

By: Senator(s) Huggins

To: Public Health and
Welfare

SENATE BILL NO. 2487

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 SECTION 73-65-19, MISSISSIPPI
4 CODE OF 1972, TO EXTEND THE 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 reenacted as follows:

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) "Licensed 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 licensed by the State Board of
16 Health, or who received registration from the American Art Therapy
17 Association (ATR) before 1980;

18 (c) "License holder" means a licensed professional art
19 therapist licensed 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 reenacted as follows:

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



administration and interpretation of the provisions of this chapter. The council shall consist of three (3) members who are professional art therapists licensed pursuant to Section 73-65-7 and who have engaged in art therapy practice for at least five (5) years and two (2) members shall be family members of consumers of art therapy services. All council members shall be citizens of the United States and residents of Mississippi. The initial council members who are not family members of consumers shall meet requirements for licensure and be licensed within one (1) year after July 1, 2000. Beginning July 1, 2000, each council member who is not a family member of a consumer shall be licensed as an art therapist before appointment and shall be actively engaged in the practicing or teaching of art therapy. The initial council members shall be appointed by the board for the following terms: one (1) member shall be appointed for a term of one (1) year; one (1) member shall be appointed for a term of two (2) years; two (2) members shall be appointed for terms of three (3) years; and one (1) member shall be appointed for a term of four (4) years. After the expiration of the initial terms, all subsequent members of the council shall be appointed by the board for terms of four (4) years.

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

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

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



73-65-5. The board shall:

(a) Promulgate regulations necessary to carry out the 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 licenses to applicants who meet the requirements of Sections 73-65-7 through 73-65-13;

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

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

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

(i) Establish criteria for continuing education;

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

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

(l) Assess fees for the issuance and renewal of licenses 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 reenacted as follows:



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

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

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

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

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

(4) An applicant for licensure as a professional art therapist may be licensed without examination if the applicant files a completed application within one (1) year of July 1, 1998, accompanied by the required fees, and if the board determines that



the applicant meets all other requirements for licensure as a professional art therapist.

(5) The board may issue a license to an applicant 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 licensure 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 reenacted as follows:

73-65-9. (1) Each license holder shall renew the license to practice art therapy biennially by submitting a renewal application on a form provided by the board, paying a license 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 license holder after the licensure period, during which time the license may be renewed upon payment of the renewal fee, the late fee, and compliance with all renewal requirements.

(3) Any license granted by the board shall be automatically suspended if the holder fails to apply for the license renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended license 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 license within three (3) months from the date of suspension as provided in this section shall cause the license to be automatically revoked.

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

(4) A person licensed under the provisions of Section 73-65-7 who intends to retire as a licensed professional art therapist shall notify the board in writing before the expiration of his current licensure. If, within a period of five (5) years from the year of retirement, the license holder wishes to resume practice as a licensed 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 license shall be restored in full effect.

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

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

(a) For an application for initial licensure, 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 license, the fee shall not exceed Twenty-five Dollars (\$25.00);

(d) For failure to renew a license 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.



193 **SECTION 7.** Section 73-65-13, Mississippi Code of 1972, is
194 reenacted as follows:

195 73-65-13. (1) The board may deny any application, or
196 suspend or revoke any license held or applied for under the
197 provisions of Section 73-65-7 if the person:

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

201 (b) Is adjudicated mentally incompetent;

202 (c) Is found guilty of a felony or misdemeanor
203 involving moral turpitude;

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

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

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

212 (g) Willfully or negligently divulges a professional
213 confidence.

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

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

219 **SECTION 8.** Section 73-65-15, Mississippi Code of 1972, is
220 reenacted as follows:

221 73-65-15. (1) The provisions of this chapter shall not
222 apply to persons licensed, certified, or registered under any
223 other provisions of Mississippi law, including, but not limited
224 to, physicians, social workers, psychologists, and nurses, or
225 students within accredited training programs of these professions.



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

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

234 **SECTION 9.** Section 73-65-17, Mississippi Code of 1972, is
235 reenacted as follows:

236 73-65-17. Any person who violates the provisions of this
237 chapter shall be guilty of a misdemeanor and, upon conviction
238 thereof, shall be fined not more than Five Hundred Dollars
239 (\$500.00), or sentenced to three (3) months in the county jail, or
240 both, for each violation.

241 **SECTION 10.** Section 73-65-19, Mississippi Code of 1972, is
242 amended as follows:

243 73-65-19. Sections 73-65-1 through 73-65-17 shall stand
244 repealed on July 1, 2004.

245 **SECTION 11.** This act shall take effect and be in force from
246 and after June 30, 2002.

