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## DIGEST

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HB 505 Original

2020 Regular Session

Bishop

**Abstract:** Establishes the licensed profession of art therapist and provides for licensure of members of the profession by the La. State Board of Medical Examiners.

Proposed law establishes the licensed profession of art therapist in La. Provides for licensure of art therapists by the La. State Board of Medical Examiners, referred to hereafter as the "board".

Proposed law provides the following definitions:

- (1) "Art therapy" means the integrated use of psychotherapeutic principles, art media, and the creative process to assist individuals, families, or groups in any of the following:
  - (a) Increasing awareness of self and others.
  - (b) Coping with symptoms, stress, and traumatic experiences.
  - (c) Enhancing cognitive abilities.
  - (d) Identifying and assessing clients' needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.
- (2) "Practice of art therapy" means to engage professionally and for compensation in art therapy and appraisal activities by providing services involving the application of art therapy principles and methods in the evaluation, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions. Proposed law provides a nonexclusive list of activities which comprise the practice of art therapy.

Proposed law stipulates that nothing therein shall be construed to authorize an art therapist to do any of the following:

- (1) Diagnose mental illness.
- (2) Engage in the practice of psychology as defined in present law.
- (3) Administer or interpret any psychological tests provided for in present law.
- (4) Prescribe, either orally or in writing, distribute, dispense, or administer any medications.

Proposed law creates the Art Therapy Advisory Committee, referred to hereafter as the "advisory committee", for the purpose of advising and make recommendations to the board regarding the practice of art therapy and the licensure of art therapists. Provides that the advisory committee shall be composed of five persons appointed by the president of the board, three of whom shall be selected from a list of candidates submitted by the La. Art Therapy Association.

Proposed law provides that to qualify for licensure as an art therapist, an applicant shall submit to the board an application on a form issued by the board, pay the license fee required by the board, and furnish evidence satisfactory to the board and the advisory committee that he meets all of the following qualifications:

- (1) Is of good moral character.
- (2) Is a resident of La. or is in the process of establishing residency in this state.
- (3) Has been determined suitable and eligible for licensure pursuant to a review by the board of criminal history record information obtained by the board as authorized in proposed law.

Proposed law requires the advisory committee to recommend to the board that an applicant who meets the qualifications provided in proposed law be licensed as an art therapist after the applicant provides satisfactory evidence to the advisory committee that he has done all of the following:

- (1) Successfully completed a master's degree or a doctoral degree from a regionally accredited institution of higher education in a program in art therapy approved by the American Art Therapy Association, or in a substantially equivalent post-graduate program approved by the board that requires a minimum of 60 graduate semester hours and includes all of the following:
  - (a) Graduate-level courses and training in all areas required by the board in rule.
  - (b) An art therapy internship of not less than 600 hours that is performed under supervision and is part of an approved course of study.
- (2) Completed at least two calendar years, with a minimum of 3,000 hours, of supervised work experience in art therapy under an art therapy certified supervisor credentialed by the Art Therapy Credentials Board or other qualified supervisor approved by the La. State Board of Medical Examiners. Proposed law provides that each multiple of 30 graduate semester hours completed beyond the master's degree requirement may substitute for 500 hours of supervised experience.
- (3) Passed the board examination conducted by the Art Therapy Credentials Board.

Proposed law authorizes the board to provide in rule for qualifications necessary for art therapists to be licensed by reciprocity and procedures for such licensure.

Proposed law authorizes the board, after an administrative hearing conducted in accordance with present law, or by consent of the parties, to deny or refuse to issue, revoke, suspend, or cancel a license provided for in proposed law or place on probation, reprimand, censure, or otherwise discipline a licensee upon proof satisfactory to the board that the person has violated any provision of proposed law relative to improper and unprofessional conduct.

Proposed law provides that a license issued in accordance with its provisions shall be valid for two years and subject to biennial renewal. Provides that to renew a license, a person shall pay a renewal fee required by the board not later than the expiration date of the license, and shall satisfy the continuing education requirements established by the board in rule.

Proposed law prohibits individuals who do not possess a valid license issued in accordance with proposed law from using the title "art therapist", "licensed art therapist", or any word, letter, abbreviation, or insignia that indicates or implies that they have been issued a license or met the qualifications for licensure established by proposed law.

Proposed law stipulates that if the board believes that a person has engaged, or is going to engage, in an act or practice that constitutes or will constitute a violation of proposed law, then the board may apply to a district court of appropriate jurisdiction for an order enjoining the act or practice. Provides that in such cases, the court may grant an injunction, a restraining order, or another appropriate order relative to the prohibited act or practice.

Proposed law provides that any person who violates proposed law shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed \$1,000 for the first offense and \$2,000 for each subsequent offense. Provides that in addition to any other authorized penalty, the board may petition a district court of appropriate jurisdiction to enjoin the person who violates proposed law from practicing art therapy.

Proposed law provides that there shall be no liability on the part of and no action for damages against any member of the board, or any agent or employee of the board, in any civil action for any act performed in good faith in the execution of his duties in accordance with proposed law. Provides further that no person shall be held liable for damages pursuant to any provision of present law for providing information to the board without malice and under the reasonable belief that such information is accurate, whether providing such information as a witness or otherwise.

(Amends R.S. 37:1277(A)(intro. para.) and (1); Adds R.S. 37:1360.121 through 1360.132)