



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Fiscal Note & Local Impact Statement

**Bill:** H.B. 557 of the 132nd G.A.

**Status:** In House Health

**Sponsor:** Rep. Anielski

**Local Impact Statement Procedure Required:** No

**Subject:** Requires the licensure of art therapists under the Counselor, Social Worker, and Marriage and Family Therapist Board

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### State & Local Fiscal Highlights

- The Counselor, Social Worker, and Marriage and Family Therapist Board will experience an increase in costs to regulate the practice of art therapy, as well as a corresponding gain in licensing revenue, which will be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The total impact will depend on the number of applicants seeking licensure as art therapists.
- Local courts could experience a minimal increase in costs for any cases in which a person is practicing art therapy without a license. However, local courts may also impose court costs or fines that may help offset any increase in costs. Any impact should be minimal at most since there are likely to be few, if any, cases.

### Detailed Fiscal Analysis

#### Art therapist licensure

The bill requires the Counselor, Social Worker, and Marriage and Family Therapist Board to adopt rules to implement and administer the licensure of art therapists. It also specifies that the Buckeye Art Therapy Association is required to provide the Board with expertise, assistance, and recommendations in carrying out these duties. The bill specifies that the Board must take the Association's recommendations into consideration before adopting any rule regarding the licensure of art therapy.

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 to practice art therapy. Under the bill, whoever violates these prohibitions is guilty of a fifth degree felony on the first offense and a fourth degree felony for each subsequent offense. Local courts could experience a minimal increase in costs for cases related to this prohibition. However, local courts may also impose court costs or fines that may help offset any increase in operational costs. The number of potential cases is likely to be small, if any.

## **Application process and Board responsibilities**

The bill requires a person seeking a license to practice art therapy to submit 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. Additionally, the bill specifies that a license expires biennially and may be renewed on or before January 31 of each even-numbered year with a renewal application and submission of a renewal fee to be determined by the Board in rules. The Board must provide renewal notices at least one month before the expiration date.

The Board may establish a monetary penalty to reinstate a license after failing to renew by the expiration date. The bill also establishes disciplinary actions that the Board may take against a licensee for certain reasons outlined in the bill. The Board is required under the bill to investigate evidence that appears to show that a person has violated the bill or any rule adopted under it.

The Board will experience an increase in costs to license art therapists, conduct any necessary investigations and take disciplinary action, and adopt the required rules to administer the provisions of the bill. However, the Board will collect licensure fees and renewal fees from licensees, which will be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90).

## **Civil penalties**

If a licensee violates any provision of the bill or any rule adopted under it, the Board may impose a civil penalty. The Board is required to adopt guidelines regarding the amounts of the civil penalties. Amounts received from payment of the penalties must be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90). The bill specifies that amounts received from penalties imposed due to the licensee's impairment of ability to practice art therapy because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair the ability to practice are required to be used by the Board solely for investigations, enforcement, and compliance monitoring. The amount of civil penalties collected will depend on the number of violations and the amounts of civil penalties set by the Board.

## **Synopsis of Fiscal Effect Changes**

The substitute bill, L\_132\_1917-1, requires the Counselor, Social Worker, and Marriage and Family Therapist Board (CSW) to regulate the licensure and practice of art therapists, rather than the State Medical Board, as under the As Introduced version of the bill. The substitute bill also removes provisions that would have created the Art Therapist Policy Committee under the State Medical Board to provide the Board with expertise, assistance, and recommendations in carrying out these duties. Instead, the substitute bill specifies that the Buckeye Art Therapy Association is required to take on these responsibilities and submit recommendations to CSW. The As Introduced version of the bill would have required the State Medical Board to reimburse Committee members for actual and necessary expenses related to the Committee's work, and

permitted the Board to appoint assistants, clerical staff, or other employees as necessary to support the Committee in its duties. The substitute bill does not include similar provisions related to the Buckeye Art Therapy Association; thus, CSW would not incur any costs related to these provisions, as the State Medical Board would have under the As Introduced version.

Additionally, the substitute bill, L\_132\_1917-1, specifies that any amounts received from the payment of civil penalties imposed on licensees for violations of the bill must be deposited into the Occupational Licensing and Regulatory Fund (Fund 4K90), which is used by many occupational licensing boards, including CSW. The As Introduced version of the bill specified that these penalties would be deposited into the State Medical Board Operating Fund (Fund 5C60), which is used by the State Medical Board.

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