

By: Canon

To: Public Health and  
Welfare

SENATE BILL NO. 2075  
(As Passed the Senate)

1 AN ACT TO AMEND SECTIONS 73-65-1 THROUGH 73-65-15,  
2 MISSISSIPPI CODE OF 1972, TO CHANGE REFERENCES IN THE PROFESSIONAL  
3 ART THERAPISTS REGULATORY LAW FROM "CERTIFICATE" TO "LICENSE"; TO  
4 BRING FORWARD SECTION 73-65-17, MISSISSIPPI CODE OF 1972; TO  
5 REPEAL SECTION 73-65-19, MISSISSIPPI CODE OF 1972, WHICH  
6 AUTOMATICALLY REPEALS THE PROFESSIONAL ART THERAPISTS  
7 CERTIFICATION LAW; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 73-65-1, Mississippi Code of 1972, is  
10 amended as follows:[JU1]

11 73-65-1. As used in this chapter, unless the context  
12 otherwise requires:

13 (a) "Board" means the State Board of Health;

14 (b) "Licensed professional art therapist" means a  
15 person who has completed a master's or doctoral degree program in  
16 art therapy, or an equivalent course of study, from an accredited  
17 educational institution and who is licensed by the State Board of  
18 Health, or who received registration from the American Art Therapy  
19 Association (ATR) before 1980;

20 (c) "License holder" means a licensed professional art  
21 therapist licensed under the provisions of this chapter;

22 (d) "Accredited institution" means a university or  
23 college accredited by a nationally recognized accrediting agency  
24 of institutions of higher education, or an institution or clinical  
25 program approved by the American Art Therapy Association, Inc.

26 SECTION 2. Section 73-65-3, Mississippi Code of 1972, is  
27 amended as follows:[JU2]

28 73-65-3. (1) There is created the Professional Art

29 Therapists Advisory Council. The purpose of the council is to  
30 advise the State Board of Health on matters relating to the  
31 administration and interpretation of the provisions of this  
32 chapter. The council shall consist of three (3) members who are  
33 professional art therapists licensed pursuant to Section 73-65-7  
34 and who have engaged in art therapy practice for at least five (5)  
35 years and two (2) members shall be family members of consumers of  
36 art therapy services. All council members shall be citizens of  
37 the United States and residents of Mississippi. The initial  
38 council members who are not family members of consumers shall meet  
39 requirements for licensure and be licensed within one (1) year  
40 after July 1, 2000. Beginning July 1, 2000, each council member  
41 who is not a family member of a consumer shall be licensed as an  
42 art therapist before appointment and shall be actively engaged in  
43 the practicing or teaching of art therapy. The initial council  
44 members shall be appointed by the board for the following terms:  
45 one (1) member shall be appointed for a term of one (1) year; one  
46 (1) member shall be appointed for a term of two (2) years; two (2)  
47 members shall be appointed for terms of three (3) years; and one  
48 (1) member shall be appointed for a term of four (4) years. After  
49 the expiration of the initial terms, all subsequent members of the  
50 council shall be appointed by the board for terms of four (4)  
51 years.

52 (2) Members of the council shall receive no compensation or  
53 per diem for their service on the council, but may receive  
54 reimbursement for travel expenses incurred in attending council  
55 meetings, as provided in Section 25-3-41.

56 (3) The council shall elect annually from its membership a  
57 chairman and any other officers as necessary to carry out its  
58 duties. The council shall meet at least two (2) times each year.  
59 Additional meetings may be called by the chairman, upon the  
60 written request of at least two (2) members of the council. Three  
61 (3) council members shall constitute a quorum of the council.

62 SECTION 3. Section 73-65-5, Mississippi Code of 1972, is  
63 amended as follows:[JU3]

64 73-65-5. The board shall:

65 (a) Promulgate regulations necessary to carry out the  
66 provisions of this chapter;

67 (b) Require that all applicants register for, take and  
68 pass the national board certification exam as administered by the  
69 Art Therapy Credentials Board of the American Art Therapy  
70 Association;

71 (c) Establish the application deadline for and score  
72 required to pass the examination;

73 (d) Process applications and conduct and review the  
74 required examinations;

75 (e) Issue licenses to applicants who meet the  
76 requirements of Sections 73-65-7 through 73-65-13;

77 (f) Deny, suspend, or revoke a license to practice art  
78 therapy;

79 (g) Censure, reprimand, or place a license holder or  
80 applicant on probation for a period not to exceed one (1) year;

81 (h) Maintain a current register of license holders as a  
82 matter of public record;

83 (i) Establish criteria for continuing education;

84 (j) Establish procedures for receiving, investigating,  
85 and resolving complaints against license holders;

86 (k) Approve the level of supervision and experience  
87 required for persons seeking licensure;

88 (l) Assess fees for the issuance and renewal of  
89 licenses to cover expenses of the board in administering this  
90 chapter;

91 (m) Implement an impaired professional art therapist  
92 treatment program; and

93 (n) Adopt a code of ethics as established by the  
94 American Art Therapy Association.

95 SECTION 4. Section 73-65-7, Mississippi Code of 1972, is  
96 amended as follows:[JU4]

97 73-65-7. (1) The board shall issue a license as a licensed  
98 professional art therapist to any person who files a completed  
99 application, accompanied by the required fees, and who submits  
100 satisfactory evidence that the applicant is at least twenty-one  
101 (21) years of age, demonstrates professional competency by  
102 satisfactorily passing the required examination, is a registered  
103 art therapist as defined by the Art Therapy Credentials Board,  
104 Inc., is a licensed art therapist as defined by the Art Therapy  
105 Credentials Board, Inc., and has:

106 (a) Received a master's degree or doctoral degree in  
107 art therapy that includes six hundred (600) hours of supervised  
108 internship experience from an accredited institution and has  
109 completed an additional one thousand (1,000) client contact hours  
110 of postgraduate experience under appropriate supervision; or

111 (b) Received a master's degree or doctoral degree in a  
112 related field, has a minimum of twenty-one (21) semester hours of  
113 sequential course work in the history, theory, and practice of art  
114 therapy, has completed seven hundred (700) hours of supervised  
115 internship experience from an accredited institution, and has  
116 completed an additional two thousand (2,000) client contact hours  
117 of postgraduate experience under appropriate supervision.

118 (2) The board may approve on a case-by-case basis applicants  
119 who have a master's degree or a doctoral degree from nonaccredited  
120 institutions.

121 (3) If an applicant has met all of the requirements for  
122 licensure except satisfactorily passing the required examination,  
123 the applicant shall be scheduled to take the next examination  
124 following the approval of the examination.

125 (4) An applicant for licensure as a professional art  
126 therapist may be licensed without examination if the applicant  
127 files a completed application within one (1) year of July 1, 1998,

128 accompanied by the required fees, and if the board determines that  
129 the applicant meets all other requirements for licensure as a  
130 professional art therapist.

131 (5) The board may issue a license to an applicant without  
132 examination if the person possesses a valid regulatory document  
133 issued by the appropriate examining board under the laws of any  
134 other state or territory of the United States, the District of  
135 Columbia, or any foreign nation that in the judgment of the board  
136 has requirements substantially equivalent to or exceeding the  
137 requirements in this section.

138 (6) The board may issue provisional licensure as a  
139 professional art therapist to any person who has completed the  
140 educational requirements in subsection (1)(a) or (1)(b) of this  
141 section and is fulfilling the client contact hours requirement,  
142 but has not taken the examination or received registration from  
143 the American Art Therapy Association (ATR).

144 (7) The board may set criteria for continuing education and  
145 supervisory experience.

146 SECTION 5. Section 73-65-9, Mississippi Code of 1972, is  
147 amended as follows:[JU5]

148 73-65-9. (1) Each license holder shall renew the license to  
149 practice art therapy biennially by submitting a renewal  
150 application on a form provided by the board, paying a license  
151 renewal fee, and producing evidence of completion of relevant  
152 professional continuing education experience satisfactory to the  
153 board, not to exceed forty (40) hours per renewal cycle.

154 (2) A ninety-day grace period shall be allowed for each  
155 license holder after the licensure period, during which time the  
156 license may be renewed upon payment of the renewal fee, the late  
157 fee, and compliance with all renewal requirements.

158 (3) Any license granted by the board shall be automatically  
159 suspended if the holder fails to apply for the license renewal  
160 pursuant to this section within a period of three (3) months after

161 the renewal deadline; however, any suspended license may be  
162 restored by the board upon payment of a reinstatement fee not to  
163 exceed One Hundred Dollars (\$100.00) in addition to any unpaid  
164 renewal or late fees. Failure to renew a license within three (3)  
165 months from the date of suspension as provided in this section  
166 shall cause the license to be automatically revoked.

167 Reinstatement of a revoked license shall require the license  
168 holder to reapply and meet all current standards for licensure.

169 (4) A person licensed under the provisions of Section  
170 73-65-7 who intends to retire as a licensed professional art  
171 therapist shall notify the board in writing before the expiration  
172 of his current licensure. If, within a period of five (5) years  
173 from the year of retirement, the license holder wishes to resume  
174 practice as a licensed professional art therapist, he shall notify  
175 the board in writing, and upon giving proof of completing the  
176 required continuing education and the payment of an amount  
177 equivalent to elapsed renewal fees, the license shall be restored  
178 in full effect.

179 SECTION 6. Section 73-65-11, Mississippi Code of 1972, is  
180 amended as follows:[JU6]

181 73-65-11. The board shall set the amount of the fees  
182 required to be paid by applicants for licensure and license  
183 holders including, but not limited to, the following:

184 (a) For an application for initial licensure, the fee  
185 shall be nonrefundable and shall not exceed Two Hundred Dollars  
186 (\$200.00);

187 (b) The renewal fee shall not exceed Two Hundred  
188 Dollars (\$200.00);

189 (c) For a duplicate or replacement license, the fee  
190 shall not exceed Twenty-five Dollars (\$25.00);

191 (d) For failure to renew a license within the allotted  
192 grace period pursuant to Section 73-65-9, the fee shall not exceed  
193 One Hundred Dollars (\$100.00); and

194 (e) Other reasonable fees for administrative services.

195 SECTION 7. Section 73-65-13, Mississippi Code of 1972, is  
196 amended as follows:[JU7]

197 73-65-13. (1) The board may deny any application, or  
198 suspend or revoke any license held or applied for under the  
199 provisions of Section 73-65-7 if the person:

200 (a) Is found guilty of fraud, deceit, or  
201 misrepresentation in procuring or attempting to procure a license  
202 to practice art therapy;

203 (b) Is adjudicated mentally incompetent;

204 (c) Is found guilty of a felony or misdemeanor  
205 involving moral turpitude;

206 (d) Is found guilty of unprofessional or unethical  
207 conduct in this or any other jurisdiction;

208 (e) Has been using any controlled substance or  
209 alcoholic beverage to an extent or in a manner dangerous to the  
210 person, any other person, or the public, or to an extent that the  
211 use impairs the ability to perform as a licensed professional art  
212 therapist;

213 (f) Has violated any provision of this chapter; or

214 (g) Willfully or negligently divulges a professional  
215 confidence.

216 (2) A certified copy of the record of conviction shall be  
217 conclusive evidence of the conviction.

218 (3) Disciplinary proceedings may be initiated upon the  
219 receipt by the board of a sworn complaint by any person, including  
220 members of the board.

221 SECTION 8. Section 73-65-15, Mississippi Code of 1972, is  
222 amended as follows:[JU8]

223 73-65-15. (1) The provisions of this chapter shall not  
224 apply to persons licensed, certified, or registered under any  
225 other provisions of Mississippi law, including, but not limited  
226 to, physicians, social workers, psychologists, and nurses, or

227 students within accredited training programs of these professions.

228 The provisions of this chapter shall not apply to "activities  
229 professionals" at licensed nursing facilities. Nothing in this  
230 chapter shall be construed to limit, interfere with, or restrict  
231 the practice, descriptions of services, or manner in which these  
232 persons hold themselves out to the public.

233 (2) No person shall use the title "licensed professional art  
234 therapist" or hold himself out as having this status, unless he is  
235 licensed as such by the board.

236 SECTION 9. Section 73-65-17, Mississippi Code of 1972, is  
237 brought forward as follows:[JU9]

238 73-65-17. Any person who violates the provisions of this  
239 chapter shall be guilty of a misdemeanor and, upon conviction  
240 thereof, shall be fined not more than Five Hundred Dollars  
241 (\$500.00), or sentenced to three (3) months in the county jail, or  
242 both, for each violation.

243 SECTION 10. Section 73-65-19, Mississippi Code of 1972,  
244 which automatically repeals the Professional Art Therapists  
245 Certification Law, is hereby repealed.

246 SECTION 11. This act shall take effect and be in force from  
247 and after June 30, 2000.