

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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SENATE BILL 1107

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

Sponsors: Senator Boseman.

Referred to: Commerce, Small Business and Entrepreneurship.

March 22, 2007

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.

27 (2) 'Art therapy' means the therapeutic use of art making, within a  
28 professional relationship, to improve and enhance the physical, mental,

1 and emotional well-being of individuals experiencing illness, trauma,  
2 or challenges in living or seeking personal development.

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

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

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

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

11 **"§ 90-270.80B-4. License required.**

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

17 **"§ 90-270.80B-5. The North Carolina Board of Art Therapy.**

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

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

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

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

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

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

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

40 (c) Vacancies. – In the event a member of the Board cannot complete a term of  
41 office, the vacancy shall be filled by appointment by the Governor, in accordance with  
42 the procedures set forth in this section, for the remainder of the unexpired term.  
43 Vacancies shall be filled by the Governor within 45 days of receipt of notice of vacancy.

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

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

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

11 **"§ 90-270.80B-6. Powers and duties of the Board.**

12 The Board shall have the power and duty to:

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

39 **"§ 90-270.80B-7. Requirements for licensure; denial of license.**

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

- 41 (1) Submit proof of passage of the Art Therapy Credentials Board  
42 (ATCB) Certification Examination given by ATCB.
- 43 (2) Submit proof that he or she is currently certified as a Registered Art  
44 Therapist (ATR) by the Art Therapy Credentials Board.

1           (3) Submit proof that he or she has earned a master's degree in art therapy  
2           from a graduate program approved by the American Art Therapy  
3           Association at the time of his or her graduation.

4           (4) Submit the applicable fees.

5           (b) The Board shall review and approve or reject all applications for licensure  
6           submitted to it within 90 days of receipt of the application.

7           (c) When the Board intends to deny an application for licensure, it shall send the  
8           applicant written notice of its decision by certified mail. The notice shall include a  
9           statement of the reasons for the action. Within 30 days of the date that an applicant  
10          receives the notice, the applicant may file a petition with the Board for review of its  
11          preliminary decision. At the hearing, the burden shall be on the applicant to show that  
12          licensure should be granted. After the hearing, the Board shall affirm or reverse its  
13          preliminary denial.

14          **"§ 90-270.80B-8. Temporary license.**

15          (a) Temporary licensure may be issued to a person who applies for licensure for  
16          the first time in this State and who submits proof that he or she:

17               (1) Has earned a master's degree in art therapy from a graduate program  
18               approved by the American Association of Art Therapists at the time of  
19               his or her graduation; or

20               (2) Has completed at least 24 graduate semester credit hours in the core art  
21               therapy curriculum as defined by the American Art Therapy  
22               Association.

23          (b) Temporary licensure may be issued only for the purpose of allowing an  
24          otherwise qualified applicant to practice as an art therapist until he or she has met the  
25          practice requirements for licensure established by the Board.

26          (c) Temporary licensure shall be issued upon payment of the specified fee for a  
27          fixed period of time to be determined by the Board and shall not be renewed except by  
28          the Board subject to proof of good and exceptional cause shown by the applicant.

29          **"§ 90-270.80B-9. License renewal.**

30          (a) Licensure shall be renewable every three years upon payment of the renewal  
31          fee.

32          (b) A licensee applying for renewal of his or her license shall submit proof that  
33          the licensee is currently registered as an art therapist by the Art Therapy Credentials  
34          Board.

35          (c) A license that has lapsed may be reinstated upon payment of a renewal fee  
36          and a late renewal fee. The licensee shall not be required to pay renewal fees during the  
37          period the license lapsed.

38          **"§ 90-270.80B-10. Fees.**

39          The Board shall establish fees not exceeding the following amounts:

40               (1) License application                               \$100.00.

41               (2) Triennial renewal of license                     \$100.00.

42               (3) Late renewal of license                             \$50.00.

43               (4) Temporary license                                 \$50.00.

1 **"§ 90-270.80B-11. Disciplinary action by the Board; notice and hearing;**  
2 **reinstatement.**

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

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

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

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

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

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

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

18 **"§ 90-270.80B-12. Notice of use of art therapy to be posted.**

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

21 **"§ 90-270.80B-13. Violations; injunctive relief.**

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

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

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

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