MISSISSIPPI LEGISLATURE REGULAR SESSION 2012

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 813

AN ACT TO AMEND SECTIONS 73-65-1, 73-65-3, 73-65-5 AND 73-65-7, MISSISSIPPI CODE OF 1972, TO CLARIFY STANDARDS ESTABLISHED BY THE NATIONAL ORGANIZATION THAT PROVIDES CREDENTIALING AND EDUCATIONAL REQUIREMENTS FOR LICENSED PROFESSIONAL ART THERAPISTS, TO DELETE CERTAIN STATUTORY EDUCATIONAL REQUIREMENTS FOR PROFESSIONAL ART THERAPISTS AND TO DELETE CERTAIN GRANDFATHER PROVISIONS NO LONGER APPLICABLE TO LICENSURE OF ART THERAPISTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-65-1, Mississippi Code of 1972, is amended as follows:

73-65-1. As used in this chapter, unless the context otherwise requires:

(a) "Board" means the Mississippi State Board of Health;

(b) "Licensed professional art therapist" means a person who has completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is licensed by the Mississippi State Board of Health, or who received registration from the American Art Therapy Association * * * before 1980;

(c) "License holder" means a licensed professional art therapist licensed under the provisions of this chapter;

(d) "Accredited institution" means a university or college accredited by a nationally recognized accrediting agency of institutions of higher education, or an institution and clinical program approved by the American Art Therapy Association, Inc.

SECTION 2. Section 73-65-3, Mississippi Code of 1972, is amended as follows:

73-65-3. (1) There is created the Professional Art Therapists Advisory Council. The purpose of the council is to advise the Mississippi 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, two (2) members shall be family members of consumers or consumers of art therapy services and one (1) physician or health professional member. 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. 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 amended 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 Art Therapy Credentials Board Examination as administered by the Art Therapy Credentials Board, Inc.;

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

(d) Process applications and * * * review the required examinations;

(e) Issue licenses to applicants who meet the requirements of Section 73-65-7 or 73-65-9;

(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 Art Therapy Credentials Board, Inc.

SECTION 4. Section 73-65-7, Mississippi Code of 1972, is amended 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, is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., demonstrates professional competency by satisfactorily passing the required examination, and is a board certified art therapist as defined by the Art Therapy Credentials Board, Inc. * * *

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(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.

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(4) 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.

(5) The board may issue provisional licensure as a professional art therapist to any person who has completed the educational requirements established by the Art Therapy Credentials Board, Inc., and has met all requirements for licensure as a professional art therapist, except the experience and/or examination requirements, and is under the supervision of a supervisor acceptable to the board.

(6) The board may set criteria for continuing education and supervisory experience.

SECTION 5. This act shall take effect and be in force from and after July 1, 2012.