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Kelly Bomba, Attorney

SUMMARY

Licensure of music therapists

- Creates licensing requirements for the practice of music therapy and requires the State Medical Board to license and regulate music therapists.
- Prohibits, beginning one year after the bill's effective date, unlicensed persons from providing music therapy services or using the title "music therapist."
- Establishes criminal penalties for violating that prohibition.
- Specifies the activities in which a licensed music therapist may and may not engage.
- Lists the requirements and establishes procedures for obtaining initial and renewed music therapy licenses.
- Establishes grounds and procedures for taking disciplinary action against a licensee or license applicant.
- Creates the Music Therapy Advisory Committee to provide expertise and assistance to the Medical Board in regulating the practice of music therapy.
- Authorizes the Medical Board to adopt rules to implement the Music Therapy Licensing Law.

Licensure of art therapists

- Prohibits, beginning one year after the bill's effective date, any person from recklessly engaging in the practice of art therapy or using the title "art therapist" or a similar title unless the person is licensed to practice art therapy under the bill.
- Establishes criminal penalties for violating that prohibition.
- Specifies activities that are included in the scope of practice of a licensee.

- Requires the Counselor, Social Worker, and Marriage and Family Therapist (CSW) Board to implement and administer the bill’s provisions related to licensure to practice art therapy.
- Requires the Buckeye Art Therapist Association or its successor organization to provide the Board with expertise and assistance in carrying out the CSW Board’s duties relating to licensure to practice art therapy.
- Establishes an application procedure and eligibility requirements for applicants seeking to be licensed.
- Establishes license renewal requirements and procedures.
- Allows the CSW Board to discipline applicants and licensees for specified reasons.
- Permits persons licensed to practice art therapy to provide services through certain business entities formed in combination with other health care professionals.
- Establishes procedures for the CSW Board to follow when taking disciplinary action against an applicant or licensee.
- Permits the Board to establish civil penalties applicable to licensees who violate the Art Therapy Licensing Law or any related rule adopted under it.

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DETAILED ANALYSIS

Licensure of music therapists

Ohio does not currently regulate the practice of music therapy or require music therapists to be licensed. To practice as a music therapist, the bill requires an individual to be licensed by the State Medical Board.

Unlicensed practice prohibited

Beginning one year after the bill's effective date, a person is prohibited from knowingly providing music therapy services or using the title "music therapist" or a similar title without a valid license issued by the State Medical Board.¹

The bill defines "music therapy" as the clinical use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan developed for a client. "Music therapy services" are services a licensed music therapist is authorized under the bill to provide to achieve the goals of music therapy.²

Penalty

A person who violates the bill's prohibition against the unlicensed practice of music therapy or use of title is guilty of a fourth degree misdemeanor for the first offense and a third degree misdemeanor for each subsequent offense.³

Exemptions

The bill exempts the following persons from the requirement to obtain a license to practice music therapy, as long as the person does not represent the person's self as a music therapist:

1. **Persons performing services in an accredited music therapy program** – persons who perform services or participate in activities as an integral part of a program of study in an accredited music therapy program.
2. **Persons performing services incidental to their profession** – persons holding a professional license in Ohio, or their supervised employees, who use music in performing services that are incidental to the practice of the person's profession.
3. **Persons with training and national certification** – persons whose training and national certification attests to the person's preparation and ability to practice the person's certified profession or occupation.
4. **Supervised persons** – persons who practice music therapy under the supervision of a licensed music therapist.⁴

Scope of practice

Required action

The bill requires a licensed music therapist to collaborate with a client's physician, psychologist, primary care provider, or mental health professional, as applicable, to review the

¹ R.C. 4787.02(A) and 4787.03(B); Section 3.

² R.C. 4787.01(C) and (D).

³ R.C. 4787.99.

⁴ R.C. 4787.02(B).

client's diagnosis, treatment needs, and treatment plan before providing music therapy services for a medical, developmental, or mental health condition. The music therapist must also collaborate with the client's treatment team while providing music therapy services.⁵

Permissible activities

The bill authorizes a licensed music therapist to do any of the following activities:

1. Accept referrals for music therapy services from health care, social service, or education professionals, clients, or caregivers of prospective clients;
2. Conduct a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine appropriate music therapy services;
3. Develop an individualized treatment plan for a client that identifies the goals, objectives, and potential strategies of appropriate music therapy services for the client using music interventions, including music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music;
4. If applicable, carry out an individualized treatment plan consistent with other medical, developmental, mental health, educational, or rehabilitative services being provided to the client;
5. Evaluate a client's response to music therapy and the individualized treatment plan and suggest modifications;
6. Develop a plan to determine when music therapy services are no longer needed in collaboration with a client, the client's treatment providers, family members, and other persons as needed;
7. Minimize any barriers for the client to receive music therapy services in the least restrictive environment;
8. Collaborate with and educate the client, the client's family or caregiver, or any other appropriate person about the client's needs being addressed through music therapy and the manner in which music therapy addresses those needs.

The bill does not prohibit a licensed music therapist from providing services to a client diagnosed with a communication disorder.⁶

Prohibited activities

The bill prohibits a licensed music therapist from doing either of the following:

⁵ R.C. 4787.09(A).

⁶ R.C. 4787.09(B) and (D).

1. Replacing speech and language services typically provided to a child with a disability who has been identified as having a speech or language impairment when providing educational services under the bill; and
2. Replacing the services provided by a speech-language pathologist when providing rehabilitative services.⁷

Licensure

License requirements

To be eligible for a license to practice as a music therapist, the bill requires a person to provide proof of all of the following to the Medical Board:

1. **Age** – proof the applicant is at least 18 years old.
2. **Education** – proof the applicant has earned a bachelor’s degree or higher in music therapy approved by the American Music Therapy Association or its successor.
3. **Board certification** – proof the applicant has either passed the board certification examination by the Certification Board for Music Therapists, or obtained certification as a music therapist by the Certification Board on January 1, 1985, and is currently certified as a music therapist by the Certification Board.
4. **Clinical training** – proof the applicant has completed at least 1,200 hours of clinical training, including at least 180 hours in preinternship experience and at least 900 hours in internship experience approved by an academic institution, the American Music Therapy Association or its successor, or both.⁸

For one year beginning on the bill’s effective date, the Medical Board must waive the examination requirement for licensure if the person demonstrates the person is either a board-certified music therapist or is designated as a registered music therapist, certified music therapist, or advanced certified music therapist and is in good standing with the National Music Therapy Registry. For the purposes of the waiver provision, the bill defines “board-certified music therapist” as a person who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or obtained certification by the Certification Board on January 1, 1985, and remains actively certified by the Certification Board.⁹

⁷ R.C. 4787.09(C).

⁸ R.C. 4787.05(A).

⁹ Section 5.

License application and issuance

A person seeking a license to practice as a music therapist must file with the Medical Board a completed application on a form provided by the Board, pay an application fee of \$150 or a higher amount established by the Board, and submit to a criminal records check.¹⁰

If the Board determines that an applicant meets the requirements for a license to practice as a music therapist, the Board must issue a license within 60 days after receiving the required information from an applicant.¹¹ The Board is prohibited from issuing a license to an applicant unless the Board decides that the results of the required criminal records check do not make the applicant ineligible for a license.¹² A license is valid for three years from the date of issuance and may be renewed.¹³

After January 1, 2021, the Board may require an application fee in excess of \$150 with approval of the Controlling Board, so long as the increase does not exceed 50% of the fee and the amount necessary for the Board to carry out the Music Therapy Licensing Law.¹⁴

Reciprocity

A person who is licensed to practice as a music therapist in another jurisdiction may apply to the Medical Board to be licensed as a music therapist in Ohio. To be eligible for licensure, the person must meet the bill's requirements for an initial license and submit proof to the Board that the person's license from the other jurisdiction is in good standing.

The Board must review the person's licensure history, including reviewing any misconduct or neglect in the person's practice of music therapy in that jurisdiction. The Board must issue a license to the person if the Board determines that (1) the person meets the requirements for an initial license, (2) the person's license from the other jurisdiction is in good standing, and (3) the requirements for obtaining the license in the other jurisdiction are equal to or greater than those under the bill.¹⁵

License renewal

A person seeking to renew a music therapist license must apply for license renewal before the license expires. The Medical Board must send renewal notices at least one month before the license expiration date. A licensee must notify the Board in writing of any change in address.

¹⁰ R.C. 4787.05(A), with conforming changes in R.C. 109.572 and 4776.01.

¹¹ R.C. 4787.05(C).

¹² R.C. 4787.05(B).

¹³ R.C. 4787.07(A).

¹⁴ R.C. 4787.05(D).

¹⁵ R.C. 4787.06.

To renew, a licensee must submit to the Board a completed renewal application and a renewal fee of \$150 or other amount prescribed by the Board. After January 1, 2021, the Board may require a fee in excess of that amount with approval of the Controlling Board, so long as the increase does not exceed 50% of the fee and the amount necessary for the licensing authority to carry out the Music Therapy Licensing Law.

To be eligible for renewal, a licensee must submit to the Medical Board proof of both of the following:

1. Proof that the licensee has continuously maintained the licensee's certification for the previous three years by the Certification Board for Music Therapists or its successor organization and is currently board certified as a music therapist by the Certification Board;
2. Proof that the licensee has completed at least 60 hours of continuing education approved by the Certification Board or its successor, and any other continuing education requirements established by the Medical Board.¹⁶

License forfeiture and inactive status

A music therapy license that is not renewed on or before its expiration date is delinquent and must be forfeited to the Medical Board. The Board must notify the licensee of the delinquency by certified mail, return receipt requested, within 30 days after the license becomes delinquent. The Board must inform the licensee in the notice that the licensee's license is forfeited and explain procedures for restoring the forfeited license.

A licensee can restore a forfeited license within one year of the delinquency by meeting the bill's license renewal requirements. The Board must terminate a forfeited license that is not restored within one year after it becomes delinquent. The Board may require a person whose license has been terminated to apply for a new license.

On a licensee's written request, the Board may place a license on inactive status for up to two years if the licensee pays an inactive status fee established by the Board. A licensee may reactivate an inactive license at any time during the two-year period if the licensee makes a written request to the Board and fulfills any requirements established by the Board.¹⁷

Discipline

Complaints

If a member of the Medical Board or Music Therapy Advisory Committee (see "**Music Therapy Advisory Committee**," below) becomes aware of grounds for initiating disciplinary action against a licensee, the bill requires the member to file a written complaint with the Board. As soon as practicable after receiving a complaint, the Board must conduct an

¹⁶ R.C. 4787.07.

¹⁷ R.C. 4787.08.

investigation to determine whether the complaint's allegations warrant initiating disciplinary proceedings against the licensee.¹⁸

Grounds for discipline

If, after an investigation conducted by the Medical Board and after notice and hearing, the Board finds grounds to take disciplinary action against a licensee or applicant, the bill authorizes the Board to take disciplinary action as described below for any of the following reasons:

1. Submitting false, fraudulent, or misleading information to the Board, a state agency, another state, or the federal government;
2. Violating the Music Therapy Licensing Law or any related rules adopted under it;
3. Being convicted of or pleading guilty to a disqualifying offense (which is an offense that is a felony having a direct nexus to the individual's field of licensure, certification, or employment) or a crime of moral turpitude, including aggravated murder, murder, and certain sexually oriented and violent offenses;
4. Having an impaired ability to practice 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;
5. Using fraud or deception in applying for a license;
6. Failing to pay fees when due;
7. Failing to timely provide requested information;
8. Failing to practice music therapy with reasonable skill and consistent with the welfare of clients, including negligence in the practice of music therapy, incapacity, and abuse of or engaging in sexual contact with a client;
9. Being subject to disciplinary action by another jurisdiction regarding a license to practice music therapy issued by that jurisdiction.¹⁹

Disciplinary actions

The bill authorizes the Medical Board to take any of the following, or a combination of the following disciplinary actions, alone or in combination, against a licensed music therapist or an applicant for a license:

1. Place a licensee on probation;
2. Administer to an applicant or licensee a public reprimand;
3. Refuse to issue or renew a license;

¹⁸ R.C. 4787.10.

¹⁹ R.C. 4787.11(C), by reference to R.C. 4776.10, not in the bill.

4. Suspend or revoke a license;
5. Impose an administrative fine between \$100 and \$1,000 for each violation.²⁰

Injunction

The bill authorizes the Medical Board to sue to enjoin persons from violating or continuing to violate the Music Therapy Licensing Law or any related rules adopted under it. An injunction may be issued without proof of actual damage to a person and does not prohibit criminal prosecution and punishment of the violator.²¹

Child support orders

On receipt of a notice that a licensed music therapist is in default under a child support order under the procedures established under existing law, the bill requires the Medical Board to comply with the requirements of that law or rules adopted pursuant to it with respect to a music therapist license issued under the bill.²²

Human trafficking

On receipt of a notice that a licensed music 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 Medical Board to immediately suspend the music therapist's license in accordance with continuing law requirements.²³

Orders of the licensing authority and public records

The bill permits the Medical Board to issue orders imposing discipline and may include terms, provisions, or conditions that the Board considers appropriate. The order and any findings of fact and conclusions of law supporting it are public records. The Board may not issue a private reprimand.²⁴

Complaints filed with the Board and all accompanying documents and information are confidential and not subject to Ohio Public Records Law, unless the person being investigated requests that the documents and information be made public records. The charging documents filed with the Board to initiate disciplinary action and information considered by the Board in determining whether to impose discipline against a licensee or applicant, and the order imposing discipline, are public records.

²⁰ R.C. 4787.11(A).

²¹ R.C. 4787.14.

²² R.C. 4787.12.

²³ R.C. 4787.13 and 4776.20.

²⁴ R.C. 4787.11(B).

The bill does not prohibit the Board from communicating or cooperating with, or providing any documents or information to, any other licensing board or any agency investigating a person, including law enforcement.²⁵

Regulatory procedures

The bill establishes additional procedures for the regulation of music therapists that are the same as procedures that apply to the other health care professionals the Medical Board regulates. The issues addressed include the following:

1. Notifications provided to the Board by physicians authorized to practice medicine or surgery or professional associations or societies of those physicians regarding actions taken against a music therapist;²⁶
2. Requirements relating to music therapists suffering impairment from the use of drugs or alcohol;²⁷
3. A register of license applicants, and music therapy licenses issued, suspended, or revoked;²⁸
4. Deposit of fees, penalties, and other funds in the state treasury to the credit of the preexisting State Medical Board Operating Fund.²⁹

Music Therapy Advisory Committee

The bill creates the Music Therapy Advisory Committee to provide expertise and assistance to the Medical Board. The Committee must meet at least yearly or as called by the Board. The Committee consists of the following five members familiar with the practice of music therapy:

1. Three persons who, one year after the bill's effective date, are licensed to practice as music therapists;
2. One person who is a licensed health care professional who is not a licensed music therapist;
3. One person who is a consumer.

The Board must appoint the members to the Committee within 90 days after the bill's effective date. Initially, two of the members will serve one year terms; the remaining three members will serve terms of two, three, and four years, respectively. Thereafter, terms of office

²⁵ R.C. 4787.15.

²⁶ R.C. 4731.224.

²⁷ R.C. 4731.25.

²⁸ R.C. 4731.07(B).

²⁹ R.C. 4731.24.

for all members are four years and end on the same day of the same month as the previous term.

Members hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. The bill includes the standard vacancy provisions. The Committee is not subject to existing law that sets expiration dates and renewal procedures for certain agencies, including committees.

Members are not compensated for service on the Committee and are not reimbursed for expenses.

The Board must consult with the Committee before changing fees established by the bill. The Board must seek the advice of the Committee for issues related to music therapy. At least once a year, the Committee must provide the Board with an analysis of disciplinary actions taken against license applicants and licensees, appeals and denials, and revocation of music therapy licenses. The Committee also may help develop materials to educate the public about music therapy and licensure. It may facilitate the exchange of information across Ohio between music therapists, the American Music Therapy Association or its successor, the Certification Board, and the Medical Board.³⁰

Rulemaking

The bill authorizes the Medical Board to adopt rules it considers necessary to carry out the Music Therapy Licensing Law. The rules may include requirements for continuing education in addition to those specified in the bill. The Board is responsible for enforcing the Music Therapy Licensing Law and any rules adopted under it.³¹

Register of licenses

The bill requires the Medical Board to provide a copy of the bill's required register of applicants for music therapist licenses, and music therapist licenses issued, suspended, or revoked to any requestor, on request and payment of a fee established by the Board. The fee may not exceed the actual cost incurred to make the copy.³²

Licensure of art therapists

Like music therapists, Ohio does not currently regulate the practice of art therapy or require art therapists to be licensed. To practice as an art therapist, the bill requires an individual to be licensed by the Counselor, Social Worker, and Marriage and Family Therapist (CSW) Board.

³⁰ R.C. 4787.04, by reference to R.C. 101.82 to 101.87, not in the bill; Section 4.

³¹ R.C. 4787.03.

³² R.C. 4787.03.

Unlicensed practice prohibited

The bill prohibits, beginning one year after the bill's effective date, any person from recklessly engaging in the practice of art therapy or using the title "art therapist" or a similar title unless the person is licensed under the bill.³³

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:

1. Improving cognitive and sensory-motor functions;
2. Increasing self-awareness and self-esteem;
3. Coping with grief and traumatic experiences;
4. Enhancing cognitive abilities;
5. Resolving conflicts and distress;
6. Enhancing social functioning;
7. 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.³⁴

Penalty

Whoever violates these prohibitions is guilty of a fifth degree felony on the first offense and a fourth degree felony for each subsequent offense.³⁵

Exemptions

The bill does not apply to the following persons:

1. **Students** – a student who engages in the supervised practice of art therapy as part of an art therapy program at an accredited educational institution, if the person does not represent the person's self as an art therapist;
2. **Persons performing services incidental to their profession** – a person who holds a professional license in Ohio, or an employee who is supervised by a person who holds a

³³ R.C. 4785.02(A) and Section 3.

³⁴ R.C. 4785.01.

³⁵ R.C. 4785.99.

professional license in Ohio, who engages in the practice of art therapy in a manner that is incidental to the practice of the person's or employee's profession, if the person does not represent the person's or employee's self as an art therapist;

3. **Clinical experience** – a person who engages in the practice of art therapy as part of the postgraduate supervised clinical experience that is required under the bill to be eligible for a license to practice art therapy.³⁶

Scope of practice of art therapy

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 in rules. The bill specifies that a license to practice art therapy does not authorize the licensee to do either of the following:

1. Administer or prescribe drugs;
2. Perform psychological testing intended to measure or diagnose serious mental illness.³⁷

CSW Board

The bill requires the CSW Board to adopt rules in accordance with the Administrative Procedure Act³⁸ to implement and administer the Art Therapy Licensing Law, including a rule that concerns the intervention for and treatment of any impaired licensee.³⁹

The bill requires the Board to keep a register of applicants for art therapist licenses issued under the bill. The register must show the name of the applicant and whether the applicant was granted or refused a license. Additionally, the Board is required to develop and publish on its website an Internet directory containing the names and contact information of individuals who hold art therapist licenses issued under the bill.⁴⁰

Expertise and assistance to the Board

The bill requires the Buckeye Art Therapist Association or its successor organization to provide the Board with expertise and assistance in carrying out the Board's duties relating to licensure to practice art therapy.⁴¹

Required recommendations

The Buckeye Art Therapist Association or its successor organization is required to review and submit to the Board recommendations on all of the following:

³⁶ R.C. 4785.02(B).

³⁷ R.C. 4785.09.

³⁸ R.C. Chapter 119, not in the bill.

³⁹ R.C. 4785.03.

⁴⁰ R.C. 4785.04.

⁴¹ R.C. 4785.05.

1. Requirements and procedures for issuing licenses to practice art therapy;
2. Rules pertaining to the practice of art therapy and the administration and enforcement of the Art Therapy Licensing Law;
3. Standards for the ethical practice of art therapy that include, as the Association or its successor organization finds appropriate, the code of ethics, conduct, and disciplinary procedures adopted by the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board;
4. Standards and procedures for compliance with continuing education requirements and approval of continuing education providers;
5. Fees required for issuance and renewal of licenses to practice art therapy;
6. Any other issue the CSW Board considers necessary for the administration and enforcement of the Art Therapy Licensing Law.

The CSW Board must take the submitted recommendations into consideration before adopting any rule regarding licensure to practice art therapy. Not later than 90 days after receiving a recommendation, the Board must approve or disapprove the recommendation and notify the Association or its successor organization of its decision. If a recommendation is disapproved, the Board is required to inform the Association or its successor organization of its reasons for making that decision. The Association or its successor organization may resubmit the recommendation after addressing the concerns expressed by the Board and modifying the disapproved recommendation accordingly. Not later than 90 days after receiving a resubmitted recommendation, the Board must approve or disapprove the recommendation. There is no limitation on the number of times the Association or its successor organization may resubmit a recommendation for consideration by the Board.⁴²

Application process

The bill requires a person seeking a license to practice art therapy to submit to the CSW Board a completed application on a form prescribed by the Board and an application fee in an amount to be determined by the Board in rules. The Board may prorate the application fee for an initial license. The application must include information the Board considers necessary to process the application, including evidence satisfactory to the Board that the applicant meets the eligibility requirements listed below. No part of the application fee may be returned to the applicant or applied to another application.⁴³

Eligibility requirements

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

1. **Age** – the applicant is at least 18 years old;

⁴² R.C. 4785.05.

⁴³ R.C. 4785.06(A).

2. **Character** – the applicant is of good moral character;
3. **Education** – the applicant has attained a master’s degree or higher degree from a graduate program in art therapy that one of the following applies to at the time the degree was conferred:
 - a. The program is approved by the American Art Therapy Association or its successor organization.
 - b. The program is accredited by the Commission on Accreditation of Allied Health Education Programs or its successor organization.
 - c. The Board considers the program to be substantially equivalent to a program approved or accredited as described above.
4. **Clinical training** – 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;
5. **Board certification** – the applicant has a board certification in good standing with the Art Therapy Credential Board, its successor organization, or an equivalent organization recognized by the CSW Board;
6. **Criminal records check** – the applicant requests and pays for a criminal records check conducted by the Bureau of Criminal Identification and Investigation (BCII);
7. **Additional requirements** – the applicant satisfies any other requirements established by the Board.⁴⁴

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 that the applicant satisfies the eligibility requirements. An affirmative vote of a majority of the CSW Board members is required to determine that an applicant meets the requirements.⁴⁵ The Board may waive the eligibility requirements and issue a license to practice art therapy to an applicant if, not later than one year following the adoption of the initial rules by the Board, the applicant files an application with the Board that includes evidence satisfactory to the Board that the applicant meets all of the following requirements:

⁴⁴ R.C. 4785.06(B), by reference to R.C. 4776.01 to 4776.04, with conforming changes in R.C. 109.572 and 4776.01.

⁴⁵ R.C. 4785.06(D).

1. The applicant holds a credential in good standing with the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the CSW Board.
2. The applicant has practiced art therapy for at least five years.
3. The applicant requests and pays for a criminal records check conducted by BCII.
4. The applicant satisfies any additional requirements established by the CSW Board.⁴⁶

The Board cannot grant a person a license to practice art therapy unless the Board decides that the results of a criminal records check do not make the person ineligible for a license.⁴⁷

License renewal

A license to practice art therapy expires biennially and may be renewed. The bill requires a licensee seeking to renew a license to practice art therapy to apply for renewal of the license on or before January 31 of each even-numbered year. The CSW Board may establish a different expiration date for an initial license. The Board is required to provide renewal notices at least one month before the expiration date. A licensee is required to submit a renewal application to the Board in a manner prescribed by the Board and a renewal fee in an amount to be determined by the Board in rules.

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

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

The CSW Board is required to issue to the licensee a renewed license to practice art therapy if a licensee submits a renewal application that the Board considers to be complete and meets the eligibility requirements for renewal listed above.

The bill allows the Board to require a random sample of licensees to submit materials documenting that the licensee has complied with the required continuing education hours and has maintained board certification with the Art Therapy Credentials Board or other organization. If the CSW Board finds through the random sample or any other means that a

⁴⁶ R.C. 4785.06(E).

⁴⁷ R.C. 4785.06(C).

licensee has not complied with those renewal requirements, the Board may refuse to renew the licensee's license or may take any other action permitted under the Art Therapy Licensing Law.⁴⁸

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. The bill specifies that continued practice of art therapy after a license's suspension is considered a violation of the prohibition against engaging in the practice of art therapy without a license. If a license is suspended due to a failure to renew, the CSW Board must reinstate the license if the person qualifies for renewal and pays a monetary penalty to be established by the Board. If a license is suspended due to a failure to renew for more than two years, the bill allows the Board to impose terms and conditions for reinstatement in addition to the monetary penalty, including the following:

1. 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;
2. Requiring the applicant to obtain additional training and to pass an examination on completion of the training;
3. Restricting or limiting the extent, scope, or type of practice in which an applicant may engage.⁴⁹

Combined businesses

The bill permits a person licensed to practice art therapy under the bill to provide services through a corporation, limited liability company, partnership, or professional association that is formed for the purpose of providing services in combination with any of the following licensed professionals:

1. Optometrists;
2. Chiropractors;
3. Psychologists;
4. Registered or licensed practical nurses;
5. Pharmacists;
6. Physical therapists;
7. Occupational therapists;
8. Mechanotherapists;
9. Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

⁴⁸ R.C. 4785.07.

⁴⁹ R.C. 4785.08.

10. Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists.⁵⁰

Disciplinary actions

The bill allows the CSW Board, by an affirmative vote of a majority of the members, to limit, revoke, suspend, or refuse to grant a license to practice art therapy to a person found by the Board to have committed fraud, misrepresentation, or deception in applying for or securing a license.⁵¹

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:

1. Failure to comply with the bill's requirements or any rules adopted by the Board related to licensure of art therapists;
2. Permitting the licensee's name or license to be used by another person;
3. Failure to employ acceptable scientific methods in the selection of modalities for treatment provided under a license to practice art therapy;
4. 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;
5. Willfully betraying a professional confidence;
6. 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 to practice issued by the Board;
7. 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;
8. Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;
9. The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of the practice of art therapy;
10. 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;

⁵⁰ R.C. 4785.14, 1701.03, 1705.03, 1705.04, 1705.53, 1785.01, 1785.02, 1785.03, 1785.08, 4723.16, 4725.33, 4729.161, 4731.226, 4731.65, 4732.28, 4734.17, 4755.111, 4755.471, and 4757.37.

⁵¹ R.C. 4785.10(B).

11. Commission of an act that constitutes a felony in Ohio, regardless of the jurisdiction in which the act was committed;
12. 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;
13. 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;
14. 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;
15. Commission of an act involving moral turpitude that constitutes a misdemeanor in Ohio, regardless of the jurisdiction in which the act was committed;
16. Violation of the conditions of limitation placed by the Board on a license to practice art therapy;
17. Failure to pay required license renewal fees;
18. Inability to practice art therapy according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;
19. 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;
20. 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;
21. Failure to comply with the continuing education requirements necessary to renew a license;
22. Failure to comply with any standards for the ethical practice of art therapy that the Board adopts;
23. 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.⁵²

Disciplinary actions taken by the Board under the bill are required to be taken pursuant to an adjudication under the Administrative Procedure Act, except that in lieu of an adjudication, the Board may enter into a consent agreement with a person 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

⁵² R.C. 4785.10(C).

matter addressed in the agreement. If the Board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement are of no force or effect.⁵³

The Board must investigate evidence that appears to show that a person has violated the Art Therapy Licensing Law or any related rule adopted under it. Any person may report to the Board in a signed writing any information that the person may have that appears to show a violation. Investigations of alleged violations are required to be conducted by the Board in the same manner that the Board conducts investigations for alleged violations under the law applicable to licenses issued by the Board under current law.⁵⁴

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. The bill specifies that such a telephone conference call is a special meeting under the Open Meetings Act (instead of a regularly scheduled meeting; different notice requirements apply).⁵⁵ Reinstatement of a license to practice art therapy surrendered to the Board requires an affirmative vote of a majority of the Board members.

The bill prohibits an application for a license to practice art therapy from being withdrawn without Board approval.

Failure of a person to renew a license to practice art therapy in accordance with the bill's renewal requirements does not remove or limit the Board's jurisdiction to take disciplinary action against the person.⁵⁶

Civil penalties

If a licensee violates the Art Therapy Licensing Law or any related rule adopted under it, the bill allows the CSW Board to, pursuant to an adjudication under the Administrative Procedure Act and an affirmative vote of a majority of its members, impose a civil penalty. The Board is required to adopt, and may amend, guidelines regarding the amounts of the civil penalties. Adoption or amendment of the guidelines requires the approval of a majority of the Board members.

Amounts received from payment of civil penalties are required to be deposited by the Board in the Occupational Licensing and Regulatory Fund.⁵⁷ The bill specifies that amounts received from payment of civil penalties imposed due to the licensee's 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

⁵³ R.C. 4785.10(D).

⁵⁴ R.C. 4785.10(E), by reference to R.C. 4757.38, not in the bill.

⁵⁵ R.C. 121.22, not in the bill.

⁵⁶ R.C. 4785.10(F).

⁵⁷ R.C. 4743.05 and 4785.11.

to practice are required to be used by the Board solely for investigations, enforcement, and compliance monitoring.⁵⁸

Child support orders

On receipt of notice that a licensed art therapist is in default under a child support order under the procedures established under existing law, the bill requires the CSW Board to comply with the requirements of that law or rules adopted pursuant to it with respect to an art therapist license issued under the bill.⁵⁹

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.⁶⁰

HISTORY

Action	Date
Introduced	11-13-19

S0238-I-133/ks

⁵⁸ R.C. 4785.11.

⁵⁹ R.C. 4785.12.

⁶⁰ R.C. 4785.13 and 4776.20.