Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 01 REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS

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CHAPTER 02 REGULATIONS GOVERNING LICENSURE OF PROFESSIONAL ART THERAPISTS

100 GENERAL PROVISIONS

100.01 **Legal Authority** The State Board of Health is authorized to establish and enforce these rules and procedures by virtue of Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated

100.02 **Purpose** The purpose of these regulations is to safeguard the public(s health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to perform art therapy. Further, in order to insure the highest degree of professional conduct by those engaged in the performance of art therapy, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in this chapter.

100.03 **Definitions** The following terms shall have the meaning set forth below, unless the context otherwise requires:

1. **Board** shall mean the Mississippi State Board of Health.

2. **Council** shall mean the Professional Art Therapists Advisory Council.

3. **Licensed Professional Art Therapist** means a person who has completed a master(s or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution and who is licensed by the Board, or who received registration from the American Art Therapy Association (ATR) before 1980.

4. **License Holder** means a licensed professional art therapist licensed under the provisions of this act.

5. **Accredited Institution** means a university or college 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, Inc.

6. **Department** shall mean the Mississippi Department of Health.

7. **Act** shall mean Chapter 73-65-1 et seq of the Mississippi Code 1972 Annotated.

100.04 **Publication** The Department shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Professional Art Therapists, and a list of all persons whose license has been suspended, revoked, denied renewal, put on probationary status, censured or reprimanded.

101 PROFESSIONAL ART THERAPISTS ADVISORY COUNCIL ("COUNCIL")

101.01 **Council Structure and Purpose** The Council shall consist of six (6) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the Board. The purpose of the Council is to serve in an advisory capacity to the Board in matters relating to the administration and interpretation of provisions of the Act.

101.02 **Meetings** The Council shall meet at least twice annually. A chairperson and a secretary shall be elected at the first meeting of the year. Additional meetings may be called at the discretion of the chairperson, upon written request of two (2) members of the Council. A quorum shall consist of three (3) members of the Council, including the chairperson, and shall be necessary for the Council to take action by vote.

102 STATE BOARD OF HEALTH ("BOARD")

102.01 **Responsibilities** The Board shall:

1. Establish examination, licensure, and renewal of licensure criteria for applicants;

2. Maintain an up-to-date list of all individuals licensed as Professional Art Therapists, with such list being available, upon request, to the public;

3. Refer disciplinary actions of any individual engaged in art therapy to the appropriate government agency for prosecution, whether licensed or otherwise, or in its discretion, refer same to the appropriate committee or council;

4. Conduct disciplinary hearings, upon specified charges;

5. Maintain an up-to-date list of all individuals whose license has been suspended, revoked, or denied, and make such list available to public inspection, and shall supply such list to similar regulatory boards in other states or jurisdictions;

6. Keep a record of all proceedings of the Board, and make said record available to the public;

7. Delegate, authorize, and direct the Department to promulgate regulations to accomplish the purpose of the Act.

103 LICENSURE

103.01 Licensure Requirements

1. An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that the applicant:

2. Is at least twenty-one (21) years of age;

3. Has passed an examination as administered by the Art Therapy Credentials Board, Inc., or other examination approved by the Department;

4. Is registered as an art therapist by the Art Therapy Credentials Board, Inc.;

5. Is certified as an art therapist by the Art Therapy Credentials Board, Inc.; and,

6. Has been awarded a master's degree or doctoral degree in art therapy that includes six hundred (600) hours of supervised internship experience from an accredited institution and has completed an additional one thousand (1000) client contact hours of postgraduate experience under appropriate supervision; or,

7. Has been awarded a master's degree or doctoral degree in a related field, has a minimum of twenty-one (21) semester hours of sequential course work in the history, theory, and practice of art therapy, has completed seven hundred (700) hours of supervised internship experience from an accredited institution, and has completed an additional two thousand (2000) client contact hours of postgraduate experience under appropriate supervision.

   The Department will review the credentials of an individual awarded a master's degree or doctoral degree from a non-accredited institution on a case-by-case basis.

103.02 Licensed By Endorsement

An applicant for licensure shall submit to the Department, verified by oath, written evidence in form and content satisfactory to the Department that:

1. The applicant holds a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia, or any foreign nation;

2. The requirements for said document are substantially equivalent to, or exceed, the requirements as set forth in section 103.01 of these regulations; and,

3. Said document is in good standing, and is not, presently suspended or revoked.

103.03 **Grandfather Clause** An applicant for licensure as a professional art therapist may be licensed without examination if the applicant files a completed application within one (1) year of July 1, 1998, if the Board determines that the applicant meets all other requirements for licensure as a professional art therapist.

103.04 **Provisional Licensure** The Board may, in its discretion, issue a provisional license to an applicant at least 21 years of age, pending the completion of the requirements for licensure, providing the applicant submits to the Department, verified by oath, in form and content satisfactory to the Department that the applicant:

1. Has completed the education requirements in section 103.01 of these regulations; and,

2. Is fulfilling the client contact hours of postgraduate experience under appropriate supervision; and,

3. Will be supervised according to section 103.06 of the regulations; and,

4. Has not taken the examination recognized by the Department or received registration from the Art Therapy Credentials Board, Inc.

In its discretion, and upon application, the Board may renew a provisional license. A provisional license may not be renewed more than two (2) times. Proof, satisfactory to the Department that the provisional license holder has been in the process of meeting the licensure requirements must be submitted at the time of renewal.

103.05 **Conditions of a Provisional License**

1. Documentation in form and substance satisfactory to the Department that the conditions of section 103.06(2)(3) of the regulations have been met must be on file with the Department before a provisional license will be issued.

2. A provisional license holder may only practice under the supervision of the individual licensed as a professional art therapist in Mississippi who is the listed supervisor on file with the Department.

3. A provisional license holder must be supervised one (1) hour for every ten (10) hours of face-to-face client contact.

4. A provisional license holder shall restrict his practice to the State of Mississippi.

5. Only an individual issued a regular license by the Department may supervise a provisional license holder.

6. The provisional license holder must take the first examination following completion of the client contact hours of postgraduate experience.

7. Notice of Termination: The supervisor shall notify the Department in writing of the termination of the supervisory relationship with a provisional license holder. The notice shall include the effective date of the termination and must be filed with the Department or postmarked no later than three (3) calendar days from the date of termination.

103.06 **Retirement of Licensure** A license holder shall notify the Department in writing of intent to retire as a licensed professional art therapist prior to the expiration date of his current license.

103.07 **Renewal/reinstatement of Licensure**

1. The license holder shall request a renewal/reinstatement application from the Department in writing within five (5) years of the year of retirement.

2. The license holder shall submit the renewal/reinstatement application, all lapsed license renewal fees, and the continuing education requirement to the Department for review.

103.08 **Abandonment** An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensure have not been completed and filed with the Department.

104 PROFESSIONAL IDENTIFICATION

104.01 **Titles and Abbreviation** No person shall use the title "Licensed Professional Art Therapist" or hold himself out as having this status, unless he is licensed as such by the Board.

104.02 **Production and Display of License** A person issued a license as a "Licensed Professional Art Therapist" by the Mississippi State Board of Health shall display said license in the professional setting and shall carry the Licensure Identification Card at all times when practicing as a "Licensed Professional Art Therapist."

236

237 105 **RENEWAL OF LICENSURE**

238 105.01 **General Provisions**

239 1. The Board shall issue licenses, which shall be renewed biennially.

240 2. The licensure period shall be construed as January 1 of even-numbered
241 years through December 31 of odd- numbered years.

242 105.02 **Procedure for Renewal of Licensure**

243 1. The Department shall mail a renewal form, approximately sixty (60) days
244 prior to the expiration date, to the last home address registered with the
245 Department, to the persons to whom licensure was issued or renewed
246 during the preceding licensure period. The applicant for renewal shall:

247 a. Complete the renewal form, and

248 b. Submit proof of continuing education credit as detailed in Section 106
249 of these regulations, and

250 c. Enclose the renewal fee, and

251 d. File the above with the Department prior to the date of expiration of
252 the license.

253 105.03 **Failure to Renew**

254 1. **Late Renewal** License holders are allowed a ninety (90) day grace period
255 for the late renewal of licensure following expiration of the licensure
256 period. The applicant for late renewal during this period shall:

257 a. Complete the renewal form; and,

258 b. Submit proof of continuing education credit as detailed in Section 106
259 of these regulations; and,

260 c. Enclose the renewal fee and the late renewal fee; and,

261 d. File the above with the Department prior to the end of the grace
262 period.

263 2. **Suspension** A license is automatically suspended if the license holder
264 does not renew his license prior to the end of the grace period.

265 3. **Reinstatement** The Department may reinstate a license if the late
266 renewal requirements and the reinstatement fee are filed with the

Department within ninety (90) days of the date of suspension. A license is automatically revoked if it is not reinstated within the ninety (90) day period following suspension.

106 CONTINUING EDUCATION

106.01 **Definition and philosophy** Each individual licensed by the Board is responsible for maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for licensure and related to the performance of art therapy.

106.02 **Requirements**

1. Regulations set the requirement of forty (40) clock hours to be accrued during the licensure term for license holders who are not certified and in good standing with the Art Therapy Credentials Board, Inc.

2. License holders certified and in good standing with the Art Therapy Credentials Board, Inc., may submit proof, in form and content satisfactory to the Department, of having met the continuing education requirements of the Art Therapy Credentials Board, Inc., in lieu of the provisions of this section.

3. Individuals applying for initial licensure within a licensure term must accrue continuing education hours on a prorated scale. Written notification of required hours will be sent to the applicant at the time of licensure.

4. Individuals holding a provisional license must meet the same requirements as an individual applying for an initial license.

5. Persons who fail to accrue the required continuing education hours shall be issued a CE probationary license for the entire licensure period. Failure to accrue the required hours during the CE probationary period will result in the revocation of the license.

   CE probationary licenses will be issued for one licensure period only. No ensuing license may be CE probationary as a result of not meeting continuing education requirements.

NOTE: Reinstatement of a license revoked for failure to meet continuing education requirements is subject to the discretion of the Department. If said license is permitted to be reinstated, the renewal fee and the late renewal/reinstatement fee as stated in Section 106 of these regulations will be required.

106.03 **Content Criteria** The content must apply to the field of art therapy and performance and must be designed to meet one of the following goals:

303 1. Update knowledge and skills required for competent performance beyond
304 entry level as described in current legislation and regulations.

305 2. Allow the licensee to enhance his knowledge and skills.

306 3. Provide opportunities for interdisciplinary learning.

307 4. Extend limits of professional capabilities and opportunities.

308 5. Facilitate personal contributions to the advancement of the profession.

309 106.04 **Sources of Continuing Education** Continuing education hours may be accrued
310 from the following sources when the content of the programs relates to the
311 profession of art therapy:

312 1. Attendance at programs sponsored or approved for continuing education
313 by the following groups:

314 a. The American Art Therapy Association (AATA).

315 b. The Mississippi Art Therapy Association (MSATA) or AATA
316 chapter of another state or the District of Columbia.

317 c. Regulatory boards for art therapy in any jurisdiction in the United
318 States.

319 d. Regulatory boards governing the practices of social workers, licensed
320 professional counselors, and marriage and family counselors.

321 e. The National Association of Social Workers or its state affiliate
322 members.

323 f. The American Psychological Association or its state affiliate and/or
324 subsidiary members.

325 g. The American Medical Association or its state affiliate and/or
326 subsidiary members.

327 h. The American Nursing Association or its state affiliate and/or
328 subsidiary members.

329 2. Presentations, including posters, made before art therapists, medical
330 practitioners, or other health related professionals and directly related to
331 the profession of art therapy. To be considered for continuing education
332 credit, material outline and a synopsis must be submitted to the Council at
333 least sixty (60) days prior to the presentation date. Notice of approval or
334 disapproval will be sent following a review by the Council. For approved
335 presentations, the presenter may accrue one (1) hour of continuing

education credit for each hour of the actual presentation, and one (1) hour of preparation time, for a total of (2) two hours. Presenter credit is given one (1) time only, even though the session may be presented multiple times. No more than 30% of total required hours may be accrued through presentations. Presentations approved by the MATA, whether prior to or subsequent to the presentation, will be accepted for continuing education credit.

3. Academic course work taken from a regionally accredited college or university, either for credit or audit. The courses must relate to the profession of art therapy. Courses in supporting fields must have prior approval of the Council. One academic semester hour shall be equivalent to fifteen (15) clock hours for continuing education credit. No more than fifty percent (50%) of total required hours may be accrued through academic course work.

4. Professional publications where the license holder is an author. To be considered for continuing education credit, a reprint of the published article must be submitted to the department. Notice of approval or disapproval will be sent out after review by the department. A maximum of 3 contact hours may be accrued through professional publication.

106.05 **Reporting Procedures for Continuing Education** Continuing education hours are reported on the application for license renewal during the license renewal period prior to its expiration. It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at seminars, workshops, presentations, etc., approved by the organizations listed in section 106.04(1) are automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by the submission of a continuing education certificate, or a continuing education reporting form from the organization issuing continuing education hours and proof of approval.

2. Presentation credits: Submit a copy of the program listing the presentation and a copy of the prior letter of approval from the council.

3. Academic course work credits must meet the content criteria in Sections 106.03, and must be accompanied by a course description from the college or university catalog and a copy of the transcript or final grade report.

4. Professional publication: Submit a copy of the letter of approval from the council.

375 107 **REVOCATION, SUSPENSION, AND DENIAL OF LICENSURE**

376 107.01 **Standards of Conduct** Individuals who are licensed may, at the discretion
377 of the Board, have their licenses suspended, revoked, or denied if the Board
378 determines that the individual is guilty of any of the following:

379 1. Is guilty of fraud or deceit in procuring or attempting to procure a license
380 or renewal of licensure.

381 2. Is unfit or incompetent by reason of gross ignorance, negligence, habits, or
382 other causes of incompetence.

383 3. Is habitually intemperate in the use of alcoholic beverage.

384 4. Is convicted of an offense involving moral turpitude.

385 5. Is knowingly practicing while suffering with a contagious or infectious
386 disease.

387 6. Is addicted to, or has improperly obtained, possessed, used, or distributed
388 habit-forming drugs or narcotics.

389 7. Is guilty of dishonest or unethical conduct.

390 8. Has represented himself as a licensed professional art therapist after his
391 license has expired or has been suspended.

392 9. Has practiced as a licensed art therapist under cover of any permit or
393 license illegally or fraudulently obtained or issued.

394 10. Has violated, aided, or abetted others in violation of any provision of law,
395 or these regulations.

396 11. Has engaged in any conduct considered by the Board to be detrimental to
397 the profession of art therapy.

398 12. Has violated the current code of ethics of the American Art Therapy
399 Association.

400 13. Has had disciplinary action taken against the license holder(s license,
401 certificate, registration, etc., in another jurisdiction.

402 107.02 **Summary Suspension** The Board may summarily suspend licensure
403 without a hearing, simultaneously with the filing of a formal complaint and
404 notice of hearing, if the Board determines that:

405 1. The health, safety, or welfare of the general public is in immediate danger;
406 or

2. The individual's physical capacity to practice his profession is in issue; or

3. The individual's mental capacity to practice his profession is in issue.

107.03 **Complaints** All complaints concerning a licensed individual, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. name of the licensed individual;

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition

107.04 **Investigation** All complaints will be investigated and evaluated by an authorized employee of the Department or a Council member designated by the Department.

107.05 **Notice of Charges and Hearing** Following the investigative process, the Department may file formal charges against the licensed individual. Such formal complaint shall, at a minimum, inform the respondent of the facts which are the basis of the charge and which are specific enough to enable the respondent to defend against the charges.

1. Each respondent, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against him, shall be served notice of the formal charge at least thirty (30) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the respondent, or the notice was mailed certified, return receipt requested, to the respondent at his last know address as listed with the state agency.

2. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the respondent shall appear personally at the hearing and may be represented by counsel;

   c. That the respondent shall have the right to produce witnesses and evidence in his own behalf and shall have the right to cross-examine adverse witnesses; and evidence

d. That the hearing could result in disciplinary action being taken against the respondent(s license.

e. That rules for the conduct of these hearings exist and it may be in the respondent's best interest to obtain a copy; and

f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the respondent.

The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the respondent. At the conclusion of the hearing, the Board shall issue an order within sixty (60) days.

Disposition of any complaints may be made by consent order or stipulation between the Board and the respondent.

All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to State law.

107.06 **Board Sanctions** The Board may impose any of the following sanctions, singly or in combination, when it finds that a respondent is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensed individual;

4. Issue a letter of reprimand to the licensed individual;

5. Place a license on probationary status and require the individual to submit to any of the following:

a. Report regularly to the board upon matters which are the basis of probation;

b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

c. such other reasonable requirements or restrictions as are proper;

d. Refuse to renew a license; or

e. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

107.07 **Appeal** Any person aggrieved by a decision of the Board shall have a right of appeal as provided for in the Laws of the State of Mississippi.

108 EXCEPTIONS AND EXEMPTIONS

108.01 **Exceptions:**

1. Nothing in these regulations is intended to limit, preclude or otherwise interfere with the practices of other persons and health providers licensed by appropriate agencies of the State of Mississippi.

2. Nothing in these regulations shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which the "activities professionals" at licensed nursing facilities hold themselves out to the public.

108.02 **Good Samaritan Act**

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109 LEFT BLANK ON PURPOSE

110 CRIMINAL OFFENSES AND PUNISHMENT

110.01 **Offenses** It is a violation of the law for any person to:

1. Sell, fraudulently obtain or furnish any license, or aid or abet therein.

2. Use the title, "Licensed Professional Art Therapist" or any words letters, signs, symbols or devices to indicate the person using them has received a license from the Mississippi Department of Health.

3. Fail to notify the Board of the suspension, probation or revocation of any past or currently held licenses or certifications, required to practice art therapy in this or any other jurisdiction.

4. Make false representations, impersonate, act as a proxy for another person, allow, or aid any person to impersonate him in connection with any examination or application for license or request to be examined or licensed.

5. Make a material, false statement in an application for licensure, or in a response to any inquiry by the Mississippi Department of Health or the Board.

507 6. Otherwise violate any provisions of the Act, or regulations of the Board.

508 110.02 **Punishment** Such violations shall be a misdemeanor, and shall be punishable by
509 a fine not to exceed Five Hundred Dollars, ($500.00) or by imprisonment in the
510 county jail for not more than six (6) months, or by both.

511 111 **FEES**

512 111.01 **Method of Payment** The following fees, where applicable, are payable to
513 the Department of Health by check, or money order. Fees paid to the
514 Mississippi Department of Health are non-refundable.

515 111.02 **Schedule of Fees**

516 1. Application and Initial Licensure Fee.....$100.00

517 2. Renewal Fee.....$ 75.00

518 3. Late Renewal Fee.....$100.00

519 4. Reinstatement Fee.....$100.00

520 5. Verification Fee .....$ 25.00

521 6. Duplicate License Fee.....$ 25.00

522 7. License Replacement Fee .....$ 25.00

523 8. Card Replacement Fee .....$ 10.00

524 111.03 **Examination Fee** Fees for examination are to be paid directly to the
525 appropriate testing organization.

526 112 **ADMINISTRATIVE GRIEVANCE PROCEDURE**

527 112.01 **Administrative Appeals** All persons aggrieved by a decision regarding the
528 initial application for licensure, or the renewal of licensure, shall have the right
529 of administrative appeal and a hearing to be conducted according to the rules of
530 the Department of Health.

531 112.02 **Notification** Written notice will be provided to all applicants regarding denial of
532 an original license or a renewal license. Such notice shall contain the reason
533 thereof and shall offer the applicant an opportunity to submit additional
534 information pertinent to their application for a second review by the Department.

535 112.03 **Hearing** If requested in writing within the specified time frame a hearing
536 will be provided in which the applicant may show cause why the license should
537 be granted or renewed.

538 Within sixty (60) days of the hearing, or other such time frame as determined
539 during the hearing, written findings of fact, together with a recommendation for
540 action on the license in question, shall be forwarded to the State Health Officer.
541 The State Health Officer shall decide what action will be taken on the
542 recommendation within five days of its receipt. Written notice shall be provided
543 to the applicant.

544 **CERTIFICATION OF REGULATION**

545 This is to certify that the above **Regulations Governing Licensure of Professional Art**
546 **Therapists** was adopted by the Mississippi State Board of Health on July 09, 2008 to become
547 effective August 9, 2008.

548
549 Ed Thompson, Jr., MD, MPH
550 Secretary and Executive Officer