

By: Canon

To: Public Health and  
Welfare

SENATE BILL NO. 2075  
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 73-65-1 THROUGH 73-65-17,  
2 MISSISSIPPI CODE OF 1972, WHICH ARE THE PROFESSIONAL ART  
3 THERAPISTS REGULATORY LAW; TO AMEND REENACTED SECTIONS 73-65-1  
4 THROUGH 73-65-15, MISSISSIPPI CODE OF 1972, TO CHANGE REFERENCES  
5 IN THE PROFESSIONAL ART THERAPISTS REGULATORY LAW FROM  
6 "CERTIFICATE" TO "LICENSE"; TO AMEND SECTION 73-65-19, MISSISSIPPI  
7 CODE OF 1972, TO EXTEND THE REPEALER ON THE PROFESSIONAL ART  
8 THERAPISTS CERTIFICATION LAW; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

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

29 73-65-3. (1) There is created the Professional Art

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

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

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

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

65 73-65-5. The board shall:

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

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

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

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

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

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

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

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

84 (i) Establish criteria for continuing education;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

185 (a) For an application for initial licensure, the fee  
186 shall be nonrefundable and shall not exceed Two Hundred Dollars  
187 (\$200.00);

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

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

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

195 (e) Other reasonable fees for administrative services.

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

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

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

204 (b) Is adjudicated mentally incompetent;

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

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

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

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

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

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

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

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

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

228 students within accredited training programs of these professions.

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

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

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

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

244 SECTION 10. Section 73-65-19, Mississippi Code of 1972, is  
245 amended as follows:

246 73-65-19. Sections 73-65-1 through 73-65-17 shall stand  
247 repealed on July 1, 2002.

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