

**April 23, 2021**  
**VIRTUAL**  
**10:00 a.m.**

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**Call to Order – Gretchen Graves, MS, ATR-BC, CDATA, Chair**

- Welcome and Roll Call
- Mission of the Board -----Page 2

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**Recommendation to Adopt Proposed Regulations Governing the Practice of Professional Art**

<b>Therapy*</b> ---- Elaine Yeatts, Department of Health Professions, Sr. Policy Analyst	Page 3
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**Next Meeting**

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**Meeting Adjournment**

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*\*Requires a Committee Vote*

This information is in **DRAFT** form and is subject to change. The official agenda and packet will be approved by the public body at the meeting and will be available to the public pursuant to Virginia Code Section 2.2-3707(F).



Virginia Department of  
**Health Professions**  
Board of Counseling

## **MISSION STATEMENT**

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Our mission is to ensure safe and competent patient care by licensing health professionals, enforcing standards of practice, and providing information to health care practitioners and the public.

**Agenda Item: Regulations for Licensure of Art Therapists****Included in the agenda package:**

Copy of Code of Virginia

Copy of Executive Summary from Report by Board of Health Professions

Copy of Notice on the Virginia Regulatory Townhall

Copy of comments received on the Notice of Intended Regulatory Action

Copy of DRAFT regulations

Copy of chart of regulatory process

**Action:**

Motion to recommend to the Board of Counseling the adoption of Chapter 90, Regulations Governing the Practice of Art Therapy

Code of Virginia  
Title 54.1. Professions and Occupations  
Chapter 35. Professional Counseling

## Article 3. Art Therapists.

### § 54.1-3516. Art therapist and art therapy associate; licensure.

A. No person shall engage in the practice of art therapy or hold himself out or otherwise represent himself as an art therapist or art therapy associate unless he is licensed by the Board. Nothing in this chapter shall prohibit a person licensed, certified, or registered by a health regulatory board from using the modalities of art media if such modalities are within his scope of practice.

B. The Board shall adopt regulations governing the practice of art therapy, upon consultation with the Advisory Board on Art Therapy established in § 54.1-3517. Such regulations shall (i) set forth the requirements for licensure as an art therapist or art therapy associate, (ii) provide for appropriate application and renewal fees, and (iii) include requirements for licensure renewal and continuing education.

C. In the adoption of regulations for licensure, the Board shall consider requirements for registration as a Registered Art Therapist (ATR) and certification as a Board Certified Art Therapist (ATR-BC) with the Art Therapy Credentials Board and successful completion of the Registered Art Therapist Board Certified Art Therapist examination.

D. A license issued for an art therapy associate shall be valid for a period of five years. At the end of the five-year period, an art therapy associate who has not met the requirements for licensure as an art therapist may submit an application for extension of licensure as an art therapy associate to the Board. Such application shall include (i) a plan for completing the requirements to obtain licensure as an art therapist, (ii) documentation of compliance with the continuing education requirements, (iii) documentation of compliance with requirements related to supervision, and (iv) a letter of recommendation from the clinical supervisor of record. An extension of a license as an art therapy associate pursuant to this subsection shall be valid for a period of two years and shall not be renewable.

2020, c. 301.

### § 54.1-3517. Advisory Board on Art Therapy; membership; terms.

A. The Advisory Board on Art Therapy (the Advisory Board) is hereby established to assist the Board in formulating regulations related to the practice of art therapy. The Advisory Board shall also assist in such other matters relating to the practice of art therapy as the Board may require.

B. The Advisory Board shall have a total membership of five nonlegislative citizen members to be appointed by the Governor as follows: three members shall be licensed art therapists, one member shall be a licensed health care provider other than an art therapist, and one member shall be a citizen at large.

C. After the initial staggering of terms, members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. However, no member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

2020, c. 301.

4/16/2021

**THE VIRGINIA BOARD OF HEALTH PROFESSIONS  
THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**Study into the Need to Regulate Art Therapists  
in the Commonwealth of Virginia**

**August 2018**

**Virginia Board of Health Professions  
9960 Mayland Dr, Suite 300  
Richmond, VA 23233-1463  
(804) 367-4403**

## EXECUTIVE SUMMARY

### Authority & Background:

Section 54.1-2510 of the *Code of Virginia* authorizes the Virginia Board of Health Profession to advise the Governor, General Assembly, and Director of the Department of Health Professions on matters pertaining to the regulation of health professions and occupations and scope of practice issues. The Board conducted this study into the feasibility of licensing Art Therapists on behalf of the Virginia Art Therapy Association.

The review was guided by the principles, evaluative criteria, and research methods set forth in the Board's standard policies and procedures for evaluating the need for regulation of health occupations and professions. It examined Art Therapist education, training, competency examination and continuing competency requirements, typical duties and functions, regulation in other U.S. jurisdictions, available workforce data, and the potential impact on existing behavioral health professions regulated in Virginia: Licensed Professional Counselors and Licensed Marriage and Family Therapists.

### Major Findings

1. Art therapy is an integrative mental health and human services profession. Art therapists are educated in psychotherapeutic principles as specifically trained in the use of art media to provide counseling to individuals, families and groups.
2. Art therapy is categorically different than "art in therapy." Art in therapy is a therapeutic modality leveraging the creative process as a growth-producing experience.
3. Art therapy practices pose an inherent risk of harm to the patient. Individuals practicing art therapy without the proper skills, level education, supervision and ethical standards pose a risk, especially to vulnerable patients who may have difficulty with verbal communication.
4. Art therapists practice autonomously as well as under supervision.
5. Art therapists are educated at the master's degree level and must sit for a national board certification exam to obtain the Registered Art Therapist (ATR) credential.
6. Seven (7) states license art therapists as a distinct profession; five (5) states provide for licensure of art therapists under a related profession's license; and four (4) state recognize art therapists to enable state hiring and/or to provide title protection.
7. The number of art therapists in Virginia is undetermined at this time.
8. There is a need for art therapists in Virginia.

### Recommendation:

At its August 23, 2018 meeting, the Regulatory Research Committee recommended licensure for art therapists, citing the following rationale:

- The unregulated practice of the profession poses the potential for significant harm to the public especially in consideration of the vulnerability of the patients the profession serves.
- Specialized skills and training exist to distinguish the profession. The profession now requires master's degree level education and training through accredited programs, such as those at Eastern Virginia Medical School and George Washington University in Virginia. Art therapist required coursework includes

liable for improper conduct or unethical practice as no standards have been established for this unlicensed profession. Art therapist currently follow the Code of Ethics (Appendix 3) established by the ATCB.

Section 1.1.6 of the Code of Ethics prohibit engaging in therapy practices or procedures beyond scope of practice<sup>1</sup>, experience, training, and experience. Patients requiring services outside of this scope are referred out to seek the services of another provider. Referral to see an art therapist might come from another health practitioner, such as a doctor. Children's Hospital of Richmond at VCU provides art therapy to young patients as a creative outlet to help them express their emotions and cope with the pain and stress of treatment. VCU understands the healing value of art and artistic traditions and how art therapists are able to apply their special knowledge of human development and psychology, clinical practice, and spiritual and cultural customs, to help children and their families deal with the impact of complex medical conditions on their lives. (Children's Hospital, 2018)

## CREDENTIALING

The ATCB develops and administers board certification exams for art therapists who have met the education and supervision requirements to become credentialed as a Registered Art Therapist (ATR). The exam covers the following domains: Administrative and Therapeutic Environments, Initial Interview and Evaluation Assessment, Art Therapy Treatment and Services, Professional Practice and Ethics, and Theory and Therapeutic Applications. This exam is psychometrically sound and administered at locations across the United States four times each year.

To maintain ATCB certification art therapists must complete a yearly minimum of 20 continuing education (CE) credits, during a five (5) year recertification cycle, equivalent to 100 hours of approved continuing education during the recertification cycle. Six of these credits must be in ethics during each cycle. CE audits are performed on 10 percent of those applying for recertification.

ATCB credentialing allows for easy recognition of individuals who are Master's degree trained and qualified to practice art therapy.

<sup>1</sup> "Scope of practice" is a term, which generally references specific state statutes, which describe the permissible activities of the regulated occupation or profession.

Virginia.gov Agencies | Governor



**Agency** Department of Health Professions

**Board** Board of Counseling

**Chapter**

Regulations Governing the Practice of Art Therapy (under development) [18 VAC 115 - 90]

**Action:** New chapter for licensure

## Notice of Intended Regulatory Action (NOIRA)

Action 5656 / Stage 9145

[Edit Stage](#) [Withdraw Stage](#) [Go to RIS Project](#)

Documents		
Preliminary Draft Text	None submitted	<a href="#">Sync Text with RIS</a>
<input checked="" type="checkbox"/> <a href="#">Agency Background Document</a>	11/13/2020	<a href="#">Upload / Replace</a>
<input checked="" type="checkbox"/> <a href="#">Governor's Review Memo</a>	2/5/2021	
<input type="checkbox"/> <a href="#">Registrar Transmittal</a>	2/5/2021	

Status	
Public Hearing	Will be held at the <b>proposed</b> stage
Exempt from APA	No, this stage/action is subject to Article 2 of the <i>Administrative Process Act</i>
DPB Review	Submitted on 11/13/2020 Policy Analyst: <a href="#">Jeannine Rose</a> Review Completed: 11/24/2020
Secretary Review	Secretary of Health and Human Resources Review Completed: 1/5/2021
Governor's Review	Review Completed: 2/5/2021 Result: Approved
Virginia Registrar	Submitted on 2/5/2021 <a href="#">The Virginia Register of Regulations</a> Publication Date: 3/1/2021 <input checked="" type="checkbox"/> <a href="#">Volume: 37 Issue: 14</a>
Comment Period	<a href="#">Ended 3/31/2021</a> <a href="#">62 comments</a>

Contact Information	
Name / Title:	Jaime Hoyle / <i>Executive Director</i>
Address:	9960 Mayland Drive Suite 300 Richmond, VA 23233
Email Address:	<a href="mailto:jaime.hoyle@dhp.virginia.gov">jaime.hoyle@dhp.virginia.gov</a>





**Agency** Department of Health Professions

**Board** Board of Counseling

**Chapter**

**Regulations Governing the Practice of Art Therapy (under development)  
[18 VAC 115 - 90]**

Action	New chapter for licensure
Stage	NOIRA
Comment Period	Ends 3/31/2021

62 comments

All comments for this forum

[Back to List of Comments](#)

**Commenter:** Terri Giller

3/25/21 6:46 pm

**Benefits of Art Therapy Licensure**

The licensure of Art Therapists in Virginia increase accessibility of mental health services to the residents of Virginia, providing much needed services to our veterans, children, and especially in these times, those impacted by COVID-19; offering support, recovery, and healing. This new license will increase the retention of Master's level, credentialed mental health clinicians in Virginia (there are currently 2 Master's Programs for Art Therapists in VA), as well as create jobs in mental health care, drawing in skilled professionals from across the United States.

CommentID: 97421

**Commenter:** Anonymous

3/26/21 7:56 pm

**A student's ask for assistance**

As an art therapy master's degree candidate, I can speak on a few different benefits! Many of my classmates as well as myself would love to stay and practice art therapy in Virginia. That being said, the licensure protection would really help us. I know that is why many of our connections are in Maryland, because they have the LGPAT and the LCAT. The passage of this would help state retention rate for new professionals.

CommentID: 97432

**Commenter:** Crista Kostenko

3/26/21 9:45 pm

**Support**

Licensure will improve access to mental health services, help VA to retain masters level mental health clinicians, and potentially bring more Art Therapists to the state.

CommentID: 97433

**Commenter:** Holly Mercer Waide

3/26/21 10:41 pm

**Support**

The addition of individualized licensure for Art Therapy would be highly beneficial to Virginia as it will increase effective and ethical use of the practices of art therapy in our state and encourage art therapists from other locations to consider relocating to Virginia. It will also allow many of our pediatric, medical, and psychiatric hospitals to provide expressive mental health services that currently have limited or minimal access.

CommentID: 97434

**Commenter:** Gioia Chilton

3/26/21 11:18 pm

**Support**

I support this process, as an art therapist in Virginia working with active duty and veteran service members who experience traumatic brain injuries and post traumatic stress. Art therapy licensing is need to protect those in need of this specialized profession from non-qualified inept practitioners. Art therapy is licensed in Maryland, DC and many other states, Virginia should be competitive to attract jobs and residents.

CommentID: 97435

**Commenter:** Constantin

3/27/21 9:55 am

**We need licensed art therapists in VA**

With COVID-19 leaving a painful contrail of people in desperate need of mental health services we absolutely need licensed art therapist in Virginia.

Very large number of people cannot get access to a mental health services even if they have health insurance. The wait time just to get an appointment is 45 days or longer. And paying out of pocket is difficult. This licensure can open up services to help meet the demand so that health plans can cover these services.

Licensure will improve access to mental health services, help VA to retain masters level mental health clinicians, and potentially bring more Art Therapists to the state.

Most importantly it will open up a supply of therapeutic services to help meet the demand from the Virginians.

Is critical for Virginians to have access to licensed art therapy services.

CommentID: 97436

**Commenter:** Sarah Harris

3/27/21 10:29 am

**Support!**

I support this legislation, which will improve access to high-quality mental health services as well as retaining highly-qualified art therapists who practice in Virginia.

CommentID: 97438

**Commenter:** Kristina Arianina

3/27/21 12:40 pm

**I support**

I support

CommentID: 97439

**Commenter:** Hannah Phillips Hale, Mainstream Mental Health Services

3/27/21 2:46 pm

**Please support this**

Please support the Art Therapy License Bill, so that art therapists can become licensed and provide these therapeutic and healing services to more patients, clients and communities in the state of Virginia. Allowing art therapists to go through the licensure process will improve access to mental health services, help VA to retain masters level mental health clinicians, and potentially bring more Art Therapists to the state. Talk therapy does not work for everyone and the expressive/creative arts therapies can be so beneficial and life changing for many!!! I have experienced it and hope you support us, so that more people can experience it as well!!! Thank you for your consideration.

CommentID: 97440

**Commenter:** Mindy Van Wart

3/27/21 3:03 pm

**In favor**

As a grad student in art therapy, I can see how appealing and validating it is to live in one of the few states that have/will have a separate Art Therapy license for mental health workers. This license will allow future art therapists like me to focus on what we've been trained for and what we're most passionate about--being art therapists and not general counselors. With EVMS here and George Washington University nearby, Virginia is already a national hub for art therapy; it seems right to confirm and nurture this reputation by having our own licensure.

CommentID: 97442

**Commenter:** Tudy, Start Healing Art Therapy and Counseling

3/29/21 7:56 am

**Art therapy licensure**

Art therapy licensure is vital in ensuring masters level art therapists to provide services to the public who are in need of this valuable service.

CommentID: 97453

**Commenter:** Dana H Roebuck

3/29/21 11:58 am

**Supprt for the VA Art Therapy License**

As a Clinical Art Therapist from VA, who went to NY<sup>12</sup> to get Art Therapy schooling and Licensure, I would love to see VA be a hub of art therapy awareness and support. Providing licensure to upcoming master's level graduates to come to/stay in VA is vital to growing the occupation and industry. I support reciprocal licensure for Art Therapists from other states as well. Seeing trauma as having mental and emotional symptoms versus only physical symptoms will improve VA's standards of practice and care in the state to a great degree!

CommentID: 97466

**Commenter:** Tetiana

3/29/21 12:57 pm

**Art therapy**

Support!

CommentID: 97469

**Commenter:** Julia Willinger

3/29/21 7:32 pm

**Please Support This!**

Enacting a licensure process for Art Therapists in the state of Virginia is crucial toward furthering the validity of the art therapy and counseling profession and increasing access for creative therapeutic means to VA residents. I support this!

CommentID: 97487

**Commenter:** Rachel

3/29/21 7:50 pm

**I support this!**

I support this! Art therapy is an important part of mental health for many people, and this would be a great step towards ensuring that the future of art therapy is bright.

CommentID: 97488

**Commenter:** Madeleine Gibbons

3/29/21 7:51 pm

**Support**

I support this!!

CommentID: 97489

**Commenter:** Tyler

3/29/21 7:52 pm

**Support!**

I support this licensing program to be in the Commonwealth of Virginia!

CommentID: 97490

**Commenter:** Steph

3/29/21 7:52 pm

**I support this!**

I support this program to be in Virginia!

CommentID: 97491

**Commenter:** Adriana Noel

3/29/21 7:54 pm

**Support!**

I support this!

CommentID: 97492

**Commenter:** Elisabeth

3/29/21 8:01 pm

**Support**

I support this!

CommentID: 97495

**Commenter:** Alyssa Hayes

3/29/21 8:22 pm

**SUPPORT 100%**

Enacting a licensure process for Art Therapists in the state of Virginia is crucial toward furthering the validity of the art therapy and counseling profession and increasing access for creative therapeutic means to VA residents. I support this!

CommentID: 97496

**Commenter:** Sommer Bognar

3/29/21 8:27 pm

**I support this!**

I support this!

CommentID: 97497

**Commenter:** Erin M.

3/29/21 8:33 pm

**Support**

I fully support Art Therapy licensure.

CommentID: 97499

**Commenter:** Alana Chandler

3/29/21 8:33 pm

**I Support!**

An Art Therapist should be able to be licensed and viewed just as valuable as all other licensed clinicians, because we are. I support this!

CommentID: 97500

**Commenter:** Marlene Adams LPC ATR

3/29/21 8:45 pm

**I support this**

As a Registered Art Therapist I am 100% behind this!

CommentID: 97501

**Commenter:** Anna McChesney

3/29/21 8:54 pm

**I I support this fully**

I fully support this as a clinician, business owner, colleague and citizen!

CommentID: 97502

**Commenter:** Michelle Vaughan Eldridge

3/29/21 9:34 pm

**We need licensed art therapists in Virginia**

An art therapy license is vital for our field and our clients. In order to provide accessible mental health resources in the form of art therapy, we must obtain licensure to allow for insurance reimbursement. This is so important in order to ensure that those who need services will receive them and also, be able to afford them. In order to expand our growing population of art therapists, licensure is necessary. With the Covid-19 pandemic and increased need for mental health resources,, this is of the utmost importance.

CommentID: 97504

**Commenter:** Samuel Willinger, MD

3/29/21 11:06 pm

**Art therapy licensing**

Many specialties in medicine and its allied fields such as dentistry, psychology, etc, have both board certification as well as state licensing .... Art therapy has been around for 40 years with a Board and journals ... A state license does yet exist ... This needs to be corrected .... It will also bring in state revenues when a fee is charged for a yearly or bi-yearly license .....

thank you for your consideration,

Samuel Willinger, MD

434-444-1732

CommentID: 97505

**Commenter:** Janice D Willinger

3/29/21 11:06 pm

**Support Licensure for Art Therapists in VA**

Art Therapists need to be recognized as important professionals contributing to the mental health of our citizens. Please create and require a license for these dedicated therapists.

CommentID: 97506

**Commenter:** Jaana Kilkki

3/30/21 7:27 am

### Support for art therapy license

As a registered and board certified art therapist working with active duty military, I support the art therapy licensure. Licensing Art Therapists will create more access to mental health treatment, which is very much needed, and also make Virginia more attractive to practitioners to live and work in. It is also important to guarantee that those practicing art therapy are qualified in order to prevent harm to the public. In enacting the art therapy licensure Virginia will be in par with other states, such as MD, NY, and CT.

CommentID: 97508

**Commenter:** AW

3/30/21 7:46 am

### I support this

I support this

CommentID: 97509

**Commenter:** Mary Roberts, PhD, LPC-ACS, ATR-BC, ATCS

3/30/21 7:54 am

### I support Art Therapy Licensure

Art Therapy licensure will protect the public and increase access to non-verbal psychotherapy treatments, especially for trauma informed care. Art Therapy facilitates the creative process through healing and accessing the non-verbal brain, crucial in the treatment of our national epidemic of child abuse- neglect, emotional abuse, verbal abuse, physical abuse, and sexual abuse, and treatment of trauma for our military service members and veterans. The brain shuts down verbal processing when traumas occur and art therapy assists to access the whole brain to create healing.

CommentID: 97511

**Commenter:** Heathee

3/30/21 9:01 am

### Support for art therapy licensure

Support for art therapy licensure to increase access to mental health.

CommentID: 97513

**Commenter:** Angelica Bigsby ATR-BC , LPC(Prince William County Community Service Board)

3/30/21 9:09 am

### The need for Art Therapy licensure in Virginia

The state of Virginia must complete the process of creating art therapy license protection. There has been an increasing need for alternative therapies to help clients work towards productive and manageable lives. I work with people with serious mental illness within the local government community service board; art therapy has provided a unique lens to help clients manage their symptoms and gain insight into improving lives using evidence-based practices.

CommentID: 97514

**Commenter:** Marie-Genevieve Flood

3/30/21 9:18 am

### Art Therapy Licensure

I support licensure because it will improve access to mental health services.

CommentID: 97515

**Commenter:** Christopher Maxey

3/30/21 9:27 am

### Licensure for art therapy

I strongly support art therapy licensure because it will dramatically improve access to mental health services. Mental health is too often overlooked as a critical part of care for the whole person. Art therapy is a proven technique and deserves proper licensure.

CommentID: 97517

**Commenter:** Seung Lee

3/30/21 9:37 am

### I support this!!!

I support art therapy licensure because it will improve access to mental health services.

CommentID: 97523

**Commenter:** Angie

3/30/21 9:45 am

### Support

Support

CommentID: 97525

**Commenter:** peter linn

3/30/21 9:49 am

### Art Therapy Licensure

I support Art Therapy Licensure because it will improve access to Mental Health Services.

CommentID: 97526

**Commenter:** Jason McIntyre

3/30/21 10:36 am

### Art Therapy Licensure



Licensure will improve access to mental health services in the state of Virginia.

CommentID: 97529

**Commenter:** Anonymous

3/30/21 10:38 am

### Art therapy

I support art therapy licensure as it will improve access to mental health services.

CommentID: 97530

**Commenter:** Rasha W Al-Ali

3/30/21 11:07 am

### Art therapy

I support Art therapy licensure

CommentID: 97534

**Commenter:** Natalie

3/30/21 11:10 am

### Art Therapy Licensing

I support this.

CommentID: 97536

**Commenter:** Shakti Shukla

3/30/21 11:24 am

### In support of art therapy licensure I think Raven

I support art therapy licensure because it will improve access to mental health services!

CommentID: 97538

**Commenter:** Rebecca Lyn Gillam; The Gil Institute for Trauma Education and Recovery

3/30/21 11:28 am

### Support for Art Therapy Licensure

To whom it may concern:

As an art therapist I receive countless refers I am unable to take on as I very rarely have space in my case load. Our state would greatly benefit from more art therapist who are able to have licensure solely as an art therapist. Additionally, art therapy is a specialty that requires specific training. By creating a specific licensure process we are able to ensure that those who practice art therapy have the appropriate training.

Furthermore, art therapy provides unique oppertunities to clients heal. Providing more knowledge about art therapy could be a key to helping our states men and women heal.

CommentID: 97539

**Commenter:** Janessa Hill

3/30/21 11:28 am

**Art Therapy License**

As a Virginia resident and Art Therapy student, passing licensure for Art Therapists in Virginia would be extremely beneficial. Once I have completed my schooling, I intend to remain in Virginia and study for my license. Having such license will enable the opportunity to apply for multiple jobs within the state and if needed, nationwide, an option unavailable if licensure is not passed. The practice of Art Therapy is quickly growing and is known to be beneficial for individuals seeking treatment. Passing licensure in Virginia will provide more opportunities for clinical work, more outreach on the benefits of Art Therapy, and will improve the standards of Art Therapists. Thank you.

CommentID: 97540

**Commenter:** Steph Reed

3/30/21 11:38 am

**Support**

I support art therapy licensure because it will improve access to mental health services

CommentID: 97541

**Commenter:** Zalene Brant, Eastern Virginia Medical school

3/30/21 11:54 am

**Support**

This will improve and help with virginia providing a higher quality of mental health services across the state! I fully support this and feel that it is an important part for all therapists.

CommentID: 97542

**Commenter:** Gabrielle Mormile, ATR, LPC

3/30/21 11:56 am

**Art Therapy licensure**

I am a practicing Art Therapist and Licensed Professional Counselor in the state of Virginia. Art Therapists are often envied by LPCs and LCSWs alike because of our additional skill sets, learned from our personal experiences as Artists and our graduate level training in the application of art and creative interventions for meeting client needs. Art Therapists deserve respect and to be solidified as "eligible" practitioners without jumping through additional hoops to obtain LPC status. Some Art Therapists may choose to still pursue additional state licensure, but providers should be eligible to practice as an Art Therapist without this requirement as the education and training of an Art Therapy program and supervision, approved by the ATCB, is more than adequate to provide high quality mental health care. There is currently a high level of need and demand for Art Therapists eligible for taking insurance. It is necessary that this be addressed to ensure that families who cannot afford self-pay are also able to obtain services that meet their needs. Many mental health providers find that clients who they see require Art Therapy and attempt to practice outside of their scope because of lack of eligible Art Therapists in their localities. This puts clients at risk of harm. Allowing Art Therapists to practice fully with Art therapy license without LPC status would allow for more clients to receive the service most appropriate to their needs. I urge you to support Art Therapy licensure for the state of Virginia to ensure equitable access to all.

CommentID: 97543

**Commenter:** Gretchen McKeever

3/30/21 12:38 pm

**Licensing of art therapists**

I strongly support the initiative to provide clear and professional licensing requirements for art therapists. Engaging in creative and artistic therapeutic practices has been essential to the trauma recovery of people I care about. This practice of care should be fully accessible to as many people as possible to ensure the quality of care on mental health issues.

CommentID: 97544

**Commenter:** Clairra

3/30/21 2:13 pm

**Support**

I support!

CommentID: 97551

**Commenter:** Sarah Deaver

3/30/21 2:14 pm

**Support Art Tx Licensure**

A professional art therapy license is long overdue Virginia. Such a license will clarify for citizens and other professionals the education and skills necessary to be an art therapist, and highly skilled master's and doctoral level licensed art therapists will provide much needed mental health services to veterans, families, and others in our state.

CommentID: 97552

**Commenter:** LOTUS H CUTCHINS

3/30/21 4:42 pm

**I support 100%**

People need different modalities for healing and I believe art therapy helps many open up in a creative way.

CommentID: 97563

**Commenter:** STEPHEN CUTCHINS

3/30/21 4:56 pm

**please support!**

Art Therapist make such a difference in peoples lives. They are very dedicated to their profession and their clients. They need to be treated as such and taken seriously in their profession so they can keep healing and making a difference in this world.

Steve

CommentID: 97564

**Commenter:** Elizabeth Duke

3/30/21 6:21 pm

### **Support for Art therapy licensure**

I support Art Therapy licensure because it will improve access to mental health services which we desperately need. Thank you.

CommentID: 97567

**Commenter:** Susan Osborn

3/30/21 6:39 pm

### **Art Therapy Licensure**

I support this proposal for licensure.

CommentID: 97570

**Commenter:** Laura Maloney SummitCounseling

3/31/21 8:10 am

### **Art therapy is way beyond**

This is a multi leveled healing and counseling practice that goes beyond what is offered in traditional counseling. It requires training & certification & supervision like any license does. Insurance companies will be happy bc costs in mental health will go down if we can treat people & be reimbursed for it appropriately. It is time to think big picture health care and use what works.

CommentID: 97579

**Commenter:** Brittany Deutch

3/31/21 9:43 am

### **I SUPPORT!**

I support art therapy licensure because it will improve access to mental health services in Virginia!

CommentID: 97596

**Commenter:** Kaitlyn Streeter

3/31/21 12:18 pm

### **Art Therapy Licensure Support**

I support independent licensure for Art Therapists in Virginia. Art Therapists provide vital services to various populations, including those experiencing issues with mental health, substance use, neurocognitive disorders, grief, and/or trauma. Enacting this independent license is critical to expanding access to mental health services for Virginia's citizens, and could provide increased access for under-served populations.

CommentID: 97613

**Commenter:** Erin Blair

3/31/21 1:18 pm

### **Support for VA Art Therapy Licensure**

I would like to proclaim my support for art therapy licensure in Virginia.

CommentID: 97618

**Commenter:** Cheryl Shiflett, PhD, LPC-ACS, ATR-BC, ATCS

3/31/21 1:24 pm

**SUPPORT!**

A professional art therapy license will clarify for Virginia residents and other health professionals the knowledge and skills necessary to be an art therapist and practice art therapy. It will provide greater access for the growing need for mental health services in our communities.

CommentID: 97619

**Commenter:** Leeann Allagas

3/31/21 8:02 pm

**Art Therapy License in VA**

As a current Registered Art Therapist, I am in support of the Art Therapy License in Virginia. In order to provide quality therapeutic services and best practices to all populations while using the skills acquired from learning to be an art therapist, it is vital that we are all held to a certain standard of care. With an official license, the public, possible future clients, and our colleagues will recognize Art Therapy as a viable mental health and wellness resource.

CommentID: 97666

*Commonwealth of Virginia*



**REGULATIONS**  
**GOVERNING THE PRACTICE OF ART**  
**THERAPY**

**VIRGINIA BOARD OF COUNSELING**

**Title of Regulations: 18 VAC 115-90-10 et seq.**

**Statutory Authority: §§ 54.1-2400 and Chapter 35 of Title 54.1  
of the *Code of Virginia***

**Date: April 2021**

9960 Mayland Drive  
Henrico, VA 23233

Phone: (804) 367-4610  
FAX: (804) 527-4435  
email: [coun@dhp.virginia.gov](mailto:coun@dhp.virginia.gov)

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## Part I. General Provisions.

### 18VAC115-90-10. Definitions.

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in § 54.1-3500 of the Code of Virginia:

“Appraisal activities”

“Art therapist”

“Art therapy”

“Board”

"Counseling"

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as an art therapist or art therapy associate.

"Art Therapy Associate" means an individual who has a supervisory contract and has been issued a temporary license by the board to provide clinical services under supervision.

"Candidate for licensure" means a person who has satisfactorily completed all educational and experience requirements for licensure and has been deemed eligible by the board to sit for its examinations, if applicable.

"Competency area" means an area in which a person possesses knowledge and skill and the ability to apply them in the clinical setting.

"Face-to-face" means the in-person delivery of clinical counseling services for a client or the use of visual, real-time, interactive, secured technology for delivery of such services.

"Internship" means a formal academic course from a regionally accredited college or university in which supervised, practical experience is obtained in a clinical setting in the application of art therapy principles, methods, and techniques.

"Jurisdiction" means a state, territory, district, province, or country that has granted a professional certificate or license to practice a profession, use a professional title, or hold oneself out as a practitioner of that profession.

"Nonexempt setting" means a setting that does not meet the conditions of exemption from the requirements of licensure to engage in the practice of counseling as set forth in § 54.1-3501 of the Code of Virginia.

"Regional accrediting agency" means one of the regional accreditation agencies recognized by the U.S. Secretary of Education responsible for accrediting senior postsecondary institutions.

"Residency" means a postgraduate, supervised, clinical experience.

"Supervision" means the ongoing process performed by a supervisor who monitors the performance of the person supervised and provides regular, documented individual or group consultation, guidance, and instruction that is specific to the clinical art therapy services being performed with respect to the clinical skills and competencies of the person supervised.

“Supervisory contract” means an agreement that outlines the expectations and responsibilities of the supervisor and resident in accordance with regulations of the board.



**18VAC115-90-20. Fees required by the board.**

A. The board has established the following fees applicable to licensure as a professional art therapist or professional art therapy associate:

Initial licensure by examination: Application processing and initial licensure as a professional art therapist	\$175
Initial licensure by endorsement: Application processing and initial licensure as a professional art therapist	\$175
Application and initial licensure as a professional associate art therapist	\$65
Duplicate license	\$10
Verification of licensure to another jurisdiction	\$30
Active annual license renewal for a professional art therapist	\$130
Inactive annual license renewal for a professional art therapist	\$65
Annual renewal for a licensed professional associate art therapist	\$30
Late renewal for professional art therapist	\$45
Late renewal for a professional associate art therapist	\$10
Reinstatement of a lapsed license for a professional art therapist	\$200
Replacement of or additional wall certificate	\$25
Returned check or dishonored credit card or debit card	\$50
Reinstatement following revocation or suspension	\$600

B. All fees are nonrefundable.

C. Examination fees shall be determined and made payable as determined by the board.

## **Part II. Requirements for Licensure as an Art Therapist.**

### **18VAC115-90-30. Prerequisites for licensure as an art therapist.**

- A. Every applicant for licensure shall submit to the board:
1. A completed application;
  2. Evidence of a current certification as a Certified Art Therapist (ATR-BC) from the Art Therapy Credential Board (ATCB);
  3. Evidence of a passing score on the ATCB required examination;
  3. Verification of any other mental health or health professional license or certificate ever held in another jurisdiction;
  4. The application processing and initial licensure fee as prescribed in 18VAC115-90-20.;
  5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and,
  6. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

### **18VAC115-90-40. Prerequisites for licensure as an art therapist by examination.**

- A. Every applicant for licensure by examination who has a current registration as a Registered Art Therapist shall submit to the board:
1. A completed application;
  2. Evidence of a current registration as a Registered Art Therapist (ATR) from the Art Therapy Credential Board (ATCB);
  3. Pass the licensing exam specified by the board;

3. Verification of any other mental health or health professional license or certificate ever held in another jurisdiction;
4. The application processing and initial licensure fee as prescribed in 18VAC115-90-20.;
5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and,
6. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

B. Every applicant for licensure by examination who has a current associate license as an art therapist in Virginia shall submit to the board:

1. A completed application;
2. Verification of supervision forms documenting fulfillment of the residency requirements of 18VAC115-90-51 and copies of all required evaluation forms, including verification of current licensure of the supervisor if any portion of the residency occurred in another jurisdiction;
3. Pass the licensing exam specified by the board;
3. Verification of any other mental health or health professional license or certificate ever held in another jurisdiction;
4. The application processing and initial licensure fee as prescribed in 18VAC115-90-20.;
5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and,
6. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration held in Virginia or in another jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

**18VAC115-90-45. Prerequisites for art therapy licensure by endorsement.**

Every applicant for licensure by endorsement shall hold or have held an art therapy license for independent practice in another U. S. jurisdiction and shall submit the following:

1. A completed application;
2. The application processing fee and initial licensure fee as prescribed in 18VAC115-90-20;

3. Verification of all mental health or health professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement the applicant shall have no unresolved action against a license, certificate, or registration. The board will consider history of disciplinary action on a case-by-case basis;
4. Verification of a valid, unrestricted art therapy license issued from another United States jurisdiction;
5. Verification of a passing score on an examination required for art therapy licensure in the jurisdiction in which licensure was obtained;
6. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
7. An attestation of having read and understood the regulations and laws governing the practice of art therapy in Virginia.
8. Evidence of post-licensure, autonomous, clinical practice in art therapy, as defined in §54.1-3500 of the Code of Virginia, for 24 of the last 60 months immediately preceding his licensure application in Virginia. Clinical practice shall mean the rendering of direct clinical art therapy services, clinical supervision of clinical art therapy services, or teaching graduate-level courses in art therapy.

**18VAC115-90-51. Associate art therapy license and requirements for a residency.**

A. Associate license. Applicants for temporary licensure as an associate in art therapy shall:

1. Apply for licensure on a form provided by the board to include the following: (i) verification of a supervisory contract; (ii) the name and licensure number of the clinical supervisor and location for the supervised practice; and (iii) an attestation that the applicant will be providing clinical art therapy services;
2. Have submitted an official transcript documenting a graduate degree that meets the requirements of 18VAC115-90-49, including at least a 600 hour supervised internship;
3. Pay the registration fee;
4. Submit a current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB); and
5. Have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration in Virginia or in another jurisdiction. The board consider the history of disciplinary action on a case-by-case basis.

B. Residency requirements.

1. The applicant for licensure as an art therapist shall have completed a 3,200-hour supervised residency that must involve the provision of face-to-face art therapy services with clients and other matters directly related to the treatment of clients. Art teaching is not considered art therapy and cannot be used toward the supervised experience.
2. Applications must provide documentation of completion of 3,200 hours of art therapy of a period of not less than two years and not more than 4 years. An individual who does not meet the residency after four years shall submit evidence to the board showing why the supervised experience should be allowed to continue. An associate art therapist shall meet the renewal requirements in order to maintain a license in current, active status.
3. Of the required 3,200 hours of total experience, 1,600 hours must have been completed under the professional direct supervision of an individual who meets the requirements of 18VAC115-90-52(C). The 1,600 hours of supervised clinical hours must be fulfilled as follows:
  - a. At least 1,500 hours of the 1,600 hours must be in the provision of face-to-face direct art therapy services.
  - b. Of the 1,500 hours at least 750 of the hours must be individual face-to-face client sessions and must include the provision of direct art therapy services; the additional 750 hours may be individual, group, couple or family counseling services, or some combination of those services;
  - c. At least 100 hours of face-to-face professional direct supervision with the applicant's supervisor. Face-to-face supervision includes both in person and live video conferencing providing supervision by live video conferencing does not exceed fifty percent of the total 100 hours of supervision.
  - d. Individual supervision shall consist of one-to-one, face-to face meetings between the supervisor and resident. The entire 100 hour requirement may be fulfilled by individual supervision.
  - e. Group supervision shall consist of face-to-face meetings between the supervisor and no more than six residents. No more than 40 hours of group supervision shall be acceptable towards fulfillment of the 100 hour direct supervision requirement.
4. Supervision that is not concurrent with a residency will not be accepted, nor will residency hours be accrued in the absence of approved supervision.
5. The board may consider special requests in the event that the regulations create an undue burden in regard to geography or disability that limits the resident's access to qualified supervision.
6. Associates may not call themselves art therapists, directly bill for services rendered, or in any way represent themselves as independent, autonomous practitioners or art therapists. During the residency, associates shall use their names and the initials of their degree, and the title "Licensed Associate in Art Therapy" in all written communications. Clients shall be informed in writing that the associate art therapist does not have authority for independent practice and is under supervision and shall provide the supervisor's name, professional address, and phone number.
7. Associates shall not engage in practice under supervision in any areas for which they have not had appropriate education.

8. Residency hours approved by the licensing board in another United States jurisdiction that meet the requirements of this section shall be accepted.

C. Supervisor qualifications. A person who provides supervision for an associate in art therapy shall be either:

1. Document two years of post-licensure clinical experience as an art therapist in the jurisdiction where supervision is being provided;
2. Have received professional training in supervision, consisting of three credit hours or 4.0 quarter hours in graduate-level coursework in supervision or at least 20 hours of continuing education in supervision offered by a provider approved under 18VAC115-90-106, or hold the Art Therapy Certified Supervisor credential from the Art Therapy Credentials Board; or,
3. Hold an active unrestricted license as a professional counselor, or marriage and family therapist in the jurisdiction where supervision is being provided.

D. Supervisor responsibilities.

1. Supervision by any individual whose relationship to the associate compromises the objectivity of the supervisor is prohibited.
2. The supervisor of a resident shall assume full responsibility for the clinical activities of that associate specified within the supervisory contract for the duration of the residency, regardless of whether the supervisor is on-site or off-site at the location here services are provided by the associate.
3. The supervisor is accountable for the associate's compliance with residency requirements of this section.
4. The supervisor shall complete evaluation forms to be given to the resident at the end of each three-month period.
5. The supervisor shall report the total hours of residency and shall evaluate the applicant's competency in the six areas stated in subdivision B 1 of this section.
6. The supervisor shall provide supervision as defined in 18VAC115-90-10.
7. The supervisor shall maintain copies of supervisory contracts, quarterly reports, and the verification of supervision forms evaluating the applicant's competency for five years after termination or completion of supervision.

E. Applicants shall document successful completion of their residency on the Verification of Supervision Form at the time of application.

### **Part III. Examinations.**

#### **18VAC115-90-70. General examination requirements; schedules; time limits.**

A. Every applicant for initial licensure by examination by the board as a professional art therapist shall pass a written examination as prescribed by the board. An applicant is required to pass the prescribed examination no later than five years from the date of initial issuance of an associate license by the board.

B. Every applicant for licensure by endorsement shall have passed a licensure examination in the jurisdiction in which licensure was obtained.

C. The board shall establish a passing score on the written examination.

D. A licensed professional associate art therapist shall remain in a residency practicing under supervision until the applicant has passed the licensure examination and been granted a license as an art therapist.

### **Part IV. Licensure Renewal; Reinstatement.**

#### **18VAC115-90-100. Annual renewal of licensure.**

A. Every licensed art therapist who intends to continue active practice shall submit to the board on or before June 30 of each year:

1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing competency requirements prescribed in this chapter; and
2. The renewal fee prescribed in 18VAC115-90-20.

B. A licensed art therapist who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC115-90-20. No person shall practice art therapy in Virginia unless he holds a current active license. A licensee who has selected an inactive status may become active by fulfilling the reactivation requirements set forth in subsection C of 18VAC115-90-110.

C. For renewal of an associate art therapist license, the following shall apply:

1. An associate license in art therapy shall expire annually in the month the associate license was initially issued and may be renewed up to four times by submission of the renewal form and payment of the fee prescribed in 18VAC115-90-20.

2. On the annual renewal, the licensed associate art therapist shall attest that a supervisory contract is in effect with a board-approved supervisor for each of the locations at which the resident is currently providing clinical art therapy services.

3. On the annual renewal, the licensed associate art therapist shall attest to completion of three hours in continuing education courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia, offered by an approved provider as set forth in subsection B of 18VAC115-90-106

D. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

E. Practice with an expired license is prohibited and may constitute grounds for disciplinary action.

**18VAC115-90-105. Continued competency requirements for renewal of a license.**

A. Licensed professional art therapists shall be required to have completed a minimum of 20 hours of continuing competency for each annual licensure renewal. A minimum of two of these hours shall be in courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia.

B. The board may grant an extension for good cause of up to one year for the completion of continuing competency requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing competency requirement.

C. The board may grant an exemption for all or part of the continuing competency requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters.

D. Those individuals dually licensed by this board will not be required to obtain continuing competency for each license. Dually licensed individuals will only be required to provide the hours set out in subsection A of this section, subsection A of 18VAC115-20-106, subsection A of 18VAC115-50-95 in the Regulations Governing the Practice of Marriage and Family Therapy, or subsection A of 18VAC115-60-115 in the Regulations Governing the Practice of Licensed Substance Abuse Treatment Practitioners.

E. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of art therapy services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.

F. An licensed professional art therapist who was licensed by examination is exempt from meeting continuing competency requirements for the first renewal following initial licensure.

**18VAC115-90-106. Continuing competency activity criteria.**

A. Continuing competency activities must focus on increasing knowledge or skills in one or more of the following areas:

1. Ethics, standards of practice or laws governing behavioral science professions;



2. Counseling theory;
3. Human growth and development;
4. Social and cultural foundations;
5. The helping relationship;
6. Group dynamics, processing and counseling;
7. Lifestyle and career development;
8. Appraisal of individuals;
9. Research and evaluation;
10. Professional orientation;
11. Clinical supervision;
12. Marriage and family therapy; or
13. Addictions.

B. Approved hours of continuing competency activity shall be one of the following types:

1. Formally organized learning activities or home study. Activities may be counted at their full hour value. Hours shall be obtained from one or a combination of the following board-approved mental health related activities:

a. Regionally accredited university or college level academic courses in a behavioral health discipline.

b. Continuing education programs offered by universities or colleges.

c. Workshops, seminars, conferences, or courses in the behavioral health field offered by federal, state or local governmental agencies or licensed health facilities and licensed hospitals.

d. Workshops, seminars conferences or courses in the behavioral health field offered by an individual or organization that has been certified or approved by one of the following:

- (1) The International Association of Marriage and Family Counselors and its state affiliates.
- (2) The American Association for Marriage and Family Therapy and its state affiliates.
- (3) The American Association of State Counseling Boards.
- (4) The American Counseling Association and its state and local affiliates.
- (5) The American Psychological Association and its state affiliates.
- (6) The Commission on Rehabilitation Counselor Certification.
- (7) NAADAC, The Association for Addiction Professionals and its state and local affiliates.
- (8) National Association of Social Workers.
- (9) National Board for Certified Counselors.
- (10) A national behavioral health organization or certification body.
- (11) Individuals or organizations that have been approved as continuing competency sponsors by the American Association of State Counseling Boards or a counseling board in another state.
- (12) The American Association of Pastoral Counselors.
- (13) The American Art Therapy Association

2. Individual professional activities.

a. Publication/presentation/new program development

(1) Publication of articles. Activity will count for a maximum of eight hours. Publication activities are limited to articles in refereed journals or a chapter in an edited book.

(2) Publication of books. Activity will count for a maximum of 18 hours.

(3) Presentations. Activity will count for a maximum of eight hours. The same presentations may be used only once in a two-year period. Only actual presentation time may be counted.

(4) New program development. Activity will count for a maximum of eight hours.)New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses.

b. Dissertation. Activity will count for a maximum of 18 hours. Dissertation credit may only be counted once.

c. Clinical supervision/consultation. Activity will count for a maximum of 10 hours. Continuing competency can only be granted for clinical supervision/consultation received on a regular basis with a set agenda. Continuing competency cannot be granted for supervision provided to others.

d. Leadership. Activity will count for a maximum of eight hours. The following leadership positions are acceptable for continuing competency credit: officer of state or national art therapy organization; editor and/or reviewer of professional art therapy journals; member of state art therapy licensure/certification board; member of a national art therapy certification board; member of a national ethics disciplinary review committee rendering licenses; active member of an art therapy committee producing a substantial written product; chair of a major art therapy conference or convention; or other leadership positions with justifiable professional learning experiences. The leadership positions must take place for a minimum of one year after the date of first licensure.

e. Practice related programs. Activity will count up to a maximum of eight hours. The board may allow up to eight contact hours of continuing competency as long as the regulant submits proof of attendance plus a written justification of how the activity assists the licensee in direct service of the licensee's clients. Examples include: language courses, software training, and medical topics, etc.

**18 VAC 115-90-107. Documenting compliance with continuing competency requirements.**

A. All licensees are required to maintain original documentation for a period of two years following renewal.

B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

C. Upon request, a licensee shall provide documentation as follows:

1. To document completion of formal organized learning activities the licensee shall provide:

- a. Official transcripts showing credit hours earned; or
  - b. Certificates of participation.
2. Documentation of home study shall be made by identification of the source material studied, summary of content, and a signed affidavit attesting to completion of the home study.
  3. Documentation of individual professional activities shall be by one of the following:
    - a. Certificates of participation;
    - b. Proof of presentations made;
    - c. Reprints of publications;
    - d. Letters from educational institutions or agencies approving continuing education programs;
    - e. Official notification from the association that sponsored the item writing workshop or continuing education program; or
    - f. Documentation of attendance at formal staffing by a signed affidavit on a form provided by the board.
- D. Continuing competency hours required by a disciplinary order shall not be used to satisfy renewal requirements.

**18VAC115-90-110. Late renewal; reinstatement.**

- A. A person whose license has expired may renew it within one year after its expiration date by paying the late fee prescribed in 18VAC115-90-20 as well as the license renewal fee prescribed for the year the license was not renewed and providing evidence of having met all applicable continuing competency requirements.
- B. A person who fails to renew a license after one year or more and wishes to resume practice shall apply for reinstatement, pay the reinstatement fee for a lapsed license, submit verification of any mental health license he holds or has held in another jurisdiction, if applicable, and provide evidence of having met all applicable continuing competency requirements not to exceed a maximum of 80 hours. The board may require the applicant for reinstatement to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.
- C. A person wishing to reactivate an inactive license shall submit (i) the renewal fee for active licensure minus any fee already paid for inactive licensure renewal; (ii) documentation of continued competency hours equal to the number of years the license has been inactive not to exceed a maximum of 80 hours; and (iii) verification of any mental health license he holds or has held in another jurisdiction, if applicable. The board may require the applicant for reactivation to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

## **Part V. Standards of Practice; Unprofessional Conduct; Disciplinary Actions; Reinstatement.**

### **18VAC115-90-130. Standards of practice.**

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of art therapy.

B. Persons licensed or registered by the board shall:

1. Practice in a manner that is in the best interest of the public and does not endanger the public health, safety, or welfare;
2. Practice only within the boundaries of their competence, based on their education, training, supervised experience and appropriate professional experience and represent their education training and experience accurately to clients;
3. Stay abreast of new counseling information, concepts, applications and practices which are necessary to providing appropriate, effective professional services;
4. Be able to justify all services rendered to clients as necessary and appropriate for diagnostic or therapeutic purposes;
5. Document the need for and steps taken to terminate a counseling relationship when it becomes clear that the client is not benefiting from the relationship. Document the assistance provided in making appropriate arrangements for the continuation of treatment for clients, when necessary, following termination of a counseling relationship;
6. Make appropriate arrangements for continuation of services, when necessary, during interruptions such as vacations, unavailability, relocation, illness, and disability;
7. Disclose to clients all experimental methods of treatment and inform clients of the risks and benefits of any such treatment. Ensure that the welfare of the clients is in no way compromised in any experimentation or research involving those clients;
8. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services;
9. Inform clients of the purposes, goals, techniques, procedures, limitations, potential risks, and benefits of services to be performed, the limitations of confidentiality, and other pertinent information when counseling is initiated, and throughout the counseling process as necessary. Provide clients with accurate information regarding the implications of diagnosis, the intended use of tests and reports, fees, and billing arrangements;
10. Select tests for use with clients that are valid, reliable and appropriate and carefully interpret the performance of individuals not represented in standardized norms;

11. Determine whether a client is receiving services from another mental health service provider, and if so, refrain from providing services to the client without having an informed consent discussion with the client and having been granted communication privileges with the other professional;

12. Use only in connection with one's practice as a mental health professional those educational and professional degrees or titles that have been earned at a college or university accredited by an accrediting agency recognized by the U. S. Department of Education, or credentials granted by a national certifying agency, and that are counseling in nature; and

13. Advertise professional services fairly and accurately in a manner which is not false, misleading or deceptive.

C. In regard to patient records, persons licensed by the board shall:

1. Maintain written or electronic clinical records for each client to include treatment dates and identifying information to substantiate diagnosis and treatment plan, client progress, and termination;

2. Maintain client records securely, inform all employees of the requirements of confidentiality and provide for the destruction of records which are no longer useful in a manner that ensures client confidentiality;

3. Disclose or release records to others only with the clients' expressed written consent or that of the client's legally authorized representative in accordance with § 32.1-127.1:03 of the Code of Virginia;

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining informed consent from the client or the client's legally authorized representative before (i) videotaping, (ii) audio recording, (iii) permitting third party observation, or (iv) using identifiable client records and clinical materials in teaching, writing or public presentations; and

5. Maintain client records for a minimum of five years or as otherwise required by law from the date of termination of the counseling relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for five years after attaining the age of majority (18 years) or ten years following termination, whichever ever comes later;

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time; or

c. Records that have been transferred to another mental health service provider or given to the client or his legally authorized representative.

D. In regard to dual relationships, persons licensed by the board shall:

1. Avoid dual relationships with clients that could impair professional judgment or increase the risk of harm to clients. (Examples of such relationships include, but are not limited to, familial, social, financial, business, bartering, or close personal relationships with clients.) Art therapists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed

consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs;

2. Not engage in any type of romantic relationships or sexual intimacies with clients or those included in a collateral relationship with the client and not provide therapy to persons with whom they have had a romantic relationship or sexual intimacy. Art therapists shall not engage in romantic relationships or sexual intimacies with former clients within a minimum of five years after terminating the counseling relationship. Art Therapists who engage in such relationship or intimacy after five years following termination shall have the responsibility to examine and document thoroughly that such relations do not have an exploitive nature, based on factors such as duration of counseling, amount of time since counseling, termination circumstances, client's personal history and mental status, or adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a counselor does not change the nature of the conduct nor lift the regulatory prohibition;

3. Not engage in any romantic relationship or sexual intimacy or establish a counseling or psychotherapeutic relationship with a supervisee or student. Licensed Art Therapists shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student or the potential for interference with the supervisor's professional judgment; and

4. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

E. Persons licensed by this board shall report to the board known or suspected violations of the laws and regulations governing the practice of professional counseling.

F. Persons licensed by the board shall advise their clients of their right to report to the Department of Health Professions any information of which the licensee may become aware in his professional capacity indicating that there is a reasonable probability that a person licensed or certified as a mental health service provider, as defined in § [54.1-2400.1](#) of the Code of Virginia, may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations.

**18VAC115-90-140. Grounds for revocation, suspension, probation, reprimand, censure, or denial of license.**

A. Action by the board to revoke, suspend, deny issuance or renewal of a license, or take disciplinary action may be taken in accordance with the following:

1. Conviction of a felony, or of a misdemeanor involving moral turpitude, or violation of or aid to another in violating any provision of Chapter 35 (§[54.1-3500](#) et seq.) of Title 54.1 of the Code of Virginia, any other statute applicable to the practice of professional counseling, or any provision of this chapter;

2. Procurement of a license, including submission of an application or supervisory forms, by fraud or misrepresentation;

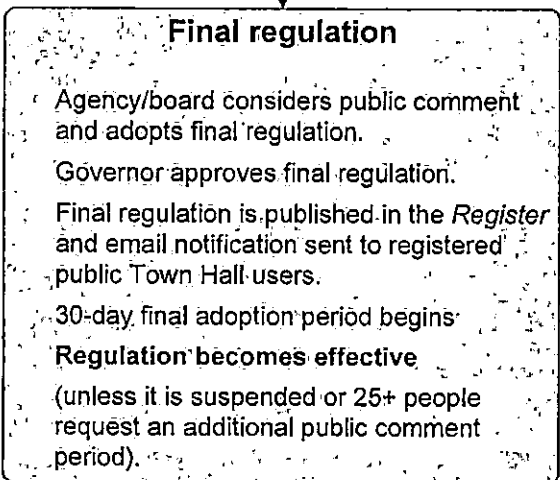
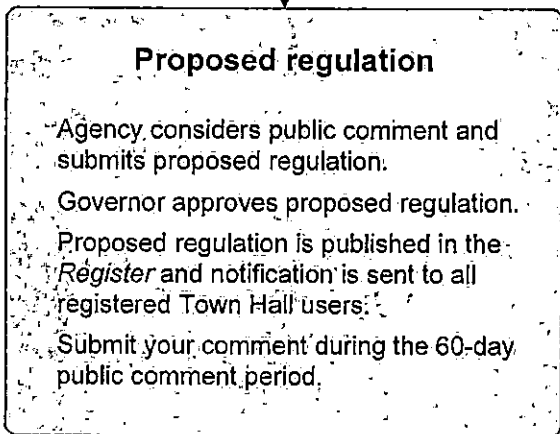
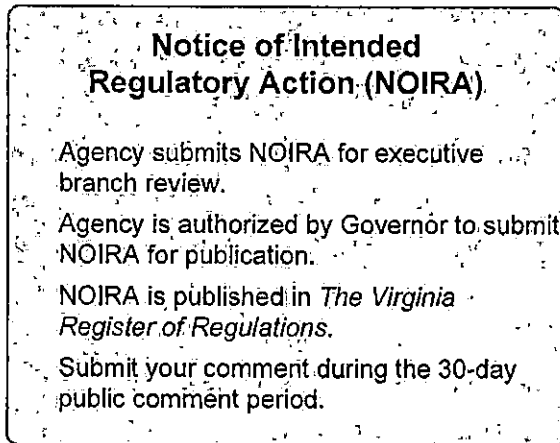
3. Conducting one's practice in such a manner as to make it a danger to the health and welfare of one's clients or to the public, or if one is unable to practice counseling with reasonable skill and safety to clients by reason of illness, abusive use of alcohol, drugs, narcotics, chemicals, or other type of material or result of any mental or physical condition;
4. Intentional or negligent conduct that causes or is likely to cause injury to a client or clients;
5. Performance of functions outside the demonstrable areas of competency;
6. Failure to comply with the continued competency requirements set forth in this chapter;
7. Violating or abetting another person in the violation of any provision of any statute applicable to the practice of counseling, or any part or portion of this chapter; or
8. Performance of an act likely to deceive, defraud, or harm the public.

B. Following the revocation or suspension of a license, the licensee may petition the board for reinstatement upon good cause shown or as a result of substantial new evidence having been obtained that would alter the determination reached.

**18 VAC115-90-150. Reinstatement following disciplinary action.**

- A. Any person whose license has been suspended or who has been denied reinstatement by board order, having met the terms of the order, may submit a new application and fee for reinstatement of licensure.
- B. The board in its discretion may, after an administrative proceeding, grant the reinstatement sought in subsection A of this section.

# Standard regulatory process: Basic outline



A regulatory stage is announced as follows:

An automatic email notification is sent to registered Town Hall users.

Ten days later, a regulatory stage is published in *The Virginia Register of Regulations*, the official publication of legal record for regulations in Virginia.

When the stage is published in the *Register*, a public comment forum opens on the Town Hall and remains open through the end of the public comment period.

Source: Sections 2.2-4006 through 2.2-4017 of the Code of Virginia (Article 2 of the Administrative Process Act)

For more information,  
visit the  
Virginia Regulatory Town Hall  
at  
[townhall.virginia.gov](http://townhall.virginia.gov)





## Connecticut's Licensing Requirements

Before applying for licensure, please familiarize yourself with the general licensing [policies](#).

An applicant for licensure must:

Have earned a graduate degree in art therapy or a related field from an accredited institution of higher education, and

Hold a current credential or certification as an art therapist (ATR-BC) from the Art Therapy Credentials Board ([ATCB](#)).

Documentation Requirements:

An applicant for art therapist license shall arrange for the submission of the following directly from the source to this office:

A transcript from a regionally accredited institution of higher education verifying the award of a master's degree in art therapy or a related field;

The Department will verify [ATCB](#) certification online. If the applicant's involvement with this documentation requirement is necessary, the applicant will be contacted directly;

If applicable, verification of all art therapist licenses held, current or expired. The purpose of the verification is to document license history including any disciplinary action taken. Please contact the state in which you hold or have held an art therapist license and ask that they send written verification of the license to this office.

A completed application with photograph attached. Applications are only accepted online. Please select this [link](#) to apply online. The application fee is \$315.

Please arrange for the transcript to be submitted directly from the school to this office:

# D.C. Law 23-115. Professional Art Therapist Licensure Amendment Act of 2020.

## AN ACT

*To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of professional art therapy, to require licensure for professional art therapists and graduate professional art therapists, to establish licensure requirements for professional art therapists and graduate art therapists, and to provide for the addition of a professional art therapist to the Board of Professional Counseling.*

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Professional Art Therapist Licensure Amendment Act of 2020".

**Sec. 2.** The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new Title VIII-E designation to read as follows:

## "TITLE VIII-E. QUALIFICATIONS FOR LICENSURE TO PRACTICE AS A PROFESSIONAL ART THERAPIST"

"Sec. 871. Qualifications for licensure.

"Sec. 872. Waiver of requirements.

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended as follows:

Amend [§ 3-1201.02](#)

(1) Paragraph (15A) is designated as paragraph (15B).

Amend [§ 3-1201.02](#)

(2) A new paragraph (15A) is added to read as follows:

"(15A) "Practice of professional art therapy" means the integrative application of psychotherapeutic principles and methods with specialized training in art media, the neurobiological implications of art-making, and art-based assessment models to assist an individual or group to improve cognitive and sensory-motor functions, increase self-awareness and self-esteem, cope with grief and traumatic experience, resolve conflicts and distress, and enhance social functioning. The practice of professional art therapy includes:

"(A) Therapeutic interventions to facilitate alternative modes of receptive and expressive communication, which can circumvent the limitations of verbal articulation; and

"(B) Evaluation and assessment to define and implement art-based treatment plans to address developmental, behavioral, cognitive, and emotional needs."

(c) Section 213 (D.C. Official Code § 3-1202.13) is amended as follows:

Amend [§ 3-1202.13](#)

(1) Subsection (b) is amended by striking the phrase "counseling and" and inserting the phrase "counseling, professional art therapy, and" in its place.

Amend [§ 3-1202.13](#)

(2) Subsection (c) is amended by striking the number "1" both times it appears and inserting the word "one" in its place.

Amend [§ 3-1202.13](#)

(3) Subsection (d) is amended to read as follows:

"(d) Of the members of the Board, 2 shall be professional counselors licensed in the District, one shall be an educator engaged in teaching counseling, one shall be a professional art therapist, one shall be a consumer member, and one shall have at least 5 years of experience in the field of addiction counseling."

Amend [§ 3-1204.01](#)

(d) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by striking the phrase "Board of Marriage and Family Therapy, and" and inserting the phrase "Board of Marriage and Family Therapy, the professional art therapist member initially appointed to the Board, and" in its place.

Amend [§ 3-1205.01](#)

(e) Section 501(a)(1) (D.C. Official Code § 3-1205.01(a)(1)) is amended by striking the phrase "or trauma technologist in the District," and inserting the phrase "professional art therapy, or as a trauma technologist in the District," in its place.

(f) A new Title VIII-E is added to read as follows:

## "TITLE VIII-E. QUALIFICATIONS FOR LICENSURE TO PRACTICE AS A PROFESSIONAL ART THERAPIST

New [subchapter VIII-E of Chapter 12 of Title 3](#)

New [§ 3-1208.71](#)

"Sec. 871. Qualifications for licensure.

"(a) The Board of Professional Counseling shall license as a professional art therapist a person who, in addition to meeting the requirements of Title V of this act, has:

"(1) Satisfactorily completed:

"(A) A Master's degree from an accredited college or university in a program in art therapy that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred or a substantially equivalent program, as determined by the Board; or

"(B) A Doctoral degree in art therapy or a related subject, including psychology, professional counseling, or marriage and family therapy, from an accredited college or university, as approved by the Board;

"(2) Successfully completed a minimum of 2 years of work experience in art therapy following completion of the graduate degree consisting of at least 3,000 hours, of which at least 1,000 hours involve practice in direct contact with clients and at least 200 hours were under the immediate supervision of an art therapy certified supervisor, licensed professional art therapist, board certified art therapist, or other licensed mental health professional approved by the Board, with at least one hour of direct supervision provided per 15 hours of practice in direct contact with clients; and

"(3) Achieved a passing score on the Art Therapy Credentials Board Examination or its successor exam.

"(b) The Board of Professional Counseling shall license as a graduate professional art therapist a person who, in addition to meeting the requirements of Title V of this act:

"(1) Has satisfactorily completed a:

"(A) Master's degree from an accredited college or university in a program in art therapy that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred or a substantially equivalent program, as determined by the Board; or

"(B) Doctoral degree in art therapy or a related subject, including psychology, professional counseling, or marriage and family therapy, from an accredited college or university, as approved by the Board.

"(c) The Board of Professional Counseling shall license as a professional art therapist by endorsement a person who, in addition to meeting the requirements of Title V of this act, is currently licensed in good standing in another state that has licensing requirements that are equivalent to or exceed the requirements of subsection (a) of this section.

New § 3-1208.72

**Sec. 872. Waiver of requirements.**

"(a) The Board of Professional Counseling shall waive the requirements of section 871(a)(1) and (2) for any applicant for licensure as a professional art therapist who presents evidence satisfactory to the Board that the applicant holds a credential as a board certified art therapist in good standing with the Art Therapy Credentials Board, Inc., or its successor, and has been engaged in active practice of art therapy for at least 3 of the previous 5 years prior to the effective date of the Professional Art Therapist Licensure Amendment Act of 2020, passed on 2nd reading on April 7, 2020 (Enrolled version of Bill 23-250); provided, that the applicant for licensure is made within 24 months of the effective date of the Professional Art Therapist Licensure Amendment Act of 2020, passed on 2nd on April 7, 2020 (Enrolled version of Bill 23-250)."

(g) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new subsection (p-1) to read as follows:

Amend § 3-1210.03

"(p-1) Unless authorized to practice as an art therapist under this act, a person shall not use or imply the use of the words or terms "professional art therapist," "graduate art therapist," or any similar title or description of services with the intent to represent that the person practices art therapy."

**Sec. 3. Applicability.**

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council

of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 5. Effective date.**

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



***New Jersey Office of Attorney General***  
 Division of Consumer Affairs  
 State Board of Marriage and Family Therapy Examiners  
 Art Therapists Advisory Committee  
 124 Halsey Street, 6th Floor, P.O. Box 45055  
 Newark, New Jersey 07101  
 (973) 504-6299

**Application to Become a Licensed Professional  
 Art Therapist for Current Practitioners  
 Valid Through November 12, 2020  
 Instruction Sheet**

**General Information**

An individual who currently practices art therapy and who, prior to November 12, 2020, applies for licensure as a Professional Art Therapist, shall submit the following application, fees, and supporting documents. To be considered for licensure in accordance with N.J.A.C. 13:34D-2.9, applications must be postmarked no later than November 12, 2020.

**Application fee (nonrefundable): \$75.00**

The fee must be paid in the form of a check or money order made payable to: "The State of New Jersey"

The application must be neatly printed or typewritten. All sections of the application must be fully completed before the application can be processed. If the application is not of sufficient size to furnish the required information, a supplemental sheet of the same size may be enclosed with the application (please refer to the section for which you have used the supplemental sheet).

The Affidavit section of the application must be executed and signed in the presence of a notary public.

Applicants seeking licensure to practice as a Licensed Professional Art Therapist must be 18 years of age or older and submit documentation of either of the following:

1. Master's or doctoral degree from a regionally accredited institution of higher education which includes 45 graduate credits primarily in art therapy and has completed no less than 5 years of experience in the practice of art therapy; **OR**
2. Master's degree from a regionally accredited institution of higher education which includes 45 graduate semester hours and has passed the Art Therapy Credential Board Examination.

Your application will be reviewed by the Art Therapists Advisory Committee once you have satisfied the above listed preliminary requirements.

If you are approved for licensure by the Committee, you will need to submit the following, prior to the issuance of your Art Therapist license:

- License fee of \$250.00
- Criminal History Background Check
- A certificate of completion of the Online Jurisprudence Orientation within 6 months of date of application
- Art Therapists Advisory Committee Certification of Practical Experience (if applicable)



**New Jersey Office of Attorney General**

Division of Consumer Affairs  
State Board of Marriage and Family Therapy Examiners  
Art Therapists Advisory Committee  
124 Halsey Street, 6th Floor, P.O. Box 45055  
Newark, New Jersey 07101  
(973) 504-6299

**For Office Use Only**

**Approved**

By \_\_\_\_\_  
Date \_\_\_\_\_

**Rejected**

By \_\_\_\_\_  
Date \_\_\_\_\_

**Reason:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attach a clear, full-face passport-style photograph (2"x 2") of your head and shoulders, taken within the past six months.

A photograph is required with each application.

Do not use staples to attach the photograph.

**Application to Become a  
Licensed Professional Art Therapist for Current Practitioners**

Application date: \_\_\_\_\_  
Month Day Year

I am applying for licensure based on:

- Master's or doctoral degree from a regionally accredited institution of higher education which includes 45 graduate credits primarily in art therapy and has completed no less than 5 years of experience in the practice of art therapy; **OR**
- Master's degree from a regionally accredited institution of higher education which includes 45 graduate semester hours and has passed the Art Therapy Credentialing Board Examination (ATCBE).

**You must request the Art Therapy Credentialing Board to submit your ATCBE official score transcripts to the Committee.**

**Scores may be submitted from the ATCB via email to: [Marriage\\_Family\\_LV@dca.lps.state.nj.us](mailto:Marriage_Family_LV@dca.lps.state.nj.us)**

A nonrefundable application filing fee of \$75.00, in the form of a check or money order made payable to "The State of New Jersey," must be submitted with this application. Applicants should understand that if the application filing fee is paid with a personal check and the check is returned by the bank due to insufficient funds, the next step in the licensure process will be delayed until the fee is paid.

If a post office box is used for your Address of Record you must provide a second address which includes a street, city, state and ZIP code.

By providing your e-mail address as part of your Address of Record, you consent to the delivery of official correspondence from the Committee through the internet to the e-mail you provide. Any correspondence sent by the Committee will be deemed to have been delivered on the date the e-mail is sent.

Information that you provide on this application may be subject to public disclosure as required by the Open Public Records Act (OPRA).

**Please type your responses or print clearly. You must answer all of the questions on this application.**

**Personal Information**

Date of birth: \_\_\_\_\_  
Month Day Year

Place of birth: \_\_\_\_\_  
City State

1. **Name:**  Mr. \_\_\_\_\_  
 Mrs. \_\_\_\_\_  
 Ms. \_\_\_\_\_  
Last name First name Middle initial Maiden name

**2. Address of Record:**

This address will be printed on my license and is available to the public.

I would like to receive all official correspondence at this address.

\_\_\_\_\_  
Street 1 Street 2  
\_\_\_\_\_  
City State ZIP code County

**2. Address of Record:**

This address will be printed on my license and is available to the public.

I would like to receive all official correspondence at this address.

Street 1	Street 2		
City	State	ZIP code	County
Telephone number (include area code)		E-mail address	

**Mailing Address:**

If you provide a P.O. Box as your Address of Record, you must provide a physical mailing address.

Street 1	Street 2		
City	State	ZIP code	County
Telephone number (include area code)		E-mail address	

a. Have you ever changed your name?  Yes  No

If “Yes,” please submit, with this application, a copy of the marriage certificate, divorce decree, or court order.

b. Are you over 18 years of age?  Yes  No

If “Yes,” please submit, with this application, a copy of your birth certificate or other government document as proof of your age.

If “No,” do not complete or submit your application. You do not meet the age requirement.

**3. Social Security Number**

You **must** provide your Social Security number to the Board or Committee. Failure to do so may result in denial/nonrenewal of licensure or certification.

\*Social Security Number: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

\*Pursuant to N.J.S.A. 54:50-24 et seq. of the New Jersey taxation law, N.J.S.A. 2A:17-56.44e of the New Jersey Child Support Enforcement Law, Section 1128E(b)(2)A of the Social Security Act and 45 C.F.R. 60.7, 60.8 and 60.9, the Board or Committee is required to obtain your Social Security number. Pursuant to these authorities, the Board or Committee is also obligated to provide your Social Security number to:

- a. the Director of Taxation to assist in the administration and enforcement of any tax law, including for the purpose of reviewing compliance with State tax law and updating and correcting tax records; and
- b. the Probation Division or any other agency responsible for child support enforcement, upon request.



**Personal Information continued****4. Citizenship / Immigration Status**

Federal law limits the issuance or renewal of professional or occupational licenses or certificates to U.S. citizens or qualified aliens. To comply with this federal law, check the appropriate box below which indicates your citizenship/immigration status. If you are not a U.S. citizen, attach a copy of your alien registration card (front and back) or other documentation issued by the office of U.S. Citizenship and Immigration Services (USCIS).

- U.S. citizen  
 Alien lawfully admitted for permanent residence in U.S.  
 Other immigration status

Questions about your immigration status and whether or not it is a qualifying status under federal law should be directed to the USCIS at: 1-800-375-5283.

**5. Child Support (You must answer a, b, c and d.)**

Please certify, under penalty of perjury, the following:

- a. Do you currently have a child-support obligation?  Yes  No  
 (1) If "Yes," are you in arrears in payment of said obligation?  Yes  No  
 (2) If "Yes," does the arrearage match or exceed the total amount payable for the past six months?  Yes  No  
 b. Have you failed to provide any court-ordered health insurance coverage during the past six months?  Yes  No  
 c. Have you failed to respond to a subpoena relating to either a paternity or child-support proceeding?  Yes  No  
 d. Are you the subject of a child-support-related arrest warrant?  Yes  No

In accordance with N.J.S.A. 2A:17-56.44d, an answer of "Yes" to any of the questions a(1) through d will result in a denial of licensure or certification. Furthermore, any false certification of the above may subject you to a penalty, including, but not limited to, immediate revocation or suspension of licensure or certification.

\_\_\_\_\_  
 Applicant's name (please print)

\_\_\_\_\_  
 Applicant's signature

\_\_\_\_\_  
 Date

**6. Illegal Use of Controlled Dangerous Substances**

The question below pertains to the illegal use of controlled dangerous substances. Please read the definitions carefully. Your responses will be treated confidentially and retained separately. Please be aware that you have the right to elect not to answer this question if you have reasonable cause to believe that answering may expose you to the possibility of criminal prosecution. In that event, you may assert the Fifth Amendment privilege against self-incrimination. Any claim of Fifth Amendment privilege must be made in good faith. If you choose to assert the Fifth Amendment, you must do so in writing. You must fully respond to all other questions on the application. Your application for licensure or certification will be processed if you claim the Fifth Amendment privilege against self-incrimination. You should be aware, however, that you may later be directed by the Attorney General to answer a question that you have refused to answer on the basis on the Fifth Amendment, provided that the Attorney General first grants you immunity afforded by statutory law, (N.J.S.A. 45:1-20).

**"Currently"** does not mean on the day of, or even in the weeks or months preceding the completion of this application. Rather, it means recently enough so that the use of drugs may have an ongoing impact on one's functioning as a licensee, or within the previous 365 days, whichever is longer.

**"Illegal use of controlled dangerous substance"** means the use of a controlled dangerous substance obtained illegally (e.g. heroin or cocaine) as well as the use of controlled dangerous substances which are not obtained pursuant to a valid prescription or not taken in accordance with the directions of a licensed health care practitioner.

- a. Are you currently engaged in the illegal use of controlled dangerous substances? (As stated above, "currently" is defined as "recently enough... [to] have an ongoing impact..." or "within the previous 365 days," whichever is longer.)  
 Yes  No

If you answered "Yes," are you currently participating in a supervised rehabilitation program or professional assistance program that monitors you in order to assure that you are not engaging in the illegal use of controlled dangerous substances?

Yes  No

\_\_\_\_\_  
 Applicant's signature

\_\_\_\_\_  
 Date

**Additional Questions**

7. Have you ever been summoned; arrested; taken into custody; indicted; tried; charged with; admitted into pre-trial intervention (P.T.I.); or pled guilty to any violation of law, ordinance, felony, misdemeanor or disorderly persons offense, in New Jersey, any other state, the District of Columbia or in any other jurisdiction? (Parking or speeding violations need not be disclosed, but motor vehicle violations such as driving while impaired or intoxicated must be.)  Yes  No

8. Have you ever been convicted of any crime or offense under any circumstances? This includes, but is not limited to, a plea of guilty, non vult, nolo contendere, no contest, or a finding of guilt by a judge or jury.  Yes  No

If "Yes," provide a copy of the judgment of conviction and the release from parole or probation. Please provide a complete explanation. (Attach additional sheets of paper to this application.)

9. Are there any criminal charges now pending against you in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

If the answer to any of the above questions is "Yes," please provide a complete explanation of the circumstances leading to the action, and any supporting documentation, by including your documents and explanation with your application.

10. Do you currently hold, or have you ever held, a professional or occupational license, certificate or permit of **any** kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

If "Yes," for each license or certificate held, provide the date(s) held and the number(s). If the license or certificate was issued under a different name, please provide that name. \_\_\_\_\_

	Last name	First name	Middle initial
_____	_____	_____	_____
Type of license or certificate	Number	State or jurisdiction that issued the license or certificate	Date issued/expired
_____	_____	_____	_____
Type of license or certificate	Number	State or jurisdiction that issued the license or certificate	Date issued/expired
_____	_____	_____	_____
Type of license or certificate	Number	State or jurisdiction that issued the license or certificate	Date issued/expired
_____	_____	_____	_____
Type of license or certificate	Number	State or jurisdiction that issued the license or certificate	Date issued/expired

**Note:** If you hold a license or certification in any other state, the District of Columbia or in any other jurisdiction, it is your responsibility to contact the licensing board in that jurisdiction to request that verification of your licensure or certification be sent directly to the New Jersey State Board of Marriage and Family Therapy Examiners, Art Therapists Advisory Committee.

11. Have you ever been disciplined or denied a professional or occupational license or certificate of any kind in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

12. Have you ever had a professional or occupational license or certificate of any type suspended, revoked or surrendered in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

13. Has any action (including the assessment of fines or other penalties) ever been taken against your professional or occupational practice by any agency or certification board in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

14. Have you ever been named as a defendant in any litigation related to the practice of therapists/counselors or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

15. Are you aware of any investigation pending against a professional or occupational license or certificate issued to you by a professional or occupational board in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

16. Have you ever been sanctioned by or is any action pending before any employer, association, society, or other professional group related to the practice of therapists/counselors or other professional practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction?  Yes  No

If the answer to any of the above questions is "Yes," provide a complete explanation of the circumstances leading to the action, and any supporting documentation, by including your documents and explanation with your application.

# AFFIDAVIT

**This affidavit is to be executed by the applicant before a notary public:**

State of: \_\_\_\_\_ }  
County of: \_\_\_\_\_ } *ss.*

I, \_\_\_\_\_, in making this application to the Art Therapists Advisory Committee for licensure or certification under the provisions of Title 45 of the General Statutes of New Jersey and the Rules of the Art Therapists Advisory Committee, swear (or affirm) that I am the applicant and that all information provided in connection with this application is true to the best of my knowledge and belief. I understand that any omissions, inaccuracies or failure to make full disclosures may be deemed sufficient to deny licensure or certification or to withhold renewal of or suspend or revoke a license or certificate issued by the Committee.

I further swear (or affirm) that I have read N.J.S.A. 45:8B-51 et seq., together with the Rules and Regulations of the Art Therapists Advisory Committee, at N.J.A.C. 13:34D, and fully understand that in receiving licensure from the Committee, I bind myself to be governed by them.

Furthermore, I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for licensure or certification. I further authorize all institutions, employers, agencies and all governmental agencies and instrumentalities (local, state, federal or foreign) to release any information, files or records requested by the Committee.

\_\_\_\_\_  
Signature of applicant

Sworn and subscribed to before me this \_\_\_\_\_

day of \_\_\_\_\_, \_\_\_\_\_  
Month Year

\_\_\_\_\_  
Name of Notary Public (please print)

\_\_\_\_\_  
Signature of Notary Public





**New Jersey Office of the Attorney General**  
 Division of Consumer Affairs  
 State Board of Marriage and Family Therapy Examiners  
 Art Therapists Advisory Committee  
 124 Halsey Street, 6th Floor, P.O. Box 45055  
 Newark, New Jersey 07101  
 (973) 504-6299

**Art Therapists Advisory Committee  
 Certification of Practical Experience**

An applicant for licensure as a licensed professional art therapist, who is a current practitioner and who is seeking licensure based upon 5 years work experience (1,500 hours per year) shall provide the Committee with a detailed account of the applicant's experience in the field of art therapy, hours worked, job title and duties (as applicable).

1. Give a detailed account of the applicant's experience in the field of art therapy; hours worked, job title, and duties; and submit an employer certification or private practice certification (if applicable).

Private Practice Certification:

I swear (or affirm) that I am the applicant and that all information provided in connection with this certification of my private practice is true to the best of my knowledge and belief. I understand that any omissions, inaccuracies or failure to make full disclosures may be deemed sufficient to deny licensure or certification or to withhold renewal of or suspend or revoke a license or certificate issued by the Committee.

\_\_\_\_\_

Signature of Applicant Date

Employer Certification:

If the applicant is unable to obtain an attestation, the Committee shall accept W-2 or 1099 forms or a notarized affidavit from the applicant.

<b>Dates</b> Month/Year to Month/Year	Give a detailed account of the applicant's experience in the practice of art therapy. Use additional sheets of paper if necessary.		
	<b>Employer's name and address,            telephone number, and e-mail</b>	<b>Title/Duties/Responsibilities</b>	<b>Employer's certification            and signature as applicable</b>
From _____ To _____			
From _____ To _____			
From _____ To _____			
From _____ To _____			

**LAWS AND REGULATIONS RELATING TO  
LICENSURE AS A PROFESSIONAL ART THERAPIST**



**Published By**  
**The Kentucky Board of Licensure for Professional Art Therapists**  
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## **DISCLAIMER**

The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.

For the official copies of the statutes and regulations pertaining to this profession, please visit <http://lrc.ky.gov>.

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## KENTUCKY REVISED STATUTES

### 309.130 Definitions for KRS 309.130 to 309.1399.

As used in KRS 309.130 to 309.1399, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Licensure for Professional Art Therapists;
- (2) "Licensed professional art therapist" means a person who has completed a masters or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution, has completed all of the requirements set out in this chapter, and has been issued a license by the board for the independent practice of art therapy;
- (3) "Licensed professional art therapist associate" means a person who has:
  - (a) Completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; and
  - (b) Been issued a license by the board to practice art therapy under an approved clinical supervisor authorized by the board;
- (4) "License holder" means a licensed professional art therapist or a licensed professional art therapist associate licensed under the provisions of KRS 309.130 to 309.1399;
- (5) "The practice of professional art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families, and groups. Nothing in this subsection shall be construed to authorize any licensed professional art therapist to administer or interpret psychological tests in accordance with KRS Chapter 319; and
- (6) "Accredited institution" means a university or college accredited by a nationally-recognized accrediting agency of institutions of higher education, or an institution or clinical program approved by the American Art Therapy Association, Inc.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 80, sec. 1, effective June 25, 2013. -- Amended 2009 Ky. Acts ch. 48, sec. 1, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 1, effective July 15, 1994.

**Legislative Research Commission Note** (6/25/2009). 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."



**309.1305 Application of statutes -- Construction of chapter -- Misuse of title or status prohibited.**

- (1) No person shall use the title licensed professional art therapist or licensed professional art therapist associate or use "LPAT" or "LPATA" or a title or letters that are substantially the same, or hold himself or herself out as having this status unless he or she is licensed by the board.
- (2) No person shall engage in the practice of art therapy unless he or she is licensed under KRS 309.130 to 309.1399.
- (3) KRS 309.130 to 309.1399 shall not apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, physical therapists, occupational therapists, social workers, psychologists, and nurses, or students within accredited training programs of these professions. Nothing in KRS 309.130 to 309.1399 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which these persons hold themselves out to the public.
- (4) Nothing in KRS 309.130 to 309.1399 shall be construed to alter, amend, or interfere with the practice of employment counseling, job placement counseling, or school counseling.
- (5) Nothing in KRS 309.130 to 309.1399 shall be construed to apply to the activities and services of a student intern or trainee in art therapy who is pursuing a program of studies in art therapy at an accredited institution of higher learning if the activities are performed under the supervision of a licensed art therapist and constitute a part of the supervised program of study and if the person is designated as an art therapist intern or student in training.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 80, sec. 2, effective June 25, 2013. -- Amended 2009 Ky. Acts ch.48, sec.2, effective June 25, 2009. -- Created 1994 Ky. Acts ch.337, sec.9, effective July 15, 1994.

**Legislative Research Commission Note (6/25/2009).** □□2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

### **309.131 Kentucky Board of Licensure for Professional Art Therapists.**

- (1) There is hereby created the Kentucky Board of Licensure for Professional Art Therapists that shall be attached to the Department of Professional Licensing in the Public Protection Cabinet for administrative purposes. The board shall consist of five (5) members who are United States citizens and have been Kentucky residents for at least five (5) years prior to their appointment. The board membership shall be determined as follows:
  - a. Four (4) members shall be professional art therapists who are licensed pursuant to KRS 309.133, and shall have engaged in art therapy practice for at least five (5) years. These members shall not hold any elected or appointed office in any professional organization of art therapy or closely related field during their tenure on the board; and
  - b. One (1) member shall represent the public. The public member shall not have been licensed or have practiced as a professional art therapist, nor have any significant financial interest, either direct or indirect, in the profession of art therapy.
- (2) All members of the board shall be appointed by the Governor for staggered terms of four (4) years.
- (3) The four (4) professional members shall be appointed from a list of eight (8) names submitted by the board of directors of the Kentucky Art Therapy Association, Inc., and the one (1) public member shall be a citizen at large. Each member shall hold office until a successor is appointed. Vacancies shall be filled in the same manner as original appointments. No board member shall serve more than two (2) consecutive terms.
- (4) Each board candidate shall be licensed as an art therapist prior to nomination and shall be actively engaged in the practicing or teaching of art therapy, except for the one (1) public member.
- (5) Members of the board shall receive no compensation, perquisite, or allowance.
- (6) The board shall elect annually from its membership a chairman, secretary, and other officers as necessary to carry out its duties.
- (7) The board shall meet at least two (2) times each year. Additional meetings may be called by the chairman, upon the written request of at least two (2) members of the board. A simple majority of the board members shall constitute a quorum of the board.

**Effective:** April 11, 2017

**History:** Amended 2017 Ky. Acts ch. 178, sec. 20, effective April 11, 2017. -- Amended 2010 Ky. Acts ch. 24, sec. 1666, effective July 15, 2010. -- Amended 2009 Ky. Acts ch. 48, sec. 3, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 2, effective July 15, 1994.

**Legislative Research Commission Note** (6/25/2009). 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

The board shall:

- (1) Promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399;
- (2) Select the examinations for licensure and administer the examinations at least annually;
- (3) Establish the application deadline for and score required to pass the examinations;
- (4) Process applications and conduct and review the required examinations;
- (5) Issue licenses to applicants who meet the requirements of KRS 309.133 to 309.137;
- (6) Deny, suspend, or revoke a license to practice art therapy;
- (7) Censure, reprimand, or place a license holder or applicant on probation for a period not to exceed one (1) year;
- (8) Maintain a current register of license holders as a matter of public record;
- (9) Establish criteria for continuing education;
- (10) Establish procedures for receiving, investigating, and resolving complaints against license holders;
- (11) Conduct administrative hearings in accordance with KRS Chapter 13B for disciplinary actions taken under authority of subsections (6) and (7) of this section;
- (12) Approve the level of supervision and experience required for persons seeking licensure;
- (13) Assess fees for the issuance and renewal of licenses to cover administrative and operating expenses of the board, and authorize all disbursements necessary to carry out the provisions of KRS 309.130 to 309.1399;
- (14) Implement an impaired professional art therapist treatment program;
- (15) Establish a code of ethics for license holders;
- (16) Establish requirements for supervision and qualifications of supervisors; and
- (17) Establish conditions for inactive status and return to active status for license holders.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 80, sec. 3, effective June 25, 2013. -- Amended 2009 Ky. Acts ch. 48, sec. 4, effective June 25, 2009. -- Amended 1996 Ky. Acts ch. 318, sec. 249, effective July 15, 1996. -- Created 1994 Ky. Acts ch. 337, sec. 3, effective July 15, 1994.

**Legislative Research Commission Note** (6/25/2009). 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

**309.133 Requirements for licensure -- Licensure without examination -- Reciprocity.**

- (1) The board shall issue a license as a licensed professional art therapist to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant is at least twenty-one (21) years of age, demonstrates professional competency by satisfactorily passing the required examination, is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., is a board certified art therapist as defined by the Art Therapy Credentials Board, Inc., and has:
  - (a) Received a master's degree or doctoral degree in art therapy that includes six hundred (600) hours of supervised internship experience from an accredited institution and has completed an additional one thousand (1,000) client contact hours of postgraduate experience under appropriate supervision; or
  - (b) Received a master's degree or doctoral degree in a related field, has a minimum of twenty-one (21) semester hours of sequential course work in the history, theory, and practice of art therapy, has completed seven hundred (700) hours of supervised internship experience from an accredited institution, and has completed an additional two thousand (2,000) client contact hours of postgraduate experience under appropriate supervision.
- (2) The board may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from nonaccredited institutions.
- (3) If an applicant has met all of the requirements for licensure except satisfactorily passing the required examination, the applicant shall be scheduled to take the next examination following the approval of the application.
- (4) The board may issue a license to an applicant without examination if the person possesses a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation that in the judgment of the board has requirements substantially equivalent to or exceeding the requirements in this section.
- (5) The board may set criteria for continuing education and supervisory experience.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 48, sec. 5, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 4, effective July 15, 1994.

**Legislative Research Commission Note (6/25/2009).** 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

**309.1335 Renewal of license -- Continuing education experience requirement -- Suspension -- Reinstatement -- Retirement notification.**

- (1) Each license holder shall renew the license to practice art therapy biennially by:
  - (a) Submitting a renewal application on a form provided by the board;
  - (b) Paying a license renewal fee; and
  - (c) Producing evidence of completion of relevant professional continuing education experience satisfactory to the board and not to exceed forty (40) hours per renewal cycle.
- (2) A ninety (90) day grace period shall be allowed for each license holder after the licensure period, during which time the license may be renewed upon payment of the renewal fee, the late fee, and compliance with all renewal requirements.
- (3) Any license granted by the board shall be automatically suspended if the holder fails to apply for the license renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended license may be restored by the board upon payment of a reinstatement fee not to exceed one hundred dollars (\$100) in addition to any unpaid renewal or late fees. Failure to renew a license within three (3) months from the date of suspension as provided in this section shall cause the license to be automatically revoked. Reinstatement of a revoked license shall require the license holder to reapply and meet all current standards for licensure.
- (4) A person licensed under the provisions of KRS 309.133 who intends to retire as a licensed professional art therapist, or as a licensed professional art therapist associate, shall notify the board in writing before the expiration of his or her current license. If, within a period of five (5) years from the year of retirement, the license holder wishes to resume practice as a licensed professional art therapist, or as a licensed professional art therapist associate, he or she shall notify the board in writing, and upon giving proof of completing the required continuing education and the payment of an amount equivalent to elapsed renewal fees, and for the licensed professional art therapist associate, obtaining a board-approved supervisor of record, the license shall be restored in full effect.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 80, sec. 5, effective June 25, 2013. -- Amended 2009 Ky. Acts ch. 48, sec. 6, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 5, effective July 15, 1994.

**Legislative Research Commission Note** (6/25/2009). 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

**309.134 Licensure of professional art therapy associate -- Education -- Supervision -- Terms of licensure -- Advancement.**

- (1) The board may issue a license as a professional art therapist associate for a period of up to five (5) years to an applicant who has:
  - (a) Completed the educational requirements for registration with the Art Therapy Credentials Board, Inc.;
  - (b) Obtained a board-approved supervisor of record; and
  - (c) Paid the required fees.
- (2) A licensed professional art therapist associate shall maintain on-going supervision as approved by the board until he or she:
  - (a) Is registered by the Art Therapy Credentials Board, Inc.; and
  - (b) Has passed an examination approved by the board.
- (3) At the end of the five (5) year period approved under subsection (1) of this section, a licensed professional art therapist associate who has not completed the requirements for licensure as a professional art therapist shall submit to the board an application for an extension of licensure as a professional art therapy associate. The application shall include:
  - (a) A plan for completing the requirements to obtain licensure as a professional art therapist;
  - (b) Documentation of compliance with the continuing education requirements;
  - (c) Reports of compliance with supervisory requirements;
  - (d) Letters of recommendation from two (2) supervisors of record; and
  - (e) Payment of an extension fee not to exceed one hundred dollars (\$100).
- (4) Upon review of the application and accompanying documentation, the board may approve an extension of the license as a professional art therapist for a period of time not to exceed two (2) years.
- (5) If, at the end of the period of extension referenced in subsection (4) of this section, the applicant has not completed all requirements for licensure as a professional art therapist, the board shall rescind the license as a professional art therapist associate and the individual may no longer practice art therapy, or refer to himself or herself by any title which would indicate that he or she is credentialed by the board.
- (6) A licensed professional art therapist associate may apply for the credential of licensed professional art therapist upon:
  - (a) Registration with the Art Therapy Credentials Board, Inc.; and
  - (b) Passage of an examination approved by the board.
- (7) An individual who is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., but who has not passed the required examination, shall:
  - (a) Maintain the professional art therapist associate license in order to practice under board-approved supervision; and
  - (b) Be scheduled to take the next examination following the approval of the professional art therapist license application.

- (8) A professional art therapist associate shall not supervise licensed professional art therapists, licensed professional art therapist associates, or applicants for these licenses.

**Effective:** June 25, 2013

**History:** Created 2013 Ky. Acts ch. 80, sec. 4, effective June 25, 2013.

### **309.135 Fees.**

The board shall set the amount of the fees required to be paid by the applicants for licensure and the license holders including, but not limited to, the following:

- (1) For an application for initial licensure as a licensed professional art therapist, the fee shall be nonrefundable and shall not exceed two hundred dollars (\$200);
- (2) For an application for initial licensure as a licensed professional art therapist associate, the fee shall be nonrefundable and shall not exceed one hundred dollars (\$100);
- (3) To take an examination, the fee shall not exceed one hundred dollars (\$100), or, if a national examination is used, the amount of the fee shall not exceed the cost of the examination by more than twenty-five percent (25%);
- (4) The renewal fee for a licensed professional art therapist shall not exceed two hundred dollars (\$200);
- (5) The renewal fee for a licensed professional art therapist associate shall not exceed one hundred dollars (\$100);
- (6) For a duplicate or replacement license, the fee shall not exceed twenty-five dollars (\$25);
- (7) For failure to renew a license for a licensed professional art therapist within the allotted grace period pursuant to KRS 309.1335(3), the fee shall not exceed one hundred dollars (\$100);
- (8) For failure to renew a license for a licensed professional art therapist associate within the allotted grace period pursuant to KRS 309.1335, the fee shall not exceed fifty dollars (\$50); and
- (9) Other reasonable fees for administrative services.

**Effective:** June 25, 2013

**History:** Amended 2013 Ky. Acts ch. 80, sec. 6, effective June 25, 2013. -- Amended 2009 Ky. Acts ch. 48, sec. 7, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 6, effective July 15, 1994.

**Legislative Research Commission Note** (6/25/2009). 2009 Ky. Acts ch. 48, sec. 12, provides: "Any person who is certified as a professional art therapist on the effective date of this Act [6/25/2009] shall automatically be licensed on the effective date of this Act [6/25/2009] and shall be issued a copy of the license at the time his or her certificate was next scheduled to be renewed if at that time the person complies with the provisions of Section 6 of this Act [KRS 309.1335] and has not been the subject of disciplinary action under Sections 8 [KRS 309.137] and 10 [KRS 309.1375] of this Act."

### 309.137 Disciplinary action.

- (1) The board may refuse to issue a license or may deny any application, or suspend, or revoke, impose probationary conditions upon, issue a written reprimand or admonishment, or perform any combination thereof regarding any license held or applied for under the provisions of KRS 309.133 if the person:
- (a) Is found guilty of fraud, deceit, or misrepresentation in procuring or renewing or attempting to procure or renew a license to practice art therapy;
  - (b) Committed any unfair, false, misleading, or deceptive act or practice;
  - (c) Has been negligent in the practice of art therapy;
  - (d) Is adjudicated mentally incompetent;
  - (e) Is found guilty of a crime as defined in KRS 335B.010 involving sexual misconduct or where dishonesty is a necessary element, if in accordance with KRS Chapter 335B. Conviction includes all instances in which a plea of no contest is the basis of the conviction;
  - (f) Is found guilty of unprofessional or unethical conduct in this or any other jurisdiction;
  - (g) Has been using any controlled substance or alcoholic beverage to an extent or in a manner dangerous to the person, any other person, or the public, or to an extent that the use impairs the ability to perform as a licensed professional art therapist; (
  - (h) Has violated any provision of KRS 309.130 to 309.1399 or administrative regulations promulgated thereunder;
  - (i) Failed to comply with an order issued by the board or an assurance of voluntary compliance; or
  - (j) Willfully or negligently divulges a professional confidence.
- (2) A certified copy of the record of conviction shall be conclusive evidence of the conviction.
- (3) Disciplinary proceedings may be initiated upon the receipt by the board of a sworn complaint by any person, including members of the board.
- (4) Two (2) years from the date of revocation, any person whose license has been revoked may petition the board for reinstatement. The board shall investigate the petition and may reinstate the licensee if the board finds that the individual has complied with any terms prescribed by the board and is able to competently engage in the practice of art therapy.
- (5) If, after an investigation that includes an opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the permanent file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the permanent licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for a hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for a hearing under KRS Chapter 13B.
- (6) The surrender of a license shall not deprive the board of its jurisdiction to proceed with disciplinary actions authorized under KRS 309.130 to 309.1399.

**Effective:** June 29, 2017

**History:** Amended 2017 Ky. Acts ch. 158, sec. 42, effective June 29, 2017. -- Amended 2009 Ky. Acts ch. 48, sec. 8, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 7, effective July 15, 1994.



### **309.1375 Administrative hearings concerning disciplinary actions.**

- (1) Before denying, revoking, suspending, imposing probationary or supervisory conditions upon a license, issuing a written reprimand, or doing any combination of those regarding any licensee or applicant under KRS 309.130 to 309.1399, the board shall set the matter for hearing as provided by KRS Chapter 13B.
- (2) After revoking, suspending, imposing probationary or supervisory conditions upon a license, issuing a written reprimand, or doing any combination of those regarding a licensee or applicant, the board shall set the matter for a hearing upon the written request of the applicant or licensee within thirty (30) days of the applicant's or licensee's receipt of the letter advising him or her of the denial, refusal, admonishment, revocation, suspension, or other disciplinary action taken.
- (3) Any party aggrieved by a final order of the board may appeal to the Circuit Court of the county where the alleged violation occurred as provided by KRS Chapter 13B.

**Effective:** June 25, 2009

**History:** Created 2009 Ky. Acts ch. 48, sec. 10, effective June 25, 2009.

### **309.138 Licensed professional art therapy practice board fund.**

There is hereby created in the State Treasury the licensed professional art therapy practice board fund. All funds received by the board under the provisions of KRS 309.133 to 309.137 shall be deposited with the State Treasurer for credit to the licensed professional art therapy board fund. The State Treasurer shall invest the fund as all other state funds are invested and income from investment of the fund shall be credited to the fund. The balance remaining in the fund at the end of any fiscal year shall not revert to the general fund. The money in the licensed professional art therapy board fund shall be appropriated to the board and shall be used for the purpose of carrying out the provisions of KRS 309.130 to 309.1399.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 48, sec. 9, effective June 25, 2009. -- Created 1994 Ky. Acts ch. 337, sec. 8, effective July 15, 1994.

**309.1399 Penalty.**

Any person who violates or aids in the violation of the provisions of KRS 309.130 to 309.1399 shall upon conviction be fined not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000).

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 48, sec. 11, effective June 25, 2009. --  
Created 1994 Ky. Acts ch. 337, sec. 10, effective July 15, 1994.

# KENTUCKY ADMINISTRATIVE REGULATIONS

## 201 KAR 34:010. Licensure of professional art therapists.

RELATES TO: KRS 309.1315(5), 309.133

STATUTORY AUTHORITY: KRS 309.1315(1), (11), (12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) requires the board to promulgate administrative regulations to implement the provisions of KRS 309.130 to 309.1399. This administrative regulation establishes the requirements for licensure of professional art therapists.

### Section 1.

(1) Proof of certification or registration with the Art Therapy Credentials Board, Inc. shall be accepted as evidence that the applicant has met the educational and experiential requirements for licensure as set forth in KRS 309.133(1).

(2) Supervision shall be considered appropriate if:

(a) For group supervision it:

1. Is provided by an approved supervisor to an individual or a group not exceeding six (6) individuals;
2. Enhances the professional development of a supervisee in the provision of professional art therapy services; and
3. Is equally distributed throughout the period of supervision; and

(b) For individual supervision, it consists of case consultation between the supervisor and the supervisee that is restricted to the supervisee's cases.

(3) An approved supervisor shall be licensed as a professional art therapist in the Commonwealth of Kentucky with a minimum of four (4) years of experience in the practice of art therapy.

(4) To identify a license holder as a licensed professional art therapist, a licensed professional art therapist may use "LPAT".

(5) To qualify, an internship experience shall have been an internship in the field of art therapy.

(6) To qualify, a trainee's postgraduate experience shall have been the practice of art therapy after completion of and receipt of the qualifying degree pursuant to KRS 309.133.

(7) (a) The practice of art therapy shall include the rendering to individuals, families, or groups, services that use art media and verbalization as a means of expression and communication to promote perceptive, intuitive, affective and expressive experiences that:

1. Alleviate distress, reduce physical, emotional, behavioral, and social impairment; and
2. Lead to growth or reintegration of one's personality.

(b) Art therapy services shall include:

1. Assessment and evaluation;
2. Development of treatment plans, goals and objectives;
3. Case management services; and
4. Therapeutic verbal and visual treatment.

(8) "Twenty-one (21) semester hours of sequential course work in the history, theory, and practice of art therapy" shall include completion of the following:

(a) A minimum of twenty-one (21) <sup>68</sup>semester hours, thirty-one (31) quarter hours, or 315 clock hours in art therapy courses from an accredited institution as defined in KRS 309.130(5);

(b) The required core curriculum shall include the following components:

1. History of art therapy;
2. Theory of art therapy;
3. Techniques of practice in art therapy;
4. The application of art therapy with people in different treatment settings;
5. Psychopathology;
6. Assessment of patients and diagnostic categories;
7. Ethical and legal issues of art therapy practice;
8. Standards of good practice in art therapy; and
9. Matters of cultural diversity bearing on the practice of art therapy. (22 Ky.R. 1913; Am. 23 Ky.R. 125; eff. 7-5-1996; 36 Ky.R. 638; 1017; eff. 12-4-2009.)

### **201 KAR 34:015. Examination.**

RELATES TO: KRS 309.1315(1)-(4), 309.133(1)

STATUTORY AUTHORITY: KRS 309.1315(1)-(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315 requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure. KRS 309.133 requires an applicant to successfully complete the required examination prior to licensure. This administrative regulation prescribes the procedures to be followed in making application to the board for licensure.

#### **Section 1. General Requirements.**

(1) An applicant for examination shall:

- (a) Submit a complete LPAT 09(2009) application; and
- (b) Pay the applicable fees established in 201 KAR 34:020.

(2) Once the application has been approved by the board, the applicant shall be scheduled to take the examination at the next regularly-scheduled date.

**Section 2. Examination for Licensure.** An applicant for licensure shall take the Art Therapy Credentials Board Certification Examination and obtain a passing score.

#### **Section 3. Incorporation by Reference.**

(1) "LPAT 09", 2009, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. . (28 Ky.R. 1010; eff. 12-19-2001; 36 Ky.R. 639; eff. 12-4-2009.)

RELATES TO: KRS 309.133, 309.134, 309.1335, 309.138

STATUTORY AUTHORITY: KRS 309.1315(1), (4), (13), 309.135

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1), (4), and (13), and 309.135 require the board to promulgate an administrative regulation establishing fees for licensure, examination, renewal, and reinstatement of the license. This administrative regulation establishes those fees.

**Section 1. Application Fee.**

(1) (a) The application fee for board review of the Application for Licensed Professional Art Therapist required by 201 KAR 34:025, Section 1(1), shall be \$100.

(b) The application fee for board review of the Application for Licensed Professional Art Therapist Associate required by 201 KAR 34:025, Section 1(2), shall be fifty (50) dollars.

(2) The application fee shall be nonrefundable.

**Section 2. Examination Fee.** The applicant shall pay the national examination fee established by the National Art Therapy Credentials Board.

**Section 3. Initial Licensure Fee.**

(1)(a) The initial licensure fee shall be \$100 for licensure as a licensed professional art therapist.

(b) The initial licensure fee shall be fifty (50) dollars for licensure as a licensed professional art therapist associate.

(2) If the applicant successfully completes all requirements for licensure, this fee shall cover licensure for the initial two (2) year period.

**Section 4. Renewal Fee.**

(1) The renewal fee for licensed professional art therapist licensure shall be \$200 for a two (2) year period.

(2) The renewal fee for licensed professional art therapist associate licensure shall be \$100 for a two (2) year period.

**Section 5. Late Fee.** The late fee for a licensee who applies for renewal within the ninety (90) day grace period established in KRS 309.1335(2) shall be fifty (50) dollars, which shall be paid in addition to the renewal fee set out in Section 4 of this administrative regulation. Any license not renewed within the ninety (90) day grace period shall be suspended. A person shall not engage in the practice professional art therapy with a suspended license.

**Section 6. Reinstatement Fee.**

(1) The reinstatement fee for a licensee who applies for reinstatement more than ninety (90) days but prior to 180 days after the original renewal deadline shall be:

(a)1. \$100 for a licensed professional art therapist; or

2. Fifty (50) dollars for a licensed professional art therapist associate; and

(b) Paid in addition to the renewal fee set out in Section 4 of this administrative regulation.

(2)(a) A licensed professional art therapist who applies for reinstatement shall submit the LPAT Reinstatement Form.

(b) A licensed professional art therapist associate who applies for reinstatement shall submit the LPATA Reinstatement Form.

**Section 7. Board Examination Fee.**

- (1) The board examination fee for completing an examination offered by the board shall be ten (10) dollars per credit hour, but not more than thirty (30) dollars for each board examination.
- (2) A board examination fee shall be paid for each board examination listed in regulation 201 KAR 34:030, Section 3(3) that a license holder renewing an active board issued license or board approved supervisor completes and submits to the board

**Section 8. Incorporation by Reference.**

- (1) The following material is incorporated by reference:
  - (a) "LPAT Reinstatement Form", 2010; and
  - (b) "LPATA Reinstatement Form", 2014.
- (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (28 Ky.R. 1011; eff. 12-19-2001; Am. 36 Ky.R. 641; 1081; eff. 12-4-2009; 37 Ky.R. 443; 11-5-2010; 40 Ky.R. 1427; 2284; eff. 5-2-2014; 44 Ky.R. 43; eff. 8-4-2017.)

**201 KAR 34:025. Application; approved programs.**

RELATES TO: KRS 303.130, 309.133, 309.134

STATUTORY AUTHORITY: KRS 309.1315(1), (4), 309.133, 309.134

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) requires the Kentucky Board of Licensure for Professional Art Therapists to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399. KRS 309.1315(4) requires the board to process applications for licensure. KRS 309.133 and 309.134 authorize the board to review and approve, or reject the qualifications of all applicants for licensure. This administrative regulation establishes the procedure for submitting an application for licensure.

**Section 1. Application.** (1) A person seeking licensure as a licensed professional art therapist shall submit an Application for Licensed Professional Art Therapist to obtain a license to engage in the practice of professional art therapy after the requirements established in KRS 309.133 are met.

(2) A person seeking licensure as a licensed professional art therapist associate shall submit an Application for Licensed Professional Art Therapist Associate to obtain a license to engage in the practice of professional art therapy after the requirements established in KRS 309.134(1) are met.

(3) The application required pursuant to subsection (1) and (2) of this section shall be accompanied by the appropriate nonrefundable application fee established in 201 KAR 34:020.

(4) The application shall be signed by the applicant.

(5)(a) The application for a licensed professional art therapist license shall include a copy of the applicant's current registration and certification card issued by the Art Therapy Credentials Board, Inc.

(b) Proof of certification or registration<sup>71</sup> shall constitute evidence that the licensed professional art therapist applicant has met the educational and experiential requirements for licensure established in KRS 309.133(1).

(6)(a) The licensed professional art therapist or licensed professional art therapist associate applicant shall ensure that a certified, official transcript from the college or university registrar's office is transmitted to the board upon application to substantiate that the applicant has been awarded or conferred a master's or doctoral degree in art therapy from a program accredited by the American Art Therapy Association (AATA).

(b) If the licensed professional art therapist or licensed professional art therapist associate applicant does not possess a degree from an AATA accredited program, the applicant's degree shall meet the requirements of Section 2 of this administrative regulation.

**Section 2. Degree from a non-accredited program.**

(1) A master's or doctoral degree from a college or university approved by the board pursuant to KRS 309.133(2) or 309.134 shall be a degree program that is listed as accredited by the American Art Therapy Association.

(2) If an applicant's master's or doctoral degree is not listed as accredited by the American Art Therapy Association, then the applicant shall demonstrate that the degree consisted of at least sixty (60) semester hours as evidenced by a certified copy of an academic transcript of coursework at the graduate level.

(3)(a) The coursework for the degree shall include twenty-four (24) semester hours of sequential course work in art therapy courses from an accredited institution as defined in KRS 309.130(6).

(b) The coursework in art therapy shall include the following components:

1. History of art therapy;
2. Theory of art therapy;
3. Techniques of practice in art therapy;
4. The application of art therapy with people in different treatment settings;
5. Psychopathology in the practice of art therapy;
6. Assessment of patients and diagnostic categories;
7. Ethical and legal issues of art therapy practice;
8. Standards of good practice in art therapy; and
9. Matters of cultural diversity bearing on the practice of art therapy.

(c) In addition to the coursework in art therapy, the degree shall include twenty-four (24) semester hours covering the following related content areas:

1. Psychopathology;
2. Human growth and development;
3. Counseling and psychological theories;
4. Cultural and social diversity;
5. Assessment;
6. Research;
7. Studio art; and
8. Career and lifestyle development.

(4) The degree shall include the supervised internship experience required by KRS 309.133(1)(a) or (b).

**Section 3. Incorporation by Reference.**<sup>72</sup> (1) The following material is incorporated by reference:

(a) "Application for Licensed Professional Art Therapist", March 2014; and

(b) "Application for Licensed Professional Art Therapist Associate", March 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (40 Ky.R. 1515; Am. 2285; eff. 5-2-2014.)

### **201 KAR 34:030. Continuing education requirements.**

RELATES TO: KRS 309.133, 309.1335(1)(c), 309.134, 309.137

STATUTORY AUTHORITY: KRS 309.1315(1), (9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) and (9) require the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399 and to establish the criteria for continuing education. KRS 309.1335(1)(c) authorizes the board to promulgate an administrative regulation requiring licensed professional art therapists and licensed professional art therapist associates to complete continuing education requirements as a condition of renewal of their license. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

**Section 1. Definitions.** (1) "Academic course" means a course offered by an accredited postsecondary institution that is an:

(a) Art therapy course, designated by an art therapy course title or content, beyond the undergraduate level; or

(b) Academic course, relevant to professional art therapy, beyond the undergraduate level.

(2) "Approved" means recognized by the Kentucky Board of Licensure for Professional Art Therapists.

(3) "Continuing education hour" means fifty (50) clock minutes of participating in continuing educational experiences.

(4) "Program" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or series.

(5) "Provider" means an individual or an organization that provides or sponsors continuing education programs and is approved by the board.

(6) "Relevant" means having content applicable to the practice of professional art therapy as evaluated by the board.

(7) "Successful completion" means that the license holder has:

(a) 1. Satisfactorily met the specific requirements of the program; and

2. Earned the continuing education hours; or

(b) Received a passing score from the board for completing a board examination.

**Section 2. Accrual of Continuing Education Hours; Computation of Accrual.** (1) A minimum of forty (40) continuing education hours shall be accrued by a licensed professional art therapist during the two (2) year licensure period for renewal.



(2) A minimum of eighteen (18) continuing education hours shall be accrued by a licensed professional art therapy associate during the two (2) year licensure period for renewal.

(3) All hours shall be in or related to the field of professional art therapy.

(4) A licensee shall obtain three (3) hours of continuing education on ethics included within the hours required by subsection (1) and (2) of this section during the two (2) year licensure period for renewal.

(5) Continuing education activities shall be in the following content areas in order to be considered relevant:

- (a) Psychological and psychotherapeutic theories and practice;
- (b) Art therapy assessment;
- (c) Art therapy theory and practice;
- (d) Client populations;
- (e) Art theory and media; and
- (f) Professionalism and ethics.

**Section 3. Methods of Acquiring Continuing Education Hours.** Continuing education hours applicable to the renewal of the certificate shall be directly related to the professional growth and development of a professional art therapy practitioner. Hours may be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. A program provided or approved by any of the following providers shall be relevant to the practice of professional art therapy and shall be approved without further review by the board:

- (a) The American Art Therapy Association, Inc. or any of its state affiliates;
- (b) The Art Therapy Credentials Board, Inc.;
- (c) The American Association of Marriage and Family Therapy and its state affiliates;
- (d) The National Association of Social Workers and its state affiliates;
- (e) The American Psychological Association and its state affiliates;
- (f) The American Counseling Association and its state affiliates;
- (g) The National Board of Certified Counselors and its state affiliates;
- (h) The Association for Addiction Professionals (NAADAC) and its state affiliates;
- (i) The Department for Behavioral Health, Developmental and Intellectual Disabilities;
- (j) The Employee Assistance Professionals Association; and
- (k) Academic courses as established in Section 1(1) of this administrative regulation.

A general education course, elective, or course designated to meet degree requirements shall not be acceptable. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.

(2) Programs requiring board review and approval. A program from any of the following sources shall be reviewed by the board and evaluated whether it is relevant:

(a) A program, including a home study course, webinar, and in-service training provided by another organization, educational institution, or service provider approved by the board;

(b) A program or academic course presented by the license holder. A presenter of a relevant program or academic course shall earn two (2) continuing education hours for each contact hour of instruction. Credit shall not be issued for repeated instruction of the same course;

(c) A publication in a professionally recognized or juried publication. Continuing education hours shall be granted for a relevant publication as follows:

- 1. Five (5) continuing education hours for each published abstract or book review;

2. Ten (10) continuing education hours<sup>74</sup> for each published article;
  3. Twenty (20) continuing education hours for each book chapter or monograph; and
  4. Forty (40) continuing education hours for each published book; and
- (d) An exhibition in a juried art show. An exhibitor at a juried art show shall earn ten (10) continuing education hours for an exhibition and is limited to one (1) exhibition per renewal cycle.

(3) Board examination. A license holder shall submit an Application for Examination Continuing Education Credit to receive continuing education credit for completing a board examination. The board shall only grant board examination continuing education credit to an active license holder renewing an active board issued license and to a board approved supervisor. Upon application, and payment of the board examination fee established in 201 KAR 34:020, Section 7(1), the board shall credit a license holder with three (3) continuing education credit hours for successfully completing a training examination offered by the board. A license holder may complete more than one (1) board examination but shall be awarded no more than eighteen (18) continuing education credit hours for completing board examinations during a two (2) year licensure period. Three (3) credit hours shall be awarded for successfully completing each of the following board examinations:

- (a) Art therapy assessment examination;
- (b) Art therapy and client populations examination;
- (c) Art therapy theory and practice examination;
- (d) Art therapy theory and media examination;
- (e) Art therapy professionalism and ethics examination; and
- (f) Board-approved supervisor training examination.

(4) A license holder shall submit a written request to the board to repeat a continuing education program or board examination during the two (2) year licensure period. Preapproval shall be required for repeating a program or examination for credit toward the minimum continuing education requirement for renewal. The request to repeat a continuing education program or board examination shall be submitted to the board before repeating the program or examination. A board examination fee shall be paid for repeated examinations.

#### **Section 4. Procedures for Preapproval of Continuing Education Programs. (1)**

Any entity seeking to obtain approval of a continuing education program shall submit a complete Application for Continuing Education Program Approval prior to its offering and shall apply to the board at least sixty (60) days in advance of the commencement of the program.

(2) A continuing education program shall be qualified for approval if the board finds the activity being presented:

- (a) Is an organized program of learning;
- (b) Lists goals and objectives;
- (c) Pertains to subject matters which integrally relate to the practice of art therapy;
- (d) Contributes to the professional competency of the licensee; and
- (e) Is conducted by individuals who have educational training or experience acceptable to the board.

(3)(a) The board may approve a specific continuing education program that is not listed in Section 3(1) of this administrative regulation if the provider of the program:

1. Files a written request for approval;
2. Pays an annual processing fee of seventy-five (75) dollars; and

3. Provides the information on a continuing education program that it proposes to provide that meets the requirements established in this administrative regulation.

(b) The approval of a program pursuant to paragraph (a) of this subsection shall permit the provider to offer the program for a period of one (1) calendar year.

(4)(a) A license holder may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the immediate past license period, the license holder has:

1. Requested the review by applying for individual review; and
2. Paid a fee of twenty (20) dollars.

(b) The review shall be based on the standards established by this administrative regulation.

(c) Approval by the board of a nonapproved continuing education activity shall:

1. Qualify as if it has been obtained from an approved provider; and
2. Be limited to the particular offering upon which the request for individual review is based.

**Section 5. Procedures for Approval of Continuing Education Programs.** (1) A course that has not been preapproved may be used for continuing education if approval is secured from the board.

(2) The applicant shall submit a complete Application for Continuing Education Program Approval that includes the following information and fees:

- (a) A published course or seminar description;
- (b) The name and qualifications of the instructor including resume or vitae;
- (c) A copy of the program agenda indicating hours of education, coffee and lunch breaks;
- (d) Number of continuing education hours requested;
- (e) Official certificate of completion or college transcript from the provider or college;
- (f) Letter requesting continuing education credits approval;
- (g) The applicable fee identified in Section 4 of this administrative regulation; and
- (h) Program evaluation.

**Section 6. Responsibilities and Reporting Requirements of License Holders.** (1) During the license renewal period, the board shall require up to fifteen (15) percent of all license holders to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board.

(2) A license holder shall:

- (a) Be responsible for obtaining required continuing education hours;
  - (b) Identify his or her continuing education needs and seek activities that meet those needs;
  - (c) Seek ways to integrate new knowledge, skills, and activities;
  - (d) Select board approved activities by which to earn continuing education hours;
  - (e) Submit to the board, if applicable, a request for approval for continuing education activities not otherwise approved by the board;
  - (f) Document attendance, participation in, and successful completion of continuing education activity for a period of two (2) years from the date of the renewal; and
  - (g) Maintain records of continuing education hours;
- (3) The following items may be used to document continuing education activity:
- (a) Transcript;

- (b) Certificate;
- (c) Affidavit signed by the instructor;
- (d) Receipt for the fee paid to the provider; or
- (e) Written summary of experiences that are not formally or officially documented otherwise.

(4) A license holder shall comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 309.137(1) and shall result in disciplinary action pursuant to that statutory provision.

**Section 7. Carry-over of Continuing Education Hours, Prohibited.** Continuing education hours earned in excess of those required under Section 2 of this administrative regulation shall not be carried over into the immediately following license renewal period.

**Section 8. Board to Approve Continuing Education Hours; Appeal of Denial.** (1) If an application for approval of continuing education hours is denied, in whole or in part, the person holding a license shall have the right to appeal the board's decision.

(2) An appeal shall be:

- (a) In writing;
- (b) Received by the board within thirty (30) days after the date the notification of the decision denying approval of continuing education hours is mailed; and
- (c) Conducted in accordance with KRS Chapter 13B.

**Section 9. Waiver or Extensions of Continuing Education.** (1) On application, the board may grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the license holder;
- (b) Illness of the license holder or an immediate family member;
- (c) Death or serious injury of an immediate family member; or
- (d) Active duty military service or deployment.

(2) A written request for waiver or extension of time shall be:

- (a) Submitted by the person holding the license;
- (b) Accompanied by a verifying document signed by a licensed physician or an authority verifying the need for an extension of time or waiver; and
- (c) Received by the board before the expiration of the two (2) year licensure period for renewal and before the beginning of the ninety (90) day grace period established by KRS 309.1335(2) for the license.

(3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.

(4) If the medical disability, illness, or military service upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding licensure shall reapply for the waiver or extension.

**Section 10. Continuing Education Requirements for Reinstatement or Reactivation of Licensure.** (1) A person requesting reinstatement or reactivation of professional art therapist licensure shall submit evidence of forty (40) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) If the board reinstates a professional art therapist license, the person shall obtain forty (40) hours of continuing education within six (6) months of the date on which licensure is reinstated.

(3) A person requesting reinstatement or reactivation of professional art therapist associate licensure shall submit evidence of eighteen (18) hours of continuing education within the twenty-four (24) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(4) If the board reinstates a professional art therapist associate license, the person shall obtain eighteen (18) hours of continuing education within six (6) months of the date on which licensure is reinstated.

(5) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

**Section 11. Incorporation by Reference.** (1) The following material is incorporated by reference:

- (a) "Application for Examination Continuing Education Credit", October 2016; and
- (b) "Application for Continuing Education Program Approval", October 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 911 Leaward Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m. (25 Ky.R. 476; Am. 824; eff. 10-12-1998; 36 Ky.R. 642; 1018; eff. 12-4-2009; 40 Ky.R. 1428; 2286; eff. 5-2-2014; 44 Ky.R. 43; eff. 8-4-2017.)

## **201 KAR 34:040. Code of ethics.**

RELATES TO: KRS 309.1315(15)

STATUTORY AUTHORITY: KRS 309.1315(1), (15)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315(1) requires the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399. KRS 309.1315(15) requires the board to establish a code of ethics for licensed professional art therapists and licensed professional art therapist associates. This administrative regulation establishes the required code of ethics.

### **Section 1. Responsibility to Patients.**

(1) A licensed professional art therapist and a licensed professional art therapist associate shall:

- (a) Advance and protect the welfare of the patient;
- (b) Respect the rights of a person seeking assistance;
- (c) Make reasonable efforts to ensure that services are used appropriately; and
- (d) Display a copy of his or her license in the principle place of business.

(2) A licensed professional art therapist and a licensed professional art therapist associate shall not:

- (a) Discriminate against or refuse professional service to anyone on the basis of:
  - 1. Race;
  - 2. Gender;
  - 3. Religion; or

## 4. National origin;

- (b) Exploit the trust and dependency of a patient;
- (c) Engage in a dual relationship with a patient, including a social, business, or personal relationship that may:

- 1. Impair professional judgment;
- 2. Incur a risk of exploitation of the patient; or
- 3. Otherwise violate a provision of this administrative regulation.

If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the patient, or otherwise violate a provision of this administrative regulation, a therapist shall take professional precautions to ensure that judgment is not impaired and exploitation of the patient does not occur.

Some examples of these professional precautions include peer supervision and documentation.

- (d) Engage in a sexual relationship with a current patient or with a former patient for two (2) years following the termination of therapy;
- (e) Use the professional relationship with a patient to further personal interests;
- (f) Continue therapeutic relationships unless it is reasonably clear that the patient is benefiting from the relationship;
- (g) Fail to assist a person in obtaining other therapeutic services if the therapist is unable or unwilling, for appropriate reasons, to provide professional help;
- (h) Abandon or neglect a patient in treatment without making reasonable arrangements for the continuation of treatment;
- (i) Videotape, record, or permit third-party observation of therapy sessions without having first obtained written informed consent from the patient;
- (j) Engage in sexual or other harassment or exploitation of a patient, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in investigations and ethical proceedings; or
- (k) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

## **Section 2. Confidentiality.**

- (1) A licensed professional art therapist and a licensed professional art therapist associate shall respect and guard the confidences of each individual patient.
- (2) A licensed professional art therapist and a licensed professional art therapist associate shall not disclose a patient confidence except:
  - (a) As mandated, or permitted by law;
  - (b) To prevent a clear and immediate danger to a person;
  - (c) During the course of a civil, criminal, or disciplinary action arising from the therapy at which the licensed professional art therapist or licensed professional art therapist associate is a defendant; or
  - (d) In accordance with the terms of a written informed consent agreement.
- (3) A licensed professional art therapist and a licensed professional art therapist associate may use patient or clinical materials in teaching, writing, and public presentations if:
  - (a) Written informed consent has been obtained in accordance with subsection (2)(d) of this section; or
  - (b) The licensee has acted to protect patient identity and confidentiality.
- (4) A licensed professional art therapist and a licensed professional art therapist associate shall store or dispose of patient records so as to maintain confidentiality.

**Section 3. Public Use and Reproduction of Patient Art Expression and Therapy Sessions.** (1) A licensed professional art therapist and a licensed professional art therapist associate shall obtain written informed consent from the patient or a legal guardian, if applicable, before:

- (a) Photographing or videotaping a patient's art expression;
- (b) Making an audio recording of an art therapy session;
- (c) Permitting third-party observation of an art therapy session; or
- (d) Duplication of an art therapy session in any matter.

(2) A licensed professional art therapist and a licensed professional art therapist associate shall not use clinical materials in teaching, writing, and public presentations unless written informed consent has been previously obtained from the patient or, if applicable, a legal guardian. The licensee shall take steps necessary to protect patient identity and disguise any part of the art expression or video tape that reveals patient identity.

(3) A licensed professional art therapist and a licensed professional art therapist associate shall obtain written, informed consent from a patient or legal guardian, if applicable, before displaying the patient's art in a:

- (a) Gallery;
- (b) Mental health facility;
- (c) School; or
- (d) Another public place.

(4) A licensed professional art therapist and a licensed professional art therapist associate shall display a patient's art expression in an appropriate and dignified manner.

**Section 4. Professional Competence and Integrity.** A licensed professional art therapist and a licensed professional art therapist associate shall maintain standards of professional competence and integrity and shall be subject to disciplinary action for:

- (1) Misrepresentation or concealment of a material fact in obtaining or seeking reinstatement of a license;
- (2) Refusing to comply with an order issued by the board; or
- (3) Failing to cooperate with the board by not:
  - (a) Furnishing in writing a complete explanation to a complaint filed with the board;
  - (b) Appearing before the board when requested and at the place designated; or
  - (c) Properly responding to a subpoena issued by the board.

**Section 5. Responsibility to a Student, Intern, or Supervisee.** A licensed professional art therapist and a licensed professional art therapist associate shall:

- (1) Be aware of his or her influential position with respect to a student, intern, or supervisee;
- (2) Avoid exploiting the trust and dependency of a student or supervisee;
- (3) Try to avoid a social, business, personal, or other dual relationship that may:
  - (a) Impair professional judgment; and
  - (b) Increase the risk of exploitation;
- (4) Take precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;
- (5) Not provide therapy to:
  - (a) A student;
  - (b) An intern;
  - (c) An employee; or
  - (d) A supervisee;

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- (6) Not engage in sexual intimacy or contact with:
    - (a) A student;
    - (b) An intern; or
    - (c) A supervisee;
  - (7) Not permit a student, intern, or supervisee to perform or represent himself or herself as competent to perform a professional service beyond his or her level of:
    - (a) Training;
    - (b) Experience; or
    - (c) Competence;
  - (8) Not disclose the confidence of a student, intern, or supervisee unless:
    - (a) Permitted or mandated by law;
    - (b) It is necessary to prevent a clear and immediate danger to a person;
    - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the licensed professional art therapist or licensed professional art therapist associate is a defendant;
    - (d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or
    - (e) In accordance with the terms of a written informed consent agreement. (25 Ky.R. 476; Am. 826; eff. 10-12-1998; 36 Ky.R. 645; 1020; eff. 12-4-2009; 40 Ky.R. 1431; 2288; eff. 5-2-2014.)

### **201 KAR 34:050. Complaint procedure.**

RELATES TO: KRS 309.137

STATUTORY AUTHORITY: KRS 309.1315(1), (10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315 authorizes the board to promulgate administrative regulations establishing a procedure by which the board will institute actions against a licensee for violation of the provisions of KRS 309.130 to 309.1399 or 201 KAR Chapter 34 or for professional misconduct. This administrative regulation sets forth the procedure and process by which those complaints shall be reviewed by the board.

**Section 1. Definitions.** (1) "Act" means KRS 309.130 through 309.138.

(2) "Chair" means the chair or vice-chair of the board.

(3) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of the KRS 309.130 through 309.138 or of 201 KAR Chapter 34.

(4) "Complaint" means any written allegation of misconduct by an individual licensed by the board or other person which might constitute a violation of KRS 309.130 through 309.138 or of 201 KAR Chapter 34.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against an individual licensed by the board or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(6) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.



(7) "Investigator" means an individual<sup>81</sup> designated by the board to assist the board in the investigation of a complaint.

**Section 2. Receipt of Complaints.** (1) A complaint:

(a) May be submitted to the board by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall be:

1. In writing; and
2. Signed by the person offering the complaint.

(c) May be filed by the board based upon information in its possession pursuant to KRS 309.137(3).

(2) Upon receipt of a complaint:

(a) A copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of the written response of the individual named in the complaint, a copy of the response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

**Section 3. Initial Review.** (1) After the receipt of a complaint and the expiration of the period for the individual's response, the board shall consider the individual's response, complainant's reply to the response, and any other relevant material available and determine whether a formal investigation of the complaint is warranted.

(2) If the board determines that a formal investigation is not warranted and that the complaint is without merit, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the board at the earliest opportunity.

**Section 4. Result of Formal Investigation.** (1) Upon completion of the formal investigation, the investigator shall present a synopsis of the facts compiled in the investigation of the complaint to the board and a recommendation regarding the disposition of the complaint.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that probable cause exists that a violation of the Act or 201 KAR Chapter 34 has occurred, the board shall:

(a) Authorize the board attorney to prepare a formal complaint which states clearly the charge or charges to be considered at the hearing on the matter to be held pursuant to the requirements of KRS Chapter 13B; and

(b) Review the formal complaint which, if approved, shall be signed by the chair and served upon the individual as required by KRS Chapter 13B.

(4) If the board determines that a person may be in violation of KRS 309.1305(2), it shall:

(a) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 309.1305(2) with a request that appropriate action be taken under KRS 309.1339; or

(b) Initiate action in Franklin Circuit Court to seek injunctive relief to stop the unauthorized practice of licensed professional art therapy.

**Section 5. Settlement by Informal Proceedings.** (1) The board through counsel and a board member designated by the board may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair.

(3) The board may employ mediation as a method of resolving the matter informally. (28 Ky.R. 1012; Am. 1361; eff. 12-19-2001; 36 Ky.R. 646; eff. 12-4-2009; 44 Ky.R. 46; eff. 8-4-2017.)

## **201 KAR 34:060. Qualifying experience under supervision**

RELATES TO: KRS 309.1315, 309.133, 309.134

STATUTORY AUTHORITY: KRS 309.1315

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.1315 requires the board to promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399, to approve the level of supervision for a person seeking licensure, and to establish requirements for supervision and qualifications of supervisors. This administrative regulation establishes supervision requirements and qualifications necessary to be a board-approved supervisor.

**Section 1. Definitions.** (1) "Direct client contact hours" means hours spent providing art therapy services to a client in an individual, couple, family, or group format.

(2) "Face-to-face supervision" means:

(a) Two (2)-way interactive supervision, simultaneous video and audio, if at least two (2) hours of supervision per month are conducted in person; or

(b) All supervision is conducted in person.

(3) "Group supervision" means the supervision of no more than six (6) supervisees at the same time. (

4) "Individual supervision" means case consultation between the supervisor and the supervisee that is restricted to the supervisee's cases.

(5) "Supervisee" means a licensed professional art therapy associate who works with clients under board-approved supervision.

(6) "Supervision" means the educational process of utilizing a partnership between a supervisor and a supervisee aimed at enhancing the professional development of the supervisee in the practice of professional art therapy.

(7) "Supervisor of record" means a board-approved licensed professional art therapist who meets the requirements established in Section 2 of this administrative regulation.

**Section 2. Board-approved Supervisors.** (1) To be eligible as a board-approved supervisor, a licensed professional art therapist shall have a minimum of four (4) years of licensed experience as a professional art therapist.

(2) The following shall render an applicant ineligible for board-approved supervisor status:

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- (a) An unresolved citation filed against him or her by a licensing board or similar agency;
  - (b) A disciplinary action that resulted in the suspension or probation of a license; or
  - (c) A previous or current dual relationship with a supervisee as established by 201 KAR 34:040.

(3) In order to obtain board-approved supervisor status, an applicant shall:

- (a) Submit a Board-Approved Supervisor Application; and
- (b) Successfully complete the Board-Approved Supervisor Examination.

**Section 3. Examination.** (1) The Board-Approved Supervisor Examination shall cover:

(a) Kentucky law governing the practice of art therapy contained in both KRS Chapter 309 and 201 KAR Chapter 34, theories of supervision, ethical issues involved in supervision, and supervisor responsibilities; and

(b) Documentation in a supervision log that includes supervision times as well as the planning and treatment utilized.

(2) To take the examination, an applicant shall submit to the board:

(a) An Application for Examination Continuing Education Credit form; and

(b) Payment of thirty (30) dollars in the form of a check or money order made payable to the Legislative Research Commission PDF Version Page: 2 Kentucky State Treasurer.

(3) Upon receipt of the application and fee, the board shall send the applicant the exam to complete and return within thirty (30) days of receipt.

(4) The board shall notify the applicant of the examination results and, if a score of eighty (80) percent or above is obtained, the board shall send the applicant a certificate confirming board-approved supervisor status and the receipt of three (3) hours continuing education credit.

**Section 4. Expiration and Grace Period.** (1) Board-approved supervisor status shall expire three (3) years from the date of approval.

(2) To renew, a board-approved supervisor shall follow the steps listed in Section 3(2) through (4) of this administrative regulation. The Board-Approved Supervisor Examination shall be taken within ninety (90) days prior to or following the board-approved supervisor's expiration date.

(3) A board-approved supervisor may continue supervising for ninety (90) days after the expiration date while awaiting approval of a renewal application.

(4) Failure to renew in accordance with this administrative regulation shall result in termination of board-approved supervisor status.

**Section 5. Prohibition.** A board-approved supervisor shall not serve as a supervisor of record for more than six (6) licensed professional art therapist associates at the same time.

**Section 6. Reciprocity** An applicant for licensure with supervision obtained outside of Kentucky shall demonstrate that his or her out-of-state supervisor has substantially equivalent qualifications at the time of the supervision as those established in this administrative regulation.

**Section 7. Supervisory Agreement.** (1) Prior to beginning supervision, a licensed professional art therapist associate applicant shall submit to the board a Supervisory Agreement with a supervisor of record.

(2) The Supervisory Agreement shall include the following:

(a) The name of the supervisee;

(b) The name and license number of the supervisor of record;

(c) The agency, institution, or organization where the supervised experience will be obtained;

(d) A detailed description of the nature of the practice including:

1. The type of clients who will be seen;

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2. An accurate assessment of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment that meets currently recognized standards in the profession;

3. The therapies and treatment modalities that will be used including the prospective length of treatment;

4. Problems that will be treated; and

5. The nature, duration, and frequency of the supervision, including the:

a. Number of hours of supervision per week;

b. Amount of group and individual supervision;

c. Ethical considerations for the use of internet, social networking, and electronic media for the transmission of case information; and

d. Number of hours of face-to-face supervision, including how that supervision shall be obtained; and

e. A statement that the supervisor of record understands that he or she shall be held accountable to the board for the care given to the supervisee's clients.

(3) A copy of the supervisor's current certificate as a board-approved supervisor shall be attached to the Supervisory Agreement.

(4) Changes to that portion of the Supervisory Agreement that describes the nature of the practice and experience that the supervisee is to obtain shall be submitted to the board for approval.

(5) If the supervisee changes his or her supervisor of record, a new Supervisory Agreement shall be submitted to the board for approval.

(6) A supervisee shall submit a completed supervisory agreement for each supervisor of record.

**Section 8. Notice to Client.** A licensed professional art therapy associate practicing under a supervisor of record shall notify in writing each client of the associate or by posting a notification that shall include:

(1) The name, office address, telephone number, and license number of the supervisor of record; and

(2) A statement that the supervisee is licensed by the board.

**Section 9. Experience under supervision.** (1) Experience under supervision shall consist of:

(a) On average, at least two (2) meetings and four (4) hours total of face-to-face supervision each month;

(b) Direct responsibility for a specific individual or group of clients; and

(c) Broad exposure and opportunity for skill development with a variety of dysfunctions, diagnoses, acuity levels, and population groups.

(2) For extenuating circumstances beyond the supervisor's or supervisee's control, such as in cases of disability, illness, or undue hardship, the board may, upon written request by the supervisor and supervisee, grant a limited waiver from the monthly meeting and face-to-face supervision requirements of this section.

(3) In extenuating circumstances, if a licensed professional art therapist associate is without supervision, the associate may continue working for up to ninety (90) calendar days under the supervision of a clinical supervisor while a board-approved supervisor is sought and a new supervisory agreement is submitted to the board.

(a) Extenuating circumstances may include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or termination of the supervisor's employment.

(b) The supervisee shall notify the board of these extenuating circumstances within ten (10) days of the occurrence and shall submit, in writing, a plan for resolution of the situation within thirty (30) calendar days of the change in status of board-approved supervision. The written plan

shall include: 1. The name of the temporary<sup>85</sup> supervisor; 2. Verification of the credential held by the temporary supervisor; 3. An email address and a postal address for the temporary supervisor and the supervisee; and 4. A telephone number for the temporary supervisor.

**Section 10. Supervision Requirements.** (1) Supervision shall relate specifically to the qualifying experience and shall focus on:

- (a) The accurate assessment of a client problem leading to proficiency in applying professionally recognized clinical nomenclature;
- (b) The development and modification of the treatment plan;
- (c) The development of treatment skills suitable to each phase of the therapeutic process;
- (d) Ethical problems in the practice of art therapy; and
- (e) The development and use of the professional self in the therapeutic process.

(2) Supervision shall total a minimum of 100 hours and 1,000 direct client contact hours that shall include individual supervision of no less than one (1) hour for every ten (10) hours of client contact.

(3) A supervisee shall not obtain more than twenty-five (25) hours of the required supervision by group supervision.

**Section 11. Documentation Requirements.** (1) The supervisor of record and licensed professional art therapy associate shall maintain copies of any completed supervision logs, which shall document:

- (a) The frequency and type of supervision provided; and
- (b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.

(2) Documentation shall distinguish between individual and group supervision.

**Section 12.** A licensed professional art therapist engaged in board-approved supervision pursuant to this administrative regulation shall be referred to as "licensed professional art therapist supervisor" and may use the acronym "LPAT-S".

**Section 13. Incorporation by Reference.** (1) The following material is incorporated by reference:

- (a) "Supervisory Agreement", May 2018;
- (b) "Board-Approved Supervisor Application", May 2018; and
- (c) "Application for Examination Continuing Education Credit", October 2016.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m., and is available online at [pat.ky.gov/Pages/applications.aspx](http://pat.ky.gov/Pages/applications.aspx). (40 Ky.R. 2387; 41 Ky.R. 33; eff. 8-1-2014; 44 Ky.R. 2568; 45 Ky.R. 337; eff. 8-31-2018.)

## **Maryland LICENSED CLINICAL PROFESSIONAL ART THERAPISTS (LCPAT)**

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### **Education & Supervised Requirements**

1 In the case of an applicant holding a doctoral degree, the applicant shall have completed:

(i) A minimum of 90 graduate credit hours in an art therapy program accredited by the American Art Therapy Association and approved by the Board; and

(ii) Not less than 2 years of supervised experience in art therapy approved by the Board, 1 year of which shall have been completed after the award of the doctoral degree.

**OR**

(2) In the case of an applicant holding only a master's degree, the applicant shall have completed:

(i) A minimum of 60 graduate credit hours in an art therapy program accredited by the American Art Therapy Association and approved by the Board; and

(ii) Not less than 3 years, with a minimum of 3,000 hours, of supervised experience in art therapy approved by the Board, 2 years of which shall have been completed after the award of the master's degree.

**AND**

(3) The applicant shall provide documentation evidencing the completion of 2 years of postgraduate supervised experience as required by the Board.

### **REQUIRED COURSES (MUST BE GRADUATE LEVEL)**

(4) The applicant shall provide documentation to the Board evidencing the completion of 60 hours of graduate course work in art therapy from an accredited college or university program that is accredited by the American Art Therapy Association, approved by the Board, and includes training in:

- (1) Personality development;
- (2) Diagnosis and treatment of mental and emotional disorders;
- (3) Psychopathology;
- (4) Psychotherapy;
- (5) Marriage and family therapy;
- (6) Addictions; and
- (7) Lifestyle and career development.

### **EXAMINATION**

Pass the Art Therapy Credentials Board Exam and Maryland Jurisprudence Exam.

# **Regulations Governing Licensure of Professional Art Therapists**

Mississippi State Department of Health  
Office of Licensure  
Professional Licensure Division  
P. O. Box 1700  
Jackson, Mississippi 39215-1700  
(601) 364-7360 Fax (601) 364-5057



**Title 15: Mississippi State Department of Health**

**Part 19: Bureau of Professional Licensure**

**Subpart 60: Professional Licensure**

**CHAPTER 2: REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS**

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## Title 15: Mississippi State Department of Health

### Part 19: Bureau of Professional Licensure

#### Subpart 60: Professional Licensure

### CHAPTER 2: REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS

#### Subchapter 1: General Provisions

Rule 2.1.1     **Legal Authority:** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

*SOURCE: Miss. Code Ann. §73-65-1*

Rule 2.1.2     **Purpose:** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to perform art therapy. Further, in order to insure the highest degree of professional conduct by those engaged in the performance of art therapy, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

*SOURCE: Miss. Code Ann. §73-65-1*

Rule 2.1.3     **Definitions:** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1.     **Board** shall mean the Mississippi State Board of Health.
2.     **Council** shall mean the Professional Art Therapists Advisory Council.
3.     **Licensed Professional Art Therapist** means a person who has completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is licensed by the Board, or who received registration from the American Art Therapy Association (ATR) before 1980.
4.     **License Holder** means a licensed professional art therapist licensed under the provisions of this act.
5.     **Accredited Institution** means a university or college accredited by a nationally recognized accrediting agency of institutions of higher

education, or an institution and clinical program approved by the American Art Therapy Association, Inc.

6. **Department** shall mean the Mississippi Department of Health.
7. **Act** shall mean Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.1.4 **Publication:** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Professional Art Therapists, and a list of all persons whose license has been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 2: Professional Art Therapists Advisory Council (“Council”)**

Rule 2.2.1 **Council Structure and Purpose:** The Council shall consist of six (6) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the Board. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of provisions of the Act.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.2.2 **Meetings:** The Council shall meet at least twice annually. A chairperson and a secretary shall be elected at the first meeting of the year. Additional meetings may be called at the discretion of the chairperson, upon written request of two (2) members of the Council. A quorum shall consist of three (3) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 3: State Board of Health (“Health”)**

Rule 2.3.1 **Responsibilities:** The Board shall:

1. Establish examination, licensure, and renewal of licensure criteria for applicants;
2. Maintain an up-to-date list of all individuals licensed as Professional Art Therapists, with such list being available, upon request, to the public;

3. Refer disciplinary actions of any individual engaged in art therapy to the appropriate government agency for prosecution, whether licensed or otherwise, or in its discretion, refer same to the appropriate committee or council;
4. Conduct disciplinary hearings, upon specified charges;
5. Maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;
6. Keep a record of all proceedings of the Board, and make said record available to the public;
7. Delegate, authorize, and direct the Department to promulgate regulations to accomplish the purpose of the Act.

*SOURCE: Miss. Code Ann. §73-65-1.*

#### **Subchapter 4: Licensure**

##### **Rule 2.4.1 Licensure Requirements**

1. An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:
  2. Is at least twenty-one (21) years of age;
  3. Has passed the Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;
  4. Is registered as an art therapist as defined by the Art Therapy Credentials Board, Inc.;
  5. Is certified as an art therapist by the Art Therapy Credentials Board, Inc.; and,
  6. The Department will review the credentials of an individual awarded a master's degree or doctoral degree from a non-accredited institution on a case-by-case basis.

*SOURCE: Miss. Code Ann. §73-65-1.*

**Rule 2.4.2 Licensed By Endorsement** An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that:

1. The applicant holds a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation;
2. The requirements for said document are substantially equivalent to, or exceed, the requirements as set forth in Rule 2.4.1 of these regulations; and,
3. Said document is in good standing, and is not, presently suspended or revoked.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.4.3 [Reserved]

*SOURCE: Miss. Code Ann. §73-65-1*

Rule 2.4.4 **Provisional Licensure** The Board may, in its discretion, issue a provisional license to an applicant at least 21 years of age, pending the completion of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. Will be supervised according to Rule 2.4.5 of the regulations; and,
2. Has not taken the examination recognized by the Department or received registration from the Art Therapy Credentials Board, Inc.
3. In its discretion, and upon application, the Board may renew a provisional license. Proof satisfactory to the Department that the provisional license holder has been in the process of meeting the licensure requirements must be submitted at the time of renewal.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.4.5 **Conditions of a Provisional License**

1. Documentation in form and substance satisfactory to the Department that the conditions of Rule 2.4.5(2)(3) of the regulations have been met must be on file with the Department before a provisional license will be issued.
2. A provisional license holder may only practice under the supervision of the individual licensed as a professional art therapist in Mississippi who is the listed supervisor on file with the Department.
3. A provisional license holder must be supervised one (1) hour for every ten (10) hours of face-to-face client contact.

4. A provisional license holder shall restrict his practice to the State of Mississippi.
5. Only an individual issued a regular license by the Department may supervise a provisional license holder.
6. Notice of Termination: The supervisor shall notify the Department in writing of the termination of the supervisory relationship with a provisional license holder. The notice shall include the effective date of the termination and must be filed with the Department or postmarked no later than three (3) calendar days from the date of termination.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.4.6     **Retirement of Licensure:** A license holder shall notify the Department in writing of intent to retire as a licensed professional art therapist prior to the expiration date of his current license.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.4.7     **Renewal/reinstatement of Licensure**

1. The license holder shall request a renewal/reinstatement application from the Department in writing within five (5) years of the year of retirement.
2. The license holder shall submit the renewal/reinstatement application, all lapsed license renewal fees, and the continuing education requirement to the Department for review.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.4.8     **Abandonment:** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensure have not been completed and filed with the Department.

*SOURCE: Miss. Code Ann. §73-65-1.*

## **Subchapter 5: Professional Identification**

Rule 2.5.1     **Titles and Abbreviation:** No person shall use the title “Licensed Professional Art Therapist” or hold himself out as having this status, unless he is licensed as such by the Board.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.5.2     **Production and Display of License:** A person issued a license as a “Licensed Professional Art Therapist” by the Mississippi State Board of Health shall display said license in the professional setting and shall carry



the Licensure Identification Card at all times when practicing as a “Licensed Professional Art Therapist.”

*SOURCE: Miss. Code Ann. §73-65-1.*

## **Subchapter 6: Renewal of License**

### **Rule 2.6.1 General Provisions**

1. The Board shall issue licenses which shall be renewed biennially.
2. The licensure period shall be construed as January 1 of even-numbered years through December 31 of odd- numbered years.

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Rule 2.6.2 Procedure for Renewal of Licensure**

1. The Department shall mail a renewal form, approximately sixty (60) days prior to the expiration date, to the last home address registered with the Department, to the persons to whom licensure was issued or renewed during the preceding licensure period. The applicant for renewal shall:
  - a. Complete the renewal form, and
  - b. Submit proof of continuing education credit as detailed in Subchapter 7 of these regulations, and
  - c. Enclose the renewal fee, and
  - d. File the above with the Department prior to the date of expiration of the license.

*SOURCE: Miss. Code Ann. §73-65-1*

### **Rule 2.6.3 Failure to Renew:**

1. **Late Renewal:** License holders are allowed a ninety (90) day grace period for the late renewal of licensure following expiration of the licensure period. The applicant for late renewal during this period shall:
  - a. Complete the renewal form; and,
  - b. Submit proof of continuing education credit as detailed in Subchapter 7 of these regulations; and,
  - c. Enclose the renewal fee and the late renewal fee; and,

- d. File the above with the Department prior to the end of the grace period.
2. **Suspension:** A license is automatically suspended if the license holder does not renew his license prior to the end of the grace period.
3. **Reinstatement:** The Department may reinstate a license if the late renewal requirements and the reinstatement fee are filed with the Department within ninety (90) days of the date of suspension. A license is automatically revoked if it is not reinstated within the ninety (90) day period following suspension.

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 7: Continuing Education**

Rule 2.7.1 **Definition and Philosophy:** Each individual licensed by the Board is responsible for maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for licensure and related to the performance of art therapy.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.7.2 **Requirements:**

1. Regulations set the requirement of forty (40) clock hours to be accrued during the licensure term for license holders who are not certified and in good standing with the Art Therapy Credentials Board, Inc.
2. License holders certified and in good standing with the Art Therapy Credentials Board, Inc., may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the Art Therapy Credentials Board, Inc., in lieu of the provisions of this section.
3. Individuals applying for initial licensure within a licensure term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.
4. Individuals holding a provisional license must meet the same requirements as an individual applying for an initial license.
5. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the entire licensure period. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license.

6. CE probationary licenses will be issued for one licensure period only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.
7. **NOTE: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Department. If said license is permitted to be reinstated, the renewal fee and the late renewal/reinstatement fee as stated in Subchapter 7 of these regulations will be required.**

*SOURCE: Miss. Code Ann. §73-65-1*

- Rule 2.7.3 **Content Criteria:** The content must apply to the field of art therapy and performance and must be designed to meet one of the following goals:
1. Update knowledge and skills required for competent performance beyond entry level as described in current legislation and regulations.
  2. Allow the licensee to enhance his knowledge and skills.
  3. Provide opportunities for interdisciplinary learning.
  4. Extend limits of professional capabilities and opportunities.
  5. Facilitate personal contributions to the advancement of the profession.

*SOURCE: Miss. Code Ann. §73-65-1*

- Rule 2.7.4 **Sources of Continuing Education:** Continuing education hours may be accrued from the following sources when the content of the programs relates to the profession of art therapy:
1. Attendance at programs sponsored or approved for continuing education by the following groups:
    - a. The American Art Therapy Association (AATA).
    - b. The Mississippi Art Therapy Association (MSATA) or AATA chapter of another state or the District of Columbia.
    - c. Regulatory boards for art therapy in any jurisdiction in the United States.
    - d. Regulatory boards governing the practices of social workers, licensed professional counselors, and marriage and family counselors.
    - e. The National Association of Social Workers or its state affiliate members.

- f. The American Psychological Association or its state affiliate and/or subsidiary members.
  - g. The American Medical Association or its state affiliate and/or subsidiary members.
  - h. The American Nursing Association or its state affiliate and/or subsidiary members.
2. Presentations, including posters, made before art therapists, medical practitioners, or other health related professionals and directly related to the profession of art therapy. To be considered for continuing education credit, material outline and a synopsis must be submitted to the Council at least sixty (60) days prior to the presentation date. Notice of approval or disapproval will be sent following a review by the Council. For approved presentations, the presenter may accrue one (1) hour of continuing education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations. Presentations approved by the MATA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.
  3. Academic course work taken from a regionally accredited college or university, either for credit or audit. The courses must relate to the profession of art therapy. Courses in supporting fields must have prior approval of the Council. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.
  4. Professional publications where the license holder is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of three (3) contact hours may be accrued through professional publication.

*SOURCE: Miss. Code Ann. §73-65-1.*

**Rule 2.7.5 Reporting Procedures for Continuing Education:** Continuing education hours are reported on the application for license renewal during the license renewal period prior to its expiration. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by the organizations listed in Rule 2.7.4(1) are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by the submission of a continuing education certificate, or a continuing education reporting form from the organization issuing continuing education hours and proof of approval.
2. Presentation credits: Submit a copy of the program listing the presentation and a copy of the prior letter of approval from the council.
3. Academic course work credits must meet the content criteria in Rule 2.7.3, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.
4. Professional publication: Submit a copy of the letter of approval from the council.

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 8: Revocation, Suspension and Denial of Licensure**

- Rule 2.8.1 **Standards of Conduct:** Individuals who are licensed may, at the discretion of the Board, have their licenses suspended, revoked, or denied if the Board determines that the individual is guilty of any of the following:
1. Is guilty of fraud or deceit in procuring or attempting to procure a license or renewal of licensure.
  2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or other causes of incompetence.
  3. Is habitually intemperate in the use of alcoholic beverage.
  4. Is convicted of an offense involving moral turpitude.
  5. Is knowingly practicing while suffering with a contagious or infectious disease.
  6. Is addicted to, or has improperly obtained, possessed, used, or distributed habit-forming drugs or narcotics.
  7. Is guilty of dishonest or unethical conduct.
  8. Has represented himself as a licensed professional art therapist after his license has expired or has been suspended.
  9. Has practiced as a licensed art therapist under cover of any permit or license illegally or fraudulently obtained or issued.

10. Has violated, aided, or abetted others in violation of any provision of law, or these regulations.
11. Has engaged in any conduct considered by the Board to be detrimental to the profession of art therapy.
12. Has violated the current code of ethics of the American Art Therapy Association.
13. Has had disciplinary action taken against the license holder's license, certificate, registration, etc., in another jurisdiction.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.8.2 **Summary Suspension:** The Board may summarily suspend licensure without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Board determines that:

1. The health, safety, or welfare of the general public is in immediate danger; or
2. The individual's physical capacity to practice his profession is in issue; or
3. The individual's mental capacity to practice his profession is in issue.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.8.3 **Complaints:** All complaints concerning a licensed individual, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. name of the licensed individual;
2. name of the complaining party, if known;
3. date of complaint;
4. brief statement of complaint; and
5. disposition

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.8.4 **Investigation:** All complaints will be investigated and evaluated by an authorized employee of the Department or a Council member designated by the Department.

*SOURCE: Miss. Code Ann. §73-65-1.*

**Rule 2.8.5 Notice of Charges and Hearing:** Following the investigative process, the Department may file formal charges against the licensed individual. Such formal complaint shall, at a minimum, inform the respondent of the facts which are the basis of the charge and which are specific enough to enable the respondent to defend against the charges.

1. Each respondent, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against him, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the respondent, or the notice was mailed certified, return receipt requested, to the respondent at his last know address as listed with the state agency.
2. The notice of the formal hearing shall consist at a minimum of the following information:
  - a. The time, place, and date of hearing;
  - b. That the respondent shall appear personally at the hearing and may be represented by counsel;
  - c. That the respondent shall have the right to produce witnesses and evidence in his own behalf and shall have the right to cross-examine adverse witnesses and evidence;
  - d. That the hearing could result in disciplinary action being taken against the respondent's license;
  - e. That rules for the conduct of these hearings exist and it may be in the respondent's best interest to obtain a copy; and
  - f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the respondent.
    - i. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the respondent. At the conclusion of the hearing, the Board shall issue an order within sixty (60) days.
    - ii. Disposition of any complaints may be made by consent order or stipulation between the Board and the respondent.

- iii. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.8.6 **Board Sanctions:** The Board may impose any of the following sanctions, singly or in combination, when it finds that a respondent is guilty of any of the above offenses:

1. Revocation of the license;
2. Suspension of the license, for any period of time;
3. Censure the licensed individual;
4. Issue a letter of reprimand to the licensed individual;
5. Place a license on probationary status and require the individual to submit to any of the following:
  - a. Report regularly to the board upon matters which are the basis of probation;
  - b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or
  - c. such other reasonable requirements or restrictions as are proper;
  - d. Refuse to renew a license; or
  - e. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.8.7 **Appeal:** Any person aggrieved by a decision of the Board shall have a right of appeal as provided for in the Laws of the State of Mississippi.

*SOURCE: Miss. Code Ann. §73-65-1.*

## **Subchapter 9: Exceptions and Exemptions**

Rule 2.9.1 **Exceptions:**

1. Nothing in these regulations is intended to limit, preclude, or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.



2. Nothing in these regulations shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which the “activities professionals” at licensed nursing facilities hold themselves out to the public.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.9.2     **Good Samaritan Act:** Left Blank on Purpose

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 10: Left Blank on Purpose**

*SOURCE: Miss. Code Ann. §73-65-1.*

### **Subchapter 11: Criminal Offenses and Punishment**

Rule 2.11.1     **Offenses:** It is a violation of the law for any person to:

1. Sell, fraudulently obtain or furnish any license, or aid or abet therein.
2. Use the title, "Licensed Professional Art Therapist" or any words letters, signs, symbols or devices to indicate the person using them has received a license from the Mississippi Department of Health.
3. Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses or certifications, required to practice art therapy in this or any other jurisdiction.
4. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for license or request to be examined or licensed.
5. Make a material, false statement in an application for licensure, or in a response to any inquiry by the Mississippi Department of Health or the Board.
6. Otherwise violate any provisions of the Act, or regulations of the Board.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.11.2     **Punishment:** Such violations shall be a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars, (\$500.00) or by imprisonment in the county jail for not more than three (3) months, or by both.

*SOURCE: Miss. Code Ann. §73-65-1.*

## Subchapter 12: Fees

Rule 2.12.1 **Method of Payment:** The following fees, where applicable, are payable to the Department of Health by check or money order. Fees paid to the Mississippi Department of Health are non-refundable.

*SOURCE: Miss. Code Ann. §73-65-1.*

### Rule 2.12.2 **Schedule of Fees**

1.	Application and Initial Licensure Fee .....	\$100.00
2.	Renewal Fee.....	\$ 75.00
3.	Late Renewal Fee.....	\$100.00
4.	Reinstatement Fee .....	\$100.00
5.	Verification Fee .....	\$ 25.00
6.	Duplicate License Fee .....	\$ 25.00
7.	License Replacement Fee .....	\$ 25.00
8.	Card Replacement Fee.....	\$ 10.00

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.12.3 **Examination Fee:** Fees for examination are to be paid directly to the appropriate testing organization.

*SOURCE: Miss. Code Ann. §73-65-1.*

## Subchapter 13: Administrative Grievance Procedure

Rule 2.13.1 **Administrative Appeals:** All persons aggrieved by a decision regarding the initial application for licensure, or the renewal of licensure, shall have the right of administrative appeal and a hearing to be conducted according to the rules of the Department of Health.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.13.2 **Notification:** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof and shall offer the applicant an opportunity to submit additional information pertinent to their application for a second review by the Department.

*SOURCE: Miss. Code Ann. §73-65-1.*

Rule 2.13.3 **Hearing:** If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

*SOURCE: Miss. Code Ann. §73-65-1.*