

[Skip to content](#)



VERMONT Secretary of State



Vermont Secretary of State Jim Condos

- [Safe at Home](#)
- [Civics Education](#)
- [Temporary Officiants](#)
- [APA/Rules](#)
- [Contacts & Locations](#)

#### Search Site

- [Home](#)
- [Corporations/Business Services](#)

#### [About Us](#)

#### [Fees & Filings](#)

#### [Business Filing](#)

- [Start or Register a Business](#)
- [Update a Business Registration](#)
- [Renew a Business Registration](#)
- [End a Business Registration](#)

#### [Trademark Filing](#)

- [Merchandise Class Codes](#)
- [Trademark Suitability Standards](#)
- [Trademark FAQs](#)
- [Service Marks](#)
- [Filing](#)
- [Fees](#)

- [Search](#)

#### [Amusement Ride Filing](#)

- [Fees](#)

#### [Telemarketer Filing](#)

- [Fees](#)
- [Search](#)

#### [UCC Lien Services](#)

- [UCC Filing Guide](#)
- [Fees](#)
- [Search](#)

#### [Service of Process](#)

#### [Searches & Databases](#)

- [Business Search](#)
- [Trademark Search](#)
- [Telemarketer Search](#)
- [Amusement Ride Operator Search](#)
- [UCC Lien Search](#)

#### [Good Standing & Status Certificates](#)

#### [Business Record Services](#)

- [Good Standings or Status](#)
- [Apostilled or Authenticated Copies](#)
- [Certified Copies](#)
- [Plain Copies](#)

#### [Frequently Asked Questions](#)

#### [Other Resources](#)

- [ALERT](#)
- [Online Business Registration Guide](#)
- [Online UCC Filing Guide](#)
- [What's Next?](#)
- [Business Start-Up Guide](#)
- [Business Expansion Guide](#)

- [Business Identity Theft](#)
- [Business Fraud Alerts](#)
- [Statewide Business Portal](#)
- [Business Name Rules](#)

## [Contact Us](#)

- [Professional Regulation](#)

## [List of Professions](#)

## [Online Licensing](#)

## [Licensee Lookup](#)

## [File a Complaint](#)

## [Conduct Decisions](#)

- [Search Conduct Decisions by Profession](#)
- [Search All Conduct Decisions](#)
- [Conduct Press Releases](#)
- [Search All Conduct Decisions \(chronological\)](#)

## [Discipline Resources](#)

## [Change of Name & Address](#)

## [Verification of Licensure Forms](#)

## [Verification of Education Forms](#)

## [Frequently Asked Questions](#)

## [Military & Spouses](#)

## [Sunrise Review](#)

## [Legislative Updates](#)

## [Statutes & Rules](#)

## [About Us](#)

- [Directions](#)
- [Annual Reports](#)

- [Become a Board Member or Advisor](#)

## [Contact Us](#)

## [VPMS Vermont Prescription Monitoring System](#)

- [Archives & Records](#)

### [About Us](#)

- [Mission, Vision, & Goals](#)
- [Publications](#)

### [VHRAB](#)

- [About the Board](#)
- [Grant Opportunities](#)

### [State Archives](#)

- [Information for Researchers](#)
- [Find Records](#)
- [Research Guides](#)
- [Government History](#)
- [Exhibits](#)

### [Records Management](#)

- [Handbook](#)
- [Records Retention](#)
- [Legal Requirements](#)
- [Standards & Best Practices](#)
- [Public Records Request System](#)
- [State Records Officers](#)

### [State Records Center](#)

- [Forms & Procedures](#)
- [Record Request Form](#)
- [Box Pickup Service](#)
- [Authorization to Access Records](#)

### [Vital Records](#)

- [Certified Copies](#)
- [Informational Copies](#)

- [State Registry History](#)

### [Certifications & Fees](#)

- [Apostilles & Authentications](#)
- [Student Transcripts](#)
- [Uniform Fee Schedule](#)

### [Statutory Filings](#)

- [Notaries Public](#)
- [State Deeds & Leases](#)
- [Municipal Charter Changes](#)

### [Contact Us](#)

- [Archives & Research](#)
- [Records Storage](#)
- [Certificates & Filings](#)
- [Records Management](#)
- [Elections](#)

### [About Us](#)

### [Voters](#)

- [Registration](#)
- [Absentee Voting](#)
- [Accessibility](#)
- [Honor a Vet With Your Vote](#)

### [Candidates](#)

- [2016 Candidate Info Webpage](#)
- [Local Candidates](#)
- [Local Office Descriptions](#)
- [Presidential Candidates](#)

### [Parties](#)

- [Party Organization](#)
- [Rep/Senate District Descriptions](#)

### [Town Clerks & Election Workers](#)

- [Election Procedures](#)

- [Polling Place/Campaign Sign Rules](#)
- [Election Supplies](#)

### [Town Meeting & Local Elections](#)

- [Town Meeting Reminders](#)
- [Town Meeting Warnings](#)
- [Local Petitions](#)

### [Election Law](#)

- [Federal Law](#)
- [State Law](#)

### [Election Results](#)

- [Election Results Archive](#)

### [Campaign Finance](#)

- [Campaign Finance Information System](#)
- [Search Previous Years' Reports](#)
- [PACs](#)

### [Lobbying](#)

- [Lobbying Information System](#)
- [Search Prior Biennium Records](#)
- [Disclosure Records](#)

### [Forms & Publications](#)

- [Voters](#)
- [Town Clerks](#)
- [Candidates](#)
- [Presidential Candidates](#)
- [Parties](#)
- [Lobbying](#)
- [Campaign Finance](#)
- [Other](#)

### [Frequently Asked Questions](#)

- [Voter Registration](#)
- [Voting Information](#)
- [Absentee Voting](#)

- [State Candidates](#)
- [Local Candidates](#)
- [Party Organization](#)
- [Town Clerk](#)
- [Town Meeting](#)
- [Campaign Finance](#)
- [Lobbying](#)

#### [Contact Us](#)

- [Municipal](#)

#### [About Us](#)

#### [Opinions Newsletters](#)

#### [Handbooks & Guides](#)

- [Municipal Government](#)
- [Open Government & Ethics](#)
- [Property Taxes](#)
- [Land Use Regulation](#)

#### [Other Resources](#)

- [Secretary's Desk](#)

#### [About the Secretary](#)

#### [About the Office](#)

#### [Press Releases & Commentary](#)

- [Search Press Releases & Commentaries](#)

#### [Public Events & Calendar](#)

#### [Awards](#)

- [Democracy Awards](#)
- [Centennial Business Awards](#)
- [Centennial Nonprofit Awards](#)
- [Public Service Awards](#)

#### [Contact the Secretary](#)

- [Facebook](#)
- [Twitter](#)
- [Youtube](#)
  
- [» Home](#)
- [» Professional Regulation](#)
- [» Sunrise Review](#)
- [» Art Therapists \(2016\)](#)



## **Office of Professional Regulation**

### **Select a Profession**

- [List of Professions](#)
- [Online Licensing](#)
- [Licensee Lookup](#)
- [File a Complaint](#)
- [Conduct Decisions](#)
- [Discipline Resources](#)
- [Change of Name & Address](#)
- [Verification of Licensure Forms](#)
- [Verification of Education Forms](#)
- [Frequently Asked Questions](#)
- [Military & Spouses](#)
- [Sunrise Review](#)
- [Legislative Updates](#)
- [Statutes & Rules](#)
- [About Us](#)
- [Contact Us](#)
- [VPMS Vermont Prescription Monitoring System](#)

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- [Decrease Font Size](#)
- [Increase Font Size](#)
- [Email Page Link](#)
- [Print Page](#)



## Pending Sunrise Reviews

- [Art Therapists](#)

## Art Therapists (2016)

### Should Art Therapists be Licensed in Vermont?

In 2015, the Office of Professional Regulation conducted a [sunrise review of art therapy](#) and [concluded that additional regulation of art therapists was not needed](#). The Art Therapy Association of Vermont has asked the Office to revisit that conclusion in light of new information offered by the Association.

The Office of Professional Regulation is tasked with objectively gathering information about the profession and preparing a report for the Legislature. Sunrise reviews are governed by [the criteria set out in 26 V.S.A. Chapter 57](#), which lay out a series of questions the Office of Professional Regulation must answer leading to a well-considered recommendation on whether to license a profession. Our goal through this process is to be fully educated about all relevant issues and to be receptive to all views. We hope to hear from any person who has an interest or opinion regarding this question. Please review the information provided here and [email us](#) to share your thoughts.

We seek your input. Please review the questions listed below to help guide your input. Are we asking the right questions? If there are other questions that should be asked, please [contact us](#).

### Comments and Questions

Please [email us](#) your comments. Be sure to include your mailing address and telephone numbers in case we need to contact you for more information. Feel free to provide as much information about yourself as you wish.

To comment by post, please direct mail to:

Art Therapists Sunrise Review  
Vermont Office of the Secretary of State  
Office of Professional Regulation  
89 Main Street, 3rd Floor  
Montpelier, Vermont 05602

### Public Hearing

We will hold a public hearing on **Friday, October 28th, 2016 at 1-3 pm** at the Office of Professional Regulation, 89 Main Street 3rd Floor, Montpelier VT. Anyone is welcome to participate.

For those who cannot travel to Montpelier to attend the hearing, you may join the meeting from your computer, tablet or smartphone by clicking <https://global.gotomeeting.com/join/349460365>. To join the conference call dial: 1-877-273-4202 Conference room number: 8643562.

We have provided a copy of of the applications for sunrise review and other relevant materials below.

We look forward to hearing from you.

## **Documents**

### **New documents for 2016 sunrise review**

- [OPR Letter to Art Therapy Association of Vermont](#) (April 15, 2016)
- [2016 Supplemental Sunrise Application from Art Therapy Association of Vermont](#) (July 11, 2016)
- [OPR Request for Public Input](#) (August 10, 2016)

### **Previous documents from 2015 sunrise review**

- [Art Therapists Application for Preliminary Sunrise Review](#)
- [Art Therapists Application Attachment 4—Code of Ethics](#)
- [Art Therapists Application Attachment 4—Standards of Practice](#)
- [Art Therapists Sunrise Report](#)

## **Questions Regarding Art Therapists**

### **New questions for 2016 sunrise review**

1. How do the training, examination, and continued-education requirements for Licensed Mental Health Counselors (LMHCs) differ from those prerequisite to ATR, ATR-BC, and ATCS designations, as well as the eligibility criteria in proposed § 4907?
2. What harm, in particular, accrues to the public from Vermont's existing practice of regulating art therapy as an activity within the four already-regulated fields (clinical mental health counselors, psychologists, clinical social workers, and non-licensed non-certified psychotherapists), rather than as an independent profession?
3. How should scopes of practice be coordinated? Are we protecting art therapy as a title, or establishing a unique scope of practice not shared by the existing counseling professions? The exemption at § 4904(b) of

the draft legislation suggests licensure would effectively establish title protection, but would not preclude other licensed counselors and psychotherapists from using art as a therapeutic modality.

4. How and in what ways are the existing regulatory programs insufficient to protect the public from incompetent or unprofessional art-therapy practice? Have there been art-therapy-related disciplinary complaints within the four already-regulated fields that were not actionable, but should have been?
5. Could adjustments to the existing regulatory programs (overseen by the Board of Allied Mental Health Practitioners) accommodate the unique characteristics of art-therapy practice in a manner that better protects the public?
6. Does the absence of an *independent* regulatory structure for art therapists create billing and insurance difficulties, particularly for school-based art therapists? If so, how? What laws or regulations cause this problem, and how would licensure of art therapists remedy the problem?

#### **Previous questions from 2015 sunrise review**

1. Have art therapists caused harm to Vermonters? (Please give specific examples.)
2. What harm or danger to the health, safety, or welfare of the public can be demonstrated if art therapists continue to practice without some form of licensure?
3. What benefit can the public reasonably expect if art therapists are licensed, and how would it be measured?
4. Is there a need to assure that art therapists have a certain amount of education, training, or experience?
5. Is the public protected from harm cause by art therapists by means other than regulation? (For example, criminal penalties, consumer protection laws, national organizations, employment relationships, small claims court, civil litigation, etc.)
6. Can you provide us with the names of any groups or organizations that should be contacted for this review?





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