

By: Ford

To: Public Health and
Welfare

HOUSE BILL NO. 260
(As Passed the House)

1 AN ACT TO REENACT SECTIONS 73-65-1 THROUGH 73-65-17,
2 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE PROFESSIONAL ART
3 THERAPISTS ADVISORY COUNCIL AND PRESCRIBES ITS POWERS AND DUTIES;
4 TO AMEND SECTION 73-65-19, MISSISSIPPI CODE OF 1972, TO EXTEND THE
5 DATE OF REPEAL ON THE PROFESSIONAL ART THERAPISTS ADVISORY
6 COUNCIL; AND FOR RELATED PURPOSES.

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

8 SECTION 1. Section 73-65-1, Mississippi Code of 1972, is
9 reenacted as follows:

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

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

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

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

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

25 SECTION 2. Section 73-65-3, Mississippi Code of 1972, is
26 reenacted as follows:

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

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

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

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

61 SECTION 3. Section 73-65-5, Mississippi Code of 1972, is
62 reenacted as follows:

63 73-65-5. The board shall:

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

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

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

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

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

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

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

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

82 (i) Establish criteria for continuing education;

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

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

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

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

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

94 SECTION 4. Section 73-65-7, Mississippi Code of 1972, is
95 reenacted as follows:

96 73-65-7. (1) The board shall issue a certificate as a
97 certified professional art therapist to any person who files a
98 completed application, accompanied by the required fees, and who

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

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

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

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

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

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

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

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

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

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

145 SECTION 5. Section 73-65-9, Mississippi Code of 1972, is
146 reenacted as follows:

147 73-65-9. (1) Each certificate holder shall renew the
148 certificate to practice art therapy biennially by submitting a
149 renewal application on a form provided by the board, paying a
150 certificate renewal fee, and producing evidence of completion of
151 relevant professional continuing education experience satisfactory
152 to the board, not to exceed forty (40) hours per renewal cycle.

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

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

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

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

179 SECTION 6. Section 73-65-11, Mississippi Code of 1972, is
180 reenacted as follows:

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

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

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

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

191 (d) For failure to renew a certificate within the
192 allotted grace period pursuant to Section 73-65-9, the fee shall
193 not exceed 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 reenacted as follows:

197 73-65-13. (1) The board may deny any application, or

198 suspend or revoke any certificate 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
202 certificate 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 certified 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 reenacted as follows:

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 "certified professional
234 art therapist" or hold himself out as having this status, unless
235 he is certified as such by the board.

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

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, is
244 amended as follows:

245 73-65-19. Sections 73-65-1 through 73-65-17 shall stand
246 repealed on July 1, 2004.

247 SECTION 11. This act shall take effect and be in force from
248 and after July 1, 2000.