

1 H.131

2 Introduced by Representatives Yantachka of Charlotte, Burke of Brattleboro,  
3 Carr of Brandon, LaLonde of South Burlington, McCormack of  
4 Burlington, and Wood of Waterbury

5 Referred to Committee on

6 Date:

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

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

11 An act relating to licensing and regulating art therapists

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

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

14 § 122. OFFICE OF PROFESSIONAL REGULATION

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

19 \* \* \*

20 (45) Alcohol and drug abuse counselors-

1 (46) Potable water supply and wastewater system designers

2 (47) Pollution abatement facility operators

3 (48) Art Therapists.

4 Sec. 2. 26 V.S.A. chapter 103 is added to read:

5 CHAPTER 103. ART THERAPISTS

6 Subchapter 1. General Provisions

7 § 5301. DEFINITIONS

8 As used in this chapter:

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

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

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

17 (A) increasing awareness of self and others;

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

19 (C) enhancing cognitive abilities; and

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

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

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

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

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

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

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

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

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

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

8           (iii) cope with symptoms of stress, anxiety, traumatic experience,  
9 or grief;

10          (iv) explore feelings, gain insight into behaviors, and reconcile  
11 emotional conflicts;

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

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

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

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

19   § 5302. PROHIBITIONS; OFFENSES

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

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

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

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

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

10           § 5303. PROFESSIONAL IDENTIFICATION

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

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

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

1     § 5304. EXCEPTIONS

2             The following persons shall not be required to obtain a license under this  
3 chapter:

4             (1) A person who is enrolled in an education program approved by the  
5 Director and who is pursuing a degree in art therapy from satisfying supervised  
6 clinical education requirements related to the person's art therapy education  
7 while under direct supervision of a credentialed art therapist or other qualified  
8 supervisor approved by the Director.

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

13                             Subchapter 2. Administration

14     § 5311. DUTIES OF THE DIRECTOR

15             (a) The Director shall:

16             (1) provide general information to applicants for licensure under this  
17 chapter;

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

20             (3) administer fees as established by law;

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

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

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

5           (b) The Director may adopt rules necessary to perform his or her duties  
6 under this chapter.

7       § 5312. ADVISOR APPOINTEES

8           (a)(1) The Secretary of State shall appoint two art therapists in accordance  
9 with 3 V.S.A. § 129b for five-year staggered terms to serve at the Secretary's  
10 pleasure as advisors in matters relating to art therapy. One of the initial  
11 appointments shall be for less than a five-year term.

12           (2) An advisor appointee shall have not less than five years' experience  
13 as an art therapist immediately preceding appointment, shall be licensed as an  
14 art therapist in Vermont, and shall be actively engaged in the practice of art  
15 therapy in this State during incumbency.

16           (b) The Director shall seek the advice of the art therapy advisor appointees  
17 in carrying out the provisions of this chapter.

18                               Subchapter 3. Licenses

19       § 5321. ELIGIBILITY FOR LICENSURE

20           (a) To be eligible for licensure as an art therapist, an applicant shall:

21           (1) be at least 18 years of age;

- 1           (2) have obtained a master's or doctoral degree in art therapy from an  
2           accredited educational institution that includes a minimum of 60 graduate  
3           credit hours in:
- 4                   (A) a program of art therapy approved by the American Art Therapy  
5           Association; or
- 6                   (B) a substantially equivalent program, as approved by the Director,  
7           that includes graduate-level training in:
- 8                           (i) the art therapy profession;  
9                           (ii) the theory and practice of art therapy;  
10                           (iii) human growth and development dynamics in art;  
11                           (iv) the application of art therapy with people in different  
12           treatment settings;
- 13                           (v) art therapy appraisal, diagnosis, and assessment;  
14                           (vi) ethical and legal issues of art therapy practice;  
15                           (vii) matters of cultural and social diversity bearing on the practice  
16           of art therapy;
- 17                           (viii) standards of good art therapy practice; and  
18                           (ix) group art therapy;
- 19           (3) have completed not less than two years, with a minimum of 3,000  
20           hours of supervised art therapy experience provided by an art therapist  
21           credentialed by the Art Therapy Credentials Board or other qualified



1 supervisor approved by the Director, of which a minimum of 2,000 hours of  
2 supervised art therapy experience shall have been completed after the award of  
3 the graduate degree; and

4 (4) have passed the Art Therapy Credentials Board examination.

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

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

9 (2) has, on or before July 1, 2018, completed a minimum of 45 graduate  
10 credit hours, which includes a master's or doctoral degree from an accredited  
11 educational institution, in subject matter that is primarily art therapy in content;

12 and

13 (3) has:

14 (A) completed not less than five years of experience in the practice of  
15 art therapy; or

16 (B) passed the Art Therapy Credentials Board examination.

17 § 5322. LICENSURE BY ENDORSEMENT

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

1 of the United States, or the District of Columbia, based on requirements and  
2 qualifications shown by the applicant to be equal to or greater than the  
3 requirements of this chapter.

4 (b) The Director may waive the requirement for supervised experience, as  
5 set forth in subdivision 5321(a)(3) of this chapter, if the applicant has engaged  
6 in the practice of art therapy for two or more years with an equal to or greater  
7 number of client contact hours.

8 § 5323. ISSUANCE OF LICENSE

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

12 § 5324. LICENSE RENEWAL; CONTINUING EDUCATION

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

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

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

1 programs and organizations, including the American Art Therapy Association,  
2 that have been determined by the Director to be qualified providers of  
3 continuing education.

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

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

13 § 5325. LICENSE AND RENEWAL FEES

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

16 § 5326. APPLICATIONS

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

1     § 5327. 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 any of the following conduct and the  
5     conduct set forth in 3 V.S.A. § 129a:

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

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

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

13          (4) sexual harassment of a patient;

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

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

19          (d) A person shall not be liable in a civil action for damages resulting from  
20     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 § 5312(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. § 5312(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 103) which shall take effect on July 1,  
16 2018.