

1
2
3
4
5
6
7
8
9
10

11
12
13
14
15
16
17
18
19
20

H.575

Introduced by Representatives Ode of Burlington, Dolan of Waitsfield, and
Grad of Moretown

Referred to Committee on

Date:

Subject: Professions and occupations; Office of Professional Regulation; art
therapy; music therapy; licensure and regulation

Statement of purpose of bill as introduced: This bill proposes to require the
Office of Professional Regulation to license and regulate music therapists and
art therapists.

An act relating to music therapists and art therapists

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 122 is amended to read:

§ 122. OFFICE OF PROFESSIONAL REGULATION

The Office of Professional Regulation is created within the Office of the
Secretary of State. The Office shall have a director who shall be qualified by
education and professional experience to perform the duties of the position.

The Director of the Office of Professional Regulation shall be a classified
position with the Office of the Secretary of State. The following boards or
professions are attached to the Office of Professional Regulation:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

(51) Music Therapists

(52) Art Therapists

Sec. 2. 3 V.S.A. § 125 is amended to read:

§ 125. FEES

(a) In addition to the fees otherwise authorized by law, a board or advisor profession may charge the following fees:

(1) Verification of license, \$20.00.

(2) An examination fee established by the Secretary, which shall be no greater than the costs associated with examinations.

(3) Reinstatement fees for expired licenses pursuant to section 127 (unauthorized practice) of this title.

(4) Continuing, qualifying, or prelicensing education course approval:

(A) Provider, \$100.00.

(B) Individual, \$25.00.

(5) A preapplication criminal background determination, \$25.00.

(b) Unless otherwise provided by law, the following fees shall apply to all professions regulated by the Director in consultation with advisor appointees under Title 26:

* * *

(4) Biennial renewal, \$240.00, except biennial renewal for:

1 * * *

2 (T) Music therapists, \$150.00.

3 (U) Art therapists, \$150.00.

4 * * *

5 Sec. 3. 26 V.S.A. chapter 111 is added to read:

6 CHAPTER 111. MUSIC THERAPISTS AND ART THERAPISTS

7 Subchapter 1. Music Therapy

8 § 6101. DEFINITIONS

9 As used in this subchapter:

10 (1) “Board-certified music therapist” means an individual who has
11 completed the education and clinical training requirements established by the
12 American Music Therapy Association and who holds current board
13 certification from the Certification Board for Music Therapists.

14 (2) “Director” means the Director of the Office of Professional
15 Regulation.

16 (3) “License” means a current authorization granted by the Director
17 permitting the practice of music therapy in accordance with this subchapter.

18 (4) “Music therapist” means a person licensed to practice music therapy
19 pursuant to this subchapter.

20 (5) “Music therapy” means the clinical and evidence-based use of music
21 interventions to accomplish individualized goals for individuals of all ages and

1 ability levels within a therapeutic relationship by a board-certified music
2 therapist.

3 (6) “Office” means the Office of Professional Regulation.

4 (7) “Privileged communication” means any information, including client
5 records, music, verbal or artistic expressions, assessment results, assessment
6 interpretations, and audio or video recordings developed during a professional
7 relationship between a music therapist and a client.

8 § 6102. DUTIES OF DIRECTOR

9 (a) Generally. The Director shall:

10 (1) provide general information to applicants for registration as a music
11 therapist;

12 (2) receive applications for registration and provide registrations to
13 applicants qualified under this subchapter;

14 (3) administer fees as established by law;

15 (4) refer all disciplinary matters to an administrative law officer;

16 (5) explain appeal procedures to applicants and registrants; and

17 (6) explain complaint procedures to the public.

18 (b) Rules. The Director may adopt rules as necessary to perform the
19 Director’s duties under this subchapter.

1 § 6103. ADVISOR APPOINTEES

2 (a) The Secretary of State shall appoint two individuals to serve as advisors
3 in matters related to music therapy. Each advisor shall be familiar with the
4 practice of music therapy, and at least one advisor shall be an individual
5 registered under this subchapter who has been actively engaged in the practice
6 of music therapy for the three-year period immediately preceding appointment
7 and during the advisor's incumbency. The advisor appointees shall be
8 appointed for staggered five-year terms and shall serve at the pleasure of the
9 Secretary. One of the initial appointments shall be for less than a five-year
10 term.

11 (b) The Director shall seek the advice of the advisors appointed under this
12 section in carrying out the provisions of this subchapter. The advisors shall be
13 entitled to compensation and necessary expenses in the amount provided in
14 32 V.S.A. § 1010 for attendance at any meeting called by the Director for this
15 purpose.

16 § 6104. LICENSURE; QUALIFICATIONS

17 (a) The Director shall issue a license to an applicant for a music therapy
18 license when the applicant has completed and submitted an application upon a
19 form and in the manner as the Director prescribes, accompanied by applicable
20 fees, and evidence satisfactory to the Director that:

21 (1) the applicant is at least 18 years of age;

1 (2) the applicant holds a bachelor’s degree or higher in music therapy, or
2 its equivalent, including clinical training hours, from a program approved by
3 the American Music Therapy Association or any successor organization within
4 an accredited college or university;

5 (3) the applicant is in good standing based on a review of the applicant’s
6 music therapy licensure history in other jurisdictions, including a review of any
7 alleged misconduct or neglect in the practice of music therapy on the part of
8 the applicant; and

9 (4) the applicant provides proof of passing the examination for board
10 certification offered by the Certification Board for Music Therapists or any
11 successor organization or provides proof of being transitioned into board
12 certification and provides proof that the applicant is currently a board-certified
13 music therapist.

14 (b) The Director shall issue a license to an applicant for a music therapy
15 license when such applicant has completed and submitted an application upon
16 a form and in such manner as the Director prescribes, accompanied by
17 applicable fees, and evidence satisfactory to the Director that the applicant is
18 licensed and in good standing as a music therapist in another jurisdiction where
19 the qualifications required are equal to or greater than those required in this act
20 at the date of application.

1 § 6105. SCOPE OF PRACTICE

2 (a) Music therapists develop music therapy treatment plans specific to the
3 needs and strengths of the client who may be seen individually or in groups.
4 Music therapy treatment plans are individualized for each client. The goals,
5 objectives, and potential strategies of the music therapy services are
6 appropriate for the client and setting. The music therapy interventions may
7 include music improvisation, receptive music listening, song writing, lyric
8 discussion, music and imagery, singing, music performance, learning through
9 music, music combined with other arts, music-assisted relaxation, music-based
10 patient education, electronic music technology, adapted music intervention,
11 and movement to music.

12 (b) The practice of music therapy does not include the screening, diagnosis,
13 or assessment of any physical, mental, or communication disorder.

14 (c) The practice of music therapy may include:

15 (1) Accepting referrals for music therapy services from medical,
16 developmental, mental health, or education professionals; family members;
17 clients; caregivers; or others involved and authorized with provision of client
18 services. Before providing music therapy services to a client for an identified
19 clinical or developmental need, the licensee shall review with the health care
20 providers involved in the client's care the client's diagnosis, treatment needs,
21 and treatment plan. Before providing music therapy services to a student for

1 an identified educational need, the licensee shall review with the individualized
2 family service plan (IFSP) or individualized education plan (IEP) team the
3 student's diagnosis, treatment needs, and treatment plan. During the provision
4 of music therapy services to a client, the licensee collaborates, as applicable,
5 with the client's treatment team, including physician, psychologist, licensed
6 clinical social worker, or other mental health professional. During the
7 provision of music therapy services to a client with a communication disorder,
8 the licensed professional music therapist shall collaborate and discuss the
9 music therapy treatment plan with the client's audiologist or speech-language
10 pathologist.

11 (2) Conducting a music therapy assessment of a client to determine if
12 treatment is indicated. If treatment is indicated, the licensee collects
13 systematic, comprehensive, and accurate information to determine the
14 appropriateness and type of music therapy services to provide for the client.

15 (3) Developing an individualized music therapy treatment plan for the
16 client that is based upon the results of the music therapy assessment. The
17 music therapy treatment plan includes individualized goals and objectives that
18 focus on the assessed needs and strengths of the client and specify music
19 therapy approaches and interventions to be used to address these goals and
20 objectives.

1 (4) Implementing an individualized music therapy treatment plan that is
2 consistent with any other developmental, rehabilitative, habilitative, medical,
3 mental health, preventive, wellness care, or educational services being
4 provided to the client. When providing educational or health care services, a
5 music therapist may not replace the services provided by an audiologist or a
6 speech-language pathologist.

7 (5) Evaluating the client's response to music therapy and the music
8 therapy treatment plan, documenting change and progress, and suggesting
9 modifications, as appropriate.

10 (6) Developing a plan for determining when the provision of music
11 therapy services is no longer needed in collaboration with the client, physician,
12 or other provider of health care or education of the client, family members of
13 the client, and any other appropriate person upon whom the client relies for
14 support.

15 (7) Minimizing any barriers to ensure that the client receives music
16 therapy services in the least restrictive environment.

17 (8) Collaborating with and educating the client and the family, caregiver
18 of the client, or any other appropriate person regarding the needs of the client
19 that are being addressed in music therapy and the manner in which the music
20 therapy treatment addresses those needs.

1 (9) Utilizing appropriate knowledge and skills to inform practice,
2 including the use of research, reasoning, and problem-solving skills to
3 determine appropriate actions in the context of each specific clinical setting.

4 § 6106. DISCLOSURE OF INFORMATION

5 (a) The Director shall adopt rules requiring music therapists to disclose to
6 each client the music therapist's professional qualifications and experience,
7 those actions that constitute unprofessional conduct, the method for filing a
8 complaint or making a consumer inquiry, and provision relating to the manner
9 in which the information shall be displayed and signed by both the music
10 therapist and the client. The rules may include provisions for applying or
11 modifying these requirements in cases involving clients of designated
12 agencies, institutionalized clients, minors, and adults under supervision of a
13 guardian.

14 (b) A music therapist shall not disclose any privileged communication
15 developed in a professional relationship with a client, or use privileged
16 communications in research, teaching, writing, or public presentations without
17 the written consent of the client or, where applicable, the client's parent or
18 guardian, or as otherwise required by law, a court order, or as necessary to
19 protect the health or safety of an individual. Once written consent has been
20 provided, the music therapist shall ensure that appropriate steps are taken to
21 protect the client's identity and disguise any part of a communication, music

1 expression, or recording that reveals a client's identity without signed consent
2 that the client's identity may be revealed.

3 § 6107. PROFESSIONAL IDENTIFICATION

4 (a) A person holding a license to practice music therapy in this State shall
5 use the title "licensed music therapist" and the abbreviation "LMT."

6 (b) A license issued under this subchapter shall be conspicuously displayed
7 for clients in the licensee's principal place of business or employment or
8 otherwise shall be shown to clients when requested.

9 § 6108. EXEMPTIONS

10 Nothing in this subchapter shall be construed to prohibit or restrict the
11 practice, services, or activities of the following:

12 (1) any individual licensed, certified, or regulated under the laws of this
13 State in another profession or occupation, including physicians, psychologists,
14 psychoanalysts, registered nurses, marriage and family therapists, social
15 workers, occupational therapists, professional or rehabilitation counselors,
16 speech-language pathologists or audiologists, or personnel supervised by a
17 licensed professional performing work, including the use of music, incidental
18 to the practice of the individual's licensed, certified, or regulated profession or
19 occupation, if that individual does not represent themselves as a music
20 therapist;

1 (2) any individual whose training and national certification attests to the
2 individual's preparation and ability to practice the individual's certified
3 profession or occupation, if that individual does not represent themselves as a
4 music therapist;

5 (3) any practice of music therapy as an integral part of a program of
6 study for students enrolled in an accredited music therapy program, if the
7 student does not represent themselves as a music therapist; or

8 (4) any individual who practices music therapy under the supervision of
9 a music therapist, if the individual does not present themselves as a music
10 therapist.

11 § 6109. RENEWAL

12 (a) Licenses shall be renewed every two years, on a schedule determined by
13 the Director, upon payment of the renewal fee.

14 (b) Biennially, the Director shall provide notice to each licensee of license
15 expiration and renewal requirements. Upon receipt of a complete and
16 satisfactory renewal application, fee, and proof of the licensee's status as a
17 board-certified music therapist, the Director shall issue a new license.

18 (c) As a condition of renewal, the licensee shall complete at least 40 hours
19 of continuing education, approved by the Director, during the preceding two-
20 year period. The Director may accept proof of the licensee's status as a board-
21 certified music therapist as evidence of continuing competency if the Director

1 finds that the maintenance of such certification implies appropriate continuing
2 education.

3 § 6110. UNPROFESSIONAL CONDUCT

4 (a) Unprofessional conduct means the following conduct and the conduct
5 set forth in 3 V.S.A. § 129a committed by a licensee, an applicant, or an
6 individual who later becomes an applicant:

7 (1) making or causing to be made a false, fraudulent, or forged
8 statement or representation in procuring or attempting to procure licensure or
9 renew a license to practice under this subchapter;

10 (2) using dishonest or misleading advertising;

11 (3) misusing a title in professional activity;

12 (4) engaging in any sexual conduct with a client, or with the immediate
13 family member of a client, with whom the licensee has had a professional
14 relationship within the previous five years;

15 (5) harassing, intimidating, or abusing a client;

16 (6) entering into an additional relationship with a client, supervisee,
17 research participant, or student that might impair that individual's objectivity
18 or otherwise interfere with a licensee's obligations;

19 (7) practicing outside or beyond a licensee's area of training,
20 experience, or competence;

1 (8) being or having been convicted of a felony or any crime that reflects
2 an inability to practice music therapy with due regard for the health and safety
3 of clients and patients or with due regard for the truth in filing claims with
4 Medicare, Medicaid, or any third party payor;

5 (9) inability or failure to practice music therapy with reasonable skill
6 and consistent with the welfare of clients and patients, including negligence in
7 the practice of music therapy, intoxication, or incapacity;

8 (10) willfully or repeatedly violating any of the provisions of this
9 subchapter;

10 (11) engaging in conduct of a character likely to deceive, defraud, or
11 harm the public;

12 (12) disciplinary action by another jurisdiction; or

13 (13) failing to notify the Director in writing within 10 days after the
14 loss, revocation, discontinuation, or invalidation of any certification or degree
15 offered to support eligibility for licensure or to demonstrate continuing
16 competency.

17 (b) A person shall not be liable in a civil action for damages resulting from
18 the good faith reporting of information to the Director or the Office of
19 Professional Regulation about alleged incompetent, unprofessional, or
20 unlawful conduct of an individual licensed under this subchapter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19

* * * Art Therapists * * *

Subchapter 2. Art Therapists

§ 6151. DEFINITIONS

As used in this subchapter:

(1) “Accredited art therapy program” means a master’s degree program in art therapy at an accredited college or university that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs (CAAHEP) at the time an applicant’s degree was granted.

(2) “Art therapy” means the mental health discipline that integrates knowledge and application of psychotherapeutic principles and methods with specialized training in the visual arts and art media, the neurobiological implications of art-making, and art-based assessment models in the evaluation, assessment, and treatment of normal and abnormal cognitive, developmental, emotional, and behavioral disorders and conditions in individuals, families, and groups.

(3) “Art therapy certified supervisor” means a certified art therapist holding the art therapy certified supervisor (ATCS) credential from the Art Therapy Credentials Board or a successor organization.

1 (4) “Associate art therapist” means a person engaged in the practice of
2 art therapy under supervision to satisfy the requirements for licensure set forth
3 in section 6154 of this subchapter.

4 (5) “Certified art therapist” means a person holding national board
5 certification (ATR-BC) in good standing with the Art Therapy Credentials
6 Board or a successor organization.

7 (6) “Credentialed art therapist” means a person holding a professional
8 credential as a registered art therapist (ATR) or certified art therapist in good
9 standing with the Art Therapy Credentials Board or a successor organization.

10 (7) “Director” means the Director of the Office of Professional
11 Regulation.

12 (8) “License” means a current authorization granted by the Director
13 permitting the practice of art therapy in accordance with this subchapter.

14 (9) “Licensed art therapist” means a person licensed to practice art
15 therapy in accordance with this subchapter.

16 (10) “Practice of art therapy” means to engage professionally and for
17 compensation in art therapy and appraisal activities by a licensed art therapist
18 that include:

19 (A) use of art materials and art-making during individual, family, or
20 group sessions to provide opportunities for self-expression and engagement;

1 (B) use of the process and products of art creation to assess a client’s
2 inner fears, conflicts, and core issues with the goal of improving physical,
3 psychological and emotional functioning, and well-being;

4 (C) employing of appraisal and evaluation techniques to assess levels
5 of functioning, determine treatment goals, and implement appropriate
6 interventions to treat mental or emotional disorders or dysfunctions, including
7 cognitive, affective, and behavioral disorders; alcoholism; and substance use
8 disorder;

9 (D) use of art media, art making, and the verbal processing of
10 produced imagery to help clients improve cognitive and sensory-motor
11 functions; reduce symptoms of depression, anxiety, post-traumatic stress, and
12 attachment disorders; resolve conflicts and distress; develop interpersonal
13 skills; manage behavior; improve social functioning; and increase self-esteem
14 and self-awareness;

15 (E) adjustment of appraisal and evaluation techniques and treatments
16 to address multicultural and diversity issues; and

17 (F) provision of consultation, referral, crisis intervention, client
18 advocacy, and education services to clients.

19 (11) “Privileged communication” means any information, including
20 client records, artwork, verbal or artistic expressions, assessment results,
21 assessment interpretations, and audio or video recordings developed during a

1 professional relationship between a licensed art therapist or an associate art
2 therapist and a client.

3 (12) “Supervision” means the regular observation and oversight of the
4 functions and activities of an art therapy student as part of an internship or
5 practicum experience, or an associate art therapist engaged in the practice of
6 art therapy to fulfill the requirements for licensure under subdivision
7 6154(a)(3) of this subchapter, by an art therapy certified supervisor, a licensed
8 art therapist, or other qualified mental health professional as determined by the
9 Director.

10 § 6152. DUTIES OF DIRECTOR

11 (a) Generally. The Director shall:

12 (1) provide general information to applicants for registration as an art
13 therapist;

14 (2) receive applications for registration and provide registrations to
15 applicants qualified under this subchapter;

16 (3) administer fees as established by law;

17 (4) refer all disciplinary matters to an administrative law officer;

18 (5) explain appeal procedures to applicants and registrants; and

19 (6) explain complaint procedures to the public.

20 (b) Rules. The Director may adopt rules as necessary to perform the
21 Director’s duties under this subchapter.

1 § 6153. ADVISOR APPOINTEES

2 (a)(1) The Secretary of State shall appoint two art therapists for five-year
3 staggered terms to serve at the Secretary's pleasure as advisors in matters
4 relating to art therapy. One of the initial appointments shall be for less than a
5 five-year term.

6 (2) Appointees shall have not less than three years' experience with art
7 therapy, and at least one advisor appointee shall be licensed as an art therapist
8 under this subchapter and shall be actively engaged in the practice of art
9 therapy in this State during incumbency.

10 (b) The Director shall seek the advice of the art therapy advisor appointees
11 in carrying out the provisions of this subchapter.

12 § 6154. LICENSURE; QUALIFICATIONS

13 (a) An applicant for licensure as an art therapist shall:

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

15 (2) hold a minimum of a master's degree from an accredited art therapy
16 program or a master's or doctoral degree from an accredited academic
17 institution in a program with a graduate-level course of study and clinical
18 training that is substantially equivalent to an accredited art therapy program, as
19 approved by the Director;

20 (3) complete at least two years with a minimum of 2,000 hours of paid
21 or volunteer post-degree supervised work experience in the delivery of art

1 therapy services, which must include a minimum of 1,000 hours of direct
2 contact with clients and not less than 100 hours of face-to-face supervised
3 training with a qualified supervisor; and

4 (4) achieve a passing score on a proficiency examination approved by
5 the Director.

6 (b) An applicant holding a master's or doctoral degree from a program that
7 is not an accredited art therapy program, or determined by the Director to be
8 substantially equivalent to an accredited program, must complete at least two
9 years of supervised work experience that includes not less than 1,500 hours of
10 direct contact with clients and not less than 200 hours of face-to-face
11 supervised training with a qualified supervisor.

12 (c) For purposes of this subchapter, a qualified supervisor may include an
13 art therapy certified supervisor, licensed art therapist, credentialed art
14 therapists, or other licensed mental health professional approved by the
15 Director, except that at least half the required supervision hours must be
16 provided by a licensed or credentialed art therapist.

17 (d) An applicant who has satisfied the requirements for a credential as a
18 registered art therapist (ATR) with the Art Therapy Credentials Board, or a
19 successor organization, shall be determined to have met the education and
20 supervised work requirements of subsection (a) of this section.

1 (e) Qualifying post-degree supervised work experience completed in
2 another state or jurisdiction may substitute for one or more years of the
3 required supervised work experience requirement of subsection (a) of this
4 section, as determined by the Director.

5 (f) A doctoral internship may be applied toward the required hours of
6 supervised work experience, as determined by the Director.

7 § 6155. LICENSURE BY ENDORSEMENT

8 (a) The Director may issue a license to engage in the practice of art therapy
9 by endorsement to an applicant who, upon submission of a written application,
10 provides satisfactory evidence that the applicant holds a valid license to
11 practice art therapy issued by another state or jurisdiction, the standards and
12 qualifications for which have been determined by the Director to be
13 substantially equivalent to those required by this subchapter.

14 (b) The Director may waive the requirements of subsection 6154(a) of this
15 subchapter and issue a license to engage in practice of art therapy for a resident
16 of Vermont who, during a period of not more than 12 months following the
17 effective date of this subchapter, submits evidence satisfactory to the Director
18 that the individual:

19 (1) has met the education requirement of subdivision 6154(a)(2) of this
20 subchapter;

1 (2) has held a credential, which is active or expired, as a registered or
2 certified art therapist with the Art Therapy Credentials Board;

3 (3) has been engaged in the practice of art therapy in Vermont for at
4 least five years prior to the effective date of this subchapter while entered on
5 the roster of nonlicensed and noncertified psychotherapists in accordance with
6 section 4083 of this title; and

7 (4) has met any additional requirements established by the Director.

8 § 6156. SCOPE OF PRACTICE

9 (a) A licensed art therapist may engage in independent practice of art
10 therapy and is authorized to practice for and with public and private agencies
11 and organizations, including medical hospitals, mental health clinics,
12 rehabilitation centers, schools, correctional facilities, museums, and art studios.

13 (b) A licensed art therapist is authorized to diagnose and treat mental
14 disorders specified in the Diagnostic and Statistical Manual of Mental
15 Disorders of the American Psychiatric Association, as designated by the
16 Director, that are consistent with the licensed art therapist's education and
17 training and the professional code of ethics for credentialed art therapists.

18 (c) Nothing in this subchapter shall be construed to permit any method or
19 treatment by a licensed art therapist that involves administration or prescription
20 of drugs, the practice of medicine, or performance of psychological testing.

1 § 6157. LICENSURE OF ASSOCIATE ART THERAPISTS

2 (a) An applicant for a license as an associate art therapist to engage in the
3 practice of art therapy to satisfy the supervised work experience requirements
4 for licensure under this subchapter shall submit an application to the Director
5 that includes:

6 (1) evidence of successful completion of a master's degree in art therapy
7 in accordance with subsection 6154(a) of this subchapter;

8 (2) a plan for supervised work experience that meets the requirements
9 set forth in subdivision 6154(a)(3) of this subchapter with a qualified
10 supervisor as described in subsection 6154(c) of this subchapter;

11 (3) a letter from a licensed or credentialed art therapist attesting to the
12 applicant's competency to engage in the practice of art therapy under
13 supervision; and

14 (4) evidence of having met any additional requirements established by
15 the Director.

16 (b) A license under this section shall be valid for a term of two years from
17 the date of issuance and may be renewed upon application and payment of the
18 required fee in accordance with rules adopted by the Director. An associate
19 license is automatically terminated if not renewed, or upon the granting or
20 denial by the Director of an associate license holder's application for licensure
21 as an art therapist.

1 (c) Upon any change in the supervision plan, a licensed associate art
2 therapist shall submit to the Director a revised plan for supervised practice that
3 continues to meet the requirements of subdivision 6154(a)(3) of this
4 subchapter.

5 (d) An associate art therapist practicing under this section shall be subject
6 to all laws and rules to the same extent as a licensed art therapist under this
7 subchapter, except that the individual shall not be subject to the license
8 renewal and continuing education requirements set forth in section 6161 of this
9 subchapter.

10 § 6158. DISCLOSURE OF INFORMATION

11 (a) The Director shall adopt rules requiring licensed art therapists to
12 disclose to each client the art therapist's professional qualifications and
13 experience, those actions that constitute unprofessional conduct, the method
14 for filing a complaint or making a consumer inquiry, and provision relating to
15 the manner in which the information shall be displayed and signed by both the
16 art therapist and the client. The rules may include provisions for applying or
17 modifying these requirements in cases involving clients of designated
18 agencies, institutionalized clients, minors, and adults under supervision of a
19 guardian.

20 (b) A licensed art therapist shall not disclose any privileged communication
21 developed in a professional relationship with a client or use privileged

1 communications in research, teaching, writing, or public presentations without
2 the written consent of the client or, where applicable, the client's parent or
3 guardian, or as otherwise required by law, a court order, or as necessary to
4 protect the health or safety of an individual. Once written consent has been
5 provided, the art therapists shall ensure that appropriate steps are taken to
6 protect the client's identity and disguise any part of a communication, art
7 expression, or recording that reveal a client's identity without signed consent
8 that the client's identity may be revealed.

9 § 6159. PROFESSIONAL IDENTIFICATION

10 (a) An individual holding a license to practice art therapy in this State shall
11 use the title "licensed art therapist" and the abbreviation "LAT."

12 (b) An individual engaged in satisfying supervised clinical education
13 requirements related to the individual's art therapy education, or satisfying the
14 post-degree supervised experience requirements for licensure set forth in
15 subdivision 6154(a)(3) of this subchapter, shall use the title "associate art
16 therapist" and the abbreviation "AAT."

17 (c) A license issued under this subchapter shall be conspicuously displayed
18 for clients in the licensee's principal place of business or employment or
19 otherwise shall be shown to clients when requested.

20 (d) Nothing in this subchapter shall be construed to prohibit the use and
21 incorporation into the title of a licensed art therapist of a professional

1 credential or other designation awarded by a nationally recognized professional
2 credentialing organization.

3 § 6160. EXEMPTIONS

4 (a) The licensure requirements of this subchapter shall not apply to:

5 (1) a rabbi, priest, minister, or Christian Science practitioner when
6 engaging in activities that are within the scope of the performance of the
7 person's regular or specialized ministerial duties and for which no separate
8 charge is made, or when these activities are performed, with or without charge,
9 for or under the auspices of sponsorship, individually or in conjunction with
10 others, of an established and legally recognizable church, denomination, or
11 sect, and when the person rendering services remains accountable to the
12 established authority of that church, denomination, or sect;

13 (2) a student matriculated in an education program approved by the
14 Director who is pursuing an undergraduate or graduate degree in art therapy to
15 satisfy supervised clinical education requirements as part of the student's
16 course of studies while under the supervision of a qualified supervisor, or an
17 individual engaging in the practice of art therapy as an associate art therapist in
18 accordance with section 6157 of this subchapter to complete post-degree
19 supervised work experience required to obtain a license to practice art therapy
20 in accordance with this subchapter;

1 (3) an individual providing art therapy services while employed with the
2 U.S. Armed Forces, the U.S. Department of Veterans Affairs, the U.S. Public
3 Health Service, or any other federal department or agency;

4 (4) an individual who is a member of a voluntary group of individuals,
5 such as a self-help, peer counseling, or domestic violence group, who offers
6 peer support and counseling to other members in recovering from trauma,
7 abuse, bereavement, addiction, or other mental health conditions; and

8 (5) an individual licensed as a clinical mental health counselor pursuant
9 to chapter 65 of this title who submits evidence satisfactory to the Director that
10 the individual:

11 (A) was a credentialed art therapist in good standing on the date of
12 passage of this subchapter; and

13 (B) continues to maintain the art therapist credential in good standing
14 as required by the Art Therapy Credentials Board, or a successor organization.

15 (b) Nothing in this subchapter is intended to prohibit or restrict an
16 individual licensed or certified under any other law of this State from engaging
17 in any practice, including use of art or art materials, that is consistent with the
18 scope of practice and professional training for the profession for which that
19 individual is licensed or certified, if that individual does not represent, imply,
20 or claim that the practice is art therapy or that the individual is a licensed art

1 therapist or otherwise authorized to practice art therapy in accordance with this
2 subchapter.

3 § 6161. RENEWAL

4 (a) An art therapist license issued under this subchapter shall be renewed
5 every two years upon application and payment of the required fee, provided the
6 person applying for renewal completes at least 40 hours of continuing
7 education requirements, approved by the Director, during the preceding two-
8 year period.

9 (b)(1) The Director, with the advice of the advisor appointees, shall
10 establish, by rule, guidelines and criteria for continuing education credit.

11 (2) Guidelines and criteria for continuing education credit shall be
12 consistent with requirements for recertification of the Board Certified Art
13 Therapist (ATR-BC) credential of the Art Therapy Credentials Board and shall
14 identify programs and organizations, including the American Art Therapy
15 Association, that have been determined by the Director as qualified providers
16 of continuing education.

17 (c) Any application for renewal of a license that has expired shall be
18 accompanied by the renewal fee and a late fee. If a practitioner's license has
19 lapsed for more than five consecutive years, the Director shall impose such
20 additional requirements to demonstrate the applicant's competence in the
21 practice of art therapy as determined appropriate by the Director.

1 § 6162. UNPROFESSIONAL CONDUCT

2 (a) Unprofessional conduct means the following conduct and the conduct
3 set forth in 3 V.S.A. § 129a committed by a licensee, an applicant, or an
4 individual who later becomes an applicant:

5 (1) practicing or attempting to engage in the practice of art therapy or
6 holding themselves out as being able to do so in this State without first having
7 obtained a license in accordance with this subchapter;

8 (2) using in connection with the individual's name any letters, words, or
9 insignia indicating or implying that the individual is an art therapist licensed in
10 accordance with this subchapter;

11 (3) making or causing to be made a false, fraudulent, or forged
12 statement or representation in procuring or attempting to procure licensure or
13 renew a license to practice under this subchapter;

14 (4) using dishonest or misleading advertising;

15 (5) misusing a title in professional activity;

16 (6) engaging in any sexual conduct with a client, or with the immediate
17 family member of a client, with whom the licensee has had a professional
18 relationship within the previous five years;

19 (7) harassing, intimidating, or abusing a client;

1 (8) entering into an additional relationship with a client, supervisee,
2 research participant, or student that might impair that individual's objectivity
3 or otherwise interfere with a licensee's obligations;

4 (9) practicing outside or beyond a licensee's area of training,
5 experience, or competence;

6 (10) being or having been convicted of a felony or any crime that
7 reflects an inability to practice art therapy with due regard for the health and
8 safety of clients and patients, or with due regard for the truth in filing claims
9 with Medicare, Medicaid, or any third party payor;

10 (11) inability or failure to practice art therapy with reasonable skill and
11 consistent with the welfare of clients and patients, including negligence in the
12 practice of art therapy, intoxication, or incapacity;

13 (12) willfully or repeatedly violating any of the provisions of this
14 subchapter;

15 (13) engaging in conduct of a character likely to deceive, defraud, or
16 harm the public;

17 (14) disciplinary action by another jurisdiction; or

18 (15) failing to notify the Director in writing within 10 days after the
19 loss, revocation, discontinuation, or invalidation of any certification or degree
20 offered to support eligibility for licensure or to demonstrate continuing
21 competency.

1 (b) A person shall not be liable in a civil action for damages resulting from
2 the good faith reporting of information to the Director or the Office of
3 Professional Regulation about alleged incompetent, unprofessional, or
4 unlawful conduct of an individual licensed under this subchapter.

5 Sec. 4. OFFICE OF PROFESSIONAL REGULATION; RULEMAKING

6 The Office of Professional Regulation shall adopt rules consistent with the
7 requirements of this act on or before July 1, 2023.

8 Sec. 5. EFFECTIVE DATES

9 This act shall take effect on July 1, 2023, except that Sec. 4 (Office of
10 Professional Rulemaking; rulemaking) shall take effect on passage.