

By: Senator(s) Huggins

To: Public Health and
Welfare

SENATE BILL NO. 2009

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 REPEAL SECTION 73-65-19, MISSISSIPPI
4 CODE OF 1972, WHICH IS THE AUTOMATIC REPEALER ON THE PROFESSIONAL
5 ART 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

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 licensed 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 licensure and be licensed within one (1) year
38 after July 1, 2000. Beginning July 1, 2000, each council member
39 who is not a family member of a consumer shall be licensed as an
40 art therapist before appointment and shall be actively engaged in
41 the practicing or teaching of art therapy. The initial council
42 members shall be appointed by the board for the following terms:
43 one (1) member shall be appointed for a term of one (1) year; one
44 (1) member shall be appointed for a term of two (2) years; two (2)
45 members shall be appointed for terms of three (3) years; and one
46 (1) member shall be appointed for a term of four (4) years. After
47 the expiration of the initial terms, all subsequent members of the
48 council shall be appointed by the board for terms of four (4)
49 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 reenacted as follows:

62 73-65-5. The board shall:

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

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

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

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

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

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

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

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

81 (i) Establish criteria for continuing education;

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

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

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

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

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

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

95 73-65-7. (1) The board shall issue a license as a licensed
96 professional art therapist to any person who files a completed
97 application, accompanied by the required fees, and who submits
98 satisfactory evidence that the applicant is at least twenty-one
99 (21) years of age, demonstrates professional competency by
100 satisfactorily passing the required examination, is a registered
101 art therapist as defined by the Art Therapy Credentials Board,
102 Inc., is a licensed art therapist as defined by the Art Therapy
103 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 licensure except satisfactorily passing the required examination,
121 the applicant shall be scheduled to take the next examination
122 following the approval of the examination.

123 (4) An applicant for licensure as a professional art
124 therapist may be licensed 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 licensure as a
128 professional art therapist.

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

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

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

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

146 73-65-9. (1) Each license holder shall renew the license to
147 practice art therapy biennially by submitting a renewal
148 application on a form provided by the board, paying a license
149 renewal fee, and producing evidence of completion of relevant
150 professional continuing education experience satisfactory to the
151 board, not to exceed forty (40) hours per renewal cycle.

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

156 (3) Any license granted by the board shall be automatically
157 suspended if the holder fails to apply for the license renewal
158 pursuant to this section within a period of three (3) months after
159 the renewal deadline; however, any suspended license may be

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

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

167 (4) A person licensed under the provisions of Section
168 73-65-7 who intends to retire as a licensed professional art
169 therapist shall notify the board in writing before the expiration
170 of his current licensure. If, within a period of five (5) years
171 from the year of retirement, the license holder wishes to resume
172 practice as a licensed professional art therapist, he shall notify
173 the board in writing, and upon giving proof of completing the
174 required continuing education and the payment of an amount
175 equivalent to elapsed renewal fees, the license shall be restored
176 in full effect.

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

179 73-65-11. The board shall set the amount of the fees
180 required to be paid by applicants for licensure and license
181 holders including, but not limited to, the following:

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

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

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

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

192 (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,
242 which is the automatic repealer on the professional art therapists
243 certification law, is hereby repealed.

244 **SECTION 11.** This act shall take effect and be in force from
245 and after June 30, 2004.