

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Senate Bill NO. 2075

By Representative(s) Committee

10 Amend by striking all after the enacting clause and inserting
11 in lieu thereof the following:

12

13 SECTION 1. Section 73-65-1, Mississippi Code of 1972, is
14 reenacted and amended as follows:

15 73-65-1. As used in this chapter, unless the context
16 otherwise requires:

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

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

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

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

30 SECTION 2. Section 73-65-3, Mississippi Code of 1972, is
31 reenacted and amended as follows:

32 73-65-3. (1) There is created the Professional Art

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

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

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

66 SECTION 3. Section 73-65-5, Mississippi Code of 1972, is
67 reenacted and amended as follows:

68 73-65-5. The board shall:

69 (a) Promulgate regulations necessary to carry out the
70 provisions of this chapter;

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

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

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

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

81 (f) Deny, suspend, or revoke a license to practice art
82 therapy;

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

85 (h) Maintain a current register of license holders as a
86 matter of public record;

87 (i) Establish criteria for continuing education;

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

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

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

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

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

99 SECTION 4. Section 73-65-7, Mississippi Code of 1972, is
100 reenacted and amended as follows:

101 73-65-7. (1) The board shall issue a license as a licensed
102 professional art therapist to any person who files a completed

103 application, accompanied by the required fees, and who submits
104 satisfactory evidence that the applicant is at least twenty-one
105 (21) years of age, demonstrates professional competency by
106 satisfactorily passing the required examination, is a registered
107 art therapist as defined by the Art Therapy Credentials Board,
108 Inc., is a licensed art therapist as defined by the Art Therapy
109 Credentials Board, Inc., and has:

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

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

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

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

129 (4) An applicant for licensure as a professional art
130 therapist may be licensed without examination if the applicant
131 files a completed application within one (1) year of July 1, 1998,
132 accompanied by the required fees, and if the board determines that
133 the applicant meets all other requirements for licensure as a
134 professional art therapist.

135 (5) The board may issue a license to an applicant without
136 examination if the person possesses a valid regulatory document
137 issued by the appropriate examining board under the laws of any

138 other state or territory of the United States, the District of
139 Columbia, or any foreign nation that in the judgment of the board
140 has requirements substantially equivalent to or exceeding the
141 requirements in this section.

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

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

150 SECTION 5. Section 73-65-9, Mississippi Code of 1972, is
151 reenacted and amended as follows:

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

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

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

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

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

183 SECTION 6. Section 73-65-11, Mississippi Code of 1972, is
184 reenacted and amended as follows:

185 73-65-11. The board shall set the amount of the fees
186 required to be paid by applicants for licensure and license
187 holders including, but not limited to, the following:

188 (a) For an application for initial licensure, the fee
189 shall be nonrefundable and shall not exceed Two Hundred Dollars
190 (\$200.00);

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

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

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

198 (e) Other reasonable fees for administrative services.

199 SECTION 7. Section 73-65-13, Mississippi Code of 1972, is
200 reenacted and amended as follows:

201 73-65-13. (1) The board may deny any application, or
202 suspend or revoke any license held or applied for under the
203 provisions of Section 73-65-7 if the person:

204 (a) Is found guilty of fraud, deceit, or
205 misrepresentation in procuring or attempting to procure a license
206 to practice art therapy;

207 (b) Is adjudicated mentally incompetent;

208 (c) Is found guilty of a felony or misdemeanor
209 involving moral turpitude;
210 (d) Is found guilty of unprofessional or unethical
211 conduct in this or any other jurisdiction;
212 (e) Has been using any controlled substance or
213 alcoholic beverage to an extent or in a manner dangerous to the
214 person, any other person, or the public, or to an extent that the
215 use impairs the ability to perform as a licensed professional art
216 therapist;
217 (f) Has violated any provision of this chapter; or
218 (g) Willfully or negligently divulges a professional
219 confidence.

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

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

225 SECTION 8. Section 73-65-15, Mississippi Code of 1972, is
226 reenacted and amended as follows:

227 73-65-15. (1) The provisions of this chapter shall not
228 apply to persons licensed, certified, or registered under any
229 other provisions of Mississippi law, including, but not limited
230 to, physicians, social workers, psychologists, and nurses, or
231 students within accredited training programs of these professions.

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

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

240 SECTION 9. Section 73-65-17, Mississippi Code of 1972, is
241 reenacted as follows:

242 73-65-17. Any person who violates the provisions of this

243 chapter shall be guilty of a misdemeanor and, upon conviction
244 thereof, shall be fined not more than Five Hundred Dollars
245 (\$500.00), or sentenced to three (3) months in the county jail, or
246 both, for each violation.

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

249 73-65-19. Sections 73-65-1 through 73-65-17 shall stand
250 repealed on July 1, 2002.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.