

SENATE BILL 2127

By Jackson

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 29, Part 2 and Title 63, relative to art therapy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-241(a), is amended by adding the following as a new subdivision:

() Professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-402;

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 11, is amended by adding the following language as a new part:

63-11-401. As used in this part:

(1) "Advisory committee" means the professional art therapist advisory committee of the board of examiners in psychology, created by § 63-11-402;

(2) "Art therapy" means the integrated application of psychotherapeutic principles and methods with specialized training in visual art media, the neurobiological implications of art-making and the creative process, and art-based assessment models to assist individuals, families, or groups to improve cognitive and sensory-motor functions, increase self-awareness and self-esteem, cope with grief and traumatic experiences, resolve conflicts and distress, and enhance social functioning. "Art therapy" includes therapeutic interventions to facilitate alternative modes of receptive and expressive communication, and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs;

(3) "Art therapy certified supervisor" means a person credentialed by the Art Therapy Credentials Board, Inc., to provide supervised clinical experience for a licensed art therapist associate;

(4) "Board" means the board of examiners in psychology, created by § 63-11-101;

(5) "Certified art therapist" means a person holding national board certification (ATR-BC) from the Art Therapy Credentials Board, Inc.;

(6) "Credentialed art therapist" means a person holding credentials in good standing with the Art Therapy Credentials Board, Inc., as a registered art therapist (ATR), certified art therapist (ATR-BC), or art therapy certified supervisor;

(7) "Licensed professional art therapist" means a person licensed in this state to practice professional art therapy;

(8) "Practice of professional art therapy" means rendering or offering to render art therapy and appraisal activities, as an independent or adjunctive therapist, to an individual, family, or group, using the application of art therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and cognitive, emotional, and behavioral conditions; and

(9) "Supervision" means the regular observation and oversight of the functions and activities of an art therapy student as part of an internship or practicum experience, or an art therapy associate engaged in the practice of art therapy to fulfill the requirements for licensure in § 63-11-404.

63-11-402.

(a) There is created a professional art therapist advisory committee of the board of examiners in psychology to assist the board in carrying out this part relating to the qualifications, licensing, practice, and regulation of licensed professional art therapists.

(b) The advisory committee shall consist of three (3) members appointed by the governor. Advisory committee members shall be licensed as professional art therapists

and shall be actively engaged in the practice or teaching of art therapy in this state at the time of their appointment, except that initial appointments to the advisory committee made in advance of promulgation of rules to implement this part must be certified art therapists who are residents of this state and have engaged in the practice of art therapy for not less than five (5) years.

(c) The governor shall consult with interested professional groups, including the Tennessee Art Therapy Association, to determine qualified persons for appointment as advisory committee members.

(d)

(1) Except as provided in subdivision (d)(2), the terms of the members of the advisory committee are three (3) years.

(2) In order to stagger the terms of the newly appointed advisory committee members, initial appointments must be made as follows:

(A) One (1) person appointed pursuant to subsection (b) shall serve an initial term of one (1) year, which shall expire on June 30, 2019;

(B) One (1) person appointed pursuant to subsection (b) shall serve an initial term of two (2) years, which shall expire on June 30, 2020;
and

(C) One (1) person appointed pursuant to subsection (b) shall serve an initial term of three (3) years, which shall expire on June 30, 2021.

(3)

(A) Following the expiration of members' initial terms as prescribed in subdivision (d)(2), all three-year terms shall begin on July 1 and terminate on June 30, three (3) years thereafter.

(B) In the event of a vacancy, the governor shall fill the vacancy for the unexpired term. Each member shall serve until a successor is duly appointed and qualified.

(C) Members are eligible for reappointment to the advisory committee following the expiration of their initial terms, but shall serve no more than two (2) consecutive three-year terms.

(e) All reimbursement for travel expenses must be in accordance with the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter. Members of the advisory committee serve without compensation, but are entitled to receive necessary travel and other appropriate expenses while engaged in committee business.

(f) The advisory committee shall be provided administrative support by the division of health related boards in the department of health.

(g) The advisory committee shall meet at least twice a year and may hold additional meetings as the board may determine necessary to carry out its duties under this part. The advisory committee shall elect a chair from among its members at the first meeting held each calendar year.

63-11-403.

(a) The board, in consultation with the advisory committee, shall:

(1) Promulgate rules for the implementation of this part, including:

(A) Requirements and procedures for licensure and licensure renewal for professional art therapists and associate art therapists;

(B) Standards of practice, ethics, and professional responsibility to govern the conduct of persons licensed under this part;

(C) Procedures for investigating reports of professional misconduct and unlawful acts by licensed professional art therapists; and

(D) Criteria for grandfathering, waiver of examinations, and temporary licenses as determined by the board;

(2) Establish reasonable and necessary fees for licensure and licensure renewal that, in the aggregate, cover the cost of administering this part; and

(3) Maintain a list of persons holding licenses under this part, to be provided to any interested party upon written request.

(b) The advisory committee shall, under the authority of the board:

(1) Advise the board on issues related to the practice of art therapy, licensing of professional art therapists, and complaints and disciplinary actions involving licensed art therapists;

(2) Review the qualifications of applications for licensure and make recommendations to the board regarding the issuance of licenses to individuals who meet the requirements for licensure under this part;

(3) Develop a professional scope of practice, and standards of ethics and professional responsibility for adoption by the board that apply to persons licensed as professional art therapists;

(4) Recommend requirements for supervised clinical practice by art therapy graduates engaged in the practice of professional art therapy to fulfill requirements for licensure under this part;

(5) Recommend guidelines and criteria for continuing education for the renewal of licenses; and

(6) Perform additional duties and responsibilities as requested by the board.

(c) The rules proposed by the advisory committee and promulgated by the board for the implementation of this part shall:

(1) Provide for the requirements for licensure as set forth in § 63-11-404;

and

(2) Incorporate the ethical standards, responsibilities, and standards of conduct for art therapists set forth in the Code of Ethics, Conduct and Disciplinary Procedures of the Art Therapy Credential Board, Inc.

63-11-404.

(a) Each person desiring to obtain a license as a professional art therapist shall submit an application and fee to the board. The application must include evidence that the applicant meets the following requirements for licensure:

(1) The applicant is at least twenty-one (21) years of age;

(2) The applicant is of good moral character and conducts the applicant's professional activities in accordance with accepted professional and ethical standards;

(3) The applicant has not had a professional credential refused, revoked, suspended, or restricted and does not have a complaint, allegation, or investigation pending in any regulatory jurisdiction in the United States or in another country for unprofessional conduct, unless the board finds that the conduct has been corrected or that mitigating circumstances exist that prevent resolution;

(4) The applicant has:

(A) Received a master's degree or doctoral degree in art therapy from a program approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education

Programs at the time the degree was conferred, and has completed not less than one thousand (1,000) client contact hours of postgraduate experience under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the board; provided, that at least one-half (1/2) of the required supervision hours must be provided by a licensed or credentialed art therapist; or

(B) Received a master's degree or doctoral degree from an accredited college or university in a program with a graduate-level course of study and clinical training, as determined by the board, in consultation with the advisory committee, to be equivalent to an approved or accredited program in art therapy, and has completed not less than two thousand (2,000) client contact hours of clinical experience under appropriate supervision, including not less than one thousand five hundred (1,500) client contact hours of postgraduate experience under the supervision of an art therapy certified supervisor, licensed professional art therapist, credentialed art therapist, or other licensed mental health professional approved by the board; provided, that at least one-half (1/2) of the required supervision hours must be provided by a licensed or credentialed art therapist; and

(5) The applicant has passed the board certification examination of the Art Therapy Credentials Board, Inc.

(b) A person holding a national credential in good standing as a certified art therapist shall have met the requirements of this section.

(c) No person shall hold themselves out to be or function as a professional art therapist in this state unless the person holds a valid license issued by the board. The board shall also regulate the practice of professional art therapy.

63-11-405.

(a) The board may, at its discretion, grant a license to any person residing or employed in this state who is licensed by a similar entity in another state whose standards, as determined by the board, are not less stringent than the standards required by this part.

(b) The board may enter into a reciprocal agreement with another state or jurisdiction that licenses professional art therapists, if the board determines that the other state has substantially similar or more stringent licensing requirements than this state.

63-11-406.

(a) A professional art therapist license issued under this part is valid for twenty-four (24) months from the date of issuance.

(b) A licensee requesting renewal of a license shall provide the following to the board in advance of the expiration date of the license:

(1) A completed application on a form provided by the board and payment of the fee set by the board; and

(2) Documentation satisfactory to the board that the licensee:

(A) Has completed at least forty (40) hours of continuing education prior to the expiration date of the license; or

(B) Is in good standing as a certified art therapist and has complied with this part.

(c) When a licensee fails to submit an application for license renewal and to pay any fee required by the board prior to the expiration date of the license, the license is

automatically revoked by the board without further notice or hearing, unless renewal is completed and all fees are paid prior to the expiration of sixty (60) days from the date of the expiration of the license.

(d) A person whose license is automatically revoked under this section may apply in writing to the board for reinstatement of the license. Upon the showing of good cause by the person and submitting documentation that all continuing education requirements have been satisfied, the board may reinstate the license upon the payment of all fees set by the board.

63-11-407.

(a) No person shall use the title "licensed professional art therapist" or use any other title or abbreviation to indicate or imply that the person is licensed or qualified to practice professional art therapy in this state unless the person holds a license issued by the board under this part.

(b) No person shall practice professional art therapy unless the person is licensed by the board as a licensed professional art therapist or is exempt from licensure under § 63-11-408.

(c) Violation of this section is a Class B misdemeanor, punishable by a fine only, the suspension or revocation of a license issued under this part, or both a fine and loss of licensure.

63-11-408.

(a) This part does not prohibit or restrict the practice of any of the following:

(1) Other human services professionals licensed in this state who perform services consistent with the scope of practice of their profession and within the scope of their training and competence;

(2) A student enrolled in a postgraduate program in art therapy approved by the board while practicing art therapy under qualified supervision and as part of an approved course of study; and

(3) A person holding a master's or doctoral degree in art therapy while engaged in the practice of professional art therapy under supervision as part of clinical training to fulfill the supervised experience requirement for licensure under this part, as long as the person uses the title of "art therapy associate" and does not represent themselves to the public as a licensed professional art therapist.

(b) Nothing in this part permits any method of treatment that involves the administration or prescription of drugs or the practice of medicine in this state, or permits a person licensed as a professional art therapist to perform psychological testing intended to measure or diagnose serious mental illness. However, if those practices are consistent with the therapist's formal education and training, the licensed professional art therapist may administer and utilize appropriate art therapy assessment instruments that measure and diagnose cognitive, affective, developmental and behavioral problems, and dysfunctions of persons as part of the therapy process or in the development of a treatment plan.

63-11-409.

(a) The board may deny a person's application for a license; restrict, suspend, or revoke an existing license; or take other action, after consultation with the advisory committee, that the board deems proper. The board may discipline an applicant or licensee found to be in violation of this part, a rule promulgated by the board, or any action deemed to be grounds for disciplinary action under § 63-22-110.

(b) All proceedings for disciplinary action against a licensee under this part must be conducted in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For the purpose of appointing members to the advisory committee, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2019, the public welfare requiring it, and shall apply to actions commenced on or after January 1, 2019.