

By Mr. Newth of Swampscott, petition of Eugene A. Innocenti for the establishment of a board of registration of practitioners of the healing arts using hypnosis as a part of their practices. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Eight.

AN ACT ESTABLISHING THE BOARD OF REGISTRATION OF ALL PRACTITIONERS OF THE HEALING ARTS AND QUALIFIED PERSONS THROUGHOUT THE STATE WHO INTEND TO USE HYPNOSIS AS PART OF THEIR PRACTICES OR PROFESSIONS AND DEFINING ITS POWERS AND DUTIES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby
2 amended by inserting after section 66, under the caption board
3 of REGISTRATION OF PRACTITIONERS OF THE HEALING ARTS AND
4 QUALIFIED PERSONS USING HYPNOSIS FOR THERAPEUTIC PURPOSES,
5 the following 3 sections:—

6 *Section 67.* There shall be a board of registration of prac-
7 titioners of the healing arts and qualified persons using hyp-
8 nosis for therapeutic purposes, in this section and in sections
9 eighty-eight and sixty-nine called the board, consisting of the
10 chairman of the respective boards of the following professions:
11 medicine, surgery, psychiatry, dentistry, osteopathic medicine,
12 chiropractors, chiropody (podiatry) and optometry. Upon the
13 expiration of the term of any member of the board, his suc-
14 cessor shall be appointed in a like manner.

15 *Section 68.* The board shall hold at least two regular meet-
16 ings in each year for the purpose of examining applicants for
17 registration and the transaction of other business. At its first
18 regular meeting in each year the board shall choose from their
19 own members a chairman and a secretary.

20 *Section 69.* All fees received by the secretary of the board
21 and not returned to the applicant shall be paid monthly to the
22 state treasurer. Each member of the board shall receive from

23 the commonwealth fifteen dollars for each day or portion there-
24 of spent in attending board meetings, and each member shall
25 be paid the necessary traveling and other expenses actually
26 incurred by him in attending said meetings; provided, that
27 such compensation and expenses shall not in any year exceed
28 the receipts from registration and licenses paid to the common-
29 wealth by the board.

1 SECTION 2. Chapter 112 of the General Laws is hereby
2 amended by adding after section 97, under the caption REGIS-
3 TRATION OF PRACTITIONERS AND QUALIFIED PERSONS USING HYP-
4 NOSIS FOR THERAPEUTIC PURPOSES, the following eleven sections:

5 *Section 89.* For the purposes of this section and sections
6 ninety-nine to one hundred and eight inclusive, the following
7 words shall, unless the context requires otherwise, have the
8 following meanings:—

9 (1) "Hypnosis" shall mean hypnosis, hypnotism, mesmer-
10 ism, post-hypnotic suggestion, or any similar act or process
11 which produces or is intended to produce in any person any
12 form of induced sleep or trance in which the susceptibility of
13 the persons mind to suggestion or direction is increased or is
14 intended to be increased, where such a condition is used or
15 intended to be used in the treatment of any human ill, disease,
16 injury, or for any other therapeutic purpose.

17 (2) "Healing arts" shall mean the practice of medicine, sur-
18 gery, psychiatry, dentistry, osteopathic medicine, chiropractic,
19 naturopathy, chiropody (podiatry) and optometry.

20 (3) "Practitioner of the healing arts" shall mean a person
21 licensed under the laws of the state to practice medicine, sur-
22 gery, psychiatry, dentistry, osteopathic medicine, chiropractic,
23 naturopathy, chiropody (podiatry) or optometry within the
24 scope of his professional training and competence and within
25 the purview of the statutes applicable to his respective profes-
26 sion, and who may refer a patient for treatment by a qualified
27 person, who shall employ hypnotic techniques under the super-
28 vision, direction, prescription and responsibility of such re-
29 ferring practitioner.

30 (4) "Qualified person" shall mean a person deemed by the
31 referring practitioner to be qualified by both professional train-
32 ing and experience to be competent to employ hypnotic tech-

33 nique for therapeutic purposes, under supervision, direction
34 or prescription.

35 (5) "Board", the board of registration of practitioners of
36 the healing arts and qualified persons using hypnosis for thera-
37 peutic purposes established by section sixty-seven of chapter
38 thirteen.

39 *Section 99.* The board may make and publish necessary rules
40 and regulations for the proper conduct of its duties, and shall
41 keep a full record of its proceedings and keep a record of the
42 names of all persons examined or registered by it, which shall
43 be open to public inspection. The board shall make an annual
44 report containing a full and complete account of all of its
45 official acts during the preceding year and setting forth the
46 condition of chiropractic in the commonwealth.

47 *Section 100.* Every person, before engaging in the practice
48 of using hypnosis for therapeutic purposes in this common-
49 wealth, shall make application to the board, on a form pre-
50 scribed and furnished by it for a certificate to practice hyp-
51 nosis for therapeutic purposes. Said application shall be filed
52 with the secretary of the board at least fifteen days before the
53 date of examination, and shall be accompanied by an exami-
54 nation fee of twenty-five dollars. Each applicant must be a
55 practitioner of the healing arts.

56 *Section 101.* The board shall examine each applicant as to
57 his qualifications for the practice of using hypnosis for thera-
58 peutic purposes within the limits and framework of his own
59 particular field of competence. Every applicant whom the board
60 finds qualified to practice hypnosis for therapeutic purposes
61 within the limits and framework of his own particular field
62 of competence shall be registered as such by the board and a
63 certificate of such registration signed by the chairmen and sec-
64 retary of the board shall be issued to such applicant. Said cer-
65 tificate shall entitle the person to whom it is issued to practice
66 hypnosis for therapeutic purposes in this commonwealth, shall
67 designate him as such and shall be publicly displayed at his
68 principal office so long as he shall continue to practice hyp-
69 nosis for therapeutic purposes. The board shall furnish each
70 person registered as such a copy of section ninety-eight, which
71 copy shall be the same size as the certificate of registration and
72 shall be similarly displayed.

73 *Section 102.* It shall be unlawful for any person to engage
74 in the practice of hypnosis for therapeutic purposes unless
75 such person is a practitioner of one of the healing arts, a
76 qualified person, or acts under the supervision, direction, pres-
77 cription, and responsibility of such a person.

78 *Section 103.* Any person who shall violate the provisions
79 of this act shall be punished by a fine of not less than one
80 hundred nor more than one thousand dollars or by imprison-
81 ment of not less than thirty days nor more than one year,
82 or both.

83 *Section 104.* A violation of any of the provisions of this
84 act by any person licensed to practice any branch of the
85 healing arts in this commonwealth shall constitute grounds
86 for revocation of license and action may be taken by the
87 respective boards in accordance with the applicable sections
88 of chapter one hundred and twelve.

89 *Section 105.* Any person who shall be damaged or injured
90 by any practitioner of the healing arts, or by any person to
91 whom such a practitioner may refer a patient for treatment,
92 may bring suit against the practitioner either severally, or
93 jointly, with the person to whom the referral was made.

94 *Section 106.* No civil or criminal remedy for any wrong-
95 ful action shall be excluded or impaired by the provisions of
96 any section of this act.

97 *Section 107.* Every practitioner of the healing arts, who
98 engages in the practice of hypnosis for therapeutic purposes,
99 shall annually, before April first, pay to the board a license
100 fee, which license fee shall be set annually by the board and
101 shall be adequate to meet the annual expenses of the board.
102 Every registered practitioner of the healing arts who engages
103 in the practice of hypnosis for therapeutic purposes, upon
104 commencing to practice, shall forthwith notify the board of
105 his office address or addresses, and he shall promptly notify
106 the board of any change in his office address or addresses,
107 and from time to time shall furnish such other information to
108 the board as it may require. The board may suspend his
109 authority to engage in the practice of hypnosis for thera-
110 peutic purposes for failure to comply with any of the above
111 requirements. The board shall publish annually complete lists
112 of the names and office addresses of all practitioners of the

113 healing arts engaging in the practice of hypnosis for thera-
114 peutic purposes registered and practicing in the common-
115 wealth, arranged alphabetically by name and also by the
116 names of the towns where their various offices are situated.

117 *Section 108.* All the boards of registration of the healing
118 arts are authorized and directed to immediately send a copy
119 of this act to the respective practitioners of the healing arts.

