



General Assembly

January Session, 2019

Committee Bill No. 5444

LCO No. 3713



Referred to Committee on PUBLIC HEALTH

Introduced by:
(PH)

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 Section 20-195mmm of the general statutes is repealed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 practice
39 art therapy unless licensed pursuant to section 3 of this act or issued a
40 temporary permit pursuant to section 4 of this act.

41 (b) No person may use the title "art therapist" or "licensed art
42 therapist" or make use of any title, words, letters, abbreviations or
43 insignia that may reasonably be confused with licensure as an art
44 therapist unless such person is licensed pursuant to section 3 of this act
45 or has been issued a temporary permit pursuant to section 4 of this act.

46 (c) The provisions of this section shall not apply to a person who (1)
47 provides art therapy while acting within the scope of practice of the
48 person's license and training, provided the person does not hold
49 himself or herself out to the public as an art therapist, or (2) is a
50 student enrolled in an art therapy educational program or graduate art
51 therapy educational program approved by the American Art Therapy
52 Association, or any successor of said association, and art therapy is an
53 integral part of the student's course of study and such student is
54 performing such therapy under the direct supervision of a licensed art
55 therapist.

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

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

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

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

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

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

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

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

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

121 (1) Speech and language pathologist and audiologist;

122 (2) Hearing instrument specialist;

123 (3) Nursing home administrator;

124 (4) Sanitarian;

125 (5) Subsurface sewage system installer or cleaner;

126 (6) Marital and family therapist;

127 (7) Nurse-midwife;

128 (8) Licensed clinical social worker;

129 (9) Respiratory care practitioner;

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

132 (11) Massage therapist;

133 (12) Registered nurse's aide;

134 (13) Radiographer;

135 (14) Dental hygienist;

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

160 survey inspector, including certified limited operators, certified
 161 conditional operators and certified operators in training;

162 (31) Tattoo technician;

163 (32) Genetic counselor; [and]

164 (33) Behavior analyst; and

165 (34) Art therapist.

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

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

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

PH *Joint Favorable*