

Department of Legislative Services
 Maryland General Assembly
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FISCAL AND POLICY NOTE
 Revised

House Bill 1207 (Delegate Pendergrass, *et al.*)
 Health and Government Operations Education, Health, and Environmental Affairs

State Board of Professional Counselors and Therapists - Licensure of Clinical
 Professional Art Therapists

This bill requires the State Board of Professional Counselors and Therapists to license and regulate the practice of “art therapy.” An individual may not practice, attempt to practice, or offer to “practice clinical professional art therapy” in the State unless licensed by the board, with some exceptions.

Fiscal Summary

State Effect: Special fund revenues for the State Board of Professional Counselors and Therapists increase by \$42,000 in FY 2013 from fees to license clinical professional art therapists and graduate professional art therapists. Future revenues reflect biennial renewal. Special fund expenditures for the board increase by \$29,900 in FY 2013 to hire one contractual administrative specialist to assist with the licensure process. Future years reflect use of part-time contractual personnel to assist with processing renewal applicants.

(in dollars)	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
SF Revenue	\$42,000	\$0	\$48,000	\$0	\$48,000
SF Expenditure	\$29,900	\$0	\$19,800	\$0	\$23,100
Net Effect	\$12,100	\$0	\$28,200	\$0	\$24,900

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: None.

Small Business Effect: Meaningful impact on individuals seeking to practice clinical professional art therapy who can obtain licensure and title protection under the bill.

Analysis

Bill Summary: “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 assessing clients’ needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs. “Practice clinical professional art therapy” means to engage professionally and for compensation in art therapy and appraisal activities by providing services involving the application of art therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions of individuals or groups.

The bill alters the membership of the board by removing one licensed clinical professional counselor and adding one licensed clinical professional art therapist. A consumer member of the board may not participate in or have a household member who has ever participated in professional art therapy. The Governor must appoint the licensed clinical professional art therapist on the board from a list submitted by the Secretary of Health and Mental Hygiene. Any association representing professional art therapists may submit recommendations to the Secretary. Uncodified language requires that clinical professional art therapist member added to the board fill the first vacancy on the board of a licensed clinical professional counselor member.

To qualify for a license to practice clinical professional art therapy, an applicant must (1) be of good moral character; (2) be at least 18 years old; (3) hold a master’s or doctoral degree in art therapy from an accredited educational institution approved by the board; (4) have completed specified coursework; (5) have completed two or three years of specified postgraduate supervised experience, based on the degree held by the applicant; and (6) pass the Art Therapy Credentials Board Exam.

The board must waive the educational, coursework, clinical experience, and examination requirements for individuals who, by October 1, 2014, submit evidence to the board that they hold a current certification by the Art Therapy Credentials Board, Inc. and have completed three years of full-time experience providing art therapy.

The board must also waive the requirements for licensure for an applicant to practice clinical professional art therapy if the applicant is licensed as a clinical professional art therapist in another state, territory, or jurisdiction that has requirements that are equivalent to or exceed those under the bill. Applicants who are licensed in another state must submit an application and pay an application fee to the board.

To qualify to practice as a licensed graduate professional art therapist, an individual must be of good moral character and at least 18 years old. An individual may practice graduate professional art therapy under supervision for a limited period of time if the individual has a master's or doctoral degree in art therapy that meets the educational requirements for licensure.

Licensed clinical professional art therapists and licensed graduate professional art therapists are subject to the same disciplinary actions of the board as current licensed and graduate professional counselors and therapists. The bill expands the existing authority of the State or board to enjoin the unauthorized practice of counseling or therapy to include the unauthorized practice of clinical professional art therapy. The board's counselor and therapist rehabilitation committee is also expanded to include professional art therapists and to evaluate and provide assistance to any professional art therapist regulated by the board. The bill provides title protection for licensed clinical professional art therapists and licensed graduate professional art therapists and prohibits individuals who are not licensed as such from misrepresenting that they hold these licenses.

The board must adopt regulations regarding licensure by endorsement and may adopt regulations to allow an individual to practice under supervision as a licensed graduate professional art therapist.

Current Law: The State Board of Professional Counselors and Therapists licenses and certifies professional counselors, alcohol and drug counselors, and marriage and family therapists; receives and resolves complaints regarding professional counselors and therapists; and sets standards for the practice of professional counseling through regulations and legislation. The board consists of 13 members: 5 licensed clinical professional counselors, 3 licensed clinical marriage and family therapists, 3 licensed clinical alcohol and drug counselors, and 2 consumers.

Some art therapists, depending on their educational backgrounds, currently qualify to be licensed by the board as a professional counselor. However, it has been difficult for the board to determine which art therapy credentials should qualify for licensure.

Background: Art therapy is a mental health profession that uses the creative process of art making to improve and enhance the physical, mental and emotional well-being of individuals of all ages.

Nationally, art therapists who meet specified education and experience requirements are credentialed by the Art Therapy Credentials Board. The "Art Therapy Registration" credential (ATR) is granted to art therapists who have completed graduate education and post-graduate supervised experience requirements and the "Board Certification" credential (ATR-BC) is granted to Registered Art Therapists who pass a written

examination. Credentialed art therapists are entitled to use the professional designation of ATR or ATR-BC after their name. The credentials are recognized by all states and the District of Columbia and are maintained by meeting continuing education requirements.

According to the American Art Therapy Association (ARTA), research in the field confirms that the creative process involved in artistic self-expression helps people to become more physically, mentally, and emotionally healthy and functional; resolve conflicts and problems; develop interpersonal skills; manage behavior; reduce stress; handle life adjustments; and achieve insight. ARTA indicates that five states (Kentucky, Mississippi, New Mexico, New York, and Wisconsin) currently provide an art therapy or creative arts therapy license, while in four additional states (California, Pennsylvania, Massachusetts, and Texas) art therapists are specifically included under professional counselor licensure laws.

State Revenues: Special fund revenues for the State Board of Professional Counselors and Therapists increase by \$42,000 in fiscal 2013 from initial licensure fees, which reflects the bill's requirement that, by October 1, 2012, an individual must be licensed in order to practice art therapy in Maryland. According to the board, an estimated 240 individuals will seek licensure as a clinical professional art therapist or graduate professional art therapist at a fee of \$175. Licenses will be renewed on a biennial basis; therefore, these 240 individuals will pay a \$200 renewal fee in fiscal 2015 and 2017, generating special fund revenues of \$48,000. These estimates do not reflect any additional new licensees. To the extent that the number of individuals who seek licensure under the bill is greater or lesser than this estimate, revenues will change correspondingly.

State Expenditures: Special fund expenditures for the board increase by \$29,906 in fiscal 2013 to hire one full-time contractual administrative specialist to handle inquiries about licensure, process applications, issue licenses, and maintain records. This includes a salary, fringe benefits, one-time start-up costs, and operating expenses and assumes a start date of October 1, 2012, the effective date of the bill.

This analysis assumes that the full-time contractual administrative specialist is only needed for the first year and that a part-time (50%) contractual employee will be used in fiscal 2015 and 2017 to assist with licensure renewal. In other years, the board can handle any additional workload using existing board staff.

	<u>FY 2013</u>	<u>FY 2015</u>	<u>FY 2017</u>
Contractual Position	1	0.5	0.5
Salary and Fringe Benefits	\$23,553	\$17,234	\$20,473
One-time Start-up Costs	3,640	0	0
Operating Expenses	<u>2,713</u>	<u>2,581</u>	<u>2,586</u>
Total Board Expenditures	\$29,906	\$19,815	\$23,059

Future years reflect biennial renewal and a part-time contractual salary with employee turnover and associated operating expenses.

Additional Information

Prior Introductions: None.

Cross File: SB 969 (Senator Conway) - Education, Health, and Environmental Affairs.

Information Source(s): Department of Health and Mental Hygiene, Department of Legislative Services

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