

---

## **OLR Bill Analysis**

### **HB 5444 (as amended by House "A")\***

#### ***AN ACT REQUIRING LICENSURE OF ART THERAPISTS.***

#### **SUMMARY**

This bill creates a Department of Public Health (DPH) licensure program for art therapists and generally prohibits unlicensed individuals from using the “art therapist” title. To receive a license, an applicant must (1) hold a graduate degree and be credentialed or certified by the Art Therapy Credentials Board or (2) qualify for licensure by endorsement. The bill also provides for nonrenewable temporary permits authorizing the holder to work under a licensed person’s supervision.

Subject to certain conditions, the bill does not restrict the activities of (1) people licensed or certified by nationally recognized organizations and (2) art therapy students.

In addition, the bill sets forth the grounds for DPH disciplinary action against licensees and specifies that no new regulatory board is created for art therapists.

The bill replaces current provisions that generally make it a crime to represent oneself as an art therapist unless meeting certain education and certification requirements.

The bill also makes technical changes.

\*House Amendment “A” (1) removes a provision in the underlying bill prohibiting unlicensed people from practicing art therapy and (2) modifies the bill’s exemptions.

EFFECTIVE DATE: October 1, 2019

#### **ART THERAPIST LICENSURE**

***Use of Title and Exemptions (§ 2)***

The bill generally prohibits anyone without an art therapist license or temporary permit from using the title “art therapist,” “licensed art therapist,” or any title, words, letters, abbreviations, or insignia that may reasonably be confused with such credential.

The bill’s restrictions do not prohibit or restrict the activity or services, including the use of art or art materials, by individuals licensed or certified by nationally recognized licensing or certifying organizations, if the person:

1. is acting within the scope of his or her professional training and
2. does not hold himself or herself out as an art therapist or as licensed by the state to practice art therapy.

The bill’s restrictions also do not apply to students enrolled in an art therapy educational program at an accredited institution, or graduate art therapy educational program approved by the American Art Therapy Association or any successor association, in which art therapy is an integral part of the course of study, if acting under a licensed art therapist’s direct supervision.

Under current law, art therapists are not licensed, but it is a Class D felony for someone not meeting specified credentials to refer to himself or herself as an art therapist. (The bill does not contain a similar criminal penalty for violation of its provisions.) Current law includes exemptions for other licensed professionals and students.

***License Applications, Qualifications, and Renewals (§ 3)***

The bill requires the DPH commissioner to issue an art therapist license to any applicant who submits, on a DPH form, satisfactory evidence that he or she (1) has earned a graduate degree in art therapy or a related field from an accredited higher education institution and (2) holds a current art therapist credential or certification from the Art Therapy Credentials Board or any successor board.

The bill also allows for licensure by endorsement. The applicant

must provide satisfactory evidence that he or she is licensed or certified as an art therapist, or as someone entitled to perform similar services under a different title, in another state or jurisdiction. That jurisdiction's requirements for practicing must be substantially similar to or stricter than those in Connecticut, and there must be no pending disciplinary actions or unresolved complaints against the applicant in any state.

The initial application fee is \$315, and licenses must be renewed annually for \$190. To renew, licensees must provide satisfactory evidence of the following:

1. a current credential or certification from the Art Therapy Credentials Board, or any successor board; and
2. completion of any continuing education the board requires for such certification or credential.

***Temporary Permits (§ 4)***

The bill allows DPH to issue nonrenewable temporary permits to licensure applicants with a graduate degree in art therapy or a related field. The permit allows the holder to practice under the general supervision of a licensee and is valid for up to 365 calendar days after the person receives his or her degree. The permit fee is \$50.

The bill prohibits DPH from issuing a temporary permit to someone against whom professional disciplinary action is pending or who is the subject of an unresolved complaint in any state. It allows the commissioner to revoke a temporary permit for good cause, as the commissioner determines.

***Enforcement and Disciplinary Action (§ 5)***

The bill allows the DPH commissioner to take disciplinary action against an art therapist for:

1. failing to conform to the accepted standards of the profession;
2. a felony conviction;

3. fraud or deceit in obtaining or seeking reinstatement of a license or in the practice of art therapy;
4. negligence, incompetence, or wrongful conduct in professional activities;
5. an inability to conform to professional standards because of a physical, mental, or emotional illness;
6. alcohol or substance abuse; or
7. willfully falsifying entries in a hospital, patient, or other record pertaining to art therapy.

By law, disciplinary actions available to DPH include, among other things, (1) revoking or suspending a license, (2) censuring the violator, (3) issuing a letter of reprimand, (4) placing the violator on probationary status, or (5) imposing a civil penalty (CGS § 19a-17).

Under the bill, the commissioner may order a licensee to undergo a reasonable physical or mental examination if his or her capacity to practice safely is under investigation. The bill allows the commissioner to petition Hartford Superior Court to enforce such an examination order or any DPH disciplinary action. The commissioner must give the person notice and an opportunity to be heard before taking disciplinary action.

## **BACKGROUND**

### ***Art Therapy Defined***

Existing law defines “art therapy” as the clinical and evidence-based use of art, including art media, the creative process, and the resulting artwork, to accomplish individualized goals within a therapeutic relationship, by a credentialed professional who completed an art therapy program approved by the American Art Therapy Association or any successor association.

## **COMMITTEE ACTION**

Public Health Committee

Joint Favorable

Yea 24 Nay 0 (03/01/2019)