



ETHICS IS YOUR BUSINESS COURSE OUTLINE

MANUSCRIPT

By Mark Babineaux

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It is available only to their authorized members, trainers, schools and students. Thank you for joining the IACT and the IMDHA in their effort to enhance and protect the reputation of the Hypnosis Profession by participating in the ethics education and training which is now made part of the curriculum and a requirement for membership certification.

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This program is not legal advice and should not be considered as such. Each individual situation is unique and should be reviewed by legal and financial counsel licensed to practice in your particular state or province.

1) History, Reasoning behind Codes of Ethics and Professional Conduct

What is Ethics and why is it my business?

If mankind was only one man, then we would not have rules or laws or customs. No need to look after anyone else so there is no need for them. Yet even if mankind would be only one kind of man, the need to look after each other is the basic motivation for recognizing behavioral expectations and obligations toward each other. The attitude toward these behavioral expectations and obligations starts with that one man. Attitude and belief in right and wrong, good and bad, moral values, principles, duties and obligations is referred to as "Ethics" after the Greek word for "character," i.e. "Ethos."

Dictionaries will define "ethics" as a discipline dealing with these beliefs. However, a definition is only structural in nature. It only tells you what something is and not necessarily how it works. To develop a deeper understanding of ethics both as a concept and how it works, we need to examine it on a cultural level. Culture also starts with that one man who develops a personal code of ethics. The most important rules in life are the ones that we impose upon ourselves - because those are the rules we are most likely to follow - and ultimately possibly the only ones. These rules define our personal ethics. And how do we develop these personal rules?

We inherit the influences of our environment and the circumstances into which we are born. After we enter this life, the most powerful influences are those which shape our beliefs and guide us successfully through life. Success is measured somewhere between what one is given and what one gives in return. We are all blessed with certain talents and strengths meant to be shared. How much we share or how much we hoard of what we inherit is determined not only by the environment and circumstances into which we are born but by the influences of the people who people our lives. These influences determine how we respond to this environment and these circumstances. Those influences create *expectations*.

The founders and followers of Buddhism, Judaism, Christianity, Hinduism, Islam and other great religions, along with the beliefs they carry, have great influence not only on how we live our daily lives but in how we recognize and celebrate great events in our lives. Baptism, confirmation, mitzvah, marriage, burial ceremonies and other rites of passage are evidence that beliefs, our own as well as those of others, influence our expectations of each other, our societal interactions and our personal relationships. We have a basic structure of government, society and religion which create guidelines for our interactions and relationships from these expectations yet at the very center of this confluence of influences are our parents - the ones who are most responsible for helping us interpret these guidelines in regard to how we feel about ourselves.

Influence may be better understood by source and categorized into four types: inherited, such as environment; indoctrinated, such as religion; intimidated, such as authority; and imitated, such as with parents and family. Of course, none can be completely separated from the others and parents cannot control what is inherited so much as they can protect us from those indoctrinations and intimidations that they themselves find more harmful than helpful. They are the gatekeepers. They should be the most dominant factor in determining which behaviors we will or will not imitate. They serve as examples - if not of what to do then of what not to do. Stephen Covey insightfully points out, "I am not a product of my circumstances. I am a product of my decisions."

On the other hand, what if our parents themselves are overwhelmed by intimidation and indoctrination and away from the motivation to look after each other? There is no commonly held belief in right and wrong. Ideas and beliefs in right and wrong behavior not only vary from culture to culture but from person to person - even within the same culture. Is there something intrinsic in our broader human nature that would compel us to refocus on the need to look after each other regardless of culture or religion or government or even family for that matter?

In his book, "Ethical Reasoning in the Mental Health Professions," Gary George Ford identifies the ethical theories of Obligation and Value. These theories take us beyond the *idea* that we are motivated to act because of the *need* to look after each other to the *feeling* that we are compelled to act because we have the *duty* to look after each other - that we have a moral obligation to protect and preserve that which is most highly valued in life - and life itself.

Because we have mostly been given and guided into our ethical beliefs, it is sometimes difficult to explain that feeling, that knowing, that compulsion to do the right thing. We just know that it is the right thing to do, and we do it, yet we cannot rationally or scientifically explain why. It seems that our conscience has been hypnotized even though we have not been consciously hypnotized. Or have we?

In any case, and even though each and every individual in a group may have what they consider to be very high ethical standards, it is because that *there is no universally or uniformly accepted belief in right and wrong* that Ford maintains that personal ethics are not sufficient to assure predictable and responsible behavioral response from that group. This would be especially true in a non-governmental, non-religious, non-cultural situation where there are no preexisting assumptions of correct behavior. I totally agree. There is no *expectation of conformity, nor can there be any conformity of expectation, unless the group consciously creates it.*

This consciously conceived group creation of conformity is variously referred to as a "code of ethics" or "standards of practice" or "code of professional conduct." Whatever it may be called, it all refers to the same thing - a set of commonly accepted or required guidelines of behavior for members of a group whose behavior is expected to express the intent, interest and purpose of the group itself. Membership in the group reflects on the individual and the individual member reflects on the group. And it is more than just a set of rules. Will Rogers said "Good judgment comes from experience, and a lot of that comes from bad judgment. So, allow me to

dangle this participle - *the group experience expressed in a code of conduct allows the individual to learn from other's mistakes without the consequence of situations that the individual may not have even thought of.*

So, we have a set of rules. That is simply a definition. That is a description of what it is. But what is it supposed to accomplish? I suggest that the purpose of these rules, and the mutual accountability between the individual and the group that they create, allow us, the individual, to develop a better relationship with our clients. A relationship of trust. Trust in the expectation Trust in the process - Trust in the person - because of following those rules.

Even more important than being trusting and trusted is the concept of being trustworthy. *Don Peppers says "Being trustworthy requires: Doing the right thing. And doing things right"*. Trust is developed by the promises we keep, not in the promises we make. Trustworthiness is developed by consistently keeping those promises. Former U.S. Senator Lewis Cass said, "People may doubt what you say, but they will believe what you do." Put another way: "You are what you do, not what you say you'll do." - Carl Jung

What we do as Hypnosis Professionals is a balance between Conscience and Competence

You are a good person with a conscience. You have spent hours and years studying, practicing, seeking certifications and memberships in professional organizations to assure yourself, the public and your clients that you have the knowledge to do what you say that you can do. Many of us have certifications recognizing the level of education that we have achieved that we can put behind our name: CHt, CCH, M.D., JD, PhD. LCSW etc. with some of these being required to practice higher levels in the social, medical and legal fields. Those higher levels of practice are government regulated and have their own level of mandated and supervised codes of professional conduct. If your situation is that you are practicing at one of these higher levels, then you are aware of these ethical concepts and the requirement that you maintain your conduct at the highest level for which you are licensed or certified. You are also aware that there are lawyers disbarred and doctors with licenses revoked in spite of the fact that they have all of this education and certification.

More likely than not, all these license revocations and disbarments were a result of the individual practitioner upsetting that balance between Conscience and Competence. *The conscience of a profession is held within the spirit of its particular code of ethics and/ or code of professional conduct.* To choose to violate that code is to undermine the expectation of trust that it creates. There is also the expectation of competence that is created by all of these certifications and licenses. To expand a bit on Jung's quote above, what you say you'll do and what you do have to match up. If they do not match up, then in terms of ethical considerations, it may be the result of performance out of the individual practitioner's Scope of Practice - i.e., the particular area of training or expertise that the practitioner is qualified or licensed.

What about us? - The stand-alone Hypnosis Professionals who are not regulated by government - in a profession which does not even have a clear-cut, universally accepted definition of what it is or what it even should be called. Yet there are very few mandates or prohibitions to its practice or use, at least here in the U.S. It is probably a generally accepted notion that we are self-regulated which I believe means that we are basically unregulated. Who would regulate the regulators? So, how do we develop and maintain what we do into a trustworthy profession with all the respect that it deserves? I offer the following thoughts, insights and considerations in helping us along that path.

SELFLESSNESS

“This book...is the result of twenty years of study, research and practice of hypnosis. The contents of the book are so constituted as to be useful both for those who are investigating the theory and art of hypnosis, and for those who are interested in learning the practice of hypnosis.

“I hope this effort will help those who are looking to take advantage of hypnosis as an effective modality for their self-improvement and self-development. And, finally, I hope that the book will contribute to the development of this science for the purpose of human well-being and that hypnosis will not be regarded as a tool to enhance power, influence, or prestige over others.”

- Masud Ansari, BA, MA, Ph.D., DCH, FCH, Washington, D.C. (1982) in preface to his book, "Modern Hypnosis, Theory and Practice."

INTERCONNECTEDNESS**

“The honor of one is the honor of all. The hurt of one is the hurt of all.”

-Phil Lane, Jr., Yankton Sioux/Chickasaw, Four Worlds Institute, American Indian

“When one is honored, we all benefit. There is no real competition except with ourselves. When we are following our own path and being respectful of that path, we hope and assume that others are doing the same. Therefore, when others accomplish something and are honored for that accomplishment, it is because they have been true to their path. Since all of us are connected and are sisters and brothers, we feel proud when members of our human family are honored.

“As a part of this creation, we are interconnected with everything. When any part of this creation is violated or wounded, we feel that violation. We are *affected* by that violation. Since we are all participants in this great creation, we hurt when others are hurt. Wounding is not individual.

"In sharing the honor and hurt of all, I have the possibility of becoming one with all Creation. I can, therefore, move beyond what I, by myself, can be and do."

Ethical behavior is doing the right thing even when no one is watching. I call it the religion you practice outside of the church. These areas of concern should be kept in mind from the very beginning, and even before, you set up your practice. Taking care of these concerns up front will allow you to devote your time to your client. We will discuss these concerns in more detail with the idea that although the commitment and responsibility starts and ends with you, it is the obligation of the Hypnosis community to provide you with as much information, guidance and support as is reasonably available to assure that the decisions you make allow you to fulfill that commitment to your clients, our community and most importantly, to yourself.

"If you don't know where you're going, you might end up someplace else."

- Yogi Berra

Ethics: the Public, Your Client and Your Colleagues

- Advertising
- Business practices
- Copyright
- Courtesy and referral
- Codes of Professional Conduct/Scope of Practice
- Legal requirements and forms
- Professionalism

ETHICS AND YOURSELF

HONOR**

"I still lived up to my promise and gave him half the fur, but he wasn't worth it."

- *Billy McCarthy, Sr.*, Athabaskan Elder, Ruby, Alaska

"I hear this time and again in Native cultures in which people operate out of a personal code of honor. Even if they have made a bad agreement, they take responsibility for their commitments. Native people see the harm it does to themselves not to honor their commitments. This then leaves the other person to deal with his lack of honor.

All Native people seem to know that "others can injure my body but only I can injure my soul," and in their cultures it is deemed very important to nurture one's soul."

"Personal honor is not open to compromise or negotiation."

LEARNINGS**

"A bad thing usually costs a lot." - *Maori Proverb*

Sometimes we think we can "get away with" things in this life. Our complex culture tacitly condemns dishonesty, theft, and personal and corporate immorality. Yet complexity often breeds dishonesty, making it somehow okay, at some level, for us to get away with more. But do we ever really get away with anything? Aren't we the ones who really count? Even if we manage to hide our misdeeds from others, we can't hide them from ourselves.

The Maori know that the major factor in doing a "bad" thing is what it does to us. Only when we make amends for whatever we think we've gotten away with can we truly heal and truly be free.

"Sometimes we have to pay a very high tuition for our learnings."

***Interconnectedness, Honor and Learnings are Excerpts
from "Native Wisdom for White Minds." January 9, May 13 &
May 28 by Anne Wilson Shaef© 1995*

"We all make choices, but in the end our choices make us"

- Ken Levine

"Don't compromise yourself. You're all you've got."

-Janis Joplin

2) Hypnosis and the law, types of laws, States with regulations

There are criminal codes and civil law. All criminal laws are in the form of a code. In North America, the country of Mexico, the Province of Quebec and the State of Louisiana have Civil Codes to regulate the civil areas of society such as economic and business issues, status of persons, acquisition of property and contracts, and torts (damage liability) etc. Some of the other states and provinces have different codes to different degrees but, for the most part, all of the other U.S. states and Canadian provinces rely on the English Common Law tradition as their approach to civil matters. For instance, the Uniform Commercial Code (UCC) was adopted in the U.S. in the mid 1900s to standardize business and commercial practices between the individual states with regulations that were basically recognized and already in effect in Louisiana since the early 1800's even before it became a U.S. state through the Napoleonic Code. An antique idea is not necessarily antiquated. You may be surprised to learn that this antique Code Napoleon has a far-reaching worldwide influence on the laws and lawmaking traditions of many countries in Central and South America, Africa, Europe including Russia, and elsewhere around the globe.

Our federal government has a different set-up and, as a result, a different concern. Theoretically, the States retain all powers except that which is specifically delegated to the federal government. One of these delegated powers is, and as a practical matter has to be, to regulate commerce between the States. Perhaps this difference in tradition and constitutional delegation of authority between the state and federal governments may render some insight as to why some industries are regulated more than others from State to State while others are not regulated at all. Each State has authority to make requirements to do business or maintain licensing within its borders. Unless it impedes interstate commerce, the federal government will not get involved - and so it seems to go with the Hypnosis Profession.

Generally speaking, hypnosis is not a regulated industry. However, there are some laws in some states either regarding hypnosis or affecting it in one way or another, either directly or indirectly. Examples are Washington which requires registration, California which requires mandatory disclosure of services, New Jersey which does not allow the use of the word "hypnotherapist" and Texas which has specific requirements for the use of the word "hypnotherapist." Louisiana has a law that implies protection for hypnotists and hypnotherapists who make certain written and signed disclaimers and disclosures and keep it in the client file for a specific period of time. Hypnosis may be delegated to another profession. There may even be local ordinances of concern.

Remember that it is the *responsibility of the individual practitioner* to obey all local state and federal laws and regulations. That responsibility is usually a standard requirement in a code of ethics.

3) IMDHA, IACT Codes of Ethics, IMDHA Ethics Committee Procedures

The following is an item by item review of the Codes of Ethics of the IMDHA and the IACT as per the information on the websites. Note that the Codes of Ethics are the same for IACT and IMDHA. The Standards of Practice are different for reason that Counselors and Therapists of the IACT are required to comply with behavior concomitant with their highest level of certification and licensing which may vary from state to state and are regulated from state to state. IACT Ethics complaints are necessarily handled by whatever state protocols are available or required by their governing authority. Because, as a rule, the Hypnosis Profession itself is not regulated, IMDHA has developed and adopted a protocol to deal with Ethics complaints against or among its members. Discipline and recourse are strictly limited to the guidelines set out in the code of ethics, the scope of practice and the committee procedures discussed as outlined on the website.

CODE OF ETHICS - PREAMBLE

"The "Code of Ethics" provides a *common set of values* upon which members build their professional, educational, training and scientific work and in accordance with the way they provide such services to members and non-members. The code is intended to provide *the guiding principles to cover situations* that may be encountered by members, customers, clients and/or patients. It has as its *primary goal the welfare and protection of the individuals and groups with whom members work*. Members aspire to the *highest possible standards* of conduct, respect and protection of human and civil rights." (Italics mine)

CODE OF ETHICS - Client relations

COMPETENCE

"Members shall maintain the *highest standards of competence in their work*. Members shall provide only those services and use only those techniques for which they are qualified by education, training and experience and will provide a service to clients only in those areas in which they are *trained and have demonstrated competence*. They shall *maintain knowledge of relevant scientific and professional information* related to hypnotism/hypnotherapy (and related modalities) and *participate in the required levels of continuing education* as provided separately from this document by the Association, and to keep up to date with innovations in their field. This may be through onsite classroom training, online or through approved CDs, DVDs, etc. A list of approved materials is available through the Association."(Italics mine)

"Members will *either decline servicing a client that involve areas where the member does not have adequate training for any given topic or the member can elect to refer a client on to another more suitable practitioner who is trained in that topic* and who

would reasonably be expected to offer suitable service (*whether or not that practitioner be a member of the Association*)."

INTEGRITY

"Members shall display *integrity in the teaching and practice of hypnosis and other mind/body modalities*. In these activities, members are to be honest, fair and respectful of others. Members must *clarify to relevant parties the roles they are performing, and the functions included in those roles*. Members are to rely on scientific or professionally derived knowledge when making professional judgments." (Italics mine)

INFORMED CONSENT

"Members are to *discuss appropriate issues* such as the nature and plan for applied services, fees and confidentiality policies *with the client as early in the professional relationship as is reasonably possible* under the circumstances. Members shall *obtain appropriate "informed consent" for all related activities in language in language that is clear and understandable by the client*." (Italics mine)

FEES AND FINANCIAL ARRANGEMENTS

"*All agreements and arrangements as to finances should be reduced to writing as early as is reasonably possible in the professional relationship. Discussion as to fees, terms of payment, length of sessions and cancellation and non-attendance should occur in advance of any services. Members should consult with legal and financial professionals in their particular governmental jurisdiction to assure that their fees and practices are in compliance with all laws, regulations and policies as may apply in that jurisdiction.*" (Italics mine)

CONFIDENTIALITY

"Client confidentiality must be observed at all times. All members of the Association *maintain strict confidentiality within the client/practitioner relationship consistent with the good care of the client and the laws of the land* and ensure that any client notes and records be kept secure and confidential. The *only exceptions are: When the client has given their permission to disclose information in writing, where the law requires disclosure, and when discussing information with fellow professionals where anonymity must be guaranteed.*" (Italics mine)

"Practitioners must note that the question of confidentiality also applies to client records, computerized records and any audio or video recording. *The member must have the client's written permission to electronically record them.* If the client is a *minor, a parent or the legal guardian* must give written permission. With any information or case histories used for training or commercial purposes, the client's identity must be protected completely." (Italics mine)

CONSULTATIONS AND REFERRALS

"Members will arrange for appropriate consultations and *referrals based on the best interest of the client, with the appropriate consent and subject to other considerations which include but are not limited to applicable laws and contractual obligations.* When indicated and professionally appropriate, members will cooperate with other professionals in order to serve their client's best interest." (Italics mine)

TERMINATING A PROFESSIONAL RELATIONSHIP

"A practitioner should terminate a professional relationship when it becomes clear that the client no longer needs the service, is no longer benefitting from the service, for reasons of broken rapport or personal or bias or other reasons where the client's best interest would not be served in continuing the relationship." (Italics mine)

CODE OF ETHICS - Business Practice

PLAGIARISM AND OTHER WORK PRODUCT VIOLATIONS

"Members will respect the work of others whether it be that of Association members or if they are non-members. Members will in no way *use, print, duplicate, distribute or in any other way include in their materials the work product of another without that person's written consent and appropriate byline or credit. As well, any quotes from another person's work product are to be given proper credit and byline. Members will never claim the work product of others as being that of their own.*" (Italics mine)

ADVERTISING PROTOCOL

"Advertising must be *truthful and clear. Any mistakes or inaccuracies must be corrected within 30n days* of being brought to the member's attention. Members shall not engage in, support or condone any *negative campaigning* against any fellow members. Any *endorsements used in advertising must have either the endorser's written consent or remain completely anonymous* as to the author of the testimonial." (Italics mine)

GENERAL

1. Members shall conduct services in a professional manner at all time whether in the professional setting of their office, in public or in other private settings.
2. Members shall obey all federal, state and local laws and regulations concerning the practice of Hypnosis/Hypnotherapy.

3. Members are never to promise a cure for any condition or problem, nor give advice or otherwise comment on any medical, psychiatric or psychological problem or condition unless they have training and qualifications in these fields.

4. Members are strongly advised against working with friends or family.

*** COMMENT

There are many factors for advising against working with family members: the first and foremost is that we are "too close to the fire"; if a family member is having an emotional issue, it is more likely than not that we have a part in the development of that emotional issue and our involvement could jeopardize the success of hypnotic intercession. The fact is that we already have some form of hypnotic relationship with everyone that we know, whether family or not. If they are seeking help, and the already existent relationship has not been helpful or they have already sought help in the context of the relationship, then it is more likely that a suggestion could be rejected because of it coming off as strange or unfamiliar or untrustworthy. The question in the back of the mind is "All that you have done so far has not been able to help me so why should I expect this hypnosis to be helpful now?" Even more concerning: what if we are the actual cause of the issue? What if we are the "fire"? We may not even be aware that we are the cause of the issue especially if we are a parent or child or other close family member. In any case, and as well-meaning as the action may have been, if the hypnotic intervention fails because of these avoidable obstructions, then the expectation of success with hypnosis has been sabotaged - - Then there is the issue of money. What are you going to charge a family member? Are they going to be resentful if you charge them anything? What of the idea that they have to have an investment in the procedure, and you are charging little or nothing? And you are successful, and you have other family and friends knocking on your door for help and they already know that you did not charge so and so. What are you going to do then? - - We have the same concerns in the legal profession in representing family members. Although well-meaning, it can be a path to resentment and rejection that has no place in a professional relationship and can cause more damage than good on a personal level.***

5. Applicants and members are to inform the Association of any disciplinary action taken against them, pending or current by any other professional or judicial body that in any way could possibly reflect negatively on the member or the Association.

6. Members are to inform the Association, in writing, of any change in contact address and/or telephone number at their earliest convenience.

7. Minors and their parents and/or guardian are to be informed that they have the option for the parent or guardian to accompany the minor at any session if they so choose.

8. Minors must have written permission to be serviced and parental permission to record their sessions.

NOTE: It is recommended that "all" sessions be recorded and retained for a minimum of 2 years. These recordings are valuable in reviewing your client's case and can protect you from false allegations.

9. Members will make clear to those they serve that hypnosis is not intended to replace medical treatment.

10. Members will never use their position of trust to exploit the client emotionally, sexually, financially or in any other way whatsoever. Should a sexual relationship develop between the parties, the member must immediately cease to accept fees, terminate services and transfer the client to another suitable practitioner at the earliest opportunity. If a financial relationship (other than the payment of session fees or purchase of books, tapes or other relevant products) that could possibly become a conflict of interest or shift the balance of power unfairly in the relationship, the member must immediately cease to accept fees, terminate services and transfer the client to another suitable practitioner at the earliest opportunity.

11. Members will not permit considerations and/or bias of religion, nationality, gender, sexual preference, disability, politics or social standing to adversely influence services. As well members will never attempt to influence or impose their own personal views on any client. Where there is a potential for any of these situations to exist, it is the practitioner's duty to refer the client to another suitable practitioner.

12. Members shall neither expect nor encourage gifts from clients or their families. Small tokens of appreciation may be accepted but should never be solicited.

13. Members are required to confirm, upon initial application, that they have never been convicted of a felony, a crime of sexual misconduct or any offence likely to bring their professional name or the reputation of the Association into disrepute and inform the Association, in writing, should such an event subsequently occur whilst a member of the Association.

14. Members may not falsify documents either for themselves or others. This includes but is not limited to documents for clients and for students (e.g.: Falsifying documents for CEU's or member instructors falsifying student training hours or credentials). This is strictly forbidden. Falsifying documents may result in revocation of membership.

15. Upon request by the Association, the member will make available all relevant information requested as a result of any investigation by the Association without unreasonable delay.

16. Members are required to report to the Association any unethical behavior by any other member that can be substantiated.

17. Any member found making false accusations or complaints about another member or non-member, spreading unsubstantiated rumors that might harm another member or nonmember either financially, professionally or personally may be subject to revocation of membership.

NOTE: From time to time, this document may be updated with additions and/or deletions. The latest copy will be available to all members via our website or through the administrative office. All members accept that this is not a static document and that it may be updated from time to time, by the Association, in accordance with the need to be timely.

ETHICS COMMITTEE / Procedures

PROCEDURES

Filing Ethics Complaints

Members and Non-members may file complaints. Filing a complaint must be done in adherence with the following guidelines:

1. The committee will only review complaints from the actual party claiming to have been wronged. The committee will not accept complaints by a second party (e.g.: Therapist John Smith acted unethically with my friend Mary Jones, would not be accepted).
2. The Ethics Committee always begins cases with the presumption of innocence of the accused. It is the complainant's responsibility to prove his or her accusations.
3. It is the complainant's responsibility to factually prove his or her case. The Ethics committee is not responsible to research or build a case for either the complainant or to defend the accused. As well, opinions, feelings or suspicions are not sufficient cause to bring a complaint to the Ethics Committee- As well; a statement that someone did something unethical is insufficient cause to bring action. Reputations can be easily tarnished and are difficult to repair. You must have proof of your claim.
4. If the Ethics Committee finds just cause to accept a complaint it is the responsibility and right of the accused to provide information in his or her defense within 14 days of receiving notice of the complaint.

5. Any complaint filed must be 5 pages or less in length, in font size 12, on 8 1/2 x 11 pages, one side only. If the Committee requires additional information the committee will request it.
6. Complaints must be supported by facts or they will not be considered. A complaint will not be reviewed on the basis of hearsay.
7. Anonymous complaints will not be considered.
8. Complaints must be of an ethical nature. The Ethics Committee is not mandated to resolve business, legal or personal disputes that fall outside of specific ethics violations. Furthermore, all opinions rendered are evaluated based on the Association's ethical policy and are not legal opinions.
9. Complaints must be filed within 1 year of the alleged violation. Action will not be considered after that time.

PENALTIES

Disciplinary Procedure

The Ethics Committee may elect from the following options where a case is investigated.

They may:

- Dismiss a complaint
- Make a recommendation for resolution of a problem
- Reprimand via a written warning that will be placed in that person's file
- Suspension from the Association
- Suspend the member from presenting at conferences etc (with no refund of fees paid) •
- Expel the member from presenting at conferences etc (with no refund of fees paid)
- Expulsion from the Association (with no refund of membership fees)
- Expulsion with revocation of Association Credentials (with no refund of membership fees)

In cases of malicious or frivolous complaints filed against a member by a member, the Ethics Committee may apply the same options above to the complainant. The Ethics Committee will not tolerate anyone using the ethics complaint process for the purpose of a personal or professional vendetta, etc.

The Ethics Committee may also dismiss or expel from the Association any member convicted of a serious crime such as but not limited to rape, murder, terrorism, robbery extortion, blackmail, embezzlement, etc.

The Ethics Committee does not involve itself in legal disagreements and does not evaluate educational institutions or the validity of degrees or certifications that are outside the specific area of hypnosis/hypnotherapy certification. As well, the committee will not accept complaints that would fall under the jurisdiction of another professional body (e.g.: a complaint against a psychologist regarding his or her psychological counseling practices would need to be filed with the proper psychological association's ethics committee).

APPEAL PROCESS

If any party disagrees with the finding of the Ethics Committee, he or she may appeal that decision to the association's administration in writing within 14 days by Certified letter. If the administration finds cause for further review the administration may call for a second review by the Ethics Committee and the administration to be conducted jointly. This can only occur in light of extenuating circumstances and/or new information.

If significant and substantial new information is presented within the time allotted for filing a complaint, the Ethics Committee - at its discretion, may choose to reopen any case.

HOLD HARMLESS

The Association is designed to serve its members as a source of educational training, educational materials, a networking venue, to provide mentoring opportunities, to support continuing education, enhance professional skills, and to aid in resolving disputes between members and/or members with non-members. Membership does not imply or give agent status to the member and the member will not represent himself/herself as such. In signing this document members agree that they are independent contractors and are not employees of the Association. The Association accepts no responsibility for the actions, finances, taxes, compliance with federal, state or local laws of the member. The member holds harmless & indemnifies for his/her heirs and assigns the Association, its officers, staff and any associates etc. For any issues arising out of membership and/or out of his/her business or personal actions or activities. The member will be held responsible for any legal fees incurred by the Association arising out of the member, or member's agent's actions. If any part of this agreement is deemed unenforceable all other parts of this agreement shall remain in full effect.

In becoming a member of the Association all members agree to be bound by the findings/opinions of the Ethics Committee.

4) Scope of Practice, Continuing Education

Our youngest daughter recently earned a PhD in Geology. Before she started with her Masters program she asked me what I did to keep up with and process all the information to get through law school. I told her I did not just keep up. You can't just keep up. If all you are doing is keeping up it suggests that you are just following. You have to decide now to stay ahead instead. If you want to be considered an expert and qualified to teach, you have to know what's on the last page of the book on the first day of class.

I think that the days of going to college for four years and being able to guarantee a thirty year career out of them are long gone. We have already refocused our reliance from our computers to our personal devices. While I was on the local school board, by the time we had researched, put out for bid, and budgeted the purchase of software, it was already outdated. We were faced with the prospect of having to train teachers with thirty or more years of successful teaching experience a whole new method of teaching because of the new methods of learning emerging from our technology. Broadband capacity was tripling every six months. Our school buildings could not accommodate the amount of power necessary to run the technology with some teachers having to decide on running the computers or the air conditioners on any particular day. This silent upheaval is occurring in every aspect of our lives - including the practice of hypnosis. In a very real sense, the internet, the computer and most obviously our personal devices have become the ultimate hypnotic catalyst. We need to be wary of this reliance.

I believe that this *instantaneous access and availability of information may be lulling some of us into a false sense of competence*. Just because you have information does not mean that you know how to use it. That information may change before you even get your next alert. And this may put you in a situation of *using a technique or protocol before you have had a chance to properly test and practice it*. Avoid that rush to judgment. Inspirational author Bryant McGill suggests "Every shortcut has a price usually greater than the reward." I think that we must very seriously think about *changing our relationship with our devices from one of reliance to one of alliance and assistance instead*. If you can't fool the tool, then who's the tool and who's the fool?

Because of its designed intention, continuing education alone may not be enough to keep up with these changes. *It depends on attitude and intention*. Continuing Education was not really designed with a particular focus on anyone actually learning and implementing anything new. In reality it is a *mandatory requirement of class attendance*, calculated in hours or minutes, and designed to maintain certifications or licensing privileges achieved years or even decades before - in my instance as an attorney, earned 40 years ago! And law school only teaches you the law and how to think like a lawyer, not how to effectively practice law. These *requirements are regulated by evidence of attendance and are no guarantee of enhanced competence*. The same holds true for hypnosis- If your attitude toward continuing education is to simply maintain certification without the intention of improving your competence and nourishing your confidence, learn to say "no" now instead of "sorry" later if your client would best be served by referring them on to a more experienced colleague.

Because, as a rule, Counselors, Psychologists and Social Workers require government licensing and separate requirements for continuing education and, as a rule, Hypnosis Professionals do not, the Standards of Practice and Scope of Practice for the IACT and the IMDHA are somewhat different.

STANDARDS OF PRACTICE - IMDHA

The purpose of the International Medical and Dental Hypnotherapy Association Standards of Practice Act is to define the scope of practice for its members. The organization realizes that a certain percentage of its members work with hypnosis as their primary vocation and others work with hypnosis as an adjunctive modality or "blend" with other professions such as: Therapeutic Touch, Reiki, Massage Therapy, Psychotherapy, Medical Professions Dentistry and Holistic Healing, etc. In order to clarify the standards of practice for our members, IMDHA has established three categories titled Scope I, Scope II and Scope III. The descriptive categories are as follows:

SCOPE I

Scope I refers to the IMDHA member whose sole practice is hypnosis. Members are not licensed or certified in any other profession and are trained to work independently in the field of hypnosis. These individuals are facilitators of hypnosis and their primary function is to assist clients in achieving wellness.

It is recommended that the client sign a "Consent to Receive Hypnosis" form. It is recommended that the member have a "Disclosure/Consent" form that includes the following:

- The practitioner does not treat, prescribe for or diagnose any condition.
- The practitioner is a facilitator of hypnosis and is not practicing any other profession that requires a license under the laws and regulations of the state or province in question.
- Hypnosis is not a replacement for medical treatment, psychological services or counseling.

These professionals are trained to work independently and also in a complimentary manner with physicians, counselors and healthcare professionals. When working with other professionals, the client is to sign and date a "records release" form that gives the hypnotist and complimentary care professional(s) permission to discuss the client's case. Anything beyond this scope of practice will be referred to another professional.

SCOPE II

Scope II refers to the IMDHA member who works with hypnosis as a blend with other disciplines.

In the event that the IMDHA member has achieved educational training and has met the requirements that qualify him/her to practice other modalities such as Therapeutic Touch, Reiki,

Massage Therapy, etc. He/she must be very clear about which modality they intend to practice and when they are practicing it.

It is recommended that the member prepares a "Statement of Disclosure" form that provides the client an explanation of the various techniques that he/she is qualified to practice.

SCOPE III

Scope III refers to members who are licensed or certified by his/her state or province that include (but are not limited to) the practice of medicine, nursing, psychotherapy or any other healthcare, human service professional.

It is recommended that these members follow the rules and regulations that are required for their profession(s) by their state or province.

The IMDHA encourages its members to be clear about their scope of practice as it is important to present their services in an ethical and professional manner.

STANDARDS OF PRACTICE - IACT

The purpose of the International Association of Counselors and Therapists (IACT) Standards of Practice is to define a scope of practice for its members. The organization realizes that a certain percentage of its members work with hypnosis and other modalities in conjunction with practices that include: Clergy, Medical Practitioners, Psychologists, Clinical Social Workers, Stress Consultants, Nurses, NLP Practitioners, Licensed Massage Therapists, Hypnotists, Hypnotherapists, Biofeedback Specialists, Nutritionists, Educators, Mental Health Therapists, Substance Abuse Counselors and others.

It is recommended that the member use a "Disclosure/consent" form.

It is recommended that the client sign a "Consent to Receive Treatment" form that includes an explanation of the various techniques that he/she is qualified to practice.

It is recommended that the practitioner not treat, prescribe for or diagnose any condition outside of their educational qualifications.

It is recommended that the practitioner not use alternative techniques as a replacement for medical treatment, psychological services or counseling.

It is understood that anything beyond their scope of practice be referred to another professional.

It is recommended that if the member is solely a facilitator of hypnosis that he/she not perform in any capacity that would require a license under the laws and regulations of the state or province in which they operate.

It is recommended that when working with other professionals, the client sign and date a "Record of Release" form that gives the member permission to discuss the client's case.

It is recommended that member follows the rules and regulations that are required for their profession(s) by their state or province.

If the member has achieved educational training and has met the requirements that qualify him/her to practice other modalities, he/she must be very clear about which modality they intend to practice and when they are practicing it.

The IACT encourages its members to be clear about their scope of practice as it is important to present their services in an ethical and professional manner.

There are differences between therapeutic and investigative hypnosis which could be a scope of practice issue and the following information may be helpful to you:

Some states have restrictions on using hypnosis for investigative purposes and do not allow evidence retrieved with hypnosis to be admitted into evidence at trial. Some states will not even allow a person to testify if he has been hypnotized. I suggest that every hypnotist familiarize themselves with their particular jurisdiction's legal position on the use of investigative hypnosis so as to avoid either contaminating important evidence which may be retrieved or disqualifying an important witness from being able to testify.

Therapeutic hypnosis is a process whereby the goal is to enhance, modify or alleviate behavior or attitude of a client.

Investigative hypnosis is a process whereby the goal is strictly limited to access the memory and record the recall of a subject.

Both are voluntary on the part of the subject/client.

Both are comprised of four basic stages: Induction, deepening, target process, and dehypnotization. However, investigative hypnosis also has a protocol of pre-session disclosures and post session debriefing that may take as long as or longer than the actual session itself. The protocol is designed to protect the credibility and admissibility of the information gathered during the target process phase of the session.

Therefore, guided imagery is not the means used to induce the trance state in investigative hypnosis because the object is to avoid fantasy and false memory. The object in investigative situations is to have the person recall with as much consistency and accuracy as possible. Therapeutic hypnosis, on the other hand, is designed to achieve as much change as possible - so music, metaphor, guided imagery, fantasy are all encouraged rather than avoided.

The ethical considerations in investigative hypnosis revolve around the four inherent dangers of its abuse: Hypersuggestibility, loss of critical judgment, confabulation and memory cementing.

Of these four, *confabulation and memory cementing are the most likely to cause contamination of testimony because they are the side effects of any interrogation, under hypnosis or not.*

Confabulation is the tendency of a person to fill in the gaps of memory to formulate a coherent story - in other words, if they don't know, they tend to either consciously fabricate or unconsciously imagine or produce facts that support a logical sequence of events.

Memory cementing is the concept that the more the memory is repeated, the more it is accepted as accurate. Investigators may tend to repeat the answers or ask leading questions that may tend to "help" a witness to a more accurate description. These leading questions offer suggestions that when repeated tend to make the subject believe that it is true when in fact it may not be true.

The source of resistance and opposition to the use of hypnosis for memory recall are these two attributes of confabulation and memory-cementing. When combined with the fact that a hypnosis subject has suspended or lowered his mental self-checking process (loss of critical judgment) and is in a heightened state of responsiveness to suggestion (hyper-suggestibility), they may not only cause doubt in the memory, they may actually play a large part in fabricating the memory itself.

This is why a narrative response is essential to maintaining the integrity of the investigative hypnosis session. The ten (10) safeguards are designed specifically to eliminate or limit the possibility of memory cementing and the opportunity to confabulate. The fact that narrative is used prior to the session, during the session and after the session assures and demonstrates the continuity of the testimony and most properly protects its credibility.

SAFEGUARDS: As per *Zani v. Texas*: The Court considers the following in determining admissibility and credibility of testimony:

- 1) Level of training in clinical and forensic applications of hypnosis by the hypnotist.
- 2) Hypnotist's independence from law enforcement investigators, prosecutors and defense neutrality of questions.
- 3) Prior disclosure of record or information to hypnotist.
- 4) Prior disclosure, recorded by the hypnosis subject before undergoing hypnosis.
- 5) Creation of recordings of all contacts between the hypnotist and the subject.
- 6) The presence of persons other than the hypnotist and subject and the location of the session.
- 7) Appropriateness of the induction and memory retrieval techniques used.
- 8) The appropriateness of using hypnosis for the kind of memory loss involved.
- 9) The existence of any kind of evidence to corroborate the hypnotically enhanced testimony.
- 10) The presence or absence of overt or subtle cuing or suggestion of answers during the hypnotic session.

Each of these safeguards adds its own level of protection against the 4 pronged supposed "danger" of hypnosis. Neutrality and training of the hypnotist are crucial in not allowing outside influence on the memory recall process. The disclosure before, during and after the session is critical in maintaining and demonstrating the focus on the purposeful recall on specific facts. The fact that all of this is recorded both perpetuates and allows immediate comparison of the facts remembered before the hypnosis and the facts recalled during the hypnosis. It also allows a critical review of the entire process itself.

5) Business Structure and Practice

This program is not legal advice and should not be considered as such. Each individual situation is unique and should be reviewed by legal and financial counsel licensed to practice in your particular state or province.

Issues: Business Structure, Taxes, Liability, Licensing, Protection

Advice Resources: Accountant, Attorney, Chamber of Commerce, Business Associations, Established Colleagues, help you determine your short term and long range goals, consider taxation and liability issues.

Structure: Business Structure is determined by balancing your goals with tax and liability issues. Ordinarily, forms to start a business can easily be found on the Secretary of State's website of whichever governmental jurisdiction you are located. If you want to do business in another state, then you will need to check with the Secretary of State of the state in which you want to do business for any requirements and forms necessary for you to do that.

The basic business structures and their peculiarities are:

Sole Proprietorship: A for-profit business owned and operated by an individual, acting as the sole owner and decision maker. All of the profits from the business go straight to the owner, however, so do the liabilities and debts. There are few, if any, *legal* formalities to forming the business and you can even do business under an assumed name, however, there may be licensing, tax and tax reporting requirements. Liability is not limited in any way.

Partnership:

- A. A General Partnership is easy to form and is ordinarily legally required to be in writing and registered with the Secretary of State to let third parties know with whom they are dealing. Each partner pays their own personal income taxes on the profits made. Liability is not limited, and each partner is *jointly and severally liable* for the debts and taxes of the

partnership; each partner is deemed the agent of the partnership and may be held jointly and severally liable for a co-partner's wrongdoing or tortious act.

- B. A Limited Partnership "LP" is comprised of a general partner who manages the business and limited partners who are only liable on debts incurred by the firm to the extent of their registered investment. They are legally required to be in writing and registered with the Secretary of State to let third parties know with whom they are dealing. Liability is somewhat limited. The limited liability enjoyed by the limited partners is contingent upon their refraining from taking any active role in the management of the firm. Each partner pays personal income taxes on the profits made.
- C. A Limited Liability Partnership "LLP" is legally required to be in writing and registered with the Secretary of State to let third parties know with whom they are dealing. The difference with an LP and an LLP, in an LLP all partners have limited liability yet have the right to manage the business directly.

Corporation:

- A. A Limited Liability Company "LLC", is a fictitious entity and is legally required to be in and registered with the Secretary of State to let third parties know with whom they are dealing. Because it is a fictitious entity, an Agent for Service of Process needs to be appointed and registered with the Secretary of State as well. There is some limit to liability. Shareholders limit their liability exposure by their percentage of ownership or equity in the company. All income and expenses are attributed to the stockholders yet they can elect corporate taxation; there can be multiple classes of stock and there is no restriction as to the number of persons who can be stockholders.
- B. A Corporation "Inc"— (S.A. for Societe Anonym) is a fictitious entity and is legally required to be in writing and registered with the Secretary of State to let third parties know with whom they are dealing. Because it is a fictitious entity, an Agent for Service of Process needs to be appointed and registered with the Secretary of State as well. A corporation is subject to double taxation and must follow strict statutory compliance in connection with meetings and records keeping. However, corporate shareholders, directors and officers are not liable for the debts and other obligations of the corporation or for the torts or criminal acts of one another. There is also some indemnity toward the officers and directors for acting on behalf of the corporation.

- C. Sub Chapter "S" Corporation is a Corporation much as above described with some specific restrictions and advantages as well. First, it must be a domestic corporation and cannot own subsidiaries; it can only issue one class of stock and it is limited to 100 stockholders. The S-Corporation is one that has elected to pay no income taxes on its profits and instead allocates profits and losses to the individual shareholders proportionately in accordance with each one's interest in the business who then deal with taxes individually; They are formed by IRS election and require specific resolution by the stockholders to do so. There is a *limit of profit to qualify* and a *specific deadline for filing the election*. So, it is usually suggested that if you are not sure if you qualify, take the election. It is easier to drop the election later if you do not qualify. than to qualify later if you do.

6) Other regulations and concerns:

Licensing - some jurisdictions may require one or more of these:

- Business/Occupational/Professional License
- Tax License/Number

Protection

•***Privileged Communication*** - Lawyer/Client, Doctor/Patient, Clergy and required reporting:

Lawyers, Doctors and some other medical professionals and Clergy have a legally enforceable obligation to their clients, patients and church members to maintain confidentiality in their dealings with them. *It is a protection for the Client*. Only the Professional can be accused of violating a confidence. The client can talk about anything in regard to the relationship - the Professional cannot without specific permission from the client.

In regard to Social Workers, Counselors and other Licensed Professionals, where there is some expectation of confidentiality in the relationship, there still could be some legally required exceptions to that hard and fast rule of confidentiality in some jurisdictions in the form of "*required reporting*" of abuse, threats of suicide or violence, etc.

We, as stand alone Hypnotists/Hypnotherapists, do not have a legally enforceable obligation of confidentiality toward our clients. We do not have the privilege and our clients do not have the protection of the law in that regard. We can, however, create a legally enforceable expectation of confidentiality by agreement.

•**Disclaimer** - the notice of limit of purpose and/or liability Examples:

"Attendance and completion of this course is not a certification to analyze, diagnose or treat any physical, mental or medical condition or illness."

"This program is not legal advice and should not be considered as such. Each individual situation is unique and should be reviewed by legal and financial counsel licensed to practice in your particular state or province."

"Please note: I am sending this to you without the copyright holders permission in accordance with Title 17 U.S.C. Section 107, this material is distributed without profit to those who have expressed a prior interest in receiving the included information for research and educational purposes."

•**Release** - permission to do or forgiveness for doing an act (example attached in "forms" section below)

•**Restrictive or Conditional Covenants** - purchase or exchange of product or other material under certain conditions and/or with restrictions on use. Example:

"I (student name) hereby agree to the following terms before attending the hypnotherapy course:

1. I will use these techniques in an ethical way that is safe for the client's well-being.
2. To be honest with my fellow students and create a positive learning environment.
3. I will not redistribute these materials, make copies of this manual for distribution, or teach the unique content of this class to other practitioners unless given specific permission by (instructor name).

•**Informed Consent and Contracts**

NOTE: *contracts do not necessarily need to be in writing.*

A contract is simply an agreement between two or more parties. The basic requirements are intention, informed consent, an object of exchange and consideration. Time may also be a factor and legal capacity is always a factor. In case of a dispute, the actions of the parties can confirm the existence of an agreement after the fact if those actions exemplify a clear, informed intent of an agreement as to the object of exchange and the consideration.

Unfortunately, if there is a dispute, it stands to reason that one or both of the parties were not informed, misinformed or mistaken either as to the object or the consideration or both. Proving one intention or the other is very difficult under the circumstance of a verbal contract unless

there are witnesses. *That is why a written contract is a form of protection for all the parties involved.* The written contract should have enough clearly stated information for both parties to be able to make an informed decision as to what is being exchanged or performed (i.e. service for money/object for money/priced by the hour or program) It should be stated if there is an issue of legal capacity (i.e. Parent authorizing session for child, agent as per power of attorney)

•**Copyright**

Library of Congress • U.S. Copyright Office • 101 Independence Avenue SE • Washington, DC 20559-6000

www.copyright.gov

Copyright and Patent are specialty areas of the law. So, the following is neither meant to be given nor taken as legal advice but rather as general information on the subject.

Copyright is a protection for the copyright holder.

Although there is some overlap of intent, there is a difference between plagiarism and copyright infringement. *Plagiarism* is copying someone else's material and *claiming it* as your own. *Copyright infringement* is copying someone else's material and *selling it* either as your own or profiting at the author's expense. One can be guilty of plagiarism yet not be guilty of copyright infringement if the material copied is not copyrighted. One can also be guilty of copyright infringement yet not be guilty of plagiarism if the material copied is not held out to be anyone else's other than the copyright holder's. Methods of avoiding these violations are 1) crediting the author as is appropriate and/or 2) "fair use" of the material.

Crediting the author is easy and straightforward. We see that in footnotes and quotes and bibliographies and even in the text of a document. There is a difference between using a workbook and a workbook. If it is not your work, say that it is not your work. Simply giving credit and acknowledgment is the easiest way to avoid the accusation of plagiarism or infringement.

"Fair use" is an exception to the rule. It is considered to be what is known as an "affirmative defense" to the charge of copyright infringement. That means that the person accused of the infringement has the burden of proving that they had the right to use the materials in the manner that they were used. Title 17 U.S.C. Section 107 is a listing of what actions constitute "fair use" of copyrighted material. The list is not exclusive because the litmus test for fair use is whether a reasonable person would have consented in the first place to the use of their material by another in the way that it was used, and, each case is determined on its own set of facts. Section 107 states in part that it is not an infringement of copyright to make and use copies of materials if such use is for "...criticism, comment, news reporting, teaching (including making multiple copies for classroom use), scholarship, or research..." - the factors used to determine if a particular action is fair use are "...purpose and character of use...commercial nature...nonprofit educational...nature of the copyrighted work...amount and substantiality of the portion used in relation to the copyrighted work as a whole...and the effect of the use upon the potential market

for or the value of the copyrighted work..." There is a disclaimer which can be used (such as the example above in the "Disclaimers" section). I believe a disclaimer is effective and safe as a statement of purpose but it would not protect you unless in truth and in fact you were not making money by selling or profiting from the use of the material - and if you are not making any profit by using the material within the above defined limitations, then you may not have needed to use a disclaimer.

A cursory look through the annotations of cases shows that some contentious areas of infringement are with film, computer programs, computer chips, reverse engineering and *multiple copying*. I think the bottom line is whether or not money is being made through the use of the copyrighted material. For instance, cases reported a lady who copied a religion's (church's) literary works and recordings and then "taught" a class using the materials for profit - she could not claim fair use when sued by the church - nor could a corporation which subscribed to one copy of a newsletter to save cost and then made copies for everyone in the office when sued by the newsletter. So, if the information you are providing is of scholarly or educational interest to those to whom you are providing the information, and you are not profiting monetarily by providing the information, nor cutting into the author's market or marketability of the work, then you may be safe within the defense of fair use of the work, with or without a disclaimer.

•**Advertising**

This area of concern is especially troublesome because of the fact that hypnosis is often an object of control by the medical and mental health professions who may consider it a competition issue and at times seek legislation to limit or restrict access to hypnosis by the general public. It is difficult enough that our profession is already under scrutiny by these organized and powerful interests who have a valid interest in protecting their own interests for the protection of the public - No one wants to have people practicing medicine without proper training and licensing. So when one of our own practitioners strays into the purview of these groups and ventures into advertising services that are most properly considered medical or mental health issues, that practitioner risks severe personal sanction if they are not in fact trained and licensed to provide that service. It also puts the Hypnosis profession at risk of having unnecessary regulation placed upon it which would not only restrict our client's access to our valuable services but would also interfere with our ability to make a living. So, please be very careful of any advertising that you use. *Everything from business cards to internet to phone calls must be analyzed to be free of an interpretation of practicing medicine without a license.* The IMDHA website has some guidance with some suggested verbiage in that regard.

•**Insurance** - optional and information is available through IMDHA

7) FORMS for protections, releases, disclaimers:

The attached forms are discussed with some comment

Hypnosis Release and Disclaimer

Paragraph 1 qualifies as a disclaimer in that it states what qualifications are and also what they are not. It also complies with the ethical requirements of making sure that there is an informed consent by the client by stating what hypnosis is and is not and that it is voluntary and not a replacement for medical treatment.

Paragraph 2 qualifies as a release in that it gives permission to hypnotize and also complies with ethical requirements of informed consent by describing what the hypnosis may include.

Paragraph 3 qualifies as a release in that it gives permission to use information and also creates an agreement as to confidentiality in the use of the client name.

Paragraph 4 qualifies as a Restrictive Covenant in that it restricts the use of recordings and complies with the standard of practice suggestion that the sessions be recorded.

- The contract does not include a financial agreement however, that can be either added to the document and initialed or settled with another document.

Consent and Authorization to Release Medical Records, Counseling Records and Confidential Information

This is a fairly standard consent form *signed by your client* authorizing their health care provider(s) to release confidential information to you.

Dear Doctor

This is a medical release which may or may not be used in conjunction with the above consent release form. It also complies with the ethical requirement of informed consent in that although sent to the doctor, your client undoubtedly read it and it serves as a reaffirmation of what the hypnosis is and what it is intended to accomplish. The fact that the doctor approves and signs off on it encourages and enforces the expectation and confidence of a successful outcome.

Parent of _____

This is an example of a minor's release through a third party and includes compliance with the ethical requirement of informed consent by providing the relevant information to the parent. The fact that the parent approves and signs off on it encourages and enforces the expectation and confidence of a successful outcome. Be very meticulous in complying with all school district requirements when doing presentations, demonstrations and lectures to high school students who are minors. There are probably restrictions as to advertising services in the classroom and possibly background checks before you are approved to enter campus. Check directly with the Superintendent's office who will direct you to the proper channels.

HYPNOSIS RELEASE & DISCLAIMER

It has been explained to me and I understand that hypnosis is a voluntary process and I am responsible for my own level of success. Hypnosis is not a replacement for medical treatment, psychological services or counseling. Mark Babineaux is not licensed, certified or registered as a Health Care Provider in the State of Louisiana or any other State or governmental authority. Therefore, any nutritional, dietary or other lifestyle change suggestions that he may make are neither intended to diagnose or treat any medical or mental condition or illness nor are they medically prescribed. Mark Babineaux has over 950 hours of education and training in hypnosis theory, practice and protocol; and maintains credentials with the International Medical and Dental Hypnotherapy Association@ as a Certified Hypnotherapist, and with the International Association of Counselors and Therapists as a Certified Hypnotist and Master Trainer, and as a Certified Instructor with The International Hypnosis Federation.

I hereby give Mark Babineaux permission and authority to hypnotize me (or _____) at any appropriate time. This hypnosis may include and be enhanced by the use of music, environmental sounds, sound effects, light and sight effects, aromas, subliminal messaging, tapping, supporting, positioning or repositioning the body, and any other means and/or methods that Mark Babineaux may believe to be helpful and appropriate under the circumstances.

I hereby give Mark Babineaux permission and authority to use any and all information, opinions and results gathered on this situation for study, research, teaching, publication, advertisement, and statistics gathering. However, Mark Babineaux will not use my name (or the name of _____) without specific further written authorization.

I understand and agree that any and all recordings of the session(s) are for personal use. I will not reproduce these recordings nor allow anyone else to reproduce them. I also understand and agree that I will not use nor allow anyone else to use these recordings while operating a motor vehicle, water craft, aircraft or other machinery or devices that would require fully conscious attention.

Dated this ____ day of _____ 20 ____

Mark Babineaux
309 West Main Street
Lafayette, LA 70501

(Printed Name of Client)
BY _____
(Client, Agent, Parent or Guardian)

CONSENT AND AUTHORIZATION
TO RELEASE MEDICAL RECORDS, COUNSELING RECORDS
AND CONFIDENTIAL INFORMATION

DATE: _____ 20 .

I hereby authorize any physician, psychiatrist, psychologist, counselor, hospital, or other medically related facility, pharmacy, insurance company, or other organization, institution, or persons to release to Mark Babineaux, or his representative, any records or information relating to any claim on my behalf regarding any injury, illness, condition or treatment of myself or my dependent, _____

A photocopy of this authorization shall be considered as effective or valid as the original.

WITNESS

DATE

SIGNATURE

PRINTED NAME

Dear Doctor:

I am Certified by the International Medical and Dental Association as a Hypnotherapist and Certified as a Hypnotist by the International Association of Counselors and Therapists and practice in Lafayette, Louisiana.

Your patient _____ has asked me to help him/her with the use of hypnosis for:

Understand that the use of Hypnosis does not replace standard medical procedures and I do not attempt to treat or diagnose disease or mental disorders of any kind. However, Hypnosis is beneficial in that it works in alliance with those standard procedures by helping to create positive attitudes and expectations and reducing the anxiety and stress which may be associated with those procedures. Progressive relaxation and visualizations of successful outcomes help clients to develop and maintain a relaxed state of mind which reduces inhibitions and encourages them to make the most of the medical help that you have available to them. With your permission.

Thank you,

Mark Babineaux

Yes, _____ is under my care for _____, and there are no counter indications for proceeding with the use and help of hypnosis in dealing with that diagnosis and its symptom relief.

Doctor's Name _____

Doctor's Signature _____, Date _____

Date _____

TO: Parent of _____

FROM: Student Services

SUBJECT: PEAK PERFORMANCE COACHING

Mr. Mark Babineaux, Lafayette Parish School Board President, has volunteered to teach small groups of students techniques specifically designed to improve study skills and test taking abilities. This one-time session is being offered during Summer School class for thirty (30) minutes.

Mr. Babineaux is Certified in Performance Enhancement and Peak Performance Coaching. He has previously worked with faculty members and students to provide relaxation strategies, reduced test anxiety and improved test performance.

Please complete the permission form below to allow your child to participate in this one-time session to be offered Friday, June 24, 2011 and/or Monday June 27, 2011 for 30 minutes.

_____ I give my permission _____ for to participate in the one-time, thirty minute session for relaxation strategies and possible improved test performance with Mr. Mark Babineaux. This session will take place during regular Summer School hours.

Parent/Guardian signature

Date

8) Personal Response and Personal Responsibility

The ethics of the profession supersedes the ethics of any association or organization. You now know the reasoning behind the reasons for having a code of ethics. From the outside in, you also know the expectations of the group and are aware of some methods to stay in compliance with those professional expectations. But what is necessary on a personal level, from the inside out, for you to maintain these ethical standards? You know what is required of you as a Professional but what is required of you as a Person? What habits do you need to maintain and what actions do you need to avoid to stay faithful to your own personal ethics and standards of behavior? What keeps you balanced between the expectations of the profession and the expectations of the client? A clue to answering those questions is somewhat like comparing our situation to our educational system - the teacher teaches you what you need to know and what to study, and the administrator lets you know when you need to know it in time for the exam, but no one teaches you *how* to study. You have to accomplish that by your own personal device.

We are already assuming that you are a good person of strong conscience with intent of consistent ethical behavior, so let us focus on the idea of avoiding situations which may tempt and lead you away from this honorable path you have chosen:

Nobel Prize winning Quantum Theorist Max Planck said "When you change the way you look at things, the things you look at change." In all the years that we lawyers have been required to take at least one hour of Ethics and one hour of Professionalism every year, every year these topics have been presented from that outside-in point of view: These are the rules - do not break them - don't charge excessive fees - don't delay in handling a case - don't take a case outside of your expertise - don't have inappropriate contact with clients - don't use unacceptable negotiation tactics - don't bad mouth the other party, the other lawyer or the judge - don't advertise outside of your specialty - etc. - and these are examples of what happens when you break the rules - sanctions, disbarred, sued, jail. If you notice, these issues are pretty much the same for us in the Hypnosis profession and are addressed in our codes of ethics. The difference is that the fear of expulsion would be much greater in the highly regulated and governmentally controlled legal profession. Expulsion could mean the inability to make a living in addition to being sued or jailed. Yet this fear alone obviously does not prevent people from breaking these rules and being expelled anyway.

We, on the other hand, as *Hypnosis Professionals*, have an advantage like no other profession. Instead of fear of expulsion as the *need* and motivation for compliance, we have both the opportunity and skill for personal introspection and self evaluation to develop a sense of *duty* to comply. After all, we have been taught to help our clients to make rational decisions when confronted with emotional issues and teach them how to subconsciously motivate their goals. In a very real sense, we have been "taught how to study" and introspection and self evaluation are our study halls. We have the power of an inside-out point of view to help us develop habits to keep us on purpose and avoid situations which could detour us from or destroy our path.

In the last couple of years, I have come across several interesting, insightful and entertaining discussions online on human nature in regard to the seven deadly sins and how they get in the way of us attaining our goals. I invite you to use them for some serious soul searching and introspection of your own - not so much from a religious point of view but from a human weakness point of view. You may come to realize that these seven deadly sins, when viewed from the inside-out, can help you identify and overcome moments of personal weakness or better yet

even avoid them. Keep in mind that ethical behavior is judged not by what the rules say but by what they mean - and you have complete control of their definition.

Those seven deadly sins are traditionally: Pride, Greed, Gluttony, Wrath, Lust, Envy and Sloth. In contrast, the seven virtues are Humility, Generosity (Charity), Temperance, Patience, Chastity, Gratitude and Diligence. An overview of online information indicates that Pride and Greed are traditionally considered to be the most egregious and difficult to overcome. There are several interpretations and definitions of each and they are not easily separated - with each having characteristics of all the others. For purposes of our discussion here, I use the following definitions and interpretations and ask the following questions to demonstrate how innocuously and imperceptibly the seven sins can creep into our lives and our relationships.

Benjamin Franklin said of **Pride**:

"In reality there is perhaps no one of our natural passions so hard to subdue as pride. Disguise it, struggle with it, stifle it, mortify it as much as one pleases, it is still alive and will every now and then peep out and show itself; you will see it, perhaps, often in this history. For even if I could conceive that I had completely overcome it, I should probably be proud of my humility."

Pride was the sin of the Fallen Angels - it is considered to be the vice from which every other vice flows - for our purposes I would define it as an attitude of self-importance and superiority. Its influence can be very subtle. I ask myself, and perhaps you should as well, the following questions: Am I so self-righteous as to consider my way as the only way? Does this lead me to refuse to recognize my own faults or refuse to recognize the accomplishments or opinions of others? Do I admit mistakes or blame them on circumstances or others? Am I more concerned with getting certifications than gaining competence? Does this concern hide a sense of false confidence? Do I listen to well-meaning advice or am I insulted by it just being unjust criticism?

Greed may be defined as an insatiable desire for material possessions. Owned by one's possessions. Money included. Ask yourself: Am I in this Profession more because of the difference I can make rather than the dollar I can make? Both are important- Do I have clients lined up a half an hour apart when I know that an hour is necessary? Do I consider my clients as a financial resource rather than a responsibility? Do I take on clients whose needs are out of my area of expertise simply because it is a more lucrative area of practice? Are my fees fair?

Lust can be described as an unbridled, intense and relentless desire for anything. It can be for sex, money, power or control. Or it can simply be an abuse of power, control or position of authority or trust. You may be aware of two situations in the Northeast and Midwest in recent years and months where hypnotists were accused of having sexual encounters with their clients during hypnosis sessions. One, a few years ago, escaped to another country before charges could be filed. The other is ongoing as of this date. The gist of both stories is that the clients were violated while in trance and had little or no recollection of what happened. It is assumed that it was for the personal gratification of the hypnotist. Because there was more than one victim in both cases, the assaults had to be premeditated and obviously well planned and not haphazard or impulsive. It makes one wonder if these hypnotists learned hypnosis simply to put themselves in a position to commit the assaults - that it was their intention all along to learn hypnosis with the specific intention of abusing it. Of course, these incidents are especially heinous abuses of power and control and obviously motivated by lust. A sexual relationship with a client is not the same thing. And those relationships are addressed in the code of ethics. Yet abuse of control on the unsuspecting and vulnerable can

take on a more innocent guise. Do I use their highly suggestible state of mind to convince a client that they need more sessions than they need simply to generate more income or more volume data for my own benefit? Do I use their highly suggestible state of mind to convince a client that I can help them in an area out of my expertise simply because I have been successful with an issue that is in my area of expertise?

Envy is characterized as a resentful desire to possess the possessions or character or physical traits of another. Jealousy. A desire to be someone else. What of false or misleading advertising? What of the hypnotist who poses as a medical doctor? What of the hypnotist whose advertisements tend to suggest that the hypnotist can heal a situation or condition? What of the hypnotist who plagiarizes or claims someone else's idea as their own? All of these situations have brought sanctions upon some of our colleagues.

Gluttony is obscenely wasteful consumption of anything. The idea that I want it so that nobody else can have it. Do I have "too much on my plate" because I dabble into everything and cannot give proper attention to anything? Am I spreading myself too thin? Do I lure clients away from other hypnotists?

Wrath is anger. It can be vengeful and self-destructive or surface as impatience or frustration. Do I get frustrated or impatient with a client because I have someone else coming in a half-hour and the client is not responding as fast or in a manner that I intended or expected? Do I get frustrated or impatient with a client because I have done this particular type session on this particular issue hundreds of times and the client is not responding as fast or in a manner that I intended or expected? Am I frustrated or impatient because of a situation the client created or a situation that I created myself? Impatience and frustration can lead to anger and resentment which the client can sense and destroy the rapport necessary for you to be helpful to them.

Sloth is more than simple laziness; it is an attitude of indifference. Complacency. On a more spiritual level, it means not fully using or sharing your talents. You can lump a lot of attitudes and circumstances into this category. procrastination, taking things for (like assuming that both parties understand the terms of a verbal agreement and fail to put it in writing), shortchanging time or money, taking the easy way out, relying on "the tried and true" instead of "I know that I am capable and there's more that I can do."

Hypnosis is more than you think- It's what you feel.

_ Mark Babineaux