

Do You Have an Alternative Healing Practice? How to Reduce Potential Legal Risks (A checklist—what I learned from my experience!)

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IMPORTANT NOTE: This is not meant to be legal advice and is for educational purposes only. If you follow any of these suggestion, you do so upon your own initiative. Please learn what is appropriate for your own geographical area. This information is particularly directed to meridian methods practitioners, but it could be useful for anyone who is a “people-helper.”

1—Use language in your materials and marketing that will not trigger the attention of professional regulating bodies for medicine or psychotherapy. Unless you have a degree in the field, you cannot use words like therapy, counseling, or psychology. Even using the word “pain” is not allowed in some state regulations if you are not a physician. The word “healing” is a borderline term, not proprietary, but it still might flag your website.

2—Your languaging should make it clear that with EFT or other meridian methods you are *addressing the underlying energetic patterns with the goal of bringing balance and harmony within the energetic field of the person....*

3—Describe the theories about energetic fields (whether it is chakras, meridians, or the biofield) by saying that when the body’s energy field is balanced and flowing without disruption, the body can naturally heal itself.

4—Make it clear that you do not "treat" a medical condition, and that EFT (or whatever you practice) is not a substitute for professional healthcare.

I have worked a lot with fibromyalgia and chronic fatigue. Because they are diagnoses, I can't talk about treating them. I can, however, say that I am "working with the **energy structure** that underlies the emotions that may create conditions like fibromyalgia."

5—It is important not to make any claims of curative ability.

Testimonials are "claims," so be mindful.

6—Remember that you cannot "guarantee" any kind of result.

7—Include a website disclaimer that is designed specifically for your work.

Here are the first two paragraphs of my website disclaimer (the whole document is a long page):

Welcome to my website! For my protection and yours, I want you to know the following information:

The information contained on this website, including ideas, suggestions, techniques, and other materials, is educational in nature and is provided only as general information and is not medical or psychological advice.

Transmission of the information on this website is not intended to create, and receipt does not constitute a client-coach or any other type of professional relationship between the reader and Rue Hass and should not be relied upon as medical, psychological, coaching, or other professional advice of any kind or nature.

As part of the information presented on this website, you understand you will be introduced to a newly-emerging energy-based family of coaching, and self-help methods (the "Energy Methods"). Energy Methods is a collective term used to refer to a variety of alternative and complementary techniques based on the use, modification, and manipulation of energy fields that look at imbalances within the person's energy system as well as the energetic

influence of thoughts, beliefs, and emotions on the body.

8—Know the legal regulations of your state or country.

To learn about these regulations, Google: “(your state/country) mental health licensing regulations.”

9— Avoid using words that sound like you are doing therapy.

This language was taken directly from the Colorado Department of Regulatory Agencies document:

"Psychotherapy" means the treatment, diagnosis, testing, assessment, or counseling in a professional relationship to assist individuals or groups to alleviate mental disorders, understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behaviors which interfere with effective emotional, social, or intellectual functioning. Psychotherapy follows a planned procedure of intervention which takes place on a regular basis, over a period of time, or in the cases of testing, assessment, and brief psychotherapy, it can be a single intervention.

The complaint about this statement is that it is so vague that it could cover many occupations, from therapist to bartender, but the state legal authorities can use this to make a claim against your practice nevertheless.

10—Hire an attorney with professional risk management as a practice specialty to go through your website, marketing, trainings and products, noting and changing “red-flag” language.

This person should also create disclaimers for your specific work.

This is what one of my attorneys (Midge Murphy at www.midgemurphy.com) said that I should do:

In reviewing the website from a risk management perspective, I would advise

that you need:

- 1) a Disclaimer for your newsletter
- 2) a Release and Participation Agreement for your EFT Circle Teleclass
- 3) Release and Permission from anyone who you write about on your website or in your newsletters
- 4) If you do any mentoring programs you will need a Release and Participation Agreement for each one
- 5) Disclaimers for your books and DVD's

11—Learn what alternative practitioners and practices may NOT be regulated by your state licensing board. This is a changing playing field. Currently in Colorado, specifically trained coaches, ordained ministers and spiritual counselors are not regulated. However, all other practitioners must register as an “Unlicensed Psychotherapist.”

12—Understand how your state characterizes the difference between therapy and coaching (if it does). This is a rising discussion in the coaching profession to differentiate the field from psychotherapy.

The following is from the International Coach Federation website:

***Coaching can be distinguished from therapy in a number of ways.** First, coaching is a profession that supports personal and professional growth and development based on individual-initiated change in pursuit of specific actionable outcomes. These outcomes are linked to personal or professional success. Coaching is forward moving and future focused.*

Therapy, on the other hand, deals with healing pain, dysfunction and conflict within an individual or a relationship between two or more individuals. The focus is often on resolving difficulties arising from the past which hamper an individual's emotional functioning in the present, improving overall psychological functioning, and dealing with present life and work circumstances in more emotionally healthy ways. Therapy outcomes often include improved emotional/feeling states.

While positive feelings/emotions may be a natural outcome of coaching, the primary focus is on creating actionable strategies for achieving specific goals in

one's work or personal life. The emphasis in a coaching relationship is on action, accountability and follow through.

www.coachfederation.org/clients/coaching-faqs/

Much more information on licensing and regulations can be found at ICF's very useful website: <http://www.coachfederation.org/>

13—Take coach-specific training.

There are apparently psychotherapists and psychologists who have lost their professional licenses because of ethical violations, and who are now saying that they are coaches. The Regulatory Boards are on the lookout for people who say they are coaches without real coach training.

14—Join state and national professional organizations for coaches (like ICF—URL above) to gain information and support.

15—If a grievance is filed against you, and you are contacted by your state's regulatory agency, consult an attorney who is knowledgeable about your state or country's licensing regulations for mental health practitioners before you talk with the investigator.

15—What to look for in an attorney?

Find someone with experience in this area, and familiarity with your state/country's licensing laws.

This is some of the language from my Colorado attorney's website, describing this practice speciality:

Robert A. Lees has extensively reviewed and analyzed a variety of issues in hundreds of grievances while serving on the Licensed Professional Counselors Board. He not only represents counselors and therapists to the State Grievance Boards of the Department of Regulatory Agencies, but he is also part of a highly specialized team working together to educate counselors (religious and secular) and therapists (unlicensed and licensed) on preventing

grievances.

<http://www.robortalees.com/counselors.html>

My attorney also works with a consultant who is a former program director for the Mental Health Licensing and Regulatory Programs in Colorado:

Amos D. Martinez, Ph.D., LCSW

http://www.onthelinellc.com/mental_health.html

16—Do your own healing work to clear your fears, anger, worry and concerns.

Find your deep sense of center, and continually return there throughout whatever experiences arise in the process of resolving your case.

Let this experience be a teacher for you on how to center and ground yourself.

Frame this experience as an opportunity to transform a threatening and intimidating power that appears to be outside you, larger than you, into a recognition of an un-awakened strength in you.

Seek to awaken this capacity and resource within yourself.

Reframe and release any suggestion that this happened because there is something wrong with you.

Utilize this experience to bring out the best in yourself.

Get the best help that you can, and continually trust that this situation is all working out for the best for you. Like the Sufis say: Trust in God, and tether your camel.”

Wit my love and blessings to you -

Rue Hass

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