

CHAPTER 80

(HB 104)

AN ACT relating to healthcare providers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 309.130 is amended to read as follows:

As used in KRS 309.130 to 309.1399, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Licensure for Professional Art Therapists;
- (2) "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, has completed all of the requirements set out in this chapter, and has been issued a license by the board ***for the independent practice of art therapy***;
- (3) ***"Licensed professional art therapist associate" means a person who has:***
 - (a) ***Completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; and***
 - (b) ***Been issued a license by the board to practice art therapy under an approved clinical supervisor authorized by the board;***
- (4) "License holder" means a licensed professional art therapist ***or a licensed professional art therapist associate*** licensed under the provisions of KRS 309.130 to 309.1399;
- ~~(5)~~(4) "The practice of professional art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families, and groups. Nothing in this subsection shall be construed to authorize any licensed professional art therapist to administer or interpret psychological tests in accordance with KRS Chapter 319; and
- ~~(6)~~(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.

➔Section 2. KRS 309.1305 is amended to read as follows:

- (1) No person shall use the title licensed professional art therapist ***or licensed professional art therapist associate*** or use "LPAT" ***or "LPATA"*** or a title or letters that are substantially the same, or hold himself or herself out as having this status unless he or she is licensed by the board.
- (2) No person shall engage in the practice of art therapy unless he or she is licensed under KRS 309.130 to 309.1399.
- (3) KRS 309.130 to 309.1399 shall not apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, physical therapists, occupational therapists, social workers, psychologists, and nurses, or students within accredited training programs of these professions. Nothing in KRS 309.130 to 309.1399 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which these persons hold themselves out to the public.
- (4) Nothing in KRS 309.130 to 309.1399 shall be construed to alter, amend, or interfere with the practice of employment counseling, job placement counseling, or school counseling.
- (5) Nothing in KRS 309.130 to 309.1399 shall be construed to apply to the activities and services of a student intern or trainee in art therapy who is pursuing a program of studies in art therapy at an accredited institution of higher learning if the activities are performed under the supervision of a licensed art therapist and constitute a part of the supervised program of study and if the person is designated as an art therapist intern or student in training.

➔Section 3. KRS 309.1315 is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations necessary to carry out the provisions of KRS 309.130 to 309.1399;
- (2) Select the examinations for licensure and administer the examinations at least annually;
- (3) Establish the application deadline for and score required to pass the examinations;
- (4) Process applications and conduct and review the required examinations;
- (5) Issue licenses to applicants who meet the requirements of KRS 309.133 to 309.137;
- (6) Deny, suspend, or revoke a license to practice art therapy;
- (7) Censure, reprimand, or place a license holder or applicant on probation for a period not to exceed one (1) year;
- (8) Maintain a current register of license holders as a matter of public record;
- (9) Establish criteria for continuing education;
- (10) Establish procedures for receiving, investigating, and resolving complaints against license holders;
- (11) Conduct administrative hearings in accordance with KRS Chapter 13B for disciplinary actions taken under authority of subsections (6) and (7) of this section;
- (12) Approve the level of supervision and experience required for persons seeking licensure;
- (13) Assess fees for the issuance and renewal of licenses to cover administrative and operating expenses of the board, and authorize all disbursements necessary to carry out the provisions of KRS 309.130 to 309.1399;
- (14) Implement an impaired professional art therapist treatment program; ~~and~~
- (15) Establish a code of ethics for *license holders*;
- (16) *Establish requirements for supervision and qualifications of supervisors; and*
- (17) *Establish conditions for inactive status and return to active status for license holders* ~~[professional art therapists]~~.

➔SECTION 4. A NEW SECTION OF KRS 309.130 TO 309.1399 IS CREATED TO READ AS FOLLOWS:

- (1) *The board may issue a license as a professional art therapist associate for a period of up to five (5) years to an applicant who has;*
 - (a) *Completed the educational requirements for registration with the Art Therapy Credentials Board, Inc.;*
 - (b) *Obtained a board-approved supervisor of record; and*
 - (c) *Paid the required fees.*
- (2) *A licensed professional art therapist associate shall maintain on-going supervision as approved by the board until he or she:*
 - (a) *Is registered by the Art Therapy Credentials Board, Inc.; and*
 - (b) *Has passed an examination approved by the board.*
- (3) *At the end of the five (5) year period approved under subsection (1) of this section, a licensed professional art therapist associate who has not completed the requirements for licensure as a professional art therapist shall submit to the board an application for an extension of licensure as a professional art therapy associate. The application shall include:*
 - (a) *A plan for completing the requirements to obtain licensure as a professional art therapist;*
 - (b) *Documentation of compliance with the continuing education requirements;*
 - (c) *Reports of compliance with supervisory requirements;*
 - (d) *Letters of recommendation from two (2) supervisors of record; and*
 - (e) *Payment of an extension fee not to exceed one hundred dollars (\$100).*
- (4) *Upon review of the application and accompanying documentation, the board may approve an extension of the license as a professional art therapist for a period of time not to exceed two (2) years.*

- (5) *If, at the end of the period of extension referenced in subsection (4) of this section, the applicant has not completed all requirements for licensure as a professional art therapist, the board shall rescind the license as a professional art therapist associate and the individual may no longer practice art therapy, or refer to himself or herself by any title which would indicate that he or she is credentialed by the board.*
- (6) *A licensed professional art therapist associate may apply for the credential of licensed professional art therapist upon:*
- (a) *Registration with the Art Therapy Credentials Board, Inc.; and*
 - (b) *Passage of an examination approved by the board.*
- (7) *An individual who is a registered art therapist as defined by the Art Therapy Credentials Board, Inc., but who has not passed the required examination, shall:*
- (a) *Maintain the professional art therapist associate license in order to practice under board-approved supervision; and*
 - (b) *Be scheduled to take the next examination following the approval of the professional art therapist license application.*
- (8) *A professional art therapist associate shall not supervise licensed professional art therapists, licensed professional art therapist associates, or applicants for these licenses.*

➔Section 5. KRS 309.1335 is amended to read as follows:

- (1) Each license holder shall renew the license to practice art therapy biennially by:
 - (a) Submitting a renewal application on a form provided by the board;
 - (b) Paying a license renewal fee; and
 - (c) ~~(b)~~ Producing evidence of completion of relevant professional continuing education experience satisfactory to the board and not to exceed forty (40) hours per renewal cycle.
- (2) A ninety (90) day grace period shall be allowed for each license holder after the licensure period, during which time the license may be renewed upon payment of the renewal fee, the late fee, and compliance with all renewal requirements.
- (3) Any license granted by the board shall be automatically suspended if the holder fails to apply for the license renewal pursuant to this section within a period of three (3) months after the renewal deadline; however, any suspended license may be restored by the board upon payment of a reinstatement fee not to exceed one hundred dollars (\$100) in addition to any unpaid renewal or late fees. Failure to renew a license within three (3) months from the date of suspension as provided in this section shall cause the license to be automatically revoked. Reinstatement of a revoked license shall require the license holder to reapply and meet all current standards for licensure.
- (4) A person licensed under the provisions of KRS 309.133 who intends to retire as a licensed professional art therapist, *or as a licensed professional art therapist associate*, shall notify the board in writing before the expiration of his or her current license. If, within a period of five (5) years from the year of retirement, the license holder wishes to resume practice as a licensed professional art therapist, *or as a licensed professional art therapist associate*, he or she shall notify the board in writing, and upon giving proof of completing the required continuing education and the payment of an amount equivalent to elapsed renewal fees, *and for the licensed professional art therapist associate, obtaining a board-approved supervisor of record*, the license shall be restored in full effect.

➔Section 6. KRS 309.135 is amended to read as follows:

The board shall set the amount of the fees required to be paid by the applicants for licensure and the license holders including, but not limited to, the following:

- (1) For an application for initial licensure *as a licensed professional art therapist*, the fee shall be nonrefundable and shall not exceed two hundred dollars (\$200);
- (2) *For an application for initial licensure as a licensed professional art therapist associate, the fee shall be nonrefundable and shall not exceed one hundred dollars (\$100);*

- (3) To take an examination, the fee shall not exceed one hundred dollars (\$100), or, if a national examination is used, the amount of the fee shall not exceed the cost of the examination by more than twenty-five percent (25%);
- ~~(4)(3)~~ The renewal fee *for a licensed professional art therapist* shall not exceed two hundred dollars (\$200);
- (5) *The renewal fee for a licensed professional art therapist associate shall not exceed one hundred dollars (\$100);*
- ~~(6)(4)~~ For a duplicate or replacement license, the fee shall not exceed twenty-five dollars (\$25);
- ~~(7)(5)~~ For failure to renew a license *for a licensed professional art therapist* within the allotted grace period pursuant to KRS 309.1335(3), the fee shall not exceed one hundred dollars (\$100); ~~and~~
- (8) *For failure to renew a license for a licensed professional art therapist associate within the allotted grace period pursuant to Section 5 of this Act, the fee shall not exceed fifty dollars (\$50); and*
- ~~(9)(6)~~ Other reasonable fees for administrative services.

➔ Section 7. KRS 311.860 is amended to read as follows:

- (1) (a) As used in this section, "nonseparate location" shall include the following if the supervising physician is available in person or via telecommunication at all times:
1. Hospitals in which patients of the supervising physician are receiving care, subject to the rules and regulations of the governing body of the hospital;
 2. Nursing homes in which the supervising physician has patient care responsibilities, subject to the rules and regulations of the governing body of the nursing home;
 3. The homes of patients of the supervising physician if the home visits are related to patient care; and
 4. School health fairs, wellness clinics, or similar events where the supervising physician is responsible for providing oversight.
- (b) The *supervising physician or credentialing facility shall have oversight* ~~[board in its discretion may modify, decrease, or waive the requirements]~~ of paragraph (a) of this subsection.
- (2) A supervising physician who uses the services of a physician assistant in an office or clinic separate from the physician's primary office shall submit for board approval a specific written request that describes the services to be provided by the physician assistant in the separate office or clinic, the distance between the primary office and the separate location, and the means and availability of direct communication at all times with the supervising physician.
- (3) *Until May 31, 2014*, a newly graduated physician assistant shall not practice medicine or osteopathy in a location separate from the supervising physician *or credentialing facility* until the physician assistant has *three (3)* ~~[eighteen (18)]~~ continuous months of experience in a nonseparate location. *Beginning on June 1, 2014, three (3) continuous months of experience in a nonseparate location shall no longer be required for a physician assistant to practice at a separate location* ~~[The board in its discretion may modify or waive the requirements of this subsection].~~
- (4) Except as provided by KRS 311.862, a physician assistant may perform services in a location separate from the supervising physician if the supervising physician is continuously available via telecommunication and the following are met:
- (a) The requirements of subsection (2) of this section have been met; or
 - (b) A waiver has been granted by the board.

Signed by Governor March 22, 2013.