

SENATE No. 195

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to licensure of art therapists.

PETITION OF:

NAME:

Diana DiZoglio

DISTRICT/ADDRESS:

First Essex

SENATE No. 195

By Ms. DiZoglio, a petition (accompanied by bill, Senate, No. 195) of Diana DiZoglio for legislation relative to licensure of art therapists. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 141 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to licensure of art therapists.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 88 of chapter 13 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out, in line 4, the number “13”, and inserting in
3 place thereof the following number:- 15.

4 SECTION 2. Section 89 of said chapter 13, as so appearing, is hereby amended by
5 inserting after the word “psychologists”, in line 8, the following words:- 2 of whom shall be
6 board certified art therapists.

7 SECTION 3. Chapter 112 of the General Laws is hereby amended by adding the
8 following section:-

9 Section 275. (a) As used in this section the following words shall, unless the context
10 clearly requires otherwise, have the following meanings:-

11 “Art therapist” or “certified art therapist” or “board certified art therapist” or “licensed
12 professional art therapist” or “LPAT”, an individual licensed to practice art therapy under this
13 section who offers individuals, families, or groups professional art therapy services directly to
14 the general public, or through public or private organizations. These individuals hold board
15 certification in good standing with the certifying organization.

16 “Art therapy”, a mental health discipline that integrates use of psychotherapeutic
17 principles, art media, and the creative process to assist individuals, families or groups in doing all
18 of the following:

19 (i) increasing awareness of self and others;

20 (ii) coping with symptoms, stress and traumatic experiences;

21 (iii) enhancing cognitive, physical, social and emotional abilities; and

22 (iv) identifying and evaluating clients’ needs in order to implement therapeutic
23 interventions to meet developmental, behavioral, mental and emotional needs.

24 “Art therapy services”, refers to employing art media, the creative process, and the
25 resulting artwork to provide all of the following services:

26 (i) clinical appraisal and treatment activities during individual, couples, family or group
27 sessions that provide opportunities for expression through art therapy;

28 (ii) the use of art processes and products to facilitate the client’s understanding of internal
29 conflict and the impact on their behavior and relationships; and

30 (iii) employing diagnostic and assessment methods, consistent with training and
31 experience, to determine treatment goals and implement therapeutic art interventions that meet
32 developmental, cognitive, behavioral and emotional needs.

33 “Board”, the board of allied mental health professions established in section 11A of
34 chapter 13.

35 “Certified educational institution”, an accredited degree-granting college or university
36 with a graduate art therapy program recognized by the American Art Therapy Association, the
37 Commission on Accreditation for Allied Health Education Programs, or a graduate program in a
38 related field as recognized by the board.

39 “Governing association”, the accreditation board of art therapists, currently being the Art
40 Therapy Credentials Board, a national certifying agency.

41 “Licensed associate art therapist” or “LAAT”, an individual licensed as an associate art
42 therapist under this section who obtains supervised experience from a LPAT or other qualified
43 mental health professional approved by the board for at least 3 months, for the purposes of
44 becoming licensed as a licensed professional art therapist.

45 “Supervised experience”, direct consultation, on a regularly scheduled basis, between a
46 supervisee and a LPAT, certified art therapist, or other behavioral health professional, such as
47 LMHC, approved by the board. The board approved supervisor is responsible for insuring that

48 the extent, kind, and quality of services rendered are consistent with the governing association's
49 guidelines, as well as the supervisee's education, training, and experience.

50 (b) The board is required to examine applicants for licensure in the field it supervises at
51 such times and places as it may determine. Applications for such license, signed and sworn by
52 the applicants shall be made on forms furnished by the board. An applicant who furnished
53 satisfactory proof that he or she understands ethical guidelines and Massachusetts law and
54 practices within this scope and that he or she has met the educational and clinical practice
55 requirements set forth in subsection (f), shall, upon payment of a fee determined by the treasurer,
56 be examined by the board, and if found qualified, shall be licensed to practice.

57 Licenses shall expire every 2 years on the anniversary of the license acquirement.
58 Licensees shall pay to the board a renewal fee determined by the treasurer. The board may
59 require specific continuing education as a condition of the license renewal. The board may
60 provide for the late renewal of a license that has lapsed and may require payment of a late fee, an
61 examination, continuing education, and supervised experience before issuing the renewed
62 license.

63 (c) A person who meets the qualifications admitted to the examination for licensure as an
64 art therapist, may between the date of filing an application for licensure and the announcement of
65 the results the next succeeding examination for licensure, according to which the applicant has
66 filed, practice as an art therapist under the supervision of an art therapist, mental health
67 counselor, social worker, or the equivalent duly licensed under this chapter. If any person so
68 practicing fails to qualify for or pass the first announced examination after filing for licensure, all
69 privileges under this section shall automatically cease upon due notice to the applicant of such

70 failure. Such privileges shall be renewed upon filling for a second examination for licensure and
71 shall automatically cease upon notice to the applicant that he or she has failed to pass the second
72 examination. Such privileges may again be renewed upon the applicant petitioning the board for
73 permission to file a third application and said permission being granted by the board shall
74 automatically cease upon due notice that he or she has failed to pass the third examination. An
75 applicant who files a further application for license shall not practice until passing such further
76 examination.

77 (d) The board may, without examination, license as an art therapist, an applicant who is
78 duly licensed or registered under the laws of another state or territory of the United States, the
79 District of Columbia, or the commonwealth of Puerto Rico. At the time of making such
80 application, the applicant shall pay a fee determined by the treasurer of the board. An applicant
81 with a creative arts license in another state or territory shall be required to take and pass an
82 examination to be licensed as an art.

83 (e) Nothing in this section shall be construed as preventing or restricting the practice,
84 services, or activities of:

85 (i) any person licensed in this commonwealth by any other statute from engaging in the
86 profession or occupation for which he or she is licensed;

87 (ii) any person employed as an art therapist or associate art therapist by the United States
88 or any agency of it, if such person provides art therapy solely under the direction or control of
89 the United States government organization by which he or she is employed;

90 (iii) any person pursuing a supervised course of study leading to a degree or certificate in
91 art therapy at an accredited or approved educational program, if the person is designated by a
92 title which clearly indicates his or her status as a student or trainee;

93 (iv) any person fulfilling the supervised field work experience requirements of this
94 section, if the experience constitutes a part of the experience necessary to meet the requirement
95 of that section; or

96 (v) any person performing art therapy services in the commonwealth if these services are
97 performed for no more than 2 days in a calendar year in association with an art therapist licensed
98 under this section, if the person is licensed under the law of another state which has licensure
99 requirements at least as stringent as the requirements of this section, or is recognized by the
100 governing association as a qualified art therapist.

101 (f) An applicant for licensure as an art therapist shall complete (i) through (iv) below:

102 (i) Have completed one of the following:

103 (1) a master's or doctoral degree in art therapy from an accredited educational institution
104 that was either approved by the American Art Therapy Association or accredited by the
105 Commission on Accreditation of Allied Health Education Programs at the time the degree was
106 conferred; or

107 (2) a graduate degree in an allied or related field from an accredited educational
108 institution and graduate level work which is the equivalent to a master's degree in art therapy, as
109 determined by the board.

110 (ii) Following the completion of the master's degree, have successfully accrued no less
111 than 2 years of supervised experience. The experience shall consist of no less than 3,200 hours
112 obtained over a period of not more than 5 consecutive years, including a minimum of 1,000
113 direct client contact hours.

114 (iii) Have at least 100 hours of supervision, at least 50 hours shall be completed by a
115 LPAT or certified art therapist, who is also licensed to practice mental health counseling.
116 Additional hours may be supervised by a mental health counselor, social worker or professional
117 licensed in a related mental health field.

118 (iv) Have passed the board examination of the national certifying agency.

119 (g) An applicant for licensure as an associate art therapist shall:

120 (i) Have completed a master's or doctoral degree in art therapy from an accredited
121 educational institution that was either approved by the American Art Therapy Association or
122 accredited by the Commission on Accreditation of Allied Health Education Programs at the time
123 the degree was conferred;

124 (ii) Be practicing art therapy under an approved supervisor; and

125 (iii) Successfully accrued a certain amount of supervised pre-master's field work,
126 including direct client contact, and individual and group supervision hours. Minimum hours of
127 individual and group supervision must be provided by supervisors approved by the board. Of
128 these supervised hours, a certain amount must be by a registered art therapist or LPAT.

129 The LAAT is not a required credential to apply for the LPAT.

130 The associate art therapy license is effective for a period of 2 years. The license may be
131 renewed up to 5 times.

132 (h) The board may, after a hearing pursuant to chapter 30, revoke, suspend, cancel the
133 license of or place on probation, reprimand, censure or otherwise discipline a licensee upon proof
134 satisfactory to a majority of the board that said person:

135 (i) obtained or attempted to obtain a license by fraud or deception;

136 (ii) has been convicted of a felony or of a crime involving moral turpitude;

137 (iii) has been grossly negligent in his or her practice of art therapy;

138 (iv) has been adjudged mentally ill or incompetent by the court of competent jurisdiction;

139 (v) used drugs or intoxicating liquors to the extent which adversely affects his practice; or

140 (vi) acted in manner which is professionally unethical according to ethical standards of
141 the profession of art therapy.

142 (i) Nothing in this section shall be construed as authorizing an art therapist to practice
143 medicine or any other form or method of healing not specified in said section.

144 The board may adopt reasonable rules and regulations to carry into effect this section and
145 may amend and revoke such rules and regulations at its discretion. The board shall keep a record
146 of its proceedings and a roster of all persons licensed by it under this section. The roster shall
147 include the licensee's name, last known business and residential address, date of licensing and
148 license number.

149 The board shall promulgate regulations necessary to regulate and inspect the practice
150 settings of its licensees and may require the practice settings to be licensed by the board if the
151 practice settings are not regulated by the department of public health. Fees for the licensing of
152 any practice setting and renewals thereof shall be determined by the secretary of administrations
153 pursuant to section 3B of chapter 7 and shall be deposited in the Division of Professional
154 Licensure Trust Fund established by section 35V of chapter 10.

155 (j) No person shall advertise or promote him or herself as an art therapist or shall be able
156 to practice art therapy in this commonwealth unless he or she is licensed in accordance with this
157 section. No person not so licensed may use in connection with his or her name or place of
158 business the letters, “LPAT” or any other words, letters, abbreviations, or insignia indicating that
159 he or she is an art therapist.