

ASSEMBLY, No. 1783

STATE OF NEW JERSEY 216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblyman DAVID P. RIBLE

District 30 (Monmouth and Ocean)

Co-Sponsored by:

Assemblymen Giblin and Wolfe

SYNOPSIS

“Art Therapist Licensing Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



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:

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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.

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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 implement
27 therapeutic intervention to meet developmental, behavioral, mental,
28 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
45 associate art therapist to provide services to the particular clientele
46 at the site or sites where he or she will be practicing; (4) ensuring
47 compliance with laws and regulations governing the practice of

1 licensed professional art therapy; (5) completing that amount of
2 direct observation, or review of audio or videotapes of art therapy,
3 as deemed appropriate by the supervisor; and (6) completing the
4 services conducted by an Art Therapy Certified Supervisor (ATCS)
5 credentialed by the Art Therapy Credentials Board or approved by
6 the committee.

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

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

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29 5. Members of the committee shall be compensated and
30 reimbursed for expenses and provided with office and meeting
31 facilities and personnel required for the proper conduct of the
32 business of the committee.

33
34 6. The committee shall organize within 30 days after the
35 appointment of its members and shall annually elect from its
36 members a chairperson and a vice-chairperson, and may appoint a
37 secretary, who need not be a member of the committee. The
38 committee shall meet at least twice a year and may hold additional
39 meeting as necessary to discharge its duties. A majority of the
40 committee membership shall constitute a quorum.

41
42 7. The committee shall have the following powers and duties:
43 a. Issue and renew licenses to art therapists pursuant to the
44 provisions of this act;
45 b. Suspend, revoke or fail to renew the license of an art therapist
46 pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

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

1 approved by the committee; or a master's degree or doctoral degree
2 in a closely related field to art therapy without specialization in art
3 therapy and demonstrates to the committee that he has completed
4 course work content and training substantially equivalent to that
5 required for a master's degree in art therapy from an accredited
6 educational institution that is approved by the committee.

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

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

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

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

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

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

22 (c) Not less than 3,000 hours of supervised experience in art
23 therapy approved by the committee. The committee shall establish
24 criteria for determining the specifications as to what constitutes
25 supervised art therapy experience. An applicant may eliminate
26 1,000 hours of the required supervised art therapy experience by
27 substituting 30 graduate credit hours beyond the master's degree if
28 those graduate credit hours are clearly related to art therapy, as
29 determined by the committee. In no case, however, may the
30 applicant have less than 1,000 hours of supervised professional art
31 therapy experience after the granting of the master's degree.

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

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

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

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

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

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

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

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

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

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

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

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

- 46 (1) The art therapy profession;
- 47 (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.

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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 P.L. ,
32 c. (C.) (pending before the Legislature as this bill), any person
33 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.

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

5 b. The board shall:

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

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

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

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

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

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

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

STATEMENT

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This bill provides for the licensure of art therapists and establishes an Art Therapists Advisory Committee under the State Board of Marriage and Family Therapy Examiners in the Division of Consumer Affairs in the Department of Law and Public Safety. The committee is to consist of five members who are residents of the State, who have been actively engaged in the practice of art therapy in the State for at least five years immediately preceding their appointment.

To be eligible for licensure as a professional art therapist, an applicant must be at least 18 years of age and be of good moral character. In addition, the applicant must hold a master's degree or a doctoral degree from any accredited educational institution that is approved by the committee. 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 minimum of 60 graduate credit hours in any art therapy program approved by the committee; and not less than 4,500 hours in art therapy under the supervision by a licensed professional art therapist or a supervisor acceptable to the committee. In the case of an applicant holding a doctoral degree in a clearly related field to art therapy, the applicant shall have completed: a minimum of 90 graduate credit hours in that clearly related field, a minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and not less than 3,000 hours, of supervised experience approved by the committee. In the case of an applicant holding a master's degree in a clearly related field without specialization in art therapy, the applicant shall have completed: a minimum of 60 graduate credit hours in that clearly related field, a minimum of 30 graduate credit hours in a post-graduate art therapy program approved by the committee; and not less than 4,500 hours of supervised experience in art therapy approved by the committee.

To be eligible for licensure as an associate art therapist, an applicant must be at least 18 years of age and be of good moral character. In addition, the applicant must hold a master's degree or a doctoral degree from any accredited educational institution that is approved by the committee. In the case of an applicant holding a master's degree in art therapy or 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 approved by the committee. In the case of an applicant holding a doctoral degree or master's degree in a clearly related field, the applicant shall have completed: not less than 30 graduate credit hours in a post-graduate art therapy program approved by the committee.

1 The graduate course work in art therapy that is to be approved by
2 the committee shall include training in: the art therapy profession;
3 theory and practice of art therapy; human growth and
4 developmental dynamics in art; application of art therapy with
5 people in different treatment settings; art therapy appraisal,
6 diagnosis and assessment; ethical and legal issues of art therapy
7 practice; matters of cultural and social diversity bearing on the
8 practice of art therapy; and group art therapy.

9 Additionally, each applicant is required to pass the Art Therapy
10 Credentials Board Examination.

11 “Art therapy” is defined in the bill as the integrated use of
12 psychotherapeutic principles with art media, and the creative
13 process to assist individuals, families or groups in increasing
14 awareness of self and others; coping with symptoms, stress, and
15 traumatic experiences; enhancing cognitive abilities; and
16 identifying and assessing clients’ needs in order to implement
17 therapeutic intervention to meet developmental, behavioral, mental,
18 and emotional needs.

19 The bill provides that no person shall engage in the practice of
20 art therapy unless licensed as a professional art therapist or licensed
21 associate art therapist. Additionally, the bill provides that no
22 person shall use the title “licensed professional art therapist” or
23 “licensed associate art therapist” or the abbreviation “LPAT” or
24 “LAAT” or any other title, designation, words, letters, abbreviations
25 or insignia indicating the practice of art therapy unless licensed
26 pursuant to the provisions of this bill.

27 For a period of 360 days after the date procedures are established
28 by the committee for applying for licensure as an art therapist, any
29 person may qualify as a licensed art therapist, upon application for
30 licensure and payment of the appropriate fee, provided the applicant
31 furnishes satisfactory evidence to the committee that he has
32 completed a minimum of 45 graduate credit hours, which includes a
33 master’s degree or doctorate from a regionally accredited institution
34 of higher education, in subject matter that is primarily art theory in
35 content; and has completed not less than five years of experience in
36 the practice of art therapy.

37 Professional art therapist licenses and associate art therapist
38 licenses shall be issued for a two-year period upon the payment of
39 the prescribed licensure fee, and shall be renewed upon filing of a
40 renewal application, the payment of a licensure fee, and
41 presentation of satisfactory evidence to the committee that in the
42 period since the license was issued or last renewed any continuing
43 education requirements have been completed as specified by the
44 committee.

45 The bill provides that the Art Therapists Advisory Committee
46 shall establish standards for continuing art therapy education,
47 including the subject matter and content of courses of study and the

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- 1 selection of instructors, and approve programs offering continuing
- 2 education credits.