the terms "psychologic," "psychological," or "psychology" in describing the services offered constitutes holding oneself out to the public as a psychologist even though use of the procedures under other names may be permitted, as provided by law.

(B) The following psychological procedures are a serious hazard to mental health as that term is defined in paragraph (L) of rule 4732-3-01 of the Administrative Code and require professional expertise in psychology:

(4) Hypnotic techniques for diagnostic, treatment, or other psychotherapeutic purposes

Administrative Code § 4732-3-01 (L) "Serious hazard to mental health" occurs where an individual is at substantial risk of developing a mental disorder or to be at substantial risk of increasing the severity of an existing mental disorder.

References:

- Ohio Revised Code § 4732.01. <https://codes.ohio.gov/ohio-revised-code/section-4732.01>
- Ohio Administrative Code § 4732-5-01. <https://codes.ohio.gov/ohio-administrative-code/rule-4732-5-01>
- Ohio Administrative Code § 4732-3-01. <https://codes.ohio.gov/ohio-administrative-code/rule-4732-3-01>

Oklahoma

3. "Practice of psychology" means the observation, description, evaluation, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures, for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology, a branch of the healing arts, includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics, such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability; and psychoeducational evaluation, therapy, remediation, and consultation. Psychological services may be rendered to individuals, families, groups, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered;

References:

- Oklahoma Statutes § 59-1352. <http://www.oklegislature.gov/osStatuesTitle.aspx>

Oregon**Pennsylvania****Rhode Island**

(7) "Practice of psychology" means the rendering of professional psychological services to individuals, groups, families, or any public or private organization for remuneration. Professional psychological services means applying established psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, and mental health. The practice of psychology includes, but is not limited to:

(iv) Counseling, psychotherapy, psychoanalysis, **hypnotherapy**, biofeedback, and behavior analysis and therapy.

References:

- Rhode Island General Laws § 5-44-1.
<http://webserver.rilin.state.ri.us/statutes/title12/title5/5%2D44/5%2D44%2D1.htm>

South Carolina

§ 40-55-50 Acts constituting practice as psychologist.

(A) A person practices as a psychologist within the meaning of this chapter when that person holds himself or herself out as a psychologist or applies the principles, methods, or procedures of psychology in the conduct of any of the following activities:

(2) Engaging in a therapeutic relationship with an individual, family, or group for the purpose of one or more of the following:

(a) improving the quality of mental health or social adjustment, or both;

(b) reducing, preventing, modifying, or eliminating maladaptive or undesired behaviors, cognitions, emotions, or psychological or physical characteristics;

(c) treating diagnosed mental disorders, whether treatment is focused on behavioral manifestations of the disorder, the environmental context of the disorder, or underlying causal processes;

(d) improving individual performance;

(e) modifying cognitions, emotions, or behaviors, or a combination of these, in order to influence psychological well-being;

(f) psychological research; or

(g) any combination of subitems (a) through (f).

For purposes of this section, a "therapeutic relationship", except as provided for in Section 40-55-90, refers to, but is not limited to, one or more of the following practices insofar as they involve the application of psychological principles, methods, or procedures: psychotherapy, psychoanalysis, therapy, family therapy, marital therapy, couples therapy, play therapy, counseling, rehabilitation, intervention, **hypnotherapy**, biofeedback, behavior therapy, behavior modification, psychological counseling, human potential psychology, vocational counseling, school counseling, growth psychology, alcohol or substance abuse counseling, or both, or remediation, or a combination of any of these for any of the purposes identified in this item.

§ 40-75-20 (17) "Practice of professional counseling" means functioning as a psycho-therapist and may include, but is not limited to, providing individual therapy, family counseling, group therapy, marital counseling, play therapy, couples counseling, substance abuse counseling, vocational counseling, school counseling, rehabilitation counseling, intervention, human growth and development counseling, behavioral modification counseling, and hypnotherapy. The practice of professional counseling may include assessment, crisis intervention, guidance and counseling to facilitate normal growth and development, including educational and career development; utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or handicapping condition; and consultation and research. The use of specific methods, techniques, or modalities within the practice of licensed professional counseling is restricted to professional counselors appropriately trained in the use of these methods, techniques,

or modalities.

References:

- South Carolina Code of Laws § 40-55-50. <https://www.scstatehouse.gov/code/t40c055.php>
- South Carolina Code of Laws § 40-75-20. https://www.scstatehouse.gov/query.php?search=DOC&searchtext=hypnotherapy&category=CODEOFLAWS&conid=37293110&result_pos=0&keyval=19057&numrows=10

South Dakota

(3) "Psychological procedures," include but are not restricted to the application of principles, methods or procedures of understanding, predicting or influencing behavior, such as the principles pertaining to learning, conditioning, perception, motivation, thinking, emotions or interpersonal relationships; the methods or procedures of verbal interaction, interviewing, counseling, behavior modification, environmental manipulation, group process, psychotherapy, biofeedback or hypnosis; and the methods or procedures of administering or interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions or motivation;

References:

- South Dakota Codified Laws § 36-27A-1. https://sdlegislature.gov/Statutes/Codified_Laws/2060964

Tennessee

(a)

(1) "Practice of psychologist" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of assessing, preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health.

(2)

(A) "Practice of psychologist" includes, but is not limited to:

(ii) Counseling, psychoanalysis, psychotherapy, **hypnosis**, biofeedback and behavior analysis and therapy;

(b) A person represents that person to be a psychologist if that person uses any title or description of services incorporating the words "psychology," "psychological" or "psychologist," if such person possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this chapter.

References:

- Tennessee Code Ann. § 63-11-203. <https://advance.lexis.com/documentpage/?pdmfid=1000516&crd=a6259be3-01a3-4833-b62d->

[d993ebd78df7&config=025054JABlOTJjNmIyNi0wYjI0LTRjZGEtYWE5ZC0zNGFhO
WNhMjFINDgKAFBvZENhdGFsb2cDFQ14bX2GfyBTaI9WcPX5&pddocfullpath=%2F
shared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A50G5-6KJ0-
R03M-22RN-00008-
00&pdcontentcomponentid=234179&pdteaserkey=sr2&pditab=allpods&ecomp=vs65kkk
&earg=sr2&prid=a6a90a30-2b18-45b6-ae2a-84adf850bc9c](https://legislature.vermont.gov/statutes/section/26/081/04121)

Vermont

(8) "Naturopathic medicine" or "the practice of naturopathic medicine" means a system of health care that utilizes education, natural medicines, and natural therapies to support and stimulate a patient's intrinsic self-healing processes and to prevent, diagnose, and treat human health conditions, injuries, and pain. In connection with such system of health care, an individual licensed under this chapter may:

(A) Administer or provide for preventative and therapeutic purposes nonprescription medicines, topical medicines, botanical medicines, homeopathic medicines, counseling, **hypnotherapy**, nutritional and dietary therapy, naturopathic physical medicine, naturopathic childbirth, therapeutic devices, barrier devices for contraception, and prescription medicines authorized by this chapter.

References:

- 26 V.S.A. § 4121. <https://legislature.vermont.gov/statutes/section/26/081/04121>

Virginia

"Practice of clinical psychology" includes, but is not limited to:

2. "Diagnosis and treatment of mental and emotional disorders" which consists of the appropriate diagnosis of mental disorders according to standards of the profession and the ordering or providing of treatments according to need. Treatment includes providing counseling, psychotherapy, marital/family therapy, group therapy, behavior therapy, psychoanalysis, **hypnosis**, biofeedback, and other psychological interventions with the objective of modification of perception, adjustment, attitudes, feelings, values, self-concept, personality or personal goals, the treatment of alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, pain, injury or disability.

References:

- Code of Virginia § 54.1-3600.
<https://law.lis.virginia.gov/vacode/title54.1/chapter36/section54.1-3600/>

West Virginia

Wisconsin

(5)

(a) "Practice of psychology" means the observation, description, evaluation, interpretation, prediction, or modification of human behavior by the application of psychological principles, methods, or procedures for any of the following purposes, in exchange for a fee:

1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesired behavior and promoting adaptive health maintaining behavior or psychological functioning.
2. Assisting in legal decision-making.

(b) "Practice of psychology" includes all of the following if done in exchange for a fee:

2. Counseling, consultation, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior therapy, and applied behavior analysis.

References:

- Wisconsin Statute § 455.01.
<https://docs.legis.wisconsin.gov/statutes/statutes/455/i/01/5/b/2>

Wyoming

(iii) "Practice of psychology" means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures, for the purpose of any one (1) or any combination of the following:

(E) Psychoanalysis, psychotherapy, hypnosis, biofeedback and behavior analysis and therapy;

References:

- Wyo. Stat. § 33-27-113.
<https://advance.lexis.com/documentpage/?pdmfid=1000516&crid=292bafb0-a6cb-421c-93c6-ffd548d23813&config=00JABmMTEzODA5Zi0wOWExLTQ3NTAtOThmNy0xYjc5ZjUwYzRkZmIKAFBvZENhdGFsb2f3sjqEYfYX7EMD8yWYBYCu&pddocfullpath=%2Fshared%2Fdocument%2Fstatutes-legislation%2Furn%3AcontentItem%3A56VF-H2S1-73WF-6515-00008-00&pdcontentcomponentid=234174&pdteaserkey=sr0&pditab=allpods&ecomp=vs65kkk&earg=sr0&prid=f1b79de6-f01d-4897-af1a-ac59cf08c449>