

Canadian Hypnotherapy Association

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Corporations Unit
BC Registry Services
att. Julie Atkinson
PO BOX 9431 Stn Prov. Govt
Victoria BC, V8W 9V3

Re: ARCH Request for Protection of Title : File Number S-0050581

Dear Julie Atkinson,

We had not been consulted on this request for Protection of Title by the Association of Registered Clinical Hypnotherapists and would like to say, that we do not support the request for Protection of Title for the professional designations listed in the application as this would affect the existing titles and designations already in use by organizations such as ourselves.

Our professional designations are recognized and have been in use since our inception in 1977 we were and we see no need to grant a small group the proprietary use of professional designations. CHA designations and professional qualifications are attained following a rigorous course of study, examination and practical experience and are Clinical Hypnotherapist, Certified Clinical Hypnotherapist, and Master of Clinical Hypnotherapy.

We also think the application is confusing as it implies a regulatory framework and at this point hypnotherapy is not regulated by the BC government. This is compounded by the use of the term Registered Clinical Hypnotherapist. If the government is awarding proprietary designations in the health care field, it implies to the public that the government is actively regulating the profession and professional standards which is not the case. Instead, it is established groups like CHA and the International Association of Counseling Hypnotherapists, who set the standards of excellence and ethical practice.

Sincerely,

Detlef Joe Friede

Diana Cherry

President

Past President

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June 13, 2013

Julie Atkinson
Corporations Unit
BC Registry Services
PO Box 9431 Stn Prov Govt
Victoria, BC V8W 9V3

Dear Ms Atkinson:

Re: Objection to granting title protection to the Association of Registered Clinical Hypnotherapists (ARCH)

Hypnosis is a tool which has been recognized by physicians, dentists, psychologists, and other qualified health professionals as having special value in the diagnosis and treatment of many types of patient concerns. It is a powerful tool, when used in a context of understanding of the physiological and psychological challenges it can be used for, and it can be a crucial key for the recognition and/or treatment of many people who come to our health care system for help. Misused by a practitioner, whether intentionally or unwittingly, patients can be exposed to a range of both subtle and horrific abuses, both physical and psychological.

To offer basic registration to individuals who have taken, by way of "qualification", a self-founded certificate course (with the equivalent of only 5 ½ weeks duration, according to the ARCH website) in order to learn to use the hypnosis tool is a travesty of professional psychological and physical health care, and would constitute a betrayal of the public trust in the province's health care system.

In contrast, the Canadian Society of Clinical Hypnosis (CSCH) (www.hypnosis.bc.ca) is an organization of physicians, dentists, psychologists, and counselors all of whom must already have extensive education and training (in medicine, dentistry, or psychology, depending upon their licensure) and who must be registered in their own discipline within Canada in order to be considered for training courses and for membership in the Society. The British Columbia division of the organization was founded in 1958, immediately after the American and Canadian Medical and Dental Associations officially recognized the use of clinical hypnosis as an adjunctive modality of professional health care for use by the physicians and dentists of North America. The British Columbia division has close association with provincial counterparts elsewhere in Canada, and is closely affiliated with the American Society of Clinical Hypnosis and other publicly accountable professional hypnosis societies worldwide. For the past 55 years we have organized seminars and workshops every year to train licensed, registered healthcare professionals, accommodating a wide array of learning experiences in clinical hypnosis (from novice to advanced) and continuing education for these health professionals. We invite well-qualified, noted presenters and faculty from all over the world, and maintain a richly qualified faculty here in British Columbia, who are often called upon to advise (and present for) sections of other professional clinical hypnosis organizations and general healthcare organizations in all parts of the globe. We also make student membership and training available to full-time students of accredited programs for qualified, recognized healthcare professions (dentistry, medicine, psychology, etc.). It would appear from inspection of the ARCH website that the members listed there would not be qualified (based on basic educational criteria) to become members of a *bona fide* professional hypnosis society.

The CSCH is a non-profit organization and we have never requested registration title protection for clinical hypnosis or clinical hypnotherapy. In fact, we are very concerned about the implications of such title protection. We have read with serious concern the presentation of the group which calls itself the Association of Registered Clinical Hypnotherapists (ARCH). There have been other such lay groups during the past several decades which have attempted to garner public credibility using promises of certification and registration for attracting students to use hypnosis tools with limited formal education in order to go into business "treating" members of the public. Some of the programs and their members seem to have been well-meaning; some are not. Study of the ARCH website reveals that the ARCH members are not required to have any degree or formal education beyond short-course hypnosis training.

Over the years, our Society has become aware of complaints against a number of short-term-training-program hypnosis "graduates" regarding abuses of patients during their attempted "treatments". Most of these abuses stem from patients gaining access and exposure to psychological states for which the short-term-training-program "graduate" has no training or experience to recognize. Even if a problem is recognized, the ARCH hypnosis "graduate" would have no educational background or experience as to appropriate ways to deal with the emerging patient issues. Abreactions and untoward consequences include personality disorder expressions, increased suicide risk, etc. Such poor training would constitute clear malpractice and grounds for discipline if these non-professionals were accountable to the public by membership in a health care college. Criminal investigations into the activities of these short-term-training-program "graduates" have not been a very reliable regulating mechanism to date, mostly because of embarrassment on the part of abused patients who are reluctant to go to the courts with their complaints.

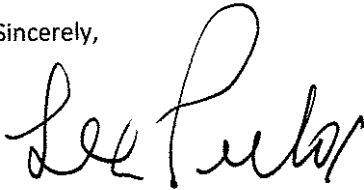
Allowing any of the title protection phrasings that ARCH has requested for the registration of lay Clinical Hypnotherapists as "specialty entities" is a serious problem. Among other issues it would be confusing to the public and would preclude qualified physicians, psychologists, and other licensed health care professionals from using such titles. Promoting the appearance of "professionalization" and its registration among otherwise professionally unaccountable individuals, as described in the ARCH application, is as ill-advised as would be the registration of individuals to perform drug injections on other people with only a few weeks of training in the basic mechanics of intravenous and intramuscular injection technique, with no supervision required, and with no further requirement for medical, dental, or nursing educational background. For those who already have professional healthcare licensure which permits use of the clinical hypnosis tool (including medicine, dentistry, and psychology in British Columbia), there is no need to have registration or title protection as Clinical Hypnotherapists. The professional ethical regulation of the existing colleges and professional associations (with Masters degree or higher education) already requires that their members have taken and maintained appropriate training and continuing education if they choose to incorporate the clinical hypnosis and hypnotherapy into their practices.

Allowing registration of Clinical Hypnotherapists as a "specialty entity" invites further misuse of this valuable diagnostic and treatment tool by encouraging its use in the absence of a context of professional training and accountability by existing and publicly regulated healthcare professionals. The public might reasonably expect a registered Clinical Hypnotherapist to be able to safely render various treatments and interventions, to recognize complications which arise, and to know how to deal with such complications.

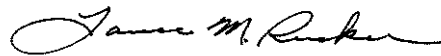
Currently, legitimately licensed and regulated healthcare professionals in our province can train to utilize clinical hypnosis as part of their professional practices. And for that, these professionals do not need registration in clinical hypnosis or clinical hypnotherapy as a separate entity. They must take training regarding the appropriate uses of this tool, just as they must have appropriate training to use surgical devices or therapeutic entities of other sorts in their practices. But the establishment of a "specialty" registration and/or licensure for this tool encourages the unintended exposure of patients to traumas, both physical and psychological, which an uneducated (lay) hypnotherapist would have no idea how to recognize, much less handle appropriately.

As qualified health professionals, we in the Canadian Society of Clinical Hypnosis (BC Division) object to the Association of Registered Clinical Hypnotherapists (ARCH) being granted title protection for any of the titles listed in their application. Our executive members have expressed our serious concerns in this letter and we would be happy to discuss the matter further with BC Registry Services if necessary. Please acknowledge receipt of this letter as we feel this matter is of utmost importance.

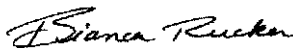
Sincerely,



Lee Pulos, PhD, R. Psychologist (Reg. #207)
President, CSCH (BC Division)



Lance Rucker, BScD, DDS (CDSBC Reg. #2182)
Executive Board Member, CSCH (BC Division)



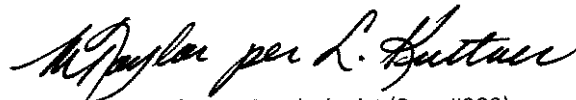
Bianca Rucker, PhD, RMFT, RN (Reg. #539720)
Executive Board Member, CSCH (BC Division)



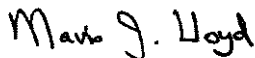
Harry Stefanakis, PhD, R. Psychologist (Reg. #1489)
Executive Board Member, CSCH (BC Division)



Heather Fay, MD (CPSBC #06840)
Secretary-Treasurer, CSCH (BC Division)



Leora Kuttner, PhD, R. Psychologist (Reg. #888)
Education Vice-President, CSCH (BC Division)



Mavis Lloyd, PhD, RCC (Reg. #939)
Executive Board Member, CSCH (BC Division)



Saul Pilar, MD (Reg. #5688)
Administrative Vice-President, CSCH (BC Division)

International Association of Counseling Hypnotherapists

May 24, 2013

Julie Atkinson
Corporations Unit
B.C. Registry Services
Second Floor.
940 Blanchard St.
Victoria, B.C.

OBJECTED
RCVD
28 MAY '13

Re: Association of Registered Clinical Hypnotherapists- ARCH-S-0050581

Dear Ms. Atkinson:

I am the founder and president of the International Association of Counseling Hypnotherapists (IACH) founded in 2004 and past president of the Canadian Hypnotherapy Association. The IACH has 66 current members, 59 located in B.C., 8 in the rest of Canada and 5 internationally. In addition, I am the founder and owner of The Orca Institute (est. 1986), the only Private Career Training Institutions Agency of BC accredited hypnotherapy school in B.C. and the longest running hypnotherapy school in Canada.

I am also a Registered Clinical Counsellor with over 30 years of professional experience in the fields of counselling and hypnotherapy.

The following is the IACH's response to the application by the Association of Registered Clinical Hypnotherapists (ARCH) for Occupational Title Protection under part 10 of the B.C. Societies Act:

ARCH response to Question 2: ARCH's web site states that they have 54 current members in B.C. This represents a very small percentage of the approximately 600 hypnotherapy practitioners in this province.

ARCH response to Question 3: In this case, ARCH details how they would represent the interests of hypnotherapists in B.C.. Nothing they propose is any different from what other Hypnotherapy Associations in B.C. offer and they provide no evidence as to how their group would benefit the public and the profession any more than similar groups, such as the IACH and the Canadian Hypnotherapy Association. We would argue, then, that if they are granted protection of title, there are similar groups already in B.C. that, based on the criteria used, deserve the same protection.

In addition, it is of great concern to us that ARCH, as a professional Association, did not approach us and, we suspect, other similar groups, before they applied for this designation. It is our understanding and experience that all stakeholders, at least in B.C., should have been consulted as per standard, accepted practice and we believe the fact that this did not occur should be a matter of concern to whomever is the processing this application.

ARCH response to Question 4a: We also have comprehensive bylaws which include all of the points indicated in ARCH's response.

ARCH response to Question 4B: IACH has in place clearly defined standards of education and practice for approving schools. We do not use the terms Accredited or Registered as that would interfere with the Private Career Training Institutions Agency of B.C.'s mandate.

International Association of Counseling Hypnotherapists

ARCH response to Question 4d: We also provide penalties for misconduct, incapacity or incompetence of members, including suspension or expulsion.

ARCH response to Question 5a: ARCH's answer to this question is so general that we are not sure what it exactly means. There is no legal definition for the term "Registered" and it is not stated what the difference (would be...see comment) between the terms "Registered" and "Certified". As a member of the B.C. Association of Clinical Counsellors (BCACC), an Association that has almost 3000 members in B.C., I am concerned about confusion around my own title, Registered Clinical Counsellor, if this application is successful. I believe BCACC would have valid concerns as well.

Admittedly, there is confusion among the general public as to the various titles out there. Every Association in this field, including ours, tries to arrive at the titles which best fit their standards. Uniformity is needed, but not to the benefit of one small group and the exclusion of all other similar groups. We believe that the "task group" which is already established led by the B.C. Association of Clinical Counselors is the best and fairest path to resolve this issue to the benefit and protection of the public.

ARCH response to question 5b: The cited difficulties will not be resolved by accepting this application. This will only be resolved through consultation with all stakeholders, not just ARCH. It is our view that this application demonstrates a complete lack of professionalism and ignorance of proper procedure because it was done without any thought of consultation with similar groups. Basically, what you are being asked to do is approve an application for protection of title from a group that represents at the most, 5% of the total hypnotherapy practitioners in B.C. We are all interested in protecting the public but approving this application will not only not resolve these issues, but rather create new ones.

ARCH response to question 5c: As explained above, the answer would be "no".

ARCH response to question 6: Below is a list of hypnotherapy titles granted by our Association:

1. Resident Hypnotherapist RH
2. Counseling Hypnotherapist CH
3. Hypnotherapy Teacher, HT

We have clear definitions and standards for each of these terms. I created the terms Counselling Hypnotherapist and Counselling Hypnotherapy in 1984. To the best of my knowledge these terms were not used before then.

ARCH response to question 6b: As stated above, BCACC uses the term Registered Clinical Counsellor, RCC. Therefore, ARCH Canada is not the only organization to use the term "Registered". Please excuse the unprofessional language to follow, but, "so what". What is so important about a particular group deciding to use a particular title that is supposedly unique to them? Why should that give them prominence over all other similar groups who also might have unique titles? Our own Association can easily pass bylaws, creating new titles that are unique to us and make the same argument for title protection that ARCH is.

ARCH response to question 7: We do not understand the response to this question. Putting 100% in the box implies that all hypnotherapy practitioners practising in B.C. and/or Canada are members of ARCH, which, obviously, is not the case. A more accurate number in B.C. would be 5% at the most. If we are

International Association of Counseling Hypnotherapists

interpreting this question correctly, the response to this question is completely inaccurate and misleading.

ARCH response to question 8: We have members in B.C., Alberta, Saskatchewan and Ontario.

ARCH response to question 9: We are doing the same thing.

LETTER OF OBJECTION RCVD FROM THE ARCH
ARCH response to question 10: The IACH has been in existence since 2004 and I am also aware that the Canadian Hypnotherapy Association has been in existence since approximately 1980. The IACH sets high standards for our members, the same as do a number of other associations. We do our best within the legal framework that exists, just like other similar associations in B.C.

Based on the concerns cited in this letter the IACH requests that ARCH's application for Title Protection be denied. Please keep us informed as to the outcome of this process.

Yours Sincerely,

**Sheldon
Bilsker**
Digitally signed by Sheldon
Bilsker
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o=The Orca Institute, ou,
email=orca@shaw.ca, c=CA
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Sheldon Bilsker, RCC,HT
President, IACH



JUN 21 2013

982275

Ms. Julie Atkinson
Corporations Unit
BC Registry Services
Ministry of Technology, Innovation and Citizens' Services
PO Box 9431 Stn Prov Govt
Victoria BC V8W 9V3

Dear Ms. Atkinson:

Thank you for your letter of May 15, 2013, regarding the application by the Association of Registered Clinical Hypnotherapists for occupational title protection under Part 10 of the *Society Act*. I apologize for the delay in this response.

The Ministry of Health objects emphatically to this application, and strongly recommends that it be rejected in its entirety.

As you discussed in a phone conversation on May 27, 2013, with Ms. Jennifer Webb, Manager of Professional Regulation Policy in my office, the Ministry of Health believes that it is not in the public interest for individuals who are not registrants of a college under the *Health Professions Act* hold themselves out to the public as being regulated health professionals.

In May 2012, the Ministry of Health provided a response to the *Society Act* review conducted by the Ministry of Finance. The portion of our response addressing Part 10 is attached for your information.

In accordance with discussions between the Ministry of Health and BC Registry Services in prior years, the Ministry of Health renews its standing request that BC Registry Services not approve any Part 10 applications in respect of occupations that may fall within the definition of "health profession" in section 1 of the *Health Professions Act*.

Sincerely,

Daryl Beckett, JD
Director

Attachment

Ministry of Health Submission to Ministry of Finance

Re: *Society Act* Review Discussion Paper

Comments on Occupational Title Protection

- Under Part 10 of the *Society Act* (Part 10), a not-for-profit society that meets certain conditions may apply to the Registrar for occupational title protection. Once approved, only qualified members of that society may use the protected title and initials. The “*Society Act* Review Discussion Paper” proposes that Part 10 be retained for the present.
- In its 2001 “Safe Choices” report to the Minister of Health, the former Health Professions Council (the Council) discussed occupational title protection under Part 10:

The Council believes that the title protection system under the Society Act could be confusing or misleading to members of the public who may conclude, on the basis of the exclusive use of title conferred under the Society Act, that a member of a registered society or association is subject to regulation which does not, in fact, exist ... the Registrar under the Society Act does not conduct a detailed public interest analysis of the society, its membership or the services it provides with a view to regulation of the members of the applicant society ... Generally, the title protection regime under the Society Act can be misleading to the public. In the Council's view, such unregulated use of these terms is not in the public interest as it may imply government sanction.

- The Council was echoing concerns that had previously been raised in the 1991 report of the British Columbia Royal Commission on Health Care and Costs (the Royal Commission). Both the Council and the Royal Commission made recommendations for policy and legislative changes in this regard.
- Over subsequent years, the Ministry of Health (MOH) has consistently shared the concerns identified by the Council and the Royal Commission. Reserved titles, prescribed under section 12 of the *Health Professions Act (HPA)* as being for the exclusive use of registrants of regulatory colleges, are a central and critical public protection element of BC’s health professions regulatory framework. MOH believes that it is not in the public interest for individuals who are not registrants of a college under the *HPA* to hold themselves out to the public as being regulated health professionals; regrettably, the potential availability of Part 10 title protection inappropriately provides an opportunity for non-registrants to do just that.
- MOH submits that the use of titles protected under the *Society Act* is likely to cause the public to conclude members of the society granted the protection are subject to a level of objectively proven competency and government endorsement of the occupation or profession which does not actually exist. Such use also signifies incorrectly that a publicly accountable authority is available to which complaints may be brought and resolved solely on the basis of public interest considerations.

- On the recommendations of both the Council and the Royal Commission, the *HPA* was amended in 2003 to add a new section 52.1 (not yet in force) that prohibits a person who provides services or does work covered by the definition of “health profession” in section 1 of the *HPA*, but who is not a registrant of a college established under the *HPA*, from using the terms “regulated”, “registered”, “certified”, or “licensed”, or abbreviations or equivalents in another language, in association with or as part of a title describing the person’s work, or in association with a description of the person’s work. MOH believes that the use of any of these terms in a person’s occupational title sends an unambiguous message to the public that the person is subject to a regulatory regime established or endorsed by government in the public interest, and that the person has been authorized or endorsed by government or a government-sanctioned agency as qualified and competent in regard to the services being provided.
- In sharp contrast, section 89 (2) of the *Society Act* expressly provides that the granting of Part 10 title protection does not in any way signify government endorsement of the society, its membership requirements or its individual members. MOH submits that this significant discrepancy serves only to confuse the public about both the regulatory status of the person using the title and the fundamentally different nature of the regulatory schemes under the *HPA* and the *Society Act*, respectively.
- MOH further submits that, even considered on its own terms, the *Society Act* regime is misleading in that it expects the general public to be aware of the “legislative caveat” in section 89 (2) without imposing any obligation directly on the society to ensure the public is fully informed about the lack of public interest-based protection. It is submitted that this does not reflect a realistic perception of how individual members of the general public respond to descriptive professional titles when presented in the modern health services marketplace. In short, the *Society Act* title protection regime is implicitly based on the fundamental value choice that the interests of the professional group are to be protected, over the interests of the general public. MOH submits that this value choice, whatever its past merits might have been, is not consistent with the public policy and legislative choices that underpin the modern professional regulatory framework.
- MOH therefore requests that the Ministry of Finance reconsider the proposal set out in the discussion paper that consideration of a different approach to occupational title protection be deferred to “the longer term”. It has been more than 20 years since the Royal Commission first raised concerns about Part 10, and in the intervening years public protection regarding professional titles has been significantly strengthened under the *HPA*. If Part 10 is not to be removed in its entirety, MOH requests that priority consideration be given in the short term to either expressly excluding from Part 10 any society whose members practice a “health profession” as defined in the *HPA* or making Minister of Health approval a requirement before the Registrar may grant title protection under Part 10 to such a society.