AN ACT enacting the professional art therapist licensure act; providing for powers, duties and functions of the Behavioral Sciences Regulatory Board; amending K.S.A. 74-7501, 74-7507 and 74-7508b and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. Sections 1 through 12, and amendments thereto, shall be know and may be cited as the professional art therapist licensure act.

New Sec. 2. For purposes of this act:

(a) “Art therapy” means the integrated use of psychotherapeutic principles, art media, and the creative process to assist individuals, families, or groups in increasing awareness of self and others, coping with symptoms, stress, and traumatic experiences, enhancing cognitive abilities, and identifying and implementing therapeutic interventions to meet developmental, behavioral, mental, and emotional needs.

(b) “Art therapy certified supervisor” means a board certified art therapist holding the Art Therapy Certified Supervisor (ATCS) credential from the Art Therapy Credentials Board (ATCB).

(c) “Board” means the state board of behavioral science.

(d) “Clinical art therapy” means the application of art therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions.

(e) “Certified art therapist” means an individual who holds national board certification (ATR-BC) in good standing with the Art Therapy Credentials Board.

(f) “Licensed clinical art therapist” means a person who engages in the independent practice of art therapy including the diagnosis and treatment of mental disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American Psychiatric Association designated by the board by rules and regulations, and is licensed under this act.

(g) “Licensed professional art therapist” means a person who engages in the practice of art therapy and who is licensed under this act.

(h) “Licensee” includes a licensed professional art therapists and a licensed clinical art therapist.

(i) “Temporary license” means a license to practice art therapy under direct supervision of a qualified supervisor, as determined by the board by rules regulations,
to fulfill the post-graduate supervised experience requirement to be licensed under this act.

(j) “Supervised experience” means the regular oversight of the functions and activities of an art therapy student as part of an internship or practicum experience, or an art therapy graduate trainee engaged in the practice of art therapy to fulfill the requirements to be licensed under this act, by an art therapy certified supervisor, certified art therapist, or other qualified mental health professional as determined by the board by rules and regulations.

New Sec. 3. (a) No person shall engage in the practice of art therapy or represent that such person is a licensed professional art therapist without having first obtained a license as a professional art therapists under this act.

(b) On or after the effective date of this act, no person shall engage in the practice of art therapy as a clinical art therapist or represent that such person is a licensed clinical art therapist without having first obtained a license as a clinical art therapist under this act.

(c) Violation of this section is a class B misdemeanor.

New Sec. 4. (a) An applicant for licensure as a professional art therapist shall furnish evidence that the applicant:

(1) Has attained the age of 21;
(2) holds a master’s degree or higher in art therapy from an accredited college or university approved by the board and has completed:
   (A) a minimum of 60 credit hours of graduate course work in an art therapy program approved by the American Art Therapy Association or by a successor accrediting organization recognized by the Council of Higher Education Accreditation; or
   (B) a minimum of 60 credit hours of graduate course work in a related field that is substantially equivalent to a master’s degree program in art therapy, as determined by the board;
(3) has completed not less than one year, with a minimum of 1,500 hours of supervised professional experience in art therapy under the supervision of an art therapy certified supervisor, certified art therapist, or other qualified mental health professional approved by the board, of which:
   (A) not less than 1,000 hours of direct client contact involving individuals, couples, families or groups shall have been completed following completion of the graduate degree;
   (B) not less than 100 hours of clinical supervision is provided by an approved supervisor, with a minimum of 1 hour of direct supervision every 2 weeks; and
   (C) a doctoral internship may be applied toward the post-graduate supervised experience requirement;
(4) has passed the art therapy certification examination of the Art Therapy Credential Board;

(5) has satisfied the board that the applicant is a person who merits the public trust; and

(6) has paid the application fee established by the board under this act.

(b) Applications for licensure as a professional art therapist shall be made to the board on a form and in the manner prescribed by the board.

(c) The board may determine that a master’s degree program in art therapy or a related field at a nationally accredited college or university is substantially equivalent to an approved art therapy program if the program includes at least 60 semester credit hours, or the equivalent, of graduate-level courses that include courses and training in the following areas:

(1) The art therapy profession;

(2) theory and practice of art therapy;

(3) human growth and developmental dynamics in art;

(4) application of art therapy with people in different treatment settings;

(5) art therapy appraisal, diagnosis and assessment;

(6) ethical and legal issues of art therapy practice;

(7) matters of cultural and social diversity bearing on the practice of art therapy;

(8) standards of good art therapy practice;

(9) group art therapy; and

(10) an art therapy practicum of not less than 100 hours and clinical internship of not less than 600 hours that are performed under appropriate supervision and are part of an approved course of study.

New Sec. 5. (a) An applicant for licensure as a clinical art therapist shall furnish evidence that the applicant:

(1) is licensed by the board as a licensed professional art therapist or has met all qualifications for licensure as a professional art therapist under this act;

(2) has completed not less than fifteen (15) semester credit hours, or the equivalent, of graduate-level courses specifically related to diagnosis, treatment, appraisal and assessment of mental, emotional, behavioral and addiction disorders, either as part of an approved course of study for the master’s or doctoral degree or following completion of such degree;

(3) has completed not less than three years, with a minimum of 4,000 hours, of supervised experience in art therapy under the supervision of an art therapy certified supervisor, certified art therapist, or other qualified mental health professional approved by the board, of which:

(A) not less than two years, or 3,000 hours, shall have been completed following completion of the graduate degree;
(B) a minimum of 1,500 hours of post-graduate supervised experience involving
direct client contact with individuals, couples, families or groups in clinical settings
with demonstrated experience in diagnosing or treating mental, emotional and
addiction disorders;
(C) not less than 1 hour of direct contact between a graduate trainee and an
approved supervisor is provided per 15 hours of practice face-to-face with clients, with
a minimum of 1 hour of direct supervision every 2 weeks; and
(D) a doctoral internship may be applied toward the post-graduate supervised
experience requirement; and
(4) Has passed a clinical examination approved by the board.
(b) Applications for licensure as a clinical art therapist shall be made to the board
on a form and in the manner determined by the board and shall be accompanied by
payment of the application fee determined by the board under this act.
(c) A licensed clinical art therapist may engage in the independent practice of art
therapy and is authorized to diagnose and treat mental disorders specified in the edition
of the diagnostic and statistical manual of mental disorders of the American psychiatric
association designated by the board by rules and regulations. When a client has
symptoms of a mental disorder, a licensed clinical art therapists shall consult with the
client’s primary care physician or psychiatrist to determine if there may be a medical
condition or medication that may be causing or contributing to the client’s symptoms
of a mental disorder. A client may request in writing that such consultation be waived
and such request shall be made part of the client’s record. A licensed clinical art
therapist may continue to evaluate and treat the client until such time that the medical
consultation is obtained or waived.
New Sec. 6. (a) A person who intends to pursue the postgraduate supervised
experience to qualify for licensure as a professional art therapist shall apply to the board
for a temporary permit to practice as an art therapist by:
(1) Providing evidence of graduating from a masters or doctoral program in art
therapy acceptable to the board;
(2) submitting letters from three professionals attesting to the applicant’s integrity,
competence, and worthiness to merit the public’s trust, one of whom has provided
direct clinical supervision of the applicant’s graduate program clinical training; and
(3) completing a postgraduate supervised training plan on forms supplied by the
board describing services to be provided, place of employment, persons responsible for
administrative oversight and clinical supervision, and statement acknowledging
behavioral sciences regulatory board postgraduate training requirements.
(b) A temporary permit may be issued by the board after the application has been
reviewed and approved by the board and the applicant has paid the appropriate fee
determined by the board.
(c) A temporary permit issued by the board shall expire at such time that the supervised training is completed or two years after the date of issuance of the permit. A temporary permit may be renewed for one additional two-year period if the board finds that satisfactory progress toward the supervised experience requirement is being met.

(d) A person practicing art therapy with a temporary permit may not use the title “licensed professional art therapist” or the initials “LPAT” independently. The word “licensed” may be used only when followed by the words “by temporary permit” such as licensed professional art therapists by temporary permit, or professional art therapy licensed by temporary permit.

New Sec. 7. (a) The board may waive the statutory requirements of an application for licensure as a licensed professional art therapist if, on or before one year after the effective date of this act, an applicant furnishes evidence satisfactory to the board that the applicant:

(1) Has completed a masters or doctoral degree in art therapy or a related field acceptable to the board;
(2) holds certification as an art therapist in good standing with the Art Therapy Credentials Board; and
(3) has engaged in the practice of art therapy for not less than five years prior to the effective date of this act.

(b) The board may at its discretion waive the statutory requirements of an applicant for licensure as a licensed professional art therapist if such applicant is licensed, registered, certified or otherwise authorized to practice professional art therapy in another state or jurisdiction if the board determines that:

(1) the standards for licensure, registration or certification to practice art therapy in the other state or jurisdiction are substantially the equivalent of the requirements of this act; and
(2) the applicant has not been subject to disciplinary actions of a serious nature by any licensing, registration or certification board or agency.

(c) Applications for licensure under this section shall be made to the board on a form and in the manner determined by the board and shall be accompanied by payment of the application fee determined by the board.

New Sec. 8. (a) An applicant who meets the requirements for licensure pursuant to this act, has paid the required license fee, and has otherwise complied with the provisions of this act shall be licensed by the board.

(b) Licenses issued pursuant to this act shall expire 24 months from the date of issuance unless revoked prior to that time or renewed by the licensee upon application and payment of the fee determined by the board.
(c) An application for renewal shall be accompanied by payment of the fee determined by the board and evidence satisfactory to the board that the applicant has completed during the previous 24 months the continuing education required by rules and regulations of the board. As part of such continuing education:

1. A licensed professional art therapist shall complete not less than three continuing education hours of professional ethics; and
2. A licensed clinical art therapist shall complete not less than six continuing education hours relating to diagnosis and treatment of mental disorders and not less than three continuing education hours of professional ethics.

(d) A person whose license has been suspended or revoked may make written application to the board requesting reinstatement of the license upon termination of the period of suspension or revocation in a manner prescribed by the board, which application shall be accompanied by a fee determined by the board.

New Sec. 9. The board may refuse to grant licensure to, or may suspend, revoke, condition, limit, qualify or restrict the licensure of any individual who the board, after a hearing, determines:

1. Is incompetent to practice art therapy, or is found to engage in the practice of art therapy in a manner harmful or dangerous to a client or to the public;
2. Is convicted by a court of competent jurisdiction of a crime that the board determines is of a nature to render the convicted person unfit to practice art therapy;
3. Has violated a provision of the professional art therapist licensure act or one or more of the rules and regulations of the board;
4. Has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
5. Has knowingly made a false statement on a form required by the board for licensure or license renewal;
6. Has failed to obtain continuing education credits required by rules and regulations of the board;
7. Has been found guilty of unprofessional conduct as defined by rules and regulations established by the board; or
8. Has had a registration, license or certificate as a professional art therapist or clinical art therapist revoked, suspended or limited, or has had other disciplinary action taken, or an application for registration, license or certificate denied, by the proper regulatory authority of another state, territory, District of Columbia or other country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence thereof.

New Sec. 10. Nothing in the professional art therapist licensure act shall be construed:
(a) To prevent practice of art therapy by students or interns or individuals preparing for the practice of art therapy to practice under qualified supervision of a professional, recognized and approved by the board, in an educational institution or agency as part of an approved course of professional education in art therapy, provided such students, interns or individuals are designated by titles such as “student,” “trainee,” “intern” or other titles clearly indicating their training status;

(b) to authorize the practice of psychology, medicine and surgery, professional counseling, marriage and family therapy, masters level psychology or licensed social work;

(c) to apply to the activities and services of a rabbi, priest, minister, clergy person or organized ministry of any religious denomination or sect, including a Christian-Science practitioner, unless such person or individual who is part of the organized ministry is a licensed art therapist;

(d) to apply to the activities and services of qualified members of other professional groups, including, but not limited to, attorneys, physicians, psychologists, master level psychologists, professional counselors, marriage and family therapists, registered nurses or social workers performing services consistent with the laws of this state, their training and code of ethics of their profession, so long as they do not represent themselves as being licensed as a professional art therapist or a clinical art therapist; or

(e) to prevent qualified persons from doing work within the standards and ethics of their respective professions and callings provided they do not hold themselves out to the public by any title, initials or description of services as being a licensed professional art therapist or a licensed clinical art therapist.

New Sec. 11. A licensee under the professional art therapist licensure act, at the beginning of a client-therapist relationship, shall inform the client of the level of such licensee’s training and the title or titles and license or licenses of such licensee. As part of such obligation, such licensee shall disclose whether such licensee has a master’s degree or a doctoral degree. If such licensee has a doctoral degree, such licensee shall disclose whether or not such doctoral degree is a doctor of medicine or some other doctoral degree. If such licensee does not have a medical doctor’s degree, such licensee shall disclose that the licensee is not authorized to practice medicine and surgery and is not authorized to prescribe drugs. As a part of such disclosure, such licensee shall advise the client that certain mental disorders can have medical or biological origins, and that the client should consult with a physician. Documentation of such disclosures to a client shall be made in the client’s record.

New Sec. 12. Proceedings under the professional art therapist licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional art therapist licensure act shall be conducted in accordance with the Kansas administrative procedure act. Judicial review and civil enforcement of agency actions under the professional art therapist licensure act shall be conducted in accordance with the Kansas administrative procedure act.
act shall be in accordance with the act for judicial review and civil enforcement of agency actions.

Sec. 13. K.S.A. 74-7501 is hereby amended to read as follows: 74-7502. (a) There is hereby created a behavioral sciences regulatory board consisting of 13 members appointed by the governor. The membership of the board shall be as follows: Two members of the board shall be licensed psychologists; two members of the board shall be licensed to engage in the practice of social work; one member of the board shall be a professional counselor; one member of the board shall be a marriage and family therapist and one member of the board shall be a licensed masters level psychologist; one member of the board shall be a licensed addiction counselor or a licensed clinical addiction counselor; one member of the board shall be a licensed professional art therapist or a licensed clinical art therapist; and four members of the board shall be from and represent the general public. Each member of the board shall be a citizen of the United States and a resident of this state.

Sec. 14. K.S.A. 74-7507 is hereby amended to read as follows: 74-7507. (a) The behavioral sciences regulatory board shall have the following powers, duties and functions:

(1) Recommend to the appropriate district or county attorneys prosecution for violations of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act, or the addictions counselor licensure act, or the professional art therapist licensure act;

(2) compile and publish annually a list of the names and addresses of all persons who are licensed under this act, are licensed under the licensure of psychologists act of the state of Kansas, are licensed under the professional counselors licensure act, are licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, are licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, are licensed under the marriage and family therapists licensure act, or are licensed under the professional art therapist licensure act; or are licensed under the addictions counselor licensure act;

(3) prescribe the form and contents of examinations required under this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act, or the addictions counselor licensure act, or the professional art therapist licensure act;

(4) enter into contracts necessary to administer this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act,
K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act, or the addictions counselor licensure act; or the professional art therapist licensure act;

(5) adopt an official seal;

(6) adopt and enforce rules and regulations for professional conduct of persons licensed under the licensure of psychologists act of the state of Kansas, licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, licensed under the marriage and family therapists licensure act, or licensed under the addictions counselor licensure act, or licensed under the professional art therapist licensure act;

(7) adopt and enforce rules and regulations establishing requirements for the continuing education of persons licensed under the licensure of psychologists act of the state of Kansas, licensed under the professional counselors licensure act, licensed under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, licensed under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, licensed under the marriage and family therapists licensure act, or licensed under the addictions counselor licensure act, or licensed under the professional art therapist licensure act;

(8) adopt rules and regulations establishing classes of social work specialties which will be recognized for licensure under K.S.A. 65-6301 to 65-6318, inclusive, and amendments thereto;

(9) adopt rules and regulations establishing procedures for examination of candidates for licensure under the licensure of psychologists act of the state of Kansas, for licensure under the professional counselors licensure act, for licensure under K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, for licensure under K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, for licensure under the marriage and family therapists licensure act, for licensure under the addictions counselor licensure act, for issuance of such certificates and such licenses;

(10) adopt rules and regulations as may be necessary for the administration of this act, the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act, and the addictions counselor licensure act and the professional art therapist licensure act and to carry out the purposes thereof;
(11) appoint an executive director and other employees as provided in K.S.A. 74-7501, and amendments thereto; and

(12) exercise such other powers and perform such other functions and duties as may be prescribed by law.

(b) The behavioral sciences regulatory board, in addition to any other penalty, may assess an administrative penalty, after notice and an opportunity to be heard, against a licensee or registrant for a violation of any of the provisions of the licensure of psychologists act of the state of Kansas, the professional counselors licensure act, K.S.A. 65-6301 to 65-6320, inclusive, and amendments thereto, K.S.A. 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and amendments thereto, the marriage and family therapists licensure act, or the addictions counselor licensure act and the professional art therapist licensure act in an amount not to exceed $1,000. All fines assessed and collected under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) If an order of the behavioral sciences regulatory board is adverse to a licensee or registrant of the board, the costs shall be charged to such person as in ordinary civil actions in the district court in an amount not to exceed $200. The board shall pay any additional costs and, if the board is the unsuccessful party, the costs shall be paid by the board. Witness fees and costs may be taxed in accordance with statutes governing taxation of witness fees and costs in the district court.

Sec. 15. K.S.A. 74-7508b is hereby amended to read as follows: 74-7508. (b) In all matters pending before the behavioral sciences regulatory board, the board shall have the power to administer oaths and take testimony. For the purpose of all investigations and proceedings conducted by the behavioral sciences regulatory board:

(1) The board may issue subpoenas compelling the attendance and testimony of witnesses or the production for examination or copying of documents, reports, records or any other physical evidence if such documents, reports, records or other physical evidence relates to practices which may be grounds for disciplinary action. Within five days after the service of the subpoena on any person requiring the production of any documents, reports, records or other physical evidence in the person's possession or under the person's control, such person may petition the board to revoke, limit or modify the subpoena. The board shall revoke, limit or modify such subpoena if in its opinion the documents, reports, records or other physical evidence required does not relate to practices which may be grounds for disciplinary action, is not relevant to the allegation which is the subject matter of the proceeding or investigation, or does not describe with sufficient particularity the documents, reports, records or other physical evidence which is required to be produced. Any member of the board, or any agent
designated by the board, may administer oaths or affirmations, examine witnesses and
receive such documents, reports, records or other physical evidence.

(2) The district court, upon application by the board or by the person subpoenaed,
shall have jurisdiction to issue an order:

(A) Requiring such person to appear before the board or the board's duly authorized
agent to produce documents, reports, records or other physical evidence relating to the
matter under investigation; or

(B) revoking, limiting or modifying the subpoena if in the court's opinion the
evidence demanded does not relate to practices which may be grounds for disciplinary
action, is not relevant to the allegation which is the subject matter of the hearing or
investigation or does not describe with sufficient particularity the documents, reports,
records or other physical evidence which is required to be produced.

(3) (A) If the board determines that an individual has practiced without a valid
license a profession regulated by the board for which the practitioners of the profession
are required by law to be licensed in order to practice the profession, in addition to any
other penalties imposed by law, the board, in accordance with the Kansas
administrative procedure act, may issue a cease and desist order against such
individual.

(B) Whenever in the judgment of the behavioral sciences regulatory board any
person has engaged, or is about to engage, in any acts or practices which constitute, or
will constitute, a violation of K.S.A.65-6301 to 65-6320, inclusive, and amendments
thereto, 74-5361 to 74-5374, inclusive, and K.S.A. 2015 Supp. 74-5375, and
amendments thereto, the licensure of psychologists act, the marriage and family
therapists licensure act, or the alcohol and other drug abuse counselor registration act,
or the professional art therapist licensure act, or any valid rule or regulation of the
board, the board may make application to any court of competent jurisdiction for an
order enjoining such acts or practices, and upon a showing by the board that such person
has engaged, or is about to engage in any such acts or practices, an injunction,
restraining order, or such other order as may be appropriate shall be granted by such
court without bond.

Sec. 16. This act shall take effect and be in force from and after its publication in
the statute book.