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National Guild of Hypnotists

Attention NGH Florida Members

Sent:
February 16, 2012

**NGH Communications
Department**



**NGH President
Dr. Dwight Damon**



**C.Scot Giles
NGH Legislative &
Governmental
Concerns Liaison**

TO ALL FLORIDA NGH MEMBERS:

To keep you informed I have asked Rev. C. Scot Giles, our Legislative Liaison Officer, to give you his current assessment regarding the practice of Consulting Hypnotists in the state of Florida.

Dwight F. Damon, DC, DNGH
President: National Guild of Hypnotists
National Federation of Hypnotists, Local 104. AFL/CIO, CLC

Thursday: February 16, 2012

Dear Florida Members of the National Guild of Hypnotists:

I am pleased to have this opportunity to respond directly to you concerning questions received about the resolution of the governmental action against Certified Consulting Hypnotist, George Kenney. Several members stated they were unclear as to the meaning of this case.

Background

Member George Kenney hypnotized students at the High School where he was the Principal. He had parental permission for all hypnotism and as far as we can determine confined his work to sports and confidence improvement. These are usually considered non-therapeutic uses of hypnotism.

Regrettably, two of the students in his school later committed suicide. While this is not an uncommon event among High School students everywhere, the grief-stricken parents apparently felt the hypnotism was responsible. No authority has agreed with them, but members of other professional groups saw in this case an opportunity to strike out at the Consulting Hypnotist Community and asked the government to pursue the case.



Florida has two overlapping hypnotism laws. One law, Statute 485, restricts the practice of hypnotism for therapeutic purposes. Such hypnotism can only be done by persons who hold a license as a health care professional from the State of Florida, or who are working under the supervision of such a person. No private certification from any hypnosis organization allows an unlicensed person to do therapeutic hypnotism in Florida unless they are working under the supervision of a person holding a state health care license.

Florida also has another law, Statute 49, that allows an unlicensed person to practice hypnotism for non-therapeutic purposes. Specifically, it states (the important words are underlined):

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.

Unfortunately, nowhere in Florida law is there any definition of "therapeutic" or "non-therapeutic purposes." Therefore, for decades Consulting Hypnotists have had difficulty in Florida with every civil servant feeling free to make up his or her own definition, including saying that in reality "all hypnosis is therapeutic."

The issue with George Kenney is the latest round in this debate.

The Meaning of this Case

The danger to the Consulting Hypnotist Community was that the court decision would enter into court records a definition of "therapeutic hypnotism" that the Consulting Hypnotist community would find so restrictive as to meaningfully close the market entirely.

While it would have been better for our community if M Dr. Kenney had gone to trial and fought his case on the grounds that his use of hypnotism was non-therapeutic and

therefore legal, such a battle would have placed him at considerable risk if the judge did not agree.

Fortunately, Member Kenney was able to negotiate a plea bargain that allowed him to resolve his legal troubles without the court creating a definition of "therapeutic hypnotism" at all. While not a "win" for the Consulting Hypnotism community, this was not a "loss" either.

Basically the legal situation in Florida remains unchanged.

The Future and What Your Should Do

First and foremost all members of the National Guild of Hypnotists should pay attention to the handwriting on the wall.

You should call yourself a Consulting Hypnotist and what you do Consulting Hypnotism. You should carefully follow the National Guild of Hypnotists Standards of Practice and give every client a written Client Bill of Rights that specifically says you are not practicing therapy. You should carefully use only the National Guild of Hypnotists Recommend Terminology for Hypnotic Practice in what you say and in your records, as it avoids use of all therapeutic language.

If you are an unlicensed person and insist on calling yourself a "hypnotherapist" in a state that limits the practice of therapeutic hypnotism to people who hold a health care license, there probably isn't much anyone can do to help you if you get into trouble.

The final thing you should do is be sure you have liability insurance coverage for your practice of Consulting Hypnotism, and that you are a member of the National Federation of Hypnotists 104, AFL-CIO. The hypnotist union is a strong political defense, and the liability insurance policy may provide you with needed resources if trouble comes calling. We believe this situation would have resolved very differently if Mr. Kenney was a union hypnotist or if he had insurance coverage for his work.

In the months to come the National Guild of Hypnotists will turn its attention to Florida and see if we can prevent something like this from happening again. Our success may be determined by the number of Florida members who join our hypnotist union, as the union is where we go to get political resources.

Therefore, your future is in your own hands. In order for us to be there to help you, we need you to be there for us. We strongly recommend you follow our rules and also join the union.

Sincerely,
C.Scot Giles
Legislative and Governmental Concerns Liaison

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