

Senate Bill 255

Sponsored by Senator DEMBROW, Representative PARRISH (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs Health Licensing Office to issue license to engage in practice of art therapy to qualified applicant. Requires person licensed to practice art therapy to comply with rules adopted by office. Directs office to adopt rules relating to art therapy.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to art therapy; creating new provisions; amending ORS 676.992; and declaring an emer-
3 gency.

4 **Be It Enacted by the People of the State of Oregon:**

SECTION 1. As used in sections 1 to 6 of this 2017 Act:

6 (1) **“Art therapy” means the integrated use of psychotherapeutic principles, visual art
7 media and the creative process to assist clients in increasing awareness of self and others,
8 coping with symptoms, stress and traumatic experiences, enhancing cognitive abilities and
9 identifying and implementing therapeutic interventions to meet developmental, behavioral,
10 cognitive and emotional needs.**

11 (2) **“Board certified art therapist” means a person who is credentialed by the Art Therapy
12 Credentials Board, Inc., or its successor organization, as a board certified art therapist.**

13 (3) **“Licensed art therapist” means a person licensed by the Health Licensing Office to
14 practice art therapy under section 2 of this 2017 Act.**

15 (4) **“Licensed certified art therapist” means a person licensed by the office to practice
16 art therapy under section 3 of this 2017 Act.**

17 (5) **“Practice of art therapy” means to engage professionally and for compensation in
18 providing art therapy services that include, but are not limited to:**

19 (a) **Evaluation during client sessions;**

20 (b) **Using treatment activities that provide clients with opportunities for expression
21 through the creative process;**

22 (c) **Using diagnostic art therapy assessment methods to determine treatment goals and
23 implement therapeutic art interventions to meet clients’ developmental, emotional and
24 mental needs; and**

25 (d) **Employing art media, the creative process and the resulting artwork to assist clients
26 in coping with and reducing psychiatric symptoms, including anxiety, attachment disorders,
27 depression and post-traumatic stress, enhancing neurological, cognitive and verbal abilities
28 and promoting appropriate skills development.**

29 (6) **“Registered art therapist” means a person who is credentialed by the Art Therapy
30 Credentials Board, Inc., or its successor organization, as a registered art therapist.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 2.** The Health Licensing Office shall issue a license to engage in the practice
 2 of art therapy as a licensed art therapist to an applicant who:

3 (1) Is at least 18 years of age;

4 (2) Has received a master’s degree in art therapy from a program approved by the Art
 5 Therapy Credentials Board, Inc., or its successor organization, and approved by the office;

6 (3) Submits sufficient proof, as determined by the office, of:

7 (a) Holding a current credential as a registered art therapist by the Art Therapy Cre-
 8 dentials Board, Inc., or its successor organization; and

9 (b) Being in good standing in any other states where the applicant is licensed or certified
 10 to practice art therapy; and

11 (4) Pays a licensure fee.

12 **SECTION 3.** The Health Licensing Office shall issue a license to engage in the practice
 13 of art therapy as a licensed certified art therapist to an applicant who:

14 (1) Is at least 18 years of age;

15 (2) Has received a master’s degree in art therapy from a program approved by the Art
 16 Therapy Credentials Board, Inc., or its successor organization, and approved by the office;

17 (3) Submits sufficient proof, as determined by the office, of:

18 (a) Current certification as a board certified art therapist by the Art Therapy Credentials
 19 Board, Inc., or its successor organization; and

20 (b) Being in good standing in any other states where the applicant is licensed or certified
 21 to practice art therapy; and

22 (4) Pays a licensure fee.

23 **SECTION 4.** (1) A licensed art therapist and a licensed certified art therapist shall comply
 24 with the code of ethics, conduct and disciplinary procedures established by the Art Therapy
 25 Credentials Board, Inc., or its successor organization, and rules adopted by the Health Li-
 26 censing Office pursuant to section 6 of this 2017 Act.

27 (2) A licensed art therapist or licensed certified art therapist may, in accordance with
 28 that person’s education and training, administer and use appropriate assessment instru-
 29 ments to measure and treat a client’s affective, behavioral and cognitive disorders or prob-
 30 lems. A licensed art therapist or licensed certified art therapist shall refer a client who
 31 presents with a disorder or problem that is beyond the licensed art therapist’s or licensed
 32 certified art therapist’s education and training to a licensed health care practitioner qualified
 33 to treat that disorder or problem.

34 (3) A licensed art therapist or licensed certified art therapist may not perform psycho-
 35 logical or other testing designed to diagnose or measure mental illness.

36 **SECTION 5.** (1) A person may not engage in the practice of art therapy, purport to be
 37 engaged in the practice of art therapy or use a title, word or abbreviation, including “art
 38 therapist,” to indicate or imply that the person is authorized or qualified to engage in the
 39 practice of art therapy unless the person is licensed under section 2 or 3 of this 2017 Act.

40 (2) Subsection (1) of this section does not apply to:

41 (a) The practice of art therapy as an integral part of a supervised course of study in art
 42 therapy; or

43 (b) A person who holds a master’s degree in art therapy and who is engaged in the
 44 practice of art therapy under supervision as part of clinical training to fulfill the supervised
 45 experience requirement to be credentialed as a registered art therapist.

SECTION 6. The Health Licensing Office shall adopt rules to:

- (1) Establish a process for issuing licenses under sections 2 and 3 of this 2017 Act;
- (2) Establish licensure fees for licenses issued under sections 2 and 3 of this 2017 Act;
- (3) Determine qualifications for applicants for initial licensure, license renewal and licensure by reciprocity for licenses under sections 2 and 3 of this 2017 Act;
- (4) Approve the credentials issued by the Art Therapy Credentials Board, Inc., or its successor organization;
- (5) Develop and maintain a publicly available record of licensed art therapists and licensed certified art therapists; and
- (6) Establish standards of professional practice and standards of ethical conduct for licensed art therapists and licensed certified art therapists that take into consideration the code of ethics, conduct and disciplinary procedures of the Art Therapy Credentials Board, Inc., or its successor organization.

SECTION 7. ORS 676.992 is amended to read:

676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted under the following statutes:

- (a) ORS 688.701 to 688.734 (athletic training);
- (b) ORS 690.005 to 690.225 (cosmetology);
- (c) ORS 680.500 to 680.565 (denture technology);
- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 675.360 to 675.410 (sex offender treatment);
- (j) ORS 678.710 to 678.820 (nursing home administrators);
- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts);
- (m) ORS 676.810 and 676.815 (applied behavior analysis);
- (n) ORS 681.700 to 681.730 (music therapy); *[and]*
- (o) ORS 676.630 to 676.660 (advanced nonablative esthetics procedure); **and**
- (p) Sections 1 to 6 of this 2017 Act (art therapy).**

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty under this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
- (b) Any prior violations of statutes, rules or orders;
- (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-

1 lation; and

2 (d) Any other aggravating or mitigating factors.

3 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

4 (6) The moneys received by the office from civil penalties under this section shall be deposited
5 in the Health Licensing Office Account and are continuously appropriated to the office for the ad-
6 ministration and enforcement of the laws the office is charged with administering and enforcing that
7 govern the person against whom the penalty was imposed.

8 **SECTION 8. A person may engage in the practice of art therapy without a license under**
9 **section 2 or 3 of this 2017 Act until January 1, 2019, only if the person has:**

10 (1) Engaged in the practice of art therapy for the five calendar years immediately pre-
11 ceding the operative date specified in section 9 of this 2017 Act; and

12 (2) Received a master's degree in art therapy from an art therapy program approved by
13 the American Art Therapy Association, or its successor organization, and approved by the
14 Health Licensing Office by rule pursuant to section 6 of this 2017 Act.

15 **SECTION 9. (1) Sections 1 to 6 and 8 of this 2017 Act and the amendments to ORS 676.992**
16 **by section 7 of this 2017 Act become operative on January 1, 2018.**

17 (2) The Health Licensing Office may take any action before the operative date specified
18 in subsection (1) of this section that is necessary to enable the office to exercise, on or after
19 the operative date specified in subsection (1) of this section, all the duties, functions and
20 powers conferred on the office by sections 1 to 6 and 8 of this 2017 Act and the amendments
21 to ORS 676.992 by section 7 of this 2017 Act.

22 **SECTION 10. This 2017 Act being necessary for the immediate preservation of the public**
23 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
24 **on its passage.**