

Regular Session, 2014

HOUSE BILL NO. 634

BY REPRESENTATIVE STUART BISHOP

HEALTH SERVICES: Establishes the licensed profession of art therapist

1 AN ACT

2 To amend and reenact R.S. 37:1103(4) and 1122 and to enact R.S. 37:1103(13), 1104(B)(3),
3 and 1123, relative to the profession of art therapy; to establish art therapist as a
4 licensed profession; to provide for licensure of art therapists by the Louisiana
5 Licensed Professional Counselors Board of Examiners; to establish the Art Therapy
6 Advisory Committee and provide for composition and duties of the committee; to
7 provide for required qualifications of art therapists; to provide for limited exceptions
8 to art therapist licensure requirements; to provide for penalties; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:1103(4) and 1122 are hereby amended and reenacted and R.S.
12 37:1103(13), 1104(B)(3), and 1123 are hereby enacted to read as follows:

13 §1103. Definitions

14 * * *

15 (4) "Licensed marriage and family therapist" ~~means~~ and "licensed art
16 therapist" mean a person to whom a license has been issued pursuant to the
17 provisions of this Chapter, which license is in force and not suspended or revoked.

18 * * *

19 (13) "Art therapy" means the integrated use of psychotherapeutic principles,
20 art media, and the creative process by an art therapist for clinical mental health

1 diagnosing, increasing awareness of self and others, promoting developmentally
2 appropriate academic and social interaction, and for clinical mental, physical, and
3 emotional goals including but not limited to the following:

4 (a) Coping with symptoms, stress, and traumatic experiences.

5 (b) Addressing cognitive abilities.

6 (c) Identifying and assessing needs of a client in order to implement
7 therapeutic intervention to meet developmental, behavioral, mental, or emotional
8 needs.

9 §1104. Louisiana Licensed Professional Counselors Board of Examiners

10 * * *

11 B.

12 * * *

13 (3)(a) The board shall establish an Art Therapy Advisory Committee,
14 referred to hereafter in this Paragraph as the "advisory committee", which shall
15 consist of four board members appointed by the chairman.

16 (b) The functions of the advisory committee shall be established by rules and
17 regulations promulgated by the board and approved by the House Committee on
18 Health and Welfare and the Senate Committee on Health and Welfare.

19 (c) The functions and duties of the advisory committee may include but are
20 not limited to the following:

21 (i) Propose rules and regulations for promulgation by the board in
22 accordance with the Administrative Procedure Act as necessary to provide for
23 licensure of applicants as art therapists.

24 (ii) Examine and qualify all applicants for licensure as art therapists and
25 recommend to the board each successful applicant for licensure, attesting to his
26 professional qualifications to be an art therapist.

27 (iii) Develop for the board application forms for licensure of applicants as
28 art therapists.

1 (iv) Maintain complete records of all meetings, proceedings, and hearings
2 conducted by the advisory committee.

3 (d) The rules and regulations promulgated by the board relative to licensure
4 of art therapists shall, at minimum, provide for the qualifications, limitations, and
5 exceptions provided in R.S. 37:1122.

6 * * *

7 §1122. Art therapists; required qualifications; exceptions

8 A. A person may not, for or without compensation, use the professional
9 designation of "art therapist" or otherwise hold himself out to the public as an art
10 therapist, either directly or through a governmental or private organization, entity,
11 or agency, unless he holds one or more of the following:

12 (1) A master's degree in art therapy from a college or university art therapy
13 program approved by the American Art Therapy Association.

14 (2) Credentials from the Art Therapy Credentials Board.

15 B. The board shall waive requirements promulgated by rule for licensure as
16 an art therapist for any applicant who provides to the board, on or before October 1,
17 2014, documentation of all of the following:

18 (1) He possesses current certification by the Art Therapy Credentials Board.

19 (2) He has three or more years of full-time professional experience providing
20 art therapy.

21 C. Notwithstanding any provision of law or rule to the contrary, a person
22 may practice art therapy under supervision as a registered art therapy intern for a
23 limited period of time, as determined by the board in rule, if he possesses a master's
24 or doctoral degree in art therapy from a program approved by the American Art
25 Therapy Association, or any other program approved by the board.

26 §1123. Prohibited acts; penalties

27 A.(1) No person, unless licensed as a marriage and family therapist, shall
28 advertise as being a "licensed marriage and family therapist".

1 (2) No person, unless licensed as an art therapist, shall advertise as being an
2 "art therapist".

3 B.(1) Any person who violates this Section shall, upon conviction, be guilty
4 of a misdemeanor punishable by a fine not to exceed five hundred dollars for the first
5 offense and one thousand dollars for each subsequent offense.

6 (2) In addition to the imposition of a fine, the board may proceed with an
7 action to enjoin and restrain any unlicensed person from violating the provisions of
8 this Chapter. The board shall not be required to post bond for such proceeding.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Stuart Bishop

HB No. 634

Abstract: Establishes the profession of art therapist and provides for licensure of such profession by the La. Licensed Professional Counselors Board of Examiners.

Proposed law provides for licensure of art therapists by the La. Licensed Professional Counselors Board of Examiners (board); and for regulation of the profession of art therapy.

Proposed law defines "art therapy" as the integrated use of psychotherapeutic principles, art media, and the creative process by an art therapist for clinical mental health diagnosing, increasing awareness of self and others, promoting developmentally appropriate academic and social interaction, and for clinical mental, physical, and emotional goals including but not limited to the following:

- (1) Coping with symptoms, stress, and traumatic experiences.
- (2) Addressing cognitive abilities.
- (3) Identifying and assessing needs of a client in order to implement therapeutic intervention to meet developmental, behavioral, mental, or emotional needs.

Proposed law establishes an Art Therapy Advisory Committee (advisory committee) within the board consisting of four board members appointed by the chairman. Provides that the functions of the advisory committee shall be established by rules and regulations promulgated by the board and approved by the legislative committees on health and welfare. Further provides that the functions and duties of the advisory committee may include but are not limited to the following:

- (1) Propose rules and regulations for promulgation by the board in accordance with the APA as necessary to provide for licensure of applicants as art therapists.
- (2) Examine and qualify all applicants for licensure as art therapists and recommend to the board each successful applicant for licensure, attesting to his professional qualifications to be an art therapist.

- (3) Develop for the board application forms for licensure of applicants as art therapists.
- (4) Maintain complete records of all meetings, proceedings, and hearings conducted by the advisory committee.

Proposed law stipulates that a person may not, for or without compensation, use the professional designation of "art therapist" or otherwise hold himself out to the public as an art therapist, either directly or through a governmental or private organization, entity, or agency, unless he holds one or more of the following:

- (1) A master's degree in art therapy from a college or university art therapy program approved by the American Art Therapy Association.
- (2) Credentials from the Art Therapy Credentials Board.

Proposed law requires the board to waive art therapist licensure requirements for any applicant who provides to the board, on or before Oct. 1, 2014, documentation of all of the following:

- (1) He possesses current certification by the Art Therapy Credentials Board.
- (2) He has three or more years of full-time professional experience providing art therapy.

Proposed law provides that, notwithstanding any provision of present law or present administrative code to the contrary, a person may practice art therapy under supervision as a registered art therapy intern for a limited period of time, as determined by the board in rule, if he possesses a master's or doctoral degree in art therapy from a program approved by the American Art Therapy Association, or any other program approved by the board.

Proposed law provides that no person, unless licensed as an art therapist, shall advertise as being an "art therapist", and extends applicability of the following penalties provided in present law relative to violations by licensed marriage and family therapists to violations by art therapists:

- (1) Upon conviction of unlawful advertising, be guilty of a misdemeanor punishable by a fine not to exceed \$500 for the first offense and \$1,000 for each subsequent offense.
- (2) In addition to fines, the board may enjoin and restrain any unlicensed person from violating the provisions of present law and proposed law.

(Amends R.S. 37:1103(4) and 1122; Adds R.S. 37:1103(13), 1104(B)(3), and 1123)