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A BILL

23-250

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Health Occupations Revision Act of 1985 to define the practice of professional art therapy, to require licensure for professional art therapists and graduate professional art therapists, to establish licensure requirements for professional art therapists and graduate art therapists, and to provide for the addition of a professional art therapist to the Board of Professional Counseling.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Professional Art Therapist Licensure Amendment Act of 2020”.

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended by adding a new Title VIII-E to read as follows:

“TITLE VIII-E

“QUALIFICATIONS FOR LICENSURE TO PRACTICE

AS A PROFESSIONAL ART THERAPIST

“Sec. 871. Qualifications for licensure.

“Sec. 872. Waiver of Requirements.”.

(b) Section 102 (D.C. Official Code § 3-1201.02) is amended by adding a new

28 paragraph (15B) to read as follows:

29 “(15B) “Practice of professional art therapy” means the integrative application of
30 psychotherapeutic principles and methods with specialized training in art media, the
31 neurobiological implications of art-making, and art-based assessment models to assist an
32 individual or group to improve cognitive and sensory-motor functions, increase self-awareness
33 and self-esteem, cope with grief and traumatic experience, resolve conflicts and distress, and
34 enhance social functioning. The practice of professional art therapy includes:

35 “(A) Therapeutic interventions to facilitate alternative modes of
36 receptive and expressive communication, which can circumvent the limitations of verbal
37 articulation; and

38 “(B) Evaluation and assessment to define and implement art-based
39 treatment plans to address developmental, behavioral, cognitive, and emotional needs.”.

40 (c) Section 213 (D.C. Official Code § 3-1202.13) is amended as follows:

41 (1) Subsection (b) is amended by striking the phrase “counseling and” and
42 inserting the phrase “counseling, professional art therapy, and” in its place.

43 (2) Subsection (c) is amended by striking the number “1” both times it appears
44 and inserting the word “one” in its place.

45 (3) Subsection (d) is amended to read as follows:

46 “(d) Of the members of the Board, 2 shall be professional counselors licensed in the
47 District, one shall be an educator engaged in teaching counseling, one shall be a professional art
48 therapist, one shall be a consumer member, and one shall have at least 5 years of experience in
49 the field of addiction counseling.”.

50 (d) Section 401(b)(2) (D.C. Official Code § 3-1204.01(b)(2)) is amended by
51 striking the phrase “Board of Marriage and Family Therapy, and” and inserting the phrase
52 “Board of Marriage and Family Therapy, the professional art therapist member initially
53 appointed to the Board, and” in its place.

54 (e) Section 501(a)(1) (D.C. Official Code § 3-1205.01(a)(1)) is amended by
55 striking the phrase “or trauma technologist in the District,” and inserting the phrase “professional
56 art therapy, or as a trauma technologist in the District,” in its place.

57 (f) A new Title VIII-E is added to read as follows:

58 “TITLE VIII-E
59 “QUALIFICATIONS FOR LICENSURE TO PRACTICE AS A PROFESSIONAL ART
60 THERAPIST

61 “Sec. 871. Qualifications for licensure.

62 “(a) The Board of Professional Counseling shall license as a professional art therapist a
63 person who, in addition to meeting the requirements of Title V of this act, has:

64 “(1) Satisfactorily completed:

65 “(A) A Master’s degree from an accredited college or university in a
66 program in art therapy that was either approved by the American Art Therapy Association or
67 accredited by the Commission on Accreditation of Allied Health Education Programs at the time
68 the degree was conferred, or a substantially equivalent program, as determined by the Board; or

69 “(B) A Doctoral degree in art therapy or a related subject, including
70 psychology, professional counseling, or marriage and family therapy, from an accredited college
71 or university, as approved by the Board.

72 “(2) Successfully completed a minimum of 2 years of work experience in art
73 therapy following completion of the graduate degree consisting of at least 3,000 hours, of which
74 at least 1,000 hours involve practice in direct contact with clients and at least 200 hours were
75 under the immediate supervision of an art therapy certified supervisor, licensed professional art
76 therapist, board certified art therapist, or other licensed mental health professional approved by
77 the Board, with at least one hour of direct supervision provided per 15 hours of practice in direct
78 contact with clients; and

79 “(3) Achieved a passing score on the Art Therapy Credentials Board Examination
80 or its successor.

81 “(b) The Board of Professional Counseling shall license as a graduate professional art
82 therapist a person who, in addition to meeting the requirements of Title V of this act:

83 “(1) Has satisfactorily completed a:

84 “(A) Master’s degree from an accredited college or university in a
85 program in art therapy that was either approved by the American Art Therapy Association or
86 accredited by the Commission on Accreditation of Allied Health Education Programs at the time
87 the degree was conferred, or a substantially equivalent program, as determined by the Board; or

88 “(B) Doctoral degree in art therapy or a related subject, including
89 psychology, professional counseling, or marriage and family therapy, from an accredited college
90 or university, as approved by the Board.

91 “(c) The Board of Professional Counseling shall license as a professional art therapist by
92 endorsement a person who, in addition to meeting the requirements of Title V of this act, is
93 currently licensed in good standing in another state that has licensing requirements that are
94 equivalent to or exceed the requirements of subsection (a) of this section.

95 “Sec. 872. Waiver of Requirements.

96 “(a) The Board of Professional Counseling shall waive the requirements of section
97 871(a)(1) and (2) for any applicant for licensure as a professional art therapist who presents
98 evidence satisfactory to the Board that the applicant holds a credential as a board certified art
99 therapist in good standing with the Art Therapy Credentials Board, Inc., or its successor, and has
100 been engaged in active practice of art therapy for at least 3 of the previous 5 years prior to the
101 effective date of the Professional Art Therapist Licensure Amendment Act of 2020, as approved
102 by the Committee on Health on January 29, 2020 (Bill 23-250); provided, that the applicant for

103 licensure is made within 24 months of the effective date of the Professional Art Therapist
104 Licensure Amendment Act of 2020, as approved by the Committee on Health on January 29,
105 2020 (Bill 23-250).”.

106 (g) Section 1003 (D.C. Official Code § 3-1210.03) is amended by adding a new
107 subsection (p-1) to read as follows:

108 “(p-1) Unless authorized to practice as an art therapist under this act, a person shall not
109 use or imply the use of the words or terms “professional art therapist,” or “graduate art
110 therapist,” or any similar title or description of services with the intent to represent that the
111 person practices art therapy.”.

112 Sec. 3. Applicability.

113 (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved
114 budget and financial plan.

115 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
116 an approved budget and financial plan, and provide notice to the Budget Director of the Council
117 of the certification.

118 (c)(1) The Budget Director shall cause the notice of the certification to be published in
119 the District of Columbia Register.

120 (2) The date of publication of the notice of the certification shall not affect the
121 applicability of this act.

122 Sec. 4. Fiscal impact statement.

123 The Council adopts the fiscal impact statement in the committee report as the fiscal
124 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
125 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

126 Sec. 5. Effective date.

127 This act shall take effect following approval by the Mayor (or in the event of veto by the
128 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
129 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
130 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
131 Columbia Register.