

[First Reprint]

SENATE, No. 2020

STATE OF NEW JERSEY

216th LEGISLATURE

INTRODUCED MAY 5, 2014

Sponsored by:

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District 19 (Middlesex)

Senator SANDRA B. CUNNINGHAM

District 31 (Hudson)

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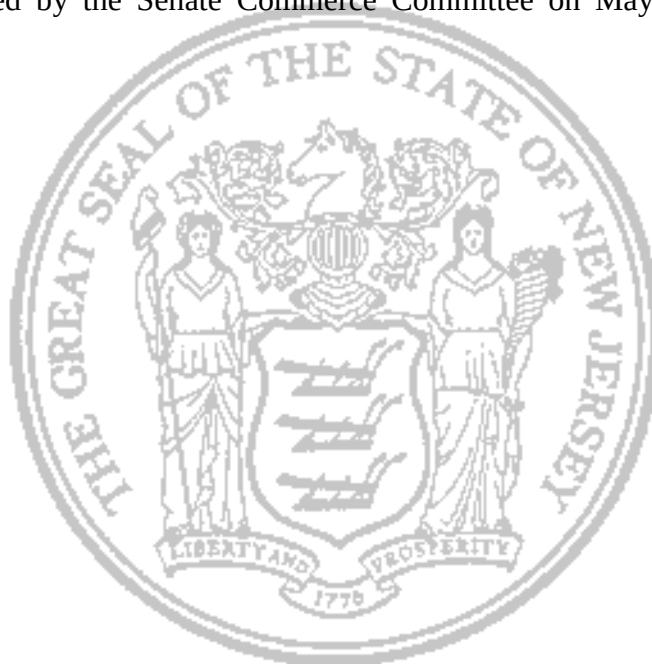
Senators Madden, T.Kean and Lesniak

SYNOPSIS

“Art Therapist Licensing Act.”

CURRENT VERSION OF TEXT

As reported by the Senate Commerce Committee on May 7, 2015, with amendments.



(Sponsorship Updated As Of: 12/18/2015)

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

3

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

6

7 1. This act shall be known and may be cited as the “Art
8 Therapist Licensing Act.”

9

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

16

17 3. As used in this act:

18 “Art therapist” means any person licensed to practice art therapy
19 pursuant to the provisions of this act.

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

23 (1) increasing awareness of self and others;

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

25 (3) enhancing cognitive abilities; and

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

29 “Board” means the State Board of Marriage and Family Therapy
30 Examiners.

31 “Committee” means the Art Therapists Advisory Committee
32 established pursuant to section 4 of this act.

33 “Licensed associate art therapist” means an individual who
34 holds a current, valid license issued pursuant to section 11 of this
35 act.

36 “Licensed professional art therapist” means an individual who
37 holds a current, valid license issued pursuant to section 10 of this
38 act.

39 “Supervision” means: (1) ensuring that the extent, kind, and
40 quality of art therapy performed is consistent with the education,
41 training, and experience of the person being supervised; (2)
42 reviewing client or patient records, monitoring and evaluating
43 assessment, diagnosis, and treatment decisions of the art therapist
44 trainee; (3) monitoring and evaluating the ability of the licensed

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:

¹Senate SCM committee amendments adopted May 7, 2015.

1 associate art therapist to provide services to the particular clientele
2 at the site or sites where he or she will be practicing; (4) ensuring
3 compliance with laws and regulations governing the practice of
4 licensed professional art therapy; (5) completing that amount of
5 direct observation, or review of audio or videotapes of art therapy,
6 as deemed appropriate by the supervisor; and (6) completing the
7 services conducted by an Art Therapy Certified Supervisor (ATCS)
8 credentialed by the Art Therapy Credentials Board or approved by
9 the committee.

10
11 4. There is created within the Division of Consumer Affairs in
12 the Department of Law and Public Safety, under the State Board of
13 Marriage and Family Therapy Examiners, an Art Therapists
14 Advisory Committee. The committee shall consist of five members
15 who are residents of the State. Except for the members first
16 appointed, the members shall be licensed art therapists under the
17 provisions of this act and shall have been actively engaged in the
18 practice of art therapy in the State for at least five years
19 immediately preceding their appointment.

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

31
32 5. Members of the committee shall be ¹~~['compensated and']~~¹
33 reimbursed for expenses and provided with office and meeting
34 facilities and personnel required for the proper conduct of the
35 business of the committee.

36
37 6. The committee shall organize within 30 days after the
38 appointment of its members and shall annually elect from its
39 members a chairperson and a vice-chairperson, and may appoint a
40 secretary, who need not be a member of the committee. The
41 committee shall meet at least twice a year and may hold additional
42 meeting as necessary to discharge its duties. A majority of the
43 committee membership shall constitute a quorum.

44
45 7. The committee shall have the following powers and duties:
46 a. Issue and renew licenses to art therapists pursuant to the
47 provisions of this act;

- 1 b. Suspend, revoke or fail to renew the license of an art
2 therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
3 seq.);
- 4 c. Maintain a record of every art therapist licensed in this State,
5 their place of business, place of residence, and the date and number
6 of their license;
- 7 d. Prescribe or change the charges for examinations, licensures,
8 renewal and other services performed pursuant to P.L.1974, c.46
9 (C.45:1-3.1);
- 10 e. Establish standards for the continuing education of art
11 therapists; and
- 12 f. Promulgate rules and regulations to carry out matters
13 delegated to the committee by the board concerning any provisions
14 of this act, in conformance with the “Administrative Procedure
15 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
- 16
- 17 8. a. No person shall engage in the practice of art therapy
18 unless licensed as a professional art therapist or associate art
19 therapist pursuant to the provisions of this act.
- 20 b. No person shall use the title “licensed professional art
21 therapist” or “licensed associate art therapist” or the abbreviation
22 “LPAT” or “LAAT” or any other title, designation, words, letters,
23 abbreviations or insignia indicating the practice of art therapy
24 unless licensed pursuant to the provisions of this act.
- 25
- 26 9. Nothing in this act shall be construed to apply to:
- 27 a. The activities and services of qualified members of other
28 professions, including physicians, psychologists, psychoanalysts,
29 registered nurses, marriage and family therapists, social workers,
30 ‘occupational therapists,’¹ professional or rehabilitation counselors
31 or any other professional licensed by the State, when acting within
32 the scope of their profession and doing work of a nature consistent
33 with their training, provided they do not hold themselves out to the
34 public as possessing a license issued pursuant to this act or
35 represent themselves by any professional title regulated by this act.
- 36 b. The activities of an art therapy nature on the part of persons
37 employed by an accredited or State-approved college or university,
38 or working in a recognized training program, provided that these
39 activities and services constitute a part of a supervised course of
40 study and that those persons are designated by a title such as “art
41 therapy intern” or other title clearly indicating the training status
42 appropriate to the level of training.
- 43
- 44 10. To be eligible to be licensed as a professional art therapist,
45 an applicant shall fulfill the following requirements:
- 46 a. Is at least 18 years of age;
- 47 b. Is of good moral character;

- 1 c. Holds a master's degree in art therapy, or a clearly related
2 field with specialization in art therapy, as determined by the
3 committee, from an accredited educational institution that is
4 approved by the committee; or a master's degree or doctoral degree
5 in a field closely related to art therapy without specialization in art
6 therapy and demonstrates to the committee that he has completed
7 course work content and training substantially equivalent to that
8 required for a master's degree in art therapy from an accredited
9 educational institution that is approved by the committee.
- 10 (1) In the case of an applicant holding a master's degree in art
11 therapy or a clearly related field with specialization in art therapy,
12 the applicant shall have completed:
- 13 (a) A minimum of 60 graduate credit hours from any accredited
14 educational institution that is approved by the committee; and
- 15 (b) Not less than 4,500 hours of supervised experience approved
16 by the committee, a minimum of 3,500 hours of which shall have
17 been completed after the award of the master's degree.
- 18 (2) In the case of an applicant holding a doctoral degree in a
19 field closely related to art therapy without specialization in art
20 therapy, the applicant shall have completed:
- 21 (a) A minimum of 90 graduate credit hours in that closely
22 related field;
- 23 (b) A minimum of 30 graduate credit hours in a post-graduate
24 art therapy program approved by the committee; and
- 25 (c) Not less than 3,000 hours of supervised experience in art
26 therapy approved by the committee. The committee shall establish
27 criteria for determining the specifications as to what constitutes
28 supervised art therapy experience. An applicant may eliminate
29 1,000 hours of the required supervised art therapy experience by
30 substituting 30 graduate credit hours beyond the master's degree if
31 those graduate credit hours are clearly related to art therapy, as
32 determined by the committee. In no case, however, may the
33 applicant have less than 1,000 hours of supervised professional art
34 therapy experience after the granting of the master's degree.
- 35 (3) In the case of an applicant holding a master's degree in a
36 field closely related to art therapy without specialization in art
37 therapy, the applicant shall have completed:
- 38 (a) A minimum of 60 graduate credit hours in that closely
39 related field;
- 40 (b) A minimum of 30 graduate credit hours in a post-graduate
41 art therapy program approved by the committee; and
- 42 (c) Not less than 4,500 hours of supervised experience in art
43 therapy approved by the committee, a minimum of 3,500 hours of
44 which shall have been completed after the award of the master's
45 degree. The committee shall establish criteria for determining the
46 specifications as to what constitutes supervised art therapy
47 experience;

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

- 4 (1) The art therapy profession;
- 5 (2) Theory and practice of art therapy;
- 6 (3) Human growth and developmental dynamics in art;
- 7 (4) Application of art therapy with people in different treatment
8 settings;
- 9 (5) Art therapy appraisal, diagnosis and assessment;
- 10 (6) Ethical and legal issues of art therapy practice;
- 11 (7) Matters of cultural and social diversity bearing on the
12 practice of art therapy;
- 13 (8) Standards of good art therapy practice; and
- 14 (9) Group art therapy; and
- 15 d. Has passed the Art Therapy Credentials Board Examination.

16
17 11. To be eligible to be licensed as an associate art therapist, an
18 applicant shall fulfill the following requirements:

- 19 a. Is at least 18 years of age;
- 20 b. Is of good moral character;
- 21 c. Holds a master's degree in art therapy, or a clearly related
22 field with specialization in art therapy, as determined by the
23 committee, from any accredited educational institution that is
24 approved by the committee; or a master's degree or doctoral degree
25 in a closely related field to art therapy without specialization in art
26 therapy and demonstrates to the committee that he has completed
27 course work content and training substantially equivalent to that
28 required for a master's degree in art therapy from an accredited
29 educational institution that is approved by the committee.

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

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

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

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

- 47 (1) The art therapy profession;
- 48 (2) Theory and practice of art therapy;

- 1 (3) Human growth and developmental dynamics in art;
- 2 (4) Application of art therapy with people in different treatment
- 3 settings;
- 4 (5) Art therapy appraisal, diagnosis and assessment;
- 5 (6) Ethical and legal issues of art therapy practice;
- 6 (7) Matters of cultural and social diversity bearing on the
- 7 practice of art therapy;
- 8 (8) Standards of good art therapy practice; and
- 9 (9) Group art therapy; and
- 10 d. Has passed the Art Therapy Credentials Board Examination.

11
12 12. a. The committee shall issue a license to any applicant who,
13 in the opinion of the committee, has satisfactorily met all the
14 requirements of this act.

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

22
23 13. Upon payment to the board of a fee and the submission of a
24 written application provided by the board, the committee shall issue
25 an art therapy license to any person who holds a valid license issued
26 by another state or possession of the United States or the District of
27 Columbia which has standards substantially equivalent to those of
28 this State, as determined by the committee.

29
30 14. For 360 days after the date procedures are established by the
31 committee for applying for licensure under section 10 of
32 P.L. , c. (C.) (pending before the Legislature as this bill), any
33 person may qualify as a licensed professional art therapist, upon
34 application for licensure and payment of the appropriate fee,
35 provided the applicant furnishes satisfactory evidence to the
36 committee that he has either:

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

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

46
47 15. a. The committee shall require each licensed professional
48 art therapist or licensed associate art therapist, as a condition of

1 biennial license renewal to complete any continuing education
2 requirements imposed by the board pursuant to this section.

3 b. The board shall:

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

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

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

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

23

24 16. Any communication between a licensed professional art
25 therapist or licensed associate art therapist and the person receiving
26 the art therapy, while performing art therapy, shall be confidential
27 and its secrecy preserved. This privilege shall not be subject to
28 waiver, except when disclosure is required by State law or when the
29 licensed professional art therapist or licensed associate art therapist
30 is a party defendant to a civil, criminal or disciplinary action arising
31 from that art therapy, in which case the waiver of the privilege
32 accorded by this section shall be limited to that action.

33

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

43

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