

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS35308-LUfqq-56 (02/27)

Short Title: Establish Art Therapy Licensure Act. (Public)

Sponsors: Senator Boseman.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE ART THERAPY LICENSURE ACT.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Chapter 90 of the General Statutes is amended by adding a
5 new Article to read:

6 "Article 18E.

7 "Art Therapy Licensure Act.

8 **"§ 90-270.80B-1. Short title.**

9 This act shall be known and may be cited as the 'Art Therapy Certification Act.'

10 **"§ 90-270.80B-2. Policy and purpose.**

11 The General Assembly recognizes that art therapy is a profession that affects the
12 public welfare and that trained art therapists are more likely to achieve positive
13 treatment outcomes than practitioners without such training who attempt to use art in
14 the diagnosis and treatment of patients. The General Assembly further recognizes that
15 the American Art Therapy Association provides standards for education and
16 professional competence in art therapy and that an art therapist who is registered with
17 the Art Therapy Credentials Board and licensed as a professional counselor in this State
18 is qualified to use art therapy in treatment.

19 Therefore, it is the purpose of this Article to protect the public and improve mental
20 health outcomes by prohibiting unqualified practitioners from advertising themselves or
21 otherwise holding themselves out to be art therapists unless licensed in accordance with
22 the provisions of this Article.

23 **"§ 90-270.80B-3. Definitions.**

24 The following definitions apply in this Article:

25 (1) 'Art therapist' means a person licensed to practice art therapy under the
26 provisions of this Article.

1 (2) 'Art therapy' means the therapeutic use of art making, within a
2 professional relationship, to improve and enhance the physical, mental,
3 and emotional well-being of individuals experiencing illness, trauma,
4 or challenges in living or seeking personal development.

5 (3) 'Board' means the North Carolina Board of Art Therapy.

6 (4) 'License' means a certificate issued by the Board recognizing the
7 person named therein as having met the requirements to practice art
8 therapy as defined in this Article.

9 (5) 'Licensee' means a person who has been issued a license under this
10 Article.

11 (6) 'Person' means an individual, corporation, partnership, association, unit
12 of government, or other legal entity.

13 **"§ 90-270.80B-4. License required.**

14 On or after January 1, 2008, it shall be unlawful for any person to practice or offer to
15 practice as an art therapist, perform activities of an art therapist, or use any card, title,
16 such as 'Art Therapist' or 'Licensed Art Therapist,' or abbreviation, including 'A.T.' or
17 'A.T.R.,' to indicate that the person is an art therapist unless the person is currently
18 licensed as provided by this Article.

19 **"§ 90-270.80B-5. The North Carolina Board of Art Therapy.**

20 (a) Establishment of Board. – The North Carolina Board of Art Therapy is
21 created. The Board shall consist of seven members who are appointed by the Governor
22 and are residents of this State at the time of and during their appointment, as follows:

23 (1) Four members shall be art therapists. Each of these members shall be
24 licensed to practice in North Carolina and have practiced, taught, or
25 engaged in research in art therapy for at least three of the five years
26 immediately preceding appointment to the Board.

27 (2) One member shall be a physician in good standing with the North
28 Carolina Medical Board and licensed by and registered with the North
29 Carolina Medical Board to practice medicine in this State.

30 (3) One member shall represent the public at large and shall be a person
31 who is not a health care provider licensed under this Chapter or the
32 spouse of a licensed health care provider.

33 (4) One member shall be a professional counselor certified or licensed
34 under North Carolina law who is not an art therapist.

35 In making appointments to the Board, the Governor shall give consideration to
36 geographic distribution, clinical specialty, and other factors that will promote
37 representation of all aspects of art therapy practice.

38 (b) Terms. – Members of the Board shall serve four-year staggered terms. No
39 member shall serve more than two consecutive four-year terms, unless a member is
40 appointed to fill a vacancy for an unexpired term, then that member may complete the
41 unexpired term and serve one additional four-year term.

42 (c) Vacancies. – In the event a member of the Board cannot complete a term of
43 office, the vacancy shall be filled by appointment by the Governor, in accordance with

1 the procedures set forth in this section, for the remainder of the unexpired term.
2 Vacancies shall be filled by the Governor within 45 days of receipt of notice of vacancy.

3 (d) Removal. – The Board may remove any of its members for neglect of duty,
4 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings
5 shall be disqualified from participating in Board business until the charges are resolved.

6 (e) Meetings. – Each year the Board shall meet and designate a chairperson, a
7 vice-chairperson, and a secretary-treasurer from among its members. The Board may
8 hold additional meetings upon call of the chairperson or any two board members. A
9 majority of the Board membership shall constitute a quorum.

10 (f) Compensation. – Members of the Board shall receive no compensation for
11 their services, but shall be entitled to travel, per diem, and other expenses authorized by
12 G.S. 93B-5.

13 **"§ 90-270.80B-6. Powers and duties of the Board.**

14 The Board shall have the power and duty to:

- 15 (1) Administer this Article.
- 16 (2) Issue interpretations of this Article.
- 17 (3) Adopt, amend, or repeal rules as may be necessary to carry out the
18 provisions of this Article.
- 19 (4) Employ and fix the compensation of personnel that the Board
20 determines is necessary to carry into effect the provisions of this
21 Article and incur other expenses necessary to effectuate this Article.
- 22 (5) Determine the qualifications and fitness of applicants for licensure,
23 licensure renewal, and reciprocal licensure.
- 24 (6) Issue, renew, deny, suspend, or revoke licenses, order probation, issue
25 reprimands, and carry out any other disciplinary actions authorized by
26 this Article.
- 27 (7) Set fees for licensure, reciprocal licensure, licensure renewal, and
28 other services deemed necessary to carry out the purposes of this
29 Article.
- 30 (8) Establish continuing education requirements for licensees.
- 31 (9) Establish a code of ethics for licensees.
- 32 (10) Maintain a current list of all persons who have been licensed under this
33 Article.
- 34 (11) Conduct investigations for the purpose of determining whether
35 violations of this Article or grounds for disciplining licensees exist.
- 36 (12) Maintain a record of all proceedings and make available to all
37 licensees and other concerned parties an annual report of all Board
38 action.
- 39 (13) Adopt a seal containing the name of the Board for use on all official
40 documents and reports issued by the Board.

41 **"§ 90-270.80B-7. Requirements for licensure; denial of license.**

42 (a) To be eligible for licensure as an art therapist, an applicant shall:

- 43 (1) Submit proof of passage of the Art Therapy Credentials Board
44 (ATCB) Certification Examination given by ATCB.

1 (4) Temporary license \$50.00.

2 "**§ 90-270.80B-11. Disciplinary action by the Board; notice and hearing;**
3 **reinstatement.**

4 (a) The Board is authorized to deny, revoke, or suspend a license granted
5 pursuant to this Article on the following grounds:

6 (1) Denial, revocation, or suspension of the art therapist's license to
7 practice professional counseling in this State.

8 (2) Fraudulent procuring or use of a license issued under this Article.

9 (3) Occupational advertising that is intended or has a tendency to deceive
10 the public.

11 (4) Conduct that evidences unfitness to practice art therapy.

12 (b) The Board may not deny, suspend, or revoke licensure for the reasons set
13 forth in subsection (a) of this section without prior notice and opportunity for hearing.
14 Hearings shall be conducted in accordance with Article 3A of Chapter 150B of the
15 General Statutes.

16 (c) Any person whose license has been suspended or revoked may apply to the
17 Board, after not less than one year, for vacation of the suspension or reinstatement of
18 the license in accordance with rules adopted by the Board.

19 "**§ 90-270.80B-12. Notice of use of art therapy to be posted.**

20 A clinic, hospital, or other facility that uses the services of an art therapist shall post
21 a notice to that effect in a prominent place.

22 "**§ 90-270.80B-13. Violations; injunctive relief.**

23 (a) Any person who violates any provision of this Article shall be guilty of a
24 Class 1 misdemeanor and may be subject to a civil penalty of not more than one
25 thousand dollars (\$1,000).

26 (b) The Board may apply to the superior court for an order enjoining violations
27 of this Article, and upon a showing by the Board that any person has violated or is about
28 to violate this Article, the court may grant an injunction or restraining order or take
29 other appropriate action."

30 **SECTION 2.** Any person who submits proof to the Board that the person
31 has been actively engaged in business as an art therapist in this State for at least three
32 consecutive years before the effective date of this act and pays the required fee for the
33 issuance of a license shall be licensed without having to satisfy the requirements of
34 G.S. 90-270.80B-7, enacted by Section 1 of this act. All persons who do not make
35 application to the Board within one year of the effective date of this act shall be required
36 to complete all requirements prescribed by the Board and to otherwise comply with the
37 provisions of G.S. 90-270.80B-7.

38 **SECTION 3.** This act is effective when it becomes law.