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SENATE BILL NO. 713

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend and reenact §§ 54.1-3500 and 54.1-3503 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-3516 and 54.1-3517, relating to Board of Counseling; licensure of professional art therapists and professional art therapist associates.

Patron—McClellan

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3500 and 54.1-3503 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35 of Title 54.1 an article numbered 3, consisting of sections numbered 54.1-3516 and 54.1-3517, as follows:

§ 54.1-3500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed professional art therapist" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in § 54.1-3516; and (iii) been issued a license for the independent practice of art therapy by the Board.

"Licensed professional art therapist associate" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in § 54.1-3517; and (iii) been issued a license to practice art therapy under an approved clinical supervisor in accordance with regulations of the Board.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include

INTRODUCED

SB713

59 assessment, treatment, and referral activities.

60 *"Practice of professional art therapy" means the integrated use of psychotherapeutic principles,*
61 *visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial,*
62 *emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families,*
63 *and groups.*

64 "Practice of substance abuse treatment" means rendering or offering to render substance abuse
65 treatment to individuals, groups, organizations, or the general public.

66 "Professional counselor" means a person trained in the application of principles, standards, and
67 methods of the counseling profession, including counseling interventions designed to facilitate an
68 individual's achievement of human development goals and remediating mental, emotional, or behavioral
69 disorders and associated distresses that interfere with mental health and development.

70 "Qualified mental health professional" includes qualified mental health professionals-adult and
71 qualified mental health professionals-child.

72 "Qualified mental health professional-adult" means a qualified mental health professional who
73 provides collaborative mental health services for adults. A qualified mental health professional-adult
74 shall provide such services as an employee or independent contractor of the Department of Behavioral
75 Health and Developmental Services or the Department of Corrections, or as a provider licensed by the
76 Department of Behavioral Health and Developmental Services.

77 "Qualified mental health professional-child" means a person who by education and experience is
78 professionally qualified and registered by the Board to provide collaborative mental health services for
79 children and adolescents up to 22 years of age. A qualified mental health professional-child shall
80 provide such services as an employee or independent contractor of the Department of Behavioral Health
81 and Developmental Services or the Department of Corrections, or as a provider licensed by the
82 Department of Behavioral Health and Developmental Services.

83 "Qualified mental health professional-trainee" means a person who is receiving supervised training to
84 qualify as a qualified mental health professional and is registered with the Board.

85 "Referral activities" means the evaluation of data to identify problems and to determine advisability
86 of referral to other specialists.

87 "Registered peer recovery specialist" means a person who by education and experience is
88 professionally qualified and registered by the Board to provide collaborative services to assist individuals
89 in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer
90 recovery specialist shall provide such services as an employee or independent contractor of the
91 Department of Behavioral Health and Developmental Services, a provider licensed by the Department of
92 Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued
93 from the Department of Health Professions, or a facility licensed by the Department of Health.

94 "Residency" means a post-internship supervised clinical experience registered with the Board.

95 "Resident" means an individual who has submitted a supervisory contract to the Board and has
96 received Board approval to provide clinical services in professional counseling under supervision.

97 "Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading
98 to clinically significant impairment or distress.

99 "Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse
100 treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan
101 of action regarding substance abuse or dependence prevention, education, or treatment in the substance
102 abuse or dependence recovery process and (ii) referrals to medical, social services, psychological,
103 psychiatric, or legal resources when such referrals are indicated.

104 "Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance
105 of the person supervised and providing regular, documented individual or group consultation, guidance,
106 and instruction with respect to the clinical skills and competencies of the person supervised.

107 **§ 54.1-3503. Board of Counseling.**

108 The Board of Counseling shall regulate the practice of counseling, substance abuse treatment, *art*
109 *therapy*, and marriage and family therapy.

110 The Board shall consist of ~~42~~ 14 members to be appointed by the Governor, subject to confirmation
111 by the General Assembly. ~~Ten~~ Twelve members shall be professionals licensed in the Commonwealth,
112 who shall represent the various specialties recognized in the profession, and two shall be *nonlegislative*
113 citizen members. Of the ~~40~~ 12 professional members, six shall be professional counselors, three shall be
114 licensed marriage and family therapists who have passed the examination for licensure as a marriage and
115 family therapist, ~~and~~ one shall be a licensed substance abuse treatment practitioner, *and two shall be*
116 *licensed professional art therapists.*

117 The terms of the members of the Board shall be four years.

118 *Article 3.*

119 *Art Therapists.*

120 **§ 54.1-3516. License as professional art therapist required; qualifications for licensure; renewal of**

a license; continuing education.

A. No person shall practice art therapy without a valid license issued by the Board. No person shall hold himself out to be or advertise or permit to be advertised that he is a professional art therapist unless such person holds a license as a professional art therapist issued by the Board.

B. The Board may issue a license as a professional art therapist to an applicant who has submitted evidence, satisfactory to the Board, that he has:

1. Received a master's degree or doctoral degree in (i) art therapy that includes at least 600 hours of supervised internship experience from a college or university accredited by a nationally recognized accrediting agency of institutions of higher education or an institution or clinical program approved by the American Art Therapy Association and has completed at least 1,000 client contact hours of postgraduate experience under appropriate supervision or (ii) a related field and has completed (a) a minimum of 21 semester hours of sequential coursework in the history, theory, and practice of art therapy, (b) at least 700 hours of supervised internship experience from a college or university accredited by a nationally recognized accrediting agency of institutions of higher education or an institution or clinical program approved by the American Art Therapy Association, and (c) at least 2,000 client contact hours of postgraduate experience under appropriate supervision;

2. Registered as a Registered Art Therapist (ATR) and has been certified as a Board Certified Art Therapist (ATR-BC) with the Art Therapy Credentials Board; and

3. Demonstrated professional competency by satisfactorily completing the Registered Art Therapist Board Certified Art Therapist exam.

C. The Board shall adopt regulations for the annual renewal process for a license as a professional art therapist.

D. The Board shall adopt regulations for the continuing education of licensed professional art therapists.

E. The Board may issue a license as a professional art therapist to a person who has submitted evidence satisfactory to the Board that he (i) is a resident of the Commonwealth; (ii) is registered as a Registered Art Therapist (ATR) and has been certified as a Board Certified Art Therapist (ATR-BC) with the Art Therapy Credentials Board; and (iii) has engaged in the practice of art therapy for a period of not less than five years.

§ 54.1-3517. Licensure of professional art therapist associates; extension of licensure; regulations.

A. It shall be unlawful to practice as a licensed professional art therapist associate without a valid license issued by the Board. No person shall hold himself out to be or advertise or permit to be advertised that he is a professional art therapist associate unless such person holds a license as a professional art therapist associate issued by the Board.

B. The Board may issue a license as a professional art therapist associate to an applicant who has submitted evidence, satisfactory to the Board, that he has:

1. Completed the educational requirements for registration as a Registered Art Therapist (ATR) with the Art Therapy Credentials Board, Inc., the Commission on Accreditation of Allied Health Education Programs, or the American Art Therapy Association; and

2. Entered into an agreement for supervision with a Board-approved supervisor of record.

C. A license issued pursuant to subsection B shall be valid for a period of five years. At the end of the five-year period, a licensed professional art therapist associate who has not met the requirements for licensure as a professional art therapist may submit an application for extension of licensure as a professional art therapist associate to the Board. Such application shall include (i) a plan for completing the requirements to obtain licensure as a professional art therapist, (ii) documentation of compliance with the continuing education requirements, (iii) documentation of compliance with requirements related to supervision, and (iv) letters of recommendation from at least two supervisors of record. An extension of a license as a professional art therapist associate pursuant to this subsection shall be valid for a period of two years and shall not be renewable.

D. The Board shall adopt regulations governing requirements for the practice of licensed professional art therapist associates. Such regulations shall include requirements for continuing education and supervision of licensed professional art therapist associates.

2. That the Board of Counseling shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.