Title 45.
Chapter 8B.
"Counseling"
(Revised)
§§1-17 -
C.45:8B-51 to
45:8B-67
§18 - Note

P.L.2015, CHAPTER 199, ***approved January 11, 2016***
Assembly, No. 1783 ***(Second Reprint)***

AN ACT providing for the licensure of art therapists and supplementing Title 45 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. This act shall be known and may be cited as the "Art Therapist Licensing Act."

2. The profession of art therapy in the State of New Jersey is determined to affect the public safety and welfare, and to be subject to regulation and control in the public interest in order to protect the public by setting standards of qualification, education, training, and experience for professional art therapists and associate art therapists.

3. As used in this act:

"Art therapist" means any person licensed to practice art therapy pursuant to the provisions of this act.

"Art therapy" means the integrated use of psychotherapeutic principles with art media and the creative process to assist individuals, families or groups in:

(1) increasing awareness of self and others;

(2) coping with symptoms, stress, and traumatic experiences;

(3) enhancing cognitive abilities; and

(4) identifying and assessing clients' needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.

"Board" means the State Board of Marriage and Family Therapy Examiners.

"Committee" means the Art Therapists Advisory Committee established pursuant to section 4 of this act.

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Assembly floor amendments adopted May 22, 2014.
[2]Senate SCM committee amendments adopted May 7, 2015.

"Licensed associate art therapist" means and individual who holds a current, valid license issued pursuant to section 11 of this act.

"Licensed professional art therapist" means an individual who holds a current, valid license issued pursuant to section 10 of this act.

"Supervision" means: (1) ensuring that the extent, kind, and quality of art therapy performed is consistent with the education, training, and experience of the person being supervised; (2) reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the art therapist trainee; (3) monitoring and evaluating the ability of the licensed associate art therapist to provide services to the particular clientele at the site or sites where he or she will be practicing; (4) ensuring compliance with laws and regulations governing the practice of licensed professional art therapy; (5) completing that amount of direct observation, or review of audio or videotapes of art therapy, as deemed appropriate by the supervisor; and (6) completing the services conducted by an Art Therapy Certified Supervisor (ATCS) credentialed by the Art Therapy Credentials Board or approved by the committee.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the State Board of Marriage and Family Therapy Examiners, an Art Therapists Advisory Committee. The committee shall consist of five members who are residents of the State. Except for the members first appointed, the members shall be licensed art therapists under the provisions of this act and shall have been actively engaged in the practice of art therapy in the State for at least five years immediately preceding their appointment.

The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that of the members first appointed, two shall serve for a term of three years, two shall serve a term of two years and one shall serve for a term of one year. Each member shall hold office until his successor has been qualified and appointed. Any vacancy in the membership of the committee shall be filled for the unexpired term in the manner provided for in the original appointment. No member of the committee may serve more than two successive terms in addition to any unexpired term to which he has been appointed.

5. Members of the committee shall be [2][compensated and][2] reimbursed for expenses and provided with office and meeting facilities and personnel required for the proper conduct of the business of the committee.

6. The committee shall organize within 30 days after the appointment of its members and shall annually elect from its members a chairperson and a vice-chairperson, and may appoint a secretary, who need not be a member of the committee. The committee shall meet at least twice a year and may hold additional meeting as necessary to discharge its duties. A majority of the committee membership shall constitute a quorum.

7. The committee shall have the following powers and duties:

a. Issue and renew licenses to art therapists pursuant to the provisions of this act;

b. Suspend, revoke or fail to renew the license of an art therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

c. Maintain a record of every art therapist licensed in this State, their place of business, place of residence, and the date and number of their license;

d. Prescribe or change the charges for examinations, licensures, renewal and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1);

e. Establish standards for the continuing education of art therapists; and

f. Promulgate rules and regulations to carry out matters delegated to the committee by the board concerning any provisions of this act, in conformance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

8. a. No person shall engage in the practice of art therapy unless licensed as a professional art therapist or associate art therapist pursuant to the provisions of this act.

b. No person shall use the title "licensed professional art therapist" or "licensed associate art therapist" or the abbreviation "LPAT" or "LAAT" or any other title, designation, words, letters, abbreviations or insignia indicating the practice of art therapy unless licensed pursuant to the provisions of this act.

9. Nothing in this act shall be construed to apply to:

a. The activities and services of qualified members of other professions, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, [1]occupational therapists,[1] professional or rehabilitation counselors or any other professional licensed by the State, when acting within the scope of their profession and doing work of a nature consistent with their training, provided they do not hold themselves out to the public as possessing a license issued pursuant to this act or represent themselves by any professional title regulated by this act.

b. The activities of an art therapy nature on the part of persons employed by an accredited or State-approved college or university, or working in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as "art therapy intern" or other title clearly indicating the training status appropriate to the level of training.

10. To be eligible to be licensed as a professional art therapist, an applicant shall fulfill the following requirements:

a. Is at least 18 years of age;

b. Is of good moral character;

c. Holds a master's degree in art therapy, or a clearly related field with specialization in art therapy, as determined by the committee, from an accredited educational institution that is approved by the committee; or a master's degree or doctoral degree in a field closely related to art therapy without specialization in art therapy and demonstrates to the committee that he has completed course work content and training substantially equivalent to that required for a master's degree in art therapy from an accredited educational institution that is approved by the committee.

(1) In the case of an applicant holding a master's degree in art therapy or a clearly related field with specialization in art therapy, the applicant shall have completed:

(a) A minimum of 60 graduate credit hours from any accredited educational institution that is approved by the committee; and

(b) Not less than 4,500 hours of supervised experience approved by the committee, a minimum of 3,500 hours of which shall have been completed after the award of the master's degree.

(2) In the case of an applicant holding a doctoral degree in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed:

(a) A minimum of 90 graduate credit hours in that closely related field;

(b) A minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and

(c) Not less than 3,000 hours of supervised experience in art therapy approved by the committee. The committee shall establish criteria for determining the specifications as to what constitutes supervised art therapy experience. An applicant may eliminate 1,000 hours of the required supervised art therapy experience by substituting 30 graduate credit hours beyond the master's degree if those graduate credit hours are clearly related to art therapy, as determined by the committee. In no case, however, may the applicant have less than 1,000 hours of supervised professional art therapy experience after the granting of the master's degree.

(3) In the case of an applicant holding a master's degree in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed:

(a) A minimum of 60 graduate credit hours in that closely related field;

(b) A minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and

(c) Not less than 4,500 hours of supervised experience in art therapy approved by the committee, a minimum of 3,500 hours of which shall have been completed after the award of the master's degree. The committee shall establish criteria for determining the specifications as to what constitutes supervised art therapy experience;

The completed graduate course work in art therapy from an accredited college or university program that is approved by the committee shall include training in:

(1) The art therapy profession;

(2) Theory and practice of art therapy;

(3) Human growth and developmental dynamics in art;

(4) Application of art therapy with people in different treatment settings;

(5) Art therapy appraisal, diagnosis and assessment;

(6) Ethical and legal issues of art therapy practice;

(7) Matters of cultural and social diversity bearing on the practice of art therapy;

(8) Standards of good art therapy practice; and

(9) Group art therapy; and

d. Has passed the Art Therapy Credentials Board Examination.

11. To be eligible to be licensed as an associate art therapist, an applicant shall fulfill the following requirements:

a. Is at least 18 years of age;

b. Is of good moral character;

c. Holds a master's degree in art therapy, or a clearly related field with specialization in art therapy, as determined by the committee, from any accredited educational institution that is approved by the committee; or a master's degree or doctoral degree in a closely related field to art therapy without specialization in art therapy and demonstrates to the committee that he has completed course work content and training substantially equivalent to that required for a master's degree in art therapy from an accredited educational institution that is approved by the committee.

(1) In the case of an applicant holding a master's degree in art therapy or a clearly related field with specialization in art therapy, the applicant shall have completed not less than 60 graduate credit hours in an art therapy program that is approved by the committee.

(2) In the case of an applicant holding a doctoral degree in a planned educational program of 90 graduate credit hours in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed not less than 30 graduate credit hours in an art therapy program approved by the committee.

(3) In the case of an applicant holding a master's degree in a planned educational program of 60 graduate credit hours in a field closely related to art therapy without specialization in art therapy, the applicant shall have completed not less than 30 graduate credit hours in an art therapy program approved by the committee;

The graduate course work in art therapy from an accredited college or university program that is approved by the committee shall include training in:

(1) The art therapy profession;

(2) Theory and practice of art therapy;

(3) Human growth and developmental dynamics in art;

(4) Application of art therapy with people in different treatment settings;

(5) Art therapy appraisal, diagnosis and assessment;

(6) Ethical and legal issues of art therapy practice;

(7) Matters of cultural and social diversity bearing on the practice of art therapy;

(8) Standards of good art therapy practice; and

(9) Group art therapy; and

d. Has passed the Art Therapy Credentials Board Examination.

12. a. The committee shall issue a license to any applicant who, in the opinion of the committee, has satisfactorily met all the requirements of this act.

b. All licenses shall be issued for a two-year period upon the payment of the prescribed licensure fee, and shall be renewed upon filing of a renewal application, the payment of a licensure fee, and presentation of satisfactory evidence to the committee that in the period since the license was issued or last renewed any continuing education requirements have been completed as specified by the committee.

13. Upon payment to the board of a fee and the submission of a written application provided by the board, the committee shall issue an art therapy license to any person who holds a valid license issued by another state or possession of the United States or the District of Columbia which has standards substantially equivalent to those of this State, as determined by the committee.

14. For 360 days after the date procedures are established by the committee for applying for licensure under section 10 of P.L. , c. (C.) (pending before the Legislature as this bill), any person

may qualify as a licensed professional art therapist, upon application for licensure and payment of the appropriate fee, provided the applicant furnishes satisfactory evidence to the committee that he has either:

a. completed a minimum of 45 graduate credit hours, which includes a master's degree or doctorate from a regionally accredited institution of higher education, in subject matter that is primarily art therapy in content; and has completed not less than five years of experience in the practice of art therapy; or

b. completed a minimum of 45 graduate semester hours, which includes a master's degree from a regionally accredited institution of higher education; and has passed the Art Therapy Credentials Board Examination.

15. a. The committee shall require each licensed professional art therapist or licensed associate art therapist, as a condition of biennial license renewal to complete any continuing education requirements imposed by the board pursuant to this section.

b. The board shall:

(1) Promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued under its jurisdiction;

(2) Establish standards for continuing education, including the subject matter and content of courses of study, and the number and type of continuing education credits required of a licensee as a condition of biennial license renewal;

(3) Recognize the American Art Therapy Association and other organizations as providers of continuing education, and accredit educational programs, including, but not limited to, meetings of constituents and components of art therapy associations recognized by the board, examinations, papers, publications, presentations, teaching and research appointments, and shall establish procedures for the issuance of credit upon satisfactory proof of the completion of these programs. In the case of education courses or programs, each hour of instruction shall be equivalent to one credit; and

(4) Approve only those continuing education programs as are available to all art therapists in this State on a reasonable nondiscriminatory basis.

16. Any communication between a licensed professional art therapist or licensed associate art therapist and the person receiving the art therapy, while performing art therapy, shall be confidential and its secrecy preserved. This privilege shall not be subject to waiver, except when disclosure is required by State law or when the licensed professional art therapist or licensed associate art therapist is a party defendant to a civil, criminal or disciplinary action arising

from that art therapy, in which case the waiver of the privilege accorded by this section shall be limited to that action.

17. Supervision of art therapy students shall be provided by an Art Therapy Certified Supervisor (ATCS) credentialed by the Art Therapy Credentials Board or approved by the committee. No licensed associate art therapist shall practice art therapy without supervision by a licensed professional art therapist or a supervisor acceptable to the committee. The plan for supervision of the licensed associate art therapist shall be approved by the committee prior to any actual performance of art therapy by the licensed associate art therapist.

18. This act shall take effect on the 180th day following enactment.

"Art Therapist Licensing Act."