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H.546

Introduced by Representatives Yantachka of Charlotte, Christie of Hartford,
Cole of Burlington, Dakin of Chester, Gamache of Swanton,
Lenes of Shelburne, and Tate of Mendon

Referred to Committee on

Date:

Subject: Professions and occupations; Office of Professional Regulation; art
therapists; licensure

Statement of purpose of bill as introduced: This bill proposes to require the
Office of Professional Regulation to license and regulate art therapists.

An act relating to licensing and regulating art therapists

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

An Office of Professional Regulation is created within the Office of the
Secretary of State. The Office shall have a director who shall be appointed by
the Secretary of State and shall be an exempt employee. The following boards
or professions are attached to the Office of Professional Regulation:

* * *

(44) Applied Behavior Analysts

1 (45) Art Therapists.

2 Sec. 2. 26 V.S.A. chapter 97 is added to read:

3 CHAPTER 97. ART THERAPISTS

4 Subchapter 1. General Provisions

5 § 5001. DEFINITIONS

6 As used in this chapter:

7 (1) “Accredited educational institution” means a degree-granting
8 institution of higher education that is accredited by a regional accreditation
9 organization recognized by the Council on Higher Education Accreditation.

10 (2) “Art therapist” means a person licensed to practice art therapy under
11 this chapter.

12 (3) “Art therapy” means the integrated use of psychotherapeutic
13 principles, art media, and the creative process to assist individuals, families, or
14 groups in:

15 (A) increasing awareness of self and others;

16 (B) coping with symptoms, stress, and traumatic experiences;

17 (C) enhancing cognitive abilities; and

18 (D) identifying and assessing a client’s needs in order to implement
19 therapeutic intervention to meet developmental, behavioral, mental, and
20 emotional needs.

1 (4) “Director” means the Director of the Office of Professional
2 Regulation.

3 (5) “License” means a current authorization granted by the Director
4 permitting the practice of art therapy.

5 (6) “Practice of art therapy” means to engage in art therapy and
6 appraisal activities by providing services involving the application of art
7 therapy principles and methods in the diagnosis, prevention, treatment, and
8 amelioration of psychological problems and emotional or mental conditions,
9 including:

10 (A) clinical appraisal and treatment activities during an individual,
11 couple, family, or group session that provides opportunity for expression
12 through the creative process;

13 (B) using the process and products of art creation to tap into a client’s
14 inner fears, conflicts, and core issues with the goal of improving physical,
15 mental, and emotional functioning and well-being;

16 (C) using diagnostic art therapy assessments to determine treatment
17 goals and implement therapeutic art interventions that meet developmental,
18 mental, and emotional needs; and

19 (D) employing art media, the creative process, and the resulting
20 artwork to assist clients to:

1 (i) reduce psychiatric symptoms of depression, anxiety,
2 post-traumatic stress, and attachment disorders;

3 (ii) enhance neurological, cognitive, and verbal abilities, develop
4 social skills, aid sensory impairments, and move developmental capabilities
5 forward in specific areas;

6 (iii) cope with symptoms of stress, anxiety, traumatic experience,
7 or grief;

8 (iv) explore feelings, gain insight into behaviors, and reconcile
9 emotional conflicts;

10 (v) improve or restore functioning and a sense of personal
11 well-being;

12 (vi) increase coping skills, self-esteem, awareness of self, and
13 empathy for others;

14 (vii) improve healthy channeling of anger and guilt; and

15 (viii) improve school performance, family functioning, or the
16 parent-child relationship.

17 § 5002. PROHIBITIONS; OFFENSES

18 (a) It shall be a violation of this chapter for any person, including any
19 corporation, association, or individual, to:

20 (1) practice or attempt to practice art therapy or hold himself or herself
21 out as being able to do so in this State without first having obtained a license;

1 (2) use in connection with the person's name any letters, words, or
2 insignia indicating or implying that the person is an art therapist unless
3 licensed in accordance with this chapter; or

4 (3) practice or attempt to practice art therapy while his or her license has
5 been revoked or suspended.

6 (b) A person who violates a provision of this section shall be subject to
7 penalties provided in 3 V.S.A. § 127.

8 § 5003. PROFESSIONAL IDENTIFICATION

9 (a) A person holding a license to practice art therapy in this State shall use
10 the title "licensed art therapist" and the abbreviation "L.A.T."

11 (b) A person engaged in satisfying supervised clinical education
12 requirements related to the person's art therapy education or in satisfying the
13 experience requirements for licensure set forth in this chapter shall use the title
14 "Associate Art Therapist" and the abbreviation "A.A.T."

15 (c) A license issued under this chapter shall be conspicuously displayed for
16 clients in the licensee's principal place of business or employment and
17 otherwise shall be shown to clients when requested.

18 § 5004. EXCEPTIONS

19 This chapter does not prohibit:

20 (1) a person who is enrolled in an education program approved by the
21 Director and who is pursuing a degree in art therapy from satisfying supervised

1 clinical education requirements related to the person's art therapy education
2 while under direct supervision of an art therapy certified supervisor or other
3 qualified supervisor approved by the Director.

4 (2) a person licensed or certified under any other laws of this State from
5 engaging in the profession or practice for which that person is licensed or
6 certified if that person does not represent, imply, or claim that he or she is an
7 art therapist or a provider of art therapy.

8 Subchapter 2. Administration

9 § 5011. DUTIES OF THE DIRECTOR

10 (a) The Director shall:

11 (1) provide general information to applicants for licensure under this
12 chapter;

13 (2) receive applications for licensure, approve examinations, and
14 provide licenses to applicants qualified under this chapter;

15 (3) administer fees as established by law;

16 (4) refer all disciplinary matters to an administrative law officer;

17 (5) renew, revoke, or reinstate licenses as ordered by an administrative
18 law officer; and

19 (6) explain appeal procedures to a person licensed under this chapter or
20 to an applicant, and complaint procedures to the public.

1 (A) a program of art therapy approved by the American Art Therapy
2 Association; or

3 (B) a substantially equivalent program, as approved by the Director,
4 that includes graduate-level training in:

5 (i) the art therapy profession;

6 (ii) the theory and practice of art therapy;

7 (iii) human growth and development dynamics in art;

8 (iv) the application of art therapy with people in different
9 treatment settings;

10 (v) art therapy appraisal, diagnosis, and assessment;

11 (vi) ethical and legal issues of art therapy practice;

12 (vii) matters of cultural and social diversity bearing on the practice
13 of art therapy;

14 (viii) standards of good art therapy practice; and

15 (ix) group art therapy.

16 (3) have completed not less than two years, with a minimum of 2,000
17 client contact hours, of supervised experience in art therapy provided by an art
18 therapy certified supervisor credentialed by the Art Therapy Credentials Board
19 or other qualified supervisor approved by the Director, of which one-half, or a
20 minimum of 1,000 client contact hours, shall have been completed after the
21 award of the graduate degree; and

1 (4) successfully have completed the Art Therapy Credentials Board
2 examination.

3 (b) The Director shall waive the requirements of subsection (a) of this
4 section if an applicant submits evidence satisfactory to the Director that the
5 applicant:

6 (1) is at least 18 years of age;

7 (2) has, on or before July 1, 2017, completed a minimum of 45 graduate
8 semester hours, which includes a master's or doctoral degree from an
9 accredited educational institution, in subject matter that is primarily art therapy
10 in content; and

11 (3) has completed:

12 (A) not less than five years of experience in the practice of art
13 therapy; or

14 (B) the Art Therapy Credentials Board examination.

15 § 5022. LICENSURE BY ENDORSEMENT

16 (a) The Director may issue a license to practice art therapy to an applicant
17 who, upon submission of a written application, provides satisfactory evidence
18 that he or she holds a valid license to engage in the practice of art therapy
19 issued by the appropriate regulatory authority of a state, territory, or possession
20 of the United States, or the District of Columbia, based on requirements and

1 qualifications shown by the applicant to be equal to or greater than the
2 requirements of this chapter.

3 (b) The Director may waive the requirement for supervised experience, as
4 set forth in subdivision 5021(a)(3) of this chapter, if the applicant has engaged
5 in the practice of art therapy for two or more years with an equal to or greater
6 amount of client contact hours.

7 § 5023. ISSUANCE OF LICENSE

8 The Director shall issue a license, upon payment of the fees prescribed in
9 this chapter, to any applicant who has satisfactorily met all the requirements of
10 this chapter.

11 § 5024. LICENSE RENEWAL; CONTINUING EDUCATION

12 (a) A license issued under this chapter shall be renewed every two years
13 upon application and payment of the renewal fee.

14 (b)(1) As a condition of renewal, for each two-year renewal period, the
15 Director shall require that a licensee establish that he or she has completed at
16 least 20 hours of continuing education as approved by the Director.

17 (2) The Director, with the advice of the advisor appointees, shall
18 establish by rule, guidelines and criteria for continuing education credit that
19 shall be consistent with requirements for recertification of the Board certified
20 art therapist credential of the Art Therapy Credentials Board and shall identify
21 programs and organizations, including the American Art Therapy Association,

1 that have been determined by the Director to be qualified providers of
2 continuing education.

3 (c)(1) Upon payment of the required fee and reinstatement penalty and
4 provided the individual has satisfied all the requirements of renewal, including
5 continuing education, the Director may reinstate the license of an individual
6 whose license has expired.

7 (2) To ensure that an applicant whose license has been expired for more
8 than five years is professionally qualified for license renewal, the Director may
9 adopt rules necessary for the protection of the public. Conditions imposed
10 under this subdivision (2) shall be in addition to other requirements of this
11 section.

12 § 5025. LICENSE AND RENEWAL FEES

13 Applicants and persons regulated under this chapter shall pay those fees set
14 forth in 3 V.S.A. § 125(b).

15 § 5026. APPLICATIONS

16 Applications for licensure and license renewal shall be on forms provided
17 by the Director. Each application shall contain a statement under oath showing
18 the applicant's education, experience, and other pertinent information and shall
19 be accompanied by the required fee.

1 § 5027. UNPROFESSIONAL CONDUCT

2 (a) A licensee, an applicant, or a person who later becomes an applicant
3 shall not engage in unprofessional conduct.

4 (b) Unprofessional conduct means the following conduct and the conduct
5 set forth in 3 V.S.A. § 129a:

6 (1) failure to keep written respiratory care records justifying a course of
7 treatment for a patient, including patient history, examination results, and test
8 results;

9 (2) performing professional services that have not been authorized by
10 the patient or his or her legal guardian;

11 (3) performing any procedure or prescribing any therapy that, by the
12 prevailing standards of art therapy practice, would constitute experimentation
13 on a human subject without first obtaining full, informed written consent;

14 (4) sexual harassment of a patient;

15 (5) engaging in a sexual act as defined in 13 V.S.A. § 3251 with a
16 patient.

17 (c) In connection with a disciplinary action, the Office of Professional
18 Regulation may refuse to accept the return of a license tendered by the subject
19 of a disciplinary investigation.

20 (d) A person shall not be liable in a civil action for damages resulting from
21 the good faith reporting of information to the Director or to the Office of

1 Professional Regulation about alleged incompetent, unprofessional, or
2 unlawful conduct of a person licensed under this chapter.

3 Sec. 3. TRANSITIONAL PROVISIONS

4 (a) Advisor appointees. Notwithstanding the provisions of 26 V.S.A.
5 § 5012(a) (advisor appointees; qualifications of appointees) in Sec. 2 of this act
6 that require an advisor appointee to be licensed as an art therapist in Vermont,
7 an initial advisor appointee may be in the process of applying for licensure if
8 he or she otherwise meets the requirements for licensure as an art therapist and
9 the other requirements of 26 V.S.A. § 5012(a)(2).

10 (b) Rulemaking. Notwithstanding the effective date of Sec. 2 of this act,
11 prior to that effective date, the Director shall adopt any rules necessary to
12 perform his or her duties under that section.

13 Sec. 4. EFFECTIVE DATES

14 This act shall take effect on passage, except for Secs. 1 (amending 3 V.S.A.
15 § 122) and 2 (adding 26 V.S.A. chapter 97), which shall take effect on
16 July 1, 2017.