



House of Representatives

File No. 1019

General Assembly

January Session, 2019

(Reprint of File No. 82)

House Bill No. 5444
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 31, 2019

AN ACT REQUIRING LICENSURE OF ART THERAPISTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 20-195mmm of the general statutes is repealed
2 and the following is substituted in lieu thereof (*Effective October 1,*
3 *2019*):

4 [(a)] As used in this section, sections 2 to 5, inclusive, of this act and
5 section 19a-14, as amended by this act:

6 (1) "Art therapy" means clinical and evidence-based use of art,
7 including art media, the creative process and the resulting artwork, to
8 accomplish individualized goals within a therapeutic relationship by a
9 credentialed professional who has completed an art therapy program
10 approved by the American Art Therapy Association, or any successor
11 of said association; [and]

12 (2) "Art therapist" means a person who [(A) has earned a graduate
13 degree in art therapy or a related field from an accredited institution of
14 higher education, and (B) is certified as an art therapist by the Art

15 Therapy Credentials Board or any successor of said board.] has been
16 licensed as an art therapist pursuant to section 3 of this act or issued a
17 temporary permit pursuant to section 4 of this act;

18 (3) "Commissioner" means the Commissioner of Public Health; and

19 (4) "Department" means the Department of Public Health.

20 [(b) No person unless certified as an art therapist may use the title
21 "art therapist" or "certified art therapist" or make use of any title,
22 words, letters, abbreviations or insignia indicating or implying that he
23 or she is a certified art therapist. Any person who violates this section
24 shall be guilty of a class D felony. For purposes of this section, each
25 instance of contact or consultation with an individual that is in
26 violation of any provision of this section shall constitute a separate
27 offense.

28 (c) The provisions of this section shall not apply to a person who (1)
29 provides art therapy while acting within the scope of practice of the
30 person's license and training, provided the person does not hold
31 himself or herself out to the public as an art therapist, or (2) is a
32 student enrolled in an art therapy educational program or graduate art
33 therapy educational program approved by the American Art Therapy
34 Association, or any successor of said association, and art therapy is an
35 integral part of the student's course of study and such student is
36 performing such therapy under the direct supervision of an art
37 therapist.]

38 Sec. 2. (NEW) (*Effective October 1, 2019*) (a) No person may use the
39 title "art therapist" or "licensed art therapist" or make use of any title,
40 words, letters, abbreviations or insignia that may reasonably be
41 confused with licensure as an art therapist unless such person is
42 licensed pursuant to section 3 of this act or has been issued a
43 temporary permit pursuant to section 4 of this act.

44 (b) The provisions of this section shall not apply to (1) prohibit or
45 restrict any activity or service, including the use of art or art materials,

46 by a person who is licensed or certified by the department or a
47 nationally recognized licensing or certifying organization when acting
48 within the scope of such person's professional training, provided such
49 person does not represent himself or herself to the public as an art
50 therapist or as licensed to practice art therapy pursuant to section 3 of
51 this act, or (2) a student enrolled in an art therapy educational program
52 at an accredited educational institution, or a graduate art therapy
53 educational program approved by the American Art Therapy
54 Association, or any successor of said association, provided art therapy
55 is an integral part of the student's course of study and such student is
56 acting under the direct supervision of a licensed art therapist.

57 Sec. 3. (NEW) (*Effective October 1, 2019*) (a) On and after October 1,
58 2019, the Commissioner of Public Health shall grant a license as an art
59 therapist to any applicant who, except as provided in subsections (b)
60 and (c) of this section, furnishes evidence satisfactory to the
61 commissioner that such applicant (1) has earned a graduate degree in
62 art therapy or a related field from an accredited institution of higher
63 education, and (2) holds a current credential or certification as an art
64 therapist from the Art Therapy Credentials Board, or any successor of
65 said board. The commissioner shall develop and provide application
66 forms. The application fee shall be three hundred fifteen dollars.

67 (b) An applicant for licensure by endorsement shall present
68 evidence satisfactory to the commissioner that the applicant is licensed
69 or certified as an art therapist, or as a person entitled to perform
70 similar services under a different designation, in another state or
71 jurisdiction that has requirements for practicing in such capacity that
72 are substantially similar to, or higher than, those of this state and that
73 there are no disciplinary actions or unresolved complaints pending in
74 this state or any other state.

75 (c) Licenses issued under this section shall be renewed annually
76 pursuant to section 19a-88 of the general statutes, as amended by this
77 act. The fee for such renewal shall be one hundred ninety dollars. Each
78 licensed art therapist applying for license renewal shall furnish

79 evidence satisfactory to the commissioner of having a current
80 credential or certification with the Art Therapy Credentials Board, or
81 any successor of said board, and having obtained continuing education
82 units for such credential or certification as required by said board.

83 Sec. 4. (NEW) (*Effective October 1, 2019*) The Department of Public
84 Health may issue a temporary permit to an applicant for licensure as
85 an art therapist who holds a graduate degree in art therapy or a related
86 field. Such temporary permit shall authorize the holder of the
87 temporary permit to practice art therapy under the general supervision
88 of a licensed art therapist at all times during which the holder of the
89 temporary permit performs art therapy. Such temporary permit shall
90 be valid for a period not to exceed three hundred sixty-five calendar
91 days after the date of attaining such graduate degree and shall not be
92 renewable. No temporary permit shall be issued under this section to
93 any applicant against whom professional disciplinary action is
94 pending or who is the subject of an unresolved complaint in this state
95 or any other state. The commissioner may revoke a temporary permit
96 for good cause, as determined by the commissioner. The fee for a
97 temporary permit shall be fifty dollars.

98 Sec. 5. (NEW) (*Effective October 1, 2019*) The Commissioner of Public
99 Health may take any disciplinary action set forth in section 19a-17 of
100 the general statutes against an art therapist for any of the following
101 reasons: (1) Failure to conform to the accepted standards of the
102 profession; (2) conviction of a felony; (3) fraud or deceit in obtaining or
103 seeking reinstatement of a license to practice art therapy; (4) fraud or
104 deceit in the practice of art therapy; (5) negligent, incompetent or
105 wrongful conduct in professional activities; (6) physical, mental or
106 emotional illness or disorder resulting in an inability to conform to the
107 accepted standards of the profession; (7) alcohol or substance abuse; or
108 (8) wilful falsification of entries in any hospital, patient or other record
109 pertaining to art therapy. The commissioner may order a license
110 holder to submit to a reasonable physical or mental examination if his
111 or her physical or mental capacity to practice safely is the subject of an
112 investigation. The commissioner may petition the superior court for

113 the judicial district of Hartford to enforce such order or any action
114 taken pursuant to section 19a-17 of the general statutes. The
115 commissioner shall give notice and an opportunity to be heard on any
116 contemplated action under section 19a-17 of the general statutes.

117 Sec. 6. Subsection (c) of section 19a-14 of the general statutes is
118 repealed and the following is substituted in lieu thereof (*Effective*
119 *October 1, 2019*):

120 (c) No board shall exist for the following professions that are
121 licensed or otherwise regulated by the Department of Public Health:

122 (1) Speech and language pathologist and audiologist;

123 (2) Hearing instrument specialist;

124 (3) Nursing home administrator;

125 (4) Sanitarian;

126 (5) Subsurface sewage system installer or cleaner;

127 (6) Marital and family therapist;

128 (7) Nurse-midwife;

129 (8) Licensed clinical social worker;

130 (9) Respiratory care practitioner;

131 (10) Asbestos contractor, asbestos consultant and asbestos training
132 provider;

133 (11) Massage therapist;

134 (12) Registered nurse's aide;

135 (13) Radiographer;

136 (14) Dental hygienist;

- 137 (15) Dietitian-Nutritionist;
- 138 (16) Asbestos abatement worker;
- 139 (17) Asbestos abatement site supervisor;
- 140 (18) Licensed or certified alcohol and drug counselor;
- 141 (19) Professional counselor;
- 142 (20) Acupuncturist;
- 143 (21) Occupational therapist and occupational therapist assistant;
- 144 (22) Lead abatement contractor, lead consultant contractor, lead
145 consultant, lead abatement supervisor, lead abatement worker, lead
146 training provider, lead inspector, lead inspector risk assessor and lead
147 planner-project designer;
- 148 (23) Emergency medical technician, advanced emergency medical
149 technician, emergency medical responder and emergency medical
150 services instructor;
- 151 (24) Paramedic;
- 152 (25) Athletic trainer;
- 153 (26) Perfusionist;
- 154 (27) Master social worker subject to the provisions of section 20-
155 195v;
- 156 (28) Radiologist assistant, subject to the provisions of section 20-74tt;
- 157 (29) Homeopathic physician;
- 158 (30) Certified water treatment plant operator, certified distribution
159 system operator, certified small water system operator, certified
160 backflow prevention device tester and certified cross connection
161 survey inspector, including certified limited operators, certified

162 conditional operators and certified operators in training;

163 (31) Tattoo technician;

164 (32) Genetic counselor; [and]

165 (33) Behavior analyst; and

166 (34) Art therapist.

167 The department shall assume all powers and duties normally vested
168 with a board in administering regulatory jurisdiction over such
169 professions. The uniform provisions of this chapter and chapters 368v,
170 369 to 381a, inclusive, 383 to 388, inclusive, 393a, 395, 398, 399, 400a
171 and 400c, including, but not limited to, standards for entry and
172 renewal; grounds for professional discipline; receiving and processing
173 complaints; and disciplinary sanctions, shall apply, except as otherwise
174 provided by law, to the professions listed in this subsection.

175 Sec. 7. Subdivision (1) of subsection (e) of section 19a-88 of the
176 general statutes is repealed and the following is substituted in lieu
177 thereof (*Effective October 1, 2019*):

178 (e) (1) Each person holding a license or certificate issued under
179 section 19a-514, 20-65k, 20-74s, 20-185k, 20-185l, 20-195cc or 20-206ll
180 and chapters 370 to 373, inclusive, 375, 378 to 381a, inclusive, 383 to
181 383c, inclusive, 383g, 384, 384a, 384b, 384d, 385, 393a, 395, 399 or 400a
182 and section 20-206n or 20-206o shall, annually, during the month of
183 such person's birth, apply for renewal of such license or certificate to
184 the Department of Public Health, giving such person's name in full,
185 such person's residence and business address and such other
186 information as the department requests.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	20-195mmm
Sec. 2	<i>October 1, 2019</i>	New section

Sec. 3	<i>October 1, 2019</i>	New section
Sec. 4	<i>October 1, 2019</i>	New section
Sec. 5	<i>October 1, 2019</i>	New section
Sec. 6	<i>October 1, 2019</i>	19a-14(c)
Sec. 7	<i>October 1, 2019</i>	19a-88(e)(1)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 20 \$	FY 21 \$
Public Health, Dept.	GF - Cost	13,771	11,921
State Comptroller - Fringe Benefits ¹	GF - Cost	4,869	4,869
Resources of the General Fund	GF - Revenue Gain	35,005	31,140

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which requires the licensure of art therapists by the Department of Public Health (DPH), is anticipated to result in a net General Fund revenue gain of approximately \$16,366 in FY 20 and \$14,351 in FY 21.

The FY 20 State cost of \$18,639 includes total anticipated DPH expenses of \$13,771. This reflects expenditures for a part-time Office Assistant (\$11,821 in both FY 20 and FY 21), equipment (a one-time cost of \$1,800 in FY 20 for a computer, software, and scanner), and associated other expenses (\$150 for printing, postage, and office supplies in FY 20 and \$100 in the following fiscal year). The State Comptroller fringe benefit cost for the part-time Office Assistant position is \$4,869 in both FY 20 and FY 21.

General Fund revenue of approximately \$35,005 is anticipated in FY 20 from the initial licensure fee of \$315 per application (\$33,705), and

¹The fringe benefit costs for most state employees are budgeted centrally in accounts administered by the Comptroller. The estimated active employee fringe benefit cost associated with most personnel changes is 41.19% of payroll in FY 20 and FY 21.

from the temporary licensure² fee of \$50 (\$1,300). In FY 21, General Fund revenue of approximately \$31,140 is anticipated: \$10,710 from initial licensure, \$20,330 from the annual renewal fee of \$190, and \$100 from temporary licenses. The assumptions that underpin cost and revenue estimates are provided in the “Assumptions” section below.

ASSUMPTIONS

There are 133 credentialed art therapists in Connecticut.³ Starting on 10/1/19, it is assumed that 80% of credentialed art therapists will immediately seek DPH licensure (107 people), and that the remaining 26 individuals will obtain temporary licenses. The following fiscal year, it is anticipated that those 26 individuals with temporary licenses will apply for initial licensure, along with an average of eight other individuals annually that become credentialed art therapists in Connecticut through the Art Therapy Credentials Board, Inc.

House “A,” which makes technical changes to the underlying bill, is not anticipated to result in a fiscal impact to the State or municipalities.

The Out Years

The annualized ongoing fiscal impact identified above will continue into the future subject to the number of initial, renewal, and temporary art therapist licenses issued by DPH and cost inflation.

²Temporary licenses are valid for one-year only, and are non-renewable.

³Three additional art therapists’ credentials have lapsed.

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)