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Legal Considerations in Choosing Your Practice Title

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The purpose of this article is to provide energy healing practitioners with some basic information about the laws that govern the use of certain titles in the healthcare field. Many energy healing practitioners are completely unaware that healthcare licensing statutes only allow licensed practitioners to use certain titles. There are a significant number of energy healing practitioners who are unknowingly in violation of the law by using a protected title. This article will cover examples of legally problematic titles and will also provide information about what titles are less risky to use.

Where I see the most violations of the law by energy healing practitioners using protected titles is with mental healthcare practice acts. This includes the laws that regulate psychologists, social workers, marriage and family therapists, and professional counselors. Generally, state psychotherapy practice acts restrict the use of the words “psychology,” “psychologist,” “psychotherapy” and “psychological” to only those individuals who have obtained a license to practice psychotherapy. As an example, according to Oregon’s psychology practice act, only licensed psychologists may represent themselves to be a psychologist. That seems pretty simple and straight forward. But what does that mean? In Oregon it means to use any title or description of services incorporating the words “psychology,” “psychological,” “psychotherapy” or “psy-

chologist” (ORS 675.020). This is typical in many states. Also, energy healing practitioners can inadvertently violate other licensing statutes by using restricted titles, including those relating to medicine and nutrition.

Legally Problematic Title Examples

For illustration purposes of how the use of certain titles may create potential legal liability, here are some actual titles I have seen on websites. The names are fictitious and please keep in mind that there may be exemptions or exceptions in certain states.

“Sue Jones, Meridian Tapping Psychotherapist”

As a non-licensed practitioner, Sue is in violation of the title portion of the mental healthcare practice acts in her state for using the word “psychotherapist” in her title. Sue could face criminal charges for practicing psychotherapy without a license.

“Jane Doe, Master Energy Therapist”

Even though most psychotherapy practice acts do not specifically restrict use of the word “therapist,” I recommend that non-licensed practitioners not use the word “therapist” in their titles. This is because mental healthcare licensing boards could determine that by using the title of “therapist,” the practitioner is practicing psychotherapy without a license. In addition, clients could be misled and think Jane is a licensed mental healthcare practi-



tioner because she uses the word “therapist” in her title. This could result in being charged with the crime of practicing psychotherapy without a license and a civil lawsuit from a client for misrepresentation or potentially fraud.

“John Smith, Medical Intuitive”

Even though the title portion of most medical practice acts do not specifically restrict use of the word “medical” in a title, by using it in a title a medical licensing board could take the position that the practitioner is offering medical services and therefore, practicing medicine without a license. Specific disclosures would need to be stated on John’s website and in his Client Agreement for Services, including that John is not a licensed physician, does not provide medical diagnosis or treatment and his services are not licensed by the state.

“Cindy Parsons, Spiritual Counselor”

In some states, such as New Jersey, you are prohibited from calling yourself a “counselor” unless you are a licensed mental healthcare professional. In other states such as Oregon, you can use the title “counselor.” Even though some psychotherapy practice acts do not specifically restrict use of the word “counselor,” it is recommended that non-licensed practitioners not use the word “counselor” in their titles. As with Jane Doe above, this is because mental healthcare licensing boards could determine that by using the title of “counselor,” the practitioner is practicing psychotherapy without a license. In

addition, clients could be misled and think Cindy is a licensed mental healthcare practitioner because she uses the word “counselor” in her title. This could result in being charged with the crime of practicing psychotherapy without a license and a civil lawsuit from a client for misrepresentation or potentially fraud.

“Robert Adams, PhD, Comprehensive Energy Psychologist”

Although Robert Adams has an academic PhD in psychology, he is not a licensed psychologist and, therefore, would be in violation of his state’s psychology practice act for using the word “psychologist” in his title. As with the examples of Jane Doe and Cindy Parsons, clients could be misled and think Robert is a licensed psychologist because he uses the word “psychologist” in his title and has a PhD. This could result in being charged with the crime of practicing psychotherapy without a license and a civil lawsuit from a client for misrepresentation or potentially fraud.

“Mary Thompson, Licensed Energy Psychologist”

Although Mary is a licensed psychologist, her state does not recognize “energy psychology” as a branch of psychology. Therefore, under Mary’s licensing rules and regulations, she would be prohibited from identifying herself as an “energy psychologist” and to use this title could possibly subject her to professional discipline. However, Mary may be able to disclose that she uses energy psychology methods in her practice.

“Mary Thompson, EFT Nutrition Coach”

Some energy healing practitioners incorporate nutritional advice and services in their practices. In some states, such as California, you can legally use the words “nutrition” or “nutritional” as part of a title and offer nutrition and dietitian services. However, in many states only registered or licensed nutritionists and dietitians can use the words “nutrition” or “nutritional” in a title and offer nutrition or dietitian services. Therefore, Mary can only offer her services in states in which the practice of nutrition is not subject to licensure.

If you offer your services across state lines, you also need to be in compliance with all state laws and regulations that govern your healing practice.



If you work with clients across state lines, it is imperative to know that you are not only subject to the laws and regulations in the state in which you practice but also the laws and regulations in the state in which your client resides. State licensing boards routinely investigate websites to insure practitioners are not violating the law, including using a protected title. They also do not hesitate to go after practitioners who live in other states and/or offer services across state lines.

What About Using the Title of “Healer?”

I advise my clients to avoid using the word “healer” as a title because it can be perceived that the practitioner is practicing medicine without a license. In a 1913 case, (Smith v People), a defendant who called himself a “healer” and purported to cure diseases by “laying on hands” was convicted of practicing medicine without a license. While this is an old case, it does illustrate that historically courts have decided that just about any type of healing is considered the practice of medicine. A less risky option would be to use the word “healing” in a title instead such as the title “Energy Healing Practitioner” rather than “Energy Healer.”

What Titles Are Less Risky to Use?

When I consult with a new client regarding risk management for an energy healing practice, one of the first things we discuss is what title the practitioner uses or would like to use. As stated above, I would advise not using the words “psychotherapist,” “therapist,” “counselor” or “healer” in a title. There are a number of unprotected titles that are not subject to regulation such as “practitioner,” “coach,” “mentor,” “facilitator” or “educator”. Some sample titles, depending on the nature of the services provided by the energy healing practitioner, that would be considered less risky are:

- Energy Balancing Coach
- Intuitive Fertility Educator
- Shamanic Practitioner
- Spiritual Director

One of the best approaches to choosing a title is to

use the credentials you have earned as an energy healing practitioner. However, please remember that having a credential or being a certified practitioner of a particular modality is not a license to practice. Here are some sample titles:

- EFT Practitioner & Reiki Master
- Certified Matrix Energetics Practitioner
- Certified Healing Touch Practitioner
- Certified Eden Energy Medicine Practitioner

Conclusion

Based on the above discussion, it is evident that the title you use can potentially lead to legal liability, including being charged with the crime of practicing a licensed profession without a license. The best risk management strategy is to seek professional advice regarding the title you want to use in your practice. If you only offer your services in the state in which you have your practice, then you only need to be in compliance with the state laws and regulations that govern your healing practice. However, if you offer your services across state lines, then you also need to be in compliance with all state laws and regulations that govern your healing practice. I hope you have found this article informative and of value. €

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