

By: Huggins (By Request)

To: Public Health and
Welfare

SENATE BILL NO. 2428
(As Passed the Senate)

1 AN ACT TO BRING FORWARD SECTIONS 73-65-1 THROUGH 73-65-17,
2 MISSISSIPPI CODE OF 1972, WHICH IS THE PROFESSIONAL ART THERAPISTS
3 CERTIFICATION LAW; TO AMEND SECTION 73-65-19, MISSISSIPPI CODE OF
4 1972, TO EXTEND THE AUTOMATIC REPEALER ON THE PROFESSIONAL ART
5 THERAPISTS CERTIFICATION LAW; AND FOR RELATED PURPOSES.

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

7 SECTION 1. Section 73-65-1, Mississippi Code of 1972, is
8 brought forward as follows:[JU1]

9 73-65-1. As used in this chapter, unless the context
10 otherwise requires:

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

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

18 (c) "Certificate holder" means a certified professional
19 art therapist certified under the provisions of this chapter;

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

24 SECTION 2. Section 73-65-3, Mississippi Code of 1972, is
25 brought forward as follows:[JU2]

26 73-65-3. (1) There is created the Professional Art
27 Therapists Advisory Council. The purpose of the council is to

28 advise the State Board of Health on matters relating to the
29 administration and interpretation of the provisions of this
30 chapter. The council shall consist of three (3) members who are
31 professional art therapists certified pursuant to Section 73-65-7
32 and who have engaged in art therapy practice for at least five (5)
33 years and two (2) members shall be family members of consumers of
34 art therapy services. All council members shall be citizens of
35 the United States and residents of Mississippi. The initial
36 council members who are not family members of consumers shall meet
37 requirements for certification and be certified within one (1)
38 year after July 1, 1998. Beginning July 1, 1999, each council
39 member who is not a family member of a consumer shall be certified
40 as an art therapist before appointment and shall be actively
41 engaged in the practicing or teaching of art therapy. The initial
42 council members shall be appointed by the board for the following
43 terms: one (1) member shall be appointed for a term of one (1)
44 year; one (1) member shall be appointed for a term of two (2)
45 years; two (2) members shall be appointed for terms of three (3)
46 years; and one (1) member shall be appointed for a term of four
47 (4) years. After the expiration of the initial terms, all
48 subsequent members of the council shall be appointed by the board
49 for terms of four (4) years.

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

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

60 SECTION 3. Section 73-65-5, Mississippi Code of 1972, is
61 brought forward as follows:[JU3]

62 73-65-5. The board shall:

63 (a) Promulgate regulations necessary to carry out the
64 provisions of this chapter;

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

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

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

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

(f) Deny, suspend, or revoke a certificate to practice art therapy;

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

(h) Maintain a current register of certificate holders as a matter of public record;

(i) Establish criteria for continuing education;

(j) Establish procedures for receiving, investigating, and resolving complaints against certificate holders;

(k) Approve the level of supervision and experience required for persons seeking certification;

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

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

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

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

73-65-7. (1) The board shall issue a certificate as a certified professional art therapist to any person who files a completed application, accompanied by the required fees, and who

98 submits satisfactory evidence that the applicant is at least
99 twenty-one (21) years of age, demonstrates professional competency
100 by satisfactorily passing the required examination, is a
101 registered art therapist as defined by the Art Therapy Credentials
102 Board, Inc., is a certified art therapist as defined by the Art
103 Therapy Credentials Board, Inc., and has:

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

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

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

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

123 (4) An applicant for certification as a professional art
124 therapist may be certified without examination if the applicant
125 files a completed application within one (1) year of July 1, 1998,
126 accompanied by the required fees, and if the board determines that
127 the applicant meets all other requirements for certification as a
128 professional art therapist.

129 (5) The board may issue a certificate to an applicant
130 without examination if the person possesses a valid regulatory

document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation that in the judgment of the board has requirements substantially equivalent to or exceeding the requirements in this section.

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

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

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

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

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

(3) Any certificate granted by the board shall be automatically suspended if the holder fails to apply for the certificate renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended certificate may be restored by the board upon payment of a reinstatement fee not to exceed One Hundred Dollars (\$100.00) in addition to any unpaid renewal or late fees. Failure to renew a certificate within three (3) months from the date of suspension as

provided in this section shall cause the certificate to be automatically revoked. Reinstatement of a revoked certificate shall require the certificate holder to reapply and meet all current standards for certification.

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

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

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

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

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

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

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

(e) Other reasonable fees for administrative services.

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

73-65-13. (1) The board may deny any application, or

suspend or revoke any certificate held or applied for under the provisions of Section 73-65-7 if the person:

- (a) Is found guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure a certificate to practice art therapy;
- (b) Is adjudicated mentally incompetent;
- (c) Is found guilty of a felony or misdemeanor involving moral turpitude;
- (d) Is found guilty of unprofessional or unethical conduct in this or any other jurisdiction;
- (e) Has been using any controlled substance or alcoholic beverage to an extent or in a manner dangerous to the person, any other person, or the public, or to an extent that the use impairs the ability to perform as a certified professional art therapist;
- (f) Has violated any provision of this chapter; or
- (g) Willfully or negligently divulges a professional confidence.

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

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

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

73-65-15. (1) The provisions of this chapter shall not apply to persons licensed, certified, or registered under any other provisions of Mississippi law, including, but not limited to, physicians, social workers, psychologists, and nurses, or students within accredited training programs of these professions.

The provisions of this chapter shall not apply to "activities professionals" at licensed nursing facilities. Nothing in this chapter shall be construed to limit, interfere with, or restrict

230 the practice, descriptions of services, or manner in which these
231 persons hold themselves out to the public.

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

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

237 73-65-17. Any person who violates the provisions of this
238 chapter shall be guilty of a misdemeanor and, upon conviction
239 thereof, shall be fined not more than Five Hundred Dollars
240 (\$500.00), or sentenced to three (3) months in the county jail, or
241 both, for each violation.

242 SECTION 10. Section 73-65-19, Mississippi Code of 1972, is
243 amended as follows:[JU10]

244 73-65-19. Sections 73-65-1 through 73-65-17 shall stand
245 repealed on July 1, 2003.

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