
COUNSELOR, SOCIAL WORKER, AND MARRIAGE AND FAMILY THERAPIST BOARD

Licensure of art therapists

- Creates a licensing scheme for the practice of art therapy and requires the Counselor, Social Worker, and Marriage and Family Therapist (CSW) Board to license and regulate art therapists.
- Prescribes the requirements an applicant must meet, and requires the applicant to pay a nonrefundable \$25 application fee, to receive an initial license.
- Makes a license valid for two years and requires, for a licensee to renew a license, the licensee to complete continuing education requirements, pay a \$25 fee, and meet other requirements.
- Defines a licensee’s scope of practice.
- Allows the Board to discipline a licensee for specified reasons, and lists the types of disciplinary actions the Board may take and the reasons it may take them.
- Does not include a penalty for practicing without a license.

Board membership

- Requires that four CSW Board members be licensed as either independent social workers or social workers, provided that at least one member is a licensed social worker at the time the member is appointed to the CSW Board.
- Eliminates a requirement that not more than eight CSW Board members be of the same sex.

Licensure of art therapists

(R.C. Chapter 4789, with conforming changes in R.C. 4743.05 and 4776.20)

Ohio does not currently regulate the practice of art therapy. The bill creates licensing requirements for the practice of art therapy. It requires the Counselor, Social Worker, and Marriage and Family Therapist (CSW) Board to issue a license to an individual who meets those requirements. It does not prohibit an unlicensed individual from practicing art therapy or from using the title “art therapist” or a similar title. It is possible some services included in the practice of art therapy, however, may overlap with other practice areas that require an occupational license in Ohio.

Art therapy

The bill defines “practice of art therapy” as the rendering or offering to render art therapy in the prevention or treatment of cognitive, developmental, emotional, or behavioral disabilities or conditions. “Art therapy” is the integrated use of psychotherapeutic principles

and methods with art media and the creative process to assist individuals, families, or groups in doing any of the following:

- Improving cognitive and sensory-motor functions;
- Increasing self-awareness and self-esteem;
- Coping with grief and traumatic experiences;
- Enhancing cognitive abilities;
- Resolving conflicts and distress;
- Enhancing social functioning;
- Identifying and assessing clients' needs to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs.

"Art therapy" includes therapeutic intervention to facilitate alternative modes of receptive and expressive communication and evaluation and assessment to define and implement art-based treatment plans to address cognitive, behavioral, developmental, and emotional needs.

Scope of practice

The bill permits a licensee to treat affective, behavioral, and cognitive disorders or problems specified in the edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association designated by the CSW Board. A license to practice art therapy does not authorize the licensee to do either of the following:

- Administer or prescribe drugs;
- Perform psychological testing intended to measure or diagnose serious mental illness.

CSW Board duties

The CSW Board must implement and administer the Art Therapy Licensing Law. It also must adopt a policy that concerns the intervention for and treatment of any impaired licensee.

Buckeye Art Therapy Association

The bill requires the Buckeye Art Therapy Association or its successor organization to provide the CSW Board with expertise and assistance in carrying out the Board's duties relating to licensure to practice art therapy.

License issuance

Application

An individual seeking a license to practice art therapy must submit to the CSW Board a completed application on a form the Board prescribes. The individual must include in the application information the Board considers necessary to process the application, including satisfactory evidence that the individual meets the requirements for an initial license. The individual also must submit a \$25 application fee or a fee prorated by the Board. No part of the

fee may be returned to the applicant or applied to another application. An application for a license to practice art therapy cannot be withdrawn without Board approval.

Eligibility requirements

To be eligible for a license, an applicant must demonstrate to the CSW Board that the applicant meets all of the following requirements:

- **Age** – the applicant is at least age 18;
- **Education** – the applicant has attained a master’s or higher degree from a graduate program in art therapy that one of the following applies to at the time the degree was conferred:
 - The program is approved by the American Art Therapy Association or its successor organization.
 - The program is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization.
 - The CSW Board considers the program to be substantially equivalent to a program approved or accredited as described above.
- **Experience** – the applicant has completed at least two years of postgraduate supervised clinical experience in the practice of art therapy that meets the posteducation supervised art therapy experience requirements that the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board required for an individual to become a registered art therapist at the time the experience was completed;
- **Board certification** – the applicant has a board certification in good standing with the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board;
- **Additional requirements** – the applicant satisfies any other requirements the CSW Board establishes.

License issuance

Not later than 60 days after receiving a complete application, the CSW Board must issue a license to practice art therapy to an applicant if the Board determines the applicant satisfies the eligibility requirements listed above. The Board may waive the eligibility requirements and issue an art therapy license to an applicant if, not later than one year after the provision’s effective date, the applicant files an application that includes satisfactory evidence that the applicant:

- Holds a credential in good standing with the Art Therapy Credentials Board, its successor organization, or an equivalent organization the CSW Board recognizes;
- Has practiced art therapy for at least five years; and
- Satisfies any additional requirements the CSW Board establishes.

Out-of-state applicants

Beginning December 29, 2023, the CSW Board must issue an art therapy license in accordance with the Occupational Licenses for Out-of-State Applicants Law⁴² to an applicant if the applicant:

- Holds a license in another state; or
- Has satisfactory work experience, a government certification, or a private certification as an art therapist in a state that does not issue an art therapy license.

License renewal

A license to practice art therapy expires biennially and may be renewed. A licensee seeking to renew a license must apply for renewal on or before January 31 of each even-numbered year in the manner the CSW Board establishes and submit a \$25 renewal fee. The Board may establish a different expiration date for an initial license. The Board must provide renewal notices at least one month before the expiration date.

To be eligible for renewal, a licensee must certify to the CSW Board that the licensee has done all of the following:

- Maintained board certification with the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board;
- Completed at least 40 continuing education hours required to maintain board certification with the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board;
- Report any criminal offenses to which the licensee has pleaded guilty, of which the licensee has been found guilty, or for which the licensee has been found eligible for intervention in lieu of conviction, since last signing an art therapy license application.

The CSW Board must issue to a licensee a renewed license to practice art therapy if the Board determines the licensee qualifies for renewal by meeting the eligibility requirements listed above.

The CSW Board may require a random sample of licensees to submit materials documenting that the licensee has complied with the above renewal requirements that the licensee maintain board certification and complete continuing education. If the CSW Board finds through the random sample or any other means that a licensee has not complied with those requirements, the Board may refuse to renew the licensee's license or take any other action authorized under the Art Therapy Licensing Law.

⁴² R.C. Chapter 4796 (effective December 29, 2023).

Failure to renew

A license to practice art therapy that is not renewed on or before its expiration date is automatically suspended on that date. If a license is suspended due to a failure to renew, the CSW Board must reinstate the license if the applicant qualifies for renewal and pays a monetary penalty the Board establishes. If a license has been suspended for more than two years, the Board may impose terms and conditions for reinstatement in addition to the monetary penalty, including the following:

- Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's fitness to resume the practice of art therapy;
- Requiring the applicant to obtain additional training and to pass an examination on completion of the training;
- Restricting or limiting the extent, scope, or type of practice in which an applicant may engage.

Disciplinary actions

The CSW Board, by an affirmative vote of a majority of the members, may limit, revoke, suspend, or refuse to grant a license to practice art therapy to an individual found by the Board to have committed fraud, misrepresentation, or deception in applying for or securing a license.

The bill requires the Board, by an affirmative vote of a majority of the members, to limit, revoke, suspend, or refuse to issue, renew, or reinstate a license, or reprimand or place on probation a licensee for any of the following reasons:

- Failure to comply with the requirements under the Art Therapy Licensing Law;
- Permitting the licensee's name or license to be used by another individual;
- Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;
- Willfully betraying a professional confidence;
- Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for clients, in relation to the practice of art therapy, or in securing or attempting to secure any license or certificate issued by the Board;
- A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a client is established;
- Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other individual, that an incurable disease or injury, or other incurable condition, can be permanently cured;

- The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of art therapy;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;
- Commission of an act that constitutes a felony in Ohio, regardless of the jurisdiction in which the act was committed;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of the practice of art therapy;
- Commission of an act in the course of the practice of art therapy that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which the act was committed;
- A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;
- Commission of an act involving moral turpitude that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which the act was committed;
- Violation of the conditions of limitation placed by the Board on a license to practice art therapy;
- Failure to pay required license renewal fees;
- Inability to practice art therapy according to acceptable and prevailing standards of care by reason of mental or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;
- Impairment of ability to practice art therapy according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair the ability to practice;
- Failure to maintain the confidentiality of privileged communications without the written consent of a client or a client's parent or guardian, as applicable, unless otherwise required by law, court order, or necessity to protect public health and safety;
- Failure to comply with the continuing education requirements necessary to renew a license;
- Failure to comply with any standards for the ethical practice of art therapy that the Board adopts;
- Failure to cooperate in a disciplinary investigation conducted by the Board, including failure to comply with a Board subpoena or order or failure to answer truthfully a question presented by the Board in an investigative interview.

An individual's failure to renew a license to practice art therapy in accordance with the renewal requirements described above does not remove or limit the Board's jurisdiction to take disciplinary action against the individual.

Adjudications

The Board must take any disciplinary actions pursuant to an adjudication under the Administrative Procedure Act (R.C. Chapter 119). However, in lieu of an adjudication, the Board may enter into a consent agreement with an individual to resolve an allegation of a violation. A consent agreement, when ratified by an affirmative vote of a majority of the Board members, constitutes the Board's findings and order with respect to the matter addressed in the agreement. If the Board refuses to ratify a consent agreement, the admissions and findings in the consent agreement are of no force or effect.

Investigations

The Board must investigate evidence that appears to show an individual has violated the Art Therapy Licensing Law. Any individual may report to the Board in a signed writing any information the individual may have that appears to show a violation. The Board must conduct investigations of alleged violations in the same manner that the Board conducts investigations under continuing law with respect to other licenses the Board issues.

License surrender

The surrender of a license to practice art therapy is not effective until accepted by the Board. The Board may use a telephone conference call for acceptance of the surrender. A telephone conference call is considered a special meeting under the Open Meetings Act (instead of a regularly scheduled meeting; different notice requirements apply).⁴³ Reinstatement of a license to practice art therapy surrendered to the Board requires an affirmative vote of a majority of the Board members.

Limitation on initial license refusal

The CSW Board cannot refuse to issue a license to an applicant because of a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with the continuing law procedure that limits a licensing authority's ability to refuse to issue an initial license based on a prior disqualifying offense.⁴⁴

Child support orders

On receipt of notice that a licensed art therapist is in default under a child support order under the procedures established in continuing law, the CSW Board must comply with the requirements of that law or rules adopted pursuant to it with respect to an art therapist license issued under the bill.

⁴³ R.C. 121.22, not in the bill.

⁴⁴ R.C. 9.79, not in the bill.

Human trafficking

On receipt of a notice that a licensed art therapist has been convicted of, pleaded guilty to, or a judicial finding of guilt of or judicial finding of guilt resulting from a plea of no contest was made to the offense of trafficking in persons, the bill requires the CSW Board to immediately suspend the licensee's art therapist license in accordance with continuing law requirements.

Occupational Licensing and Regulatory Fund

All money collected under the Art Therapy Licensing Law must be deposited into the state treasury to the credit of the existing Occupational Licensing and Regulatory Fund.

Board membership

(R.C. 4757.03)

The bill modifies the membership requirements for social worker members on the CSW Board. Specifically, it requires that four Board members be licensed as either independent social workers or social workers. At least one of them must be a licensed social worker at the time of appointment. Currently, two Board members must be licensed independent social workers and two members be licensed social workers.

The bill also requires that, at all times, at least one of these four Board members be an educator who teaches in a baccalaureate or master's degree social work program. Current law requires that, at all times, the social worker membership include such an educator.

The bill eliminates a requirement that not more than eight Board members be of the same sex.