

(No. 74)

USE OF HYPNOSIS LAW, 5744-1984*

Chapter One: Interpretation

1. In this Law -

Definitions.

“hypnosis” means any act or process intended or likely to cause, by means of suggestion, changes in the state of consciousness or degree of awareness, or in the body, sensations, feelings, thinking, memory or behaviour, of another person;

“the Director” means the Director-General of the Ministry of Health and includes the Head of the Mental Health Services or a physician employed by the Ministry to whom the Director has delegated, in writing, all or part of his powers under this Law;

“the Ministry” means the Ministry of Health;

“the Register” means the Register of Authorised Hypnotists kept under Chapter Three;

“Advisory Board” means a board appointed under section 24;

“the Psychologists Law” means the Psychologists Law, 5737-1977¹;

“authorised hypnotist” means a person authorised to practise hypnotism under Chapter Three and registered in the Register;

“specialised psychologist” means -

(1) a person recognised as a clinical, educational, social-occupational or rehabilitative psychologist in accordance with regulations under section 8 of the Psychologists Law.

(2) a psychologist specialising in a further branch designated as a recognised specialty under section 8 of the Psychologists Law and recognised by the Minister, with the approval of the Labour and Social Affairs Committee of the Knesset, for the purposes of this Law;

* Passed by the Knesset on the 13th Sivan, 5744 (13th June, 1984) and published in *Sefer Ha-Chukkim* No. 1120 of the 28th Sivan, 5744 (28th June, 1984), p. 170; the Bill and an Explanatory Note were published in *Hatza'ot Chok* No. 1538 of 5741, p. 371.

1) *Sefer Ha-Chukkim* of 5737, p. 158; *LSI* vol. XXXI, p. 195.

“the Physicians Ordinance” means the Physicians Ordinance (New Version), 5737-1976¹;

“the Dentists Ordinance” means the Dentists Ordinance (New Version), 5739-1979²;

“physician” means an authorised physician within the meaning of the Physicians Ordinance;

“dentist” means a dentist within the meaning of the Dentists Ordinance;

“the Registrar” means a person appointed under section 23 to be the Registrar of Authorised Hypnotists and includes an Assistant Registrar;

“the Minister” means the Minister of Health.

Chapter Two: Principles

Exclusive right to practise hypnotism.

2. (a) No person other than an authorised hypnotist acting within the terms of the authorisation shall hypnotise any other person.

(b) No person other than an authorised hypnotist shall either expressly or by implication, hold himself out as practising, or being prepared to practise, hypnotism.

Purposes and conditions.

3. (a) An authorised hypnotist shall not hypnotise another person save in accordance with this Law and the regulations thereunder and for one of the following purposes:

- (1) medical diagnosis or treatment;
- (2) psychological diagnosis or treatment;
- (3) scientific research;
- (4) scientific teaching in the field of hypnotism;
- (5) refreshing a person’s memory in the course of a police or security investigation.

Student hypnotist.

4. (a) The prohibitions imposed by sections 2 and 3 shall not apply to a physician, dentist or specialised psychologist certified by the Director to be a student hypnotist, in respect of hypnotism practised for the purposes of his

1) *Dinei Medinat Yisrael (Nusach Chadash)* No. 30, p. 594; *NV* vol. III, p. 80.

2) *Dinei Medinat Yisrael (Nusach Chadash)* No. 32, p. 614; *NV* vol. III, p. 101.

studies and under the personal supervision of a person qualified to teach hypnotism.

(b) In this section, "physician" and "dentist" include a student in the last year of his medical or dental studies, and "specialised psychologist" includes a psychologist during a period of training for a degree in a recognised specialty.

5. (a) A person shall not hypnotise another person save with his written consent given after the nature of the hypnotic process and its possible effects have been explained to him.

Consent to
undergo hypnosis.

(b) A person who has given his consent under subsection (a) may withdraw it at any time before the hypnosis is carried out.

(c) The consent of a detainee or prisoner to be hypnotised may only be given in the presence of his advocate or of a lawyer placed at his disposal by the Ministry of Justice with his consent.

6. (a) An authorised hypnotist shall not hypnotise a minor, a mentally sick person or a legally incompetent person save for the purpose of diagnosis or of medical or psychological treatment.

Restrictions
as to hypnosis.

(b) Notwithstanding the provision of subsection (a), a minor may, with the approval of the Attorney-General, be hypnotised for the purpose of refreshing his memory in the course of a police or security investigation.

7. An authorised hypnotist shall not hypnotise another person for the purpose of diagnosis, or of medical or psychological treatment save, on the basis of a decision taken by him and reduced into writing, as an activity subsidiary to his professional work as a physician, dentist or specialised psychologist.

Hypnosis for
the purpose of
diagnosis or
treatment.

8. An authorised hypnotist shall not hypnotise another person for the purpose of scientific research save after approval of the research by the Advisory Board and with the written authorisation of the Director.

Hypnosis for
the purpose of
scientific
research.

9. (a) Hypnosis for the purpose of refreshing a person's memory in the course of a police or security investigation (hereinafter referred to as "investigative hypnosis") may only be performed upon the decision of an *ad hoc* committee.

Hypnosis for
the purpose of
refreshing memory
in investigation.

(b) Investigative hypnosis may only be performed by an authorised hypnotist who is a psychiatrist or a clinical psychologist.

(c) A person suspected of committing an offense shall not be subject to investigative hypnosis; he may, however, be hypnotised for the purpose of refreshing his memory if he so requests in writing with a view to proving his innocence; the request shall be made and the hypnosis performed in the presence of his advocate.

(d) The Minister of Justice may, in consultation with the Minister of Health and with the approval of the Constitution, Legislation and Juridical Committee of the Knesset, make regulations as to any matter relating to investigative hypnosis, including the appointment, composition and work procedures of, and the matters to be considered by, committees under subsection (a), the sound-recording or filming of the hypnotic process, the questions permitted to be asked and the persons permitted to be present.

(e) . Nothing said by a person under investigative hypnosis may be used as evidence against him in any proceeding.

(f) The provisions of this section shall not vary the rules of evidence.

Onus of proof.

10. A person who alleges that any consent, approval, authorisation or decision under section 5, 6(b), 7, 8 or 9 has been given shall bear the onus of proof.

Chapter Three:

Authorisation to Practise Hypnotism and Registration in Register

Who is entitled to be authorised to practise hypnotism.

11. A person is entitled to be authorised to practise hypnotism if -

- (1) he is a resident of Israel and
- (2) he is a physician, a dentist or a specialised psychologist and
- (3) he has completed recognised studies in hypnotism and passed examinations recognised by the Director.

Application and decision.

12. (a) A person wishing to be authorised to practise hypnotism shall make application to the Registrar.

(b) If the Registrar decides that the applicant meets the conditions of entitlement to authorisation to practise hypnotism, he shall grant him authorisation and register him in the Register.

(c) The instrument of authorisation shall indicate for which of the purposes specified in section 3 the authorisee, according to his qualifications, may practise hypnotism, and the authorisation may be subject to conditions; the purposes and conditions shall be stated in the Register.

(d) If the Registrar decides to refuse the application or to restrict, or attach conditions to, the authorisation, he shall give the applicant notice accordingly. The Registrar shall not decide as aforesaid unless the applicant has been given an opportunity to state his case.

13. (a) The Director may direct that the authorisation be withheld even though the applicant meets the conditions imposed by section 11 if the Director has reasonable grounds to suspect that the applicant has by negligence caused the death of, or seriously harmed, a person who availed himself of his services.

Decision to withhold authorisation.

(b) The authorisation may be withheld as aforesaid for a period of up to three months. If legal proceedings are taken against the applicant in connection with the said suspicion, the Director may withhold the authorisation until the end of the proceedings.

(c) The Director shall not direct that the authorisation be withheld unless the applicant has been given an opportunity to state his case.

14. (a) The applicant may appeal to the District Court -

Appeal.

(1) against a decision of the Registrar to refuse the application or to restrict, or attach conditions to, the authorisation;

(2) against a direction of the Director to withhold the authorisation;

(b) The Minister of Justice shall enact, by procedural regulations, provisions as to any matter relating to an appeal under this section.

15. (a) The Registrar shall keep the Register. The particulars of registration shall be prescribed by regulations.

Keeping of Register.

(b) An authorised hypnotist shall notify the Registrar, within thirty days, of any change in the particulars of registration relating to him and shall, at the Registrar's request, give him any other information for the purposes of registration in the Register.

16. (a) Where the physician's or dentist's licence of an authorised hypnotist, under the Physicians or Dentists Ordinance, or his registration as a psychologist in the Register of Psychologists has been cancelled or suspended, his authorisation to practise hypnotism shall be cancelled or suspended, as the case may be, and the cancellation or suspension shall be recorded in the Register.

Cancellation and suspension of authorisation to practise hypnotism.

(b) Where the authorisation of an authorised hypnotists has been cancelled or suspended in consequence of disciplinary proceedings under Chapter Four, the Registrar shall record such fact in the Register.

(c) The Registrar shall cancel the authorisation of an authorised hypnotist and strike his name off the Register if the hypnotist requests him to do so.

Restricted permit
for non-resident.

17. (a) Notwithstanding the provision of subsection 2(a), the Director may, at his discretion, grant a restricted permit to practise hypnotism, for one or some of the purposes specified in section 3, to a person who is not a resident of Israel and is not registered in the Register if he has had academic training in medicine or dentistry or has had specialised training in psychology which, in the opinion of the Director, is equivalent to the specialised training required by this Law.

(b) A restricted permit shall be for a period not exceeding six months each time and be subject to conditions prescribed by the Director.

(c) The Director may, at his discretion, make the grant of a restricted permit subject to the completion of studies in hypnotism and/or the passing of examinations.

Chapter Four: Disciplinary Measures

Disciplinary
offences.

18. An authorised hypnotist is guilty of a disciplinary offence if -

- (1) he conducts himself in a manner unbecoming an authorised hypnotist or
- (2) he obtained his authorisation by misrepresentation or
- (3) he displays incapacity, irresponsibility or gross negligence in carrying out his functions as an authorised hypnotist or
- (4) he infringes a provision of this Law or of regulations thereunder or
- (5) he is convicted of an offence which indicates that he lacks the responsibility required of an authorised hypnotist.

Rules as to
physician and
dentist.

19. (a) The Minister may cancel the authorisation of an authorised hypnotist being a physician or dentist (hereinafter referred to as "the person complained against"), or direct that his authorisation be suspended for a period, not exceeding five years, prescribed by him, or give him a reprimand or warning, if it appears to him, on the strength of a private complaint in writ-

ing by the Director or an injured party, that the person complained against has committed a disciplinary offence.

(b) The Minister shall not direct as specified in subsection (a) save if the person complained against has been given an opportunity to submit a defence in writing and to state his case to a disciplinary committee, and taking account of the recommendation of such committee.

(c) (1) In the case of a person complained against who is a physician, the disciplinary committee shall be a committee appointed by the Minister under section 44 of the Physicians Ordinance, provided that one of the members of the committee shall be a physician authorised to practise hypnotism who is not an employee of the Ministry; the provisions of sections 44 to 47 of the Physicians Ordinance shall apply *mutatis mutandis*.

(2) In the case of a person complained against who is a dentist, the disciplinary committee shall be a committee appointed by the Minister under section 47 of the Dentists Ordinance, provided that one of the members of the committee shall be a dentist authorised to practise hypnotism who is not an employee of the Ministry; the provisions of section 47 to 51 of the Dentists Ordinance shall apply *mutatis mutandis*.

(d) Where the authorisation of an authorised hypnotist is cancelled at his request after a complaint against him has been submitted to the Minister, the Minister may, upon the recommendation of a disciplinary committee prescribe that the cancellation shall be treated in like manner as the cancellation of the authorisation of a person complained against under subsection (a).

20. (a) Where an authorised hypnotist being a specialised psychologist commits a disciplinary offence, he shall be regarded as guilty of a disciplinary offence under the Psychologists Law and the provisions of Chapter Five of that Law shall apply, provided that one of the members of the disciplinary committee hearing his case shall be a specialised psychologist authorised to practise hypnotism who is not an employee of the Ministry.

Rules as to specialised psychologist.

(b) A disciplinary committee shall be competent also to cancel an authorisation to practise hypnotism granted to a specialised psychologist or direct that it be suspended for a period not exceeding five years.

21. (a) Where the authorisation of an authorised hypnotist has been cancelled under this chapter, an application for its renewal may only be considered after the expiration of seven years, or a shorter period to which the Min-

Renewal of authorisation.

ister has consented on the recommendation of the disciplinary committee, from the date of the cancellation decision.

(b) An authorisation shall not be renewed unless the applicant proves the existence of special conditions justifying its renewal.

Saving of powers, rights and duties.

22. The provisions of this chapter shall add to, and not derogate from, any powers, rights and duties under the Physicians Ordinance, the Dentists Ordinance and the Psychologists Law.

Chapter Five: Miscellaneous Provisions

Appointment of Registrar.

23. (a) The Minister shall appoint a physician employed by the Ministry to be the Registrar of Authorised Hypnotists and may appoint an Assistant Registrar.

(b) Notice of the appointment of the Registrar and an Assistant Registrar shall be published in *Reshumot*.

Advisory Board.

24. (a) The Minister shall appoint an Advisory Board of not less than five and not more than seven members. The chairman of the Board shall be the Director-General of the Ministry of Health or an employee of the Ministry appointed by him.

(b) Three members of the Board shall be appointed from lists submitted to the Minister by the Scientific Council of the Israel Medical Association, the Scientific Council of the Israel Dental Association and the Psychologists' Council, one from each list.

(c) At least three members of the Board shall be authorised hypnotists.

(d) The period of tenure of a member of the Board shall be three years from the date of his appointment, and he may be reappointed. Notice of the appointment of a member of the Board shall be published in *Reshumot*.

(e) Three members of the Board shall be a quorum at its meetings.

(f) The Board may prescribe the procedure of its business as far as it is not prescribed by this Law.

Secrecy.

25. (a) Information concerning any person which reaches to an authorised hypnotist through or in consequence of his professional work shall be kept secret by him and he may only disclose it -

(1) if its disclosure is, in his opinion, required for the treatment of that person or

(2) if its disclosure is required or permitted by Law or

(3) if the person to whom it relates has consented in writing to its disclosure and has not, in writing, withdrawn his consent.

(b) The provisions of this section shall apply also to a person who receives information as aforesaid from an authorised hypnotist.

(c) For the purposes of this section -

(1) "information" includes any document containing information;

(2) it shall be immaterial whether the information relates to a person treated by the hypnotist or to any other person.

26. (a) An authorised hypnotist shall, at the request of a person whom he has hypnotised, transmit to him the gist of what he said during hypnosis and, if the process was recorded or filmed, shall enable him to hear or see the recording or film or a copy thereof.

Delivery of information to persons who have been hypnotised.

(b) If the authorised hypnotist is of the opinion that the requesting person's health may be impaired thereby, he shall not transmit the information, recording or film to him, but shall transmit it to his physician, or to a specialised psychologist on his behalf, who shall decide whether to transmit it, wholly or in part, to the requesting person.

27. (a) A person shall be liable to imprisonment for a term of one year if -

Penalties.

(1) he contravenes the provisions of Chapter Two, except section 2(b), or

(2) he infringes the duty of secrecy under section 25.

(b) A person who contravenes the provisions of section 2(b) or 15(b) shall be liable to a fine.

28. The Minister shall, after consultation with the Advisory Board, make regulations as to -

Regulations.

(1) recognised studies in, and the teaching of, hypnotism;

(2) the particulars and procedure of examinations;

(3) rules as to the approval and conduct of research;

(4) rules as to the hypnotising of minors, mentally sick persons and legally incompetent persons for the purposes and in the cases permitted under section 6;

(5) rules as to hypnosis in the scientific teaching of hypnotism.

Fees. 29. The Minister may, with the approval of the Labour and Social Affairs Committee of the Knesset, prescribe fees to be paid for examinations and for authorisation to practise hypnotism and annual fees to be paid by an authorised hypnotist.

Implementation and regulations. 30. The Minister is charged with the implementation of this Law and may make regulations as to any matter relating to its implementation.

Transitional provisions as to investigative hypnosis. 31. (a) The provision of section 9(b) shall not apply to a psychologist, within the meaning of the Psychologists Law, who, within the framework of his work with the Israel Police, practised investigative hypnosis for at least one year immediately preceding the coming into force of this Law.

(b) Where the holder of a bachelor's degree in psychology from an institution of higher education in Israel practised investigative hypnosis for at least one year immediately preceding the coming into force of this Law within the framework of his work with the Israel Police, the provision of section 9(b) shall not apply to him for three years from the coming into force of this Law, provided that any investigative hypnosis performed by him shall be under the supervision of an authorised hypnotist who is a psychiatrist or a clinical psychologist. Where within the said three years such a person is registered in the Register of Psychologists, subsection (a) shall apply.

(c) Where it appears to the Director that a person meets the conditions imposed by subsection (a) or (b), he shall direct that he be registered in the Register with a note setting out the restrictions applying to him.

Commencement and transitional provisions. 32. (a) This Law shall come into force three months from the date of its publication.

(b) Notwithstanding the provisions of section 24(d), the first appointment of members of the Advisory Board shall be for a period of one year and the condition imposed by section 24(c) shall not apply, provided that three of the members have practised hypnotism *de facto*, on a substantial scale, for a period of at least five years.

(c) For two years from the date of publication of this Law, the Director may at his discretion, with the approval of the Advisory Board, exempt

from the requirements of section 11(3) any applicant who has practised hypnotism *de facto*, on a substantial scale, for a period of at least five years.

33. This Law shall be published within twenty days from the date of its adoption by the Knesset.

Publication.

YITZCHAK SHAMIR ELIEZER SHOSTAK
Prime Minister *Minister of Health*

CHAIM HERZOG
President of the State