

By: West

S.B. No. 1081

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation of art therapy, including the
3 establishment of the Texas Art Therapy Board and the duties of the
4 Texas Behavioral Health Executive Council; requiring an
5 occupational license; creating a criminal offense; imposing a fee.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

8 SECTION 1.01. Section 507.001, Occupations Code, is amended
9 by amending Subdivision (1) and adding Subdivision (1-a) to read as
10 follows:

11 (1) "Art therapy board" means the Texas Art Therapy
12 Board established under Chapter 508.

13 (1-a) "Executive council" means the Texas Behavioral
14 Health Executive Council.

15 SECTION 1.02. Section 507.051(a), Occupations Code, is
16 amended to read as follows:

17 (a) The Texas Behavioral Health Executive Council consists
18 of eleven [~~nine~~] members as follows:

19 (1) one marriage and family therapist member and one
20 public member of the marriage and family therapy board, each
21 appointed by that board;

22 (2) one licensed professional counselor member and one
23 public member of the professional counseling board, each appointed
24 by that board;

1 (3) one psychologist member and one public member of
2 the psychology board, each appointed by that board;

3 (4) one social worker member and one public member of
4 the social work board, each appointed by that board; ~~and~~

5 (5) one professional art therapist member and the
6 public member of the art therapy board, each appointed by that
7 board; and

8 (6) one public member appointed by the governor.

9 SECTION 1.03. Section 507.052, Occupations Code, is amended
10 to read as follows:

11 Sec. 507.052. ELIGIBILITY OF PUBLIC MEMBER APPOINTED BY
12 GOVERNOR. A person is not eligible for appointment by the governor
13 as a public member of the executive council if the person or the
14 person's spouse:

15 (1) is registered, certified, or licensed by an
16 occupational regulatory agency in the field of health care;

17 (2) is employed by or participates in the management
18 of a business entity or other organization regulated by or
19 receiving money from the executive council, the marriage and family
20 therapy board, the professional counseling board, the psychology
21 board, ~~or~~ the social work board, or the art therapy board;

22 (3) owns or controls, directly or indirectly, more
23 than a 10 percent interest in a business entity or other
24 organization regulated by or receiving money from the executive
25 council, the marriage and family therapy board, the professional
26 counseling board, the psychology board, ~~or~~ the social work board,
27 or the art therapy board; or

1 (4) uses or receives a substantial amount of tangible
2 goods, services, or money from the executive council, the marriage
3 and family therapy board, the professional counseling board, the
4 psychology board, [~~or~~] the social work board, or the art therapy
5 board, other than compensation or reimbursement authorized by law
6 for executive council, marriage and family therapy board,
7 professional counseling board, psychology board, [~~or~~] social work
8 board, or art therapy board membership, attendance, or expenses.

9 SECTION 1.04. Section 507.053(c), Occupations Code, is
10 amended to read as follows:

11 (c) A person may not be a member of the executive council or
12 act as the general counsel to the executive council if the person is
13 required to register as a lobbyist under Chapter 305, Government
14 Code, because of the person's activities for compensation on behalf
15 of a profession related to the operation of the executive council,
16 the marriage and family therapy board, the professional counseling
17 board, the psychology board, [~~or~~] the social work board, or the art
18 therapy board.

19 SECTION 1.05. Section 507.151(a), Occupations Code, is
20 amended to read as follows:

21 (a) The executive council shall administer and enforce this
22 chapter and Chapters 501, 502, 503, [~~and~~] 505, and 508.

23 SECTION 1.06. Section 507.153(a), Occupations Code, is
24 amended to read as follows:

25 (a) Unless the rule has been proposed by the applicable
26 board for the profession, the executive council may not adopt under
27 this chapter or Chapter 501, 502, 503, [~~or~~] 505, or 508:

1 (1) a rule regarding:

2 (A) the qualifications necessary to obtain a
3 license, including limiting an applicant's eligibility for a
4 license based on the applicant's criminal history;

5 (B) the scope of practice of and standards of
6 care and ethical practice for the profession; or

7 (C) continuing education requirements for
8 license holders; or

9 (2) a schedule of sanctions for violations of the laws
10 and rules applicable to the profession.

11 SECTION 1.07. Section 507.154, Occupations Code, is amended
12 to read as follows:

13 Sec. 507.154. FEES. The executive council shall set fees in
14 amounts reasonable and necessary to cover the costs of
15 administering this chapter and Chapters 501, 502, 503, ~~and~~ 505,
16 and 508, including fees for:

17 (1) licenses issued by the executive council;

18 (2) licenserenewals and late renewals;

19 (3) examinations; and

20 (4) any other program or activity administered by the
21 executive council for which a fee is authorized.

22 ARTICLE 2. ART THERAPISTS

23 SECTION 2.01. Subtitle I, Title 3, Occupations Code, is
24 amended by adding Chapter 508 to read as follows:

25 CHAPTER 508. ART THERAPISTS

26 SUBCHAPTER A. GENERAL PROVISIONS

27 Sec. 508.001. SHORT TITLE. This chapter may be cited as the

1 "Art Therapy Licensing and Practice Act."

2 Sec. 508.002. DEFINITIONS. In this chapter:

3 (1) "Accredited educational institution" means:

4 (A) a university or college accredited by the
5 Commission on Accreditation of Allied Health Education Programs or
6 another nationally recognized accrediting agency of institutions
7 of higher education approved by the executive council; or

8 (B) an institution and clinical program approved
9 by the American Art Therapy Association, or a successor
10 organization approved by the executive council.

11 (2) "Board" means the Texas Art Therapy Board.

12 (3) "Executive council" means the Texas Behavioral
13 Health Executive Council.

14 (4) "Face-to-face meeting" means:

15 (A) an in-person meeting between two or more
16 persons; or

17 (B) a video meeting between two or more persons,
18 if the meeting is synchronous and involves verbal and visual
19 interaction.

20 (5) "Licensed associate art therapist" means a person
21 who holds an associate art therapist license issued under this
22 chapter.

23 (6) "Licensed professional art therapist" means a
24 person who holds a professional art therapist license issued under
25 this chapter.

26 (7) "Qualified art therapy supervisor" means any
27 person who:

1 (A) is a licensed professional art therapist; or

2 (B) both:

3 (i) is a licensed professional counselor,
4 licensed clinical social worker, licensed psychologist, licensed
5 marriage and family therapist, or licensed physician; and

6 (ii) holds a credential as a Registered Art
7 Therapist with Board Certification (ATR-BC) or Art Therapy
8 Credentialed Supervisor (ATCS) issued by the Art Therapy
9 Credentials Board, Inc.

10 (8) "Supervised educational experience" means the
11 regular oversight of the functions and activities of a graduate art
12 therapy student by a qualified art therapy supervisor as part of
13 either:

14 (A) an internship or practicum experience; or

15 (B) the practice of art therapy to fulfill the
16 requirements to be licensed under this chapter.

17 (9) "Supervision" means a formalized professional
18 relationship between a qualified art therapy supervisor and a
19 supervised person in which the qualified art therapy supervisor
20 directs, monitors, and evaluates the supervised person's
21 professional art therapy practice while promoting the development
22 of the supervised person's knowledge, skills, and abilities to
23 provide professional art therapy services in an ethical and
24 competent manner.

25 Sec. 508.003. PRACTICE OF ART THERAPY. A person practices
26 art therapy if the person provides, for compensation, a specialized
27 form of psychotherapy that involves expressive arts media and the

1 creative process to address and alleviate mental and emotional
2 disorders or psychopathologies, improve cognitive function or
3 sensory-motor functions, or support wellness, through diagnosis,
4 assessment, testing, treatment, evaluation, or rehabilitation.

5 The practice of art therapy includes:

6 (1) an evidence-based clinical practice of art therapy
7 within a professional relationship conducted by a professionally
8 trained art therapist who is licensed under this chapter;

9 (2) the integration of psychological theories, art
10 therapy theory, art-based assessment models, traditional verbal
11 counseling techniques, and the creative process into the provision
12 of psychotherapy;

13 (3) the provision of services to accomplish art
14 therapy goals, including using expressive arts media, creative
15 techniques, nonverbal communication, psychotherapy, art-based
16 assessment models, and the creative process in a therapeutic
17 relationship between a client and a licensed professional art
18 therapist or a licensed art therapy associate;

19 (4) evaluation, assessment, and diagnosis to define
20 and implement individualized treatment plans to address
21 developmental, rehabilitative, habilitative, medical, mental
22 health, preventive, wellness care, or educational needs of clients;

23 (5) systematically evaluating and comparing a client's
24 response to an individualized art therapy treatment plan and
25 suggesting modifications, as appropriate;

26 (6) therapeutic interventions to facilitate
27 alternative modes of receptive and expressive communication that

1 can circumvent the limitations of verbal articulation;

2 (7) the use of treatment interventions that include
3 psychotherapy or counseling integrated with art therapy theory, the
4 creative process, or art media to facilitate human development and
5 to identify and remediate mental, emotional, or behavioral
6 disorders and associated distresses that interfere with daily
7 functioning; and

8 (8) the use of appropriate knowledge and specialized
9 training in art therapy theory, art media, the creative process,
10 the neurobiological implications of art-making, psychotherapy and
11 counseling principles and theory, and clinical decision-making
12 skills to inform practice and determine the appropriate course of
13 action, tailored to the context of each specific clinical setting.

14 Sec. 508.004. APPLICABILITY. (a) This chapter does not
15 apply to:

16 (1) a student or intern who:

17 (A) practices under the supervision of a
18 qualified art therapy supervisor in an educational institution or
19 agency as part of the institution's or agency's graduate degree
20 program in art therapy or a related field; and

21 (B) is designated by a title such as "student,"
22 "trainee," "intern," or another title clearly indicating the
23 person's training status; or

24 (2) an activity conducted or a service performed by a
25 person who is licensed, certified, or registered in a profession
26 other than art therapy, if:

27 (A) the activity or service is conducted or

1 performed within the scope of the person's license, certificate, or
2 registration; and

3 (B) the person does not represent the person to
4 the public by any title, initials, or description of services as
5 being a licensed professional art therapist or a licensed associate
6 art therapist.

7 (b) The executive council may adopt rules governing the
8 supervision required to qualify for the exemption under Subsection
9 (a).

10 SUBCHAPTER B. TEXAS ART THERAPY BOARD

11 Sec. 508.051. BOARD; MEMBERSHIP. (a) The Texas Art Therapy
12 Board consists of five members appointed by the governor with the
13 advice and consent of the senate as follows:

14 (1) three licensed professional art therapists who
15 have been actively engaged in the practice of art therapy in this
16 state for at least the three years preceding the member's
17 appointment;

18 (2) one health care professional who is not a licensed
19 professional art therapist; and

20 (3) one member who represents the public.

21 (b) Appointments to the board shall be made without regard
22 to the race, color, disability, sex, religion, age, or national
23 origin of the appointee.

24 (c) Notwithstanding Subsection (a)(1), a person practicing
25 as a professional art therapist is eligible for appointment as an
26 initial member of the board regardless of whether the person holds a
27 professional art therapy license issued under this chapter. This

1 subsection expires September 1, 2026.

2 Sec. 508.052. PUBLIC MEMBERSHIP ELIGIBILITY. (a) The
3 public member of the board may not:

4 (1) be licensed under this chapter; or

5 (2) have an interest in the practice of art therapy
6 other than as a consumer.

7 (b) A person is not eligible for appointment as the public
8 member of the board if:

9 (1) the person is registered, certified, or licensed
10 by an occupational regulatory agency in the field of health care;

11 (2) the person's spouse is registered, certified, or
12 licensed by an occupational regulatory agency in the field of
13 mental health; or

14 (3) the person or the person's spouse:

15 (A) is employed by or participates in the
16 management of a business entity or other organization regulated by
17 or receiving funds from the board or executive council;

18 (B) owns or controls, directly or indirectly,
19 more than a 10 percent interest in a business entity or other
20 organization regulated by or receiving funds from the board or
21 executive council; or

22 (C) uses or receives a substantial amount of
23 tangible goods, services, or funds from the board or executive
24 council, other than compensation or reimbursement authorized by law
25 for board membership, attendance, or expenses.

26 Sec. 508.053. MEMBERSHIP RESTRICTIONS. (a) In this
27 section, "Texas trade association" means a cooperative and

1 voluntarily joined statewide association of business or
2 professional competitors in this state designed to assist its
3 members and its industry or profession in dealing with mutual
4 business or professional problems and in promoting their common
5 interest.

6 (b) A person may not be a member of the board if:

7 (1) the person is an officer, employee, or paid
8 consultant of a Texas trade association in the field of health care;
9 or

10 (2) the person's spouse is an officer, manager, or paid
11 consultant of a Texas trade association in the field of mental
12 health.

13 (c) A person may not be a member of the board if the person
14 is required to register as a lobbyist under Chapter 305, Government
15 Code, because of the person's activities for compensation on behalf
16 of a profession related to the operation of the board.

17 Sec. 508.054. TERMS. Members of the board serve staggered
18 six-year terms with the terms of one or two members expiring on
19 February 1 of each odd-numbered year.

20 Sec. 508.055. GROUNDS FOR REMOVAL. (a) It is a ground for
21 removal from the board that a member:

22 (1) does not have at the time of taking office the
23 qualifications required by Section 508.051(a);

24 (2) does not maintain during service on the board the
25 qualifications required by Section 508.051(a);

26 (3) is ineligible for membership under Section 508.052
27 or 508.053;

1 (4) cannot, because of illness or disability,
2 discharge the member's duties for a substantial part of the member's
3 term; or

4 (5) is absent from more than half of the regularly
5 scheduled board meetings that the member is eligible to attend
6 during a calendar year without an excuse approved by a majority vote
7 of the board.

8 (b) The validity of an action of the board is not affected by
9 the fact that it is taken when a ground for removal of a board member
10 exists.

11 (c) If the executive director of the executive council has
12 knowledge that a potential ground for removal exists, the executive
13 director shall notify the presiding officer of the board of the
14 potential ground. The presiding officer shall then notify the
15 governor and the attorney general that a potential ground for
16 removal exists. If the potential ground for removal involves the
17 presiding officer, the executive director shall notify the next
18 highest ranking officer of the board, who shall then notify the
19 governor and attorney general that a potential ground for removal
20 exists.

21 Sec. 508.056. EXPENSE REIMBURSEMENT. Each board member is
22 entitled to reimbursement for expenses incurred in traveling to and
23 from the business of the board at the rates provided in the General
24 Appropriations Act for state employees. A member may not receive
25 actual or necessary expenses except for travel to and from
26 meetings.

27 Sec. 508.057. OFFICERS. (a) The governor shall designate a

1 member of the board as presiding officer. The presiding officer
2 serves in that capacity at the will of the governor.

3 (b) The board shall elect an assistant presiding officer to
4 serve as provided by board rule.

5 Sec. 508.058. MEETINGS. (a) The board shall meet at least
6 three times each year.

7 (b) The board may hold other regular meetings as provided by
8 board rule and special meetings as determined by the board.

9 Sec. 508.059. TRAINING. (a) A person who is appointed to
10 and qualifies for office as a member of the board may not vote,
11 deliberate, or be counted as a member in attendance at a meeting of
12 the board until the person completes a training program that
13 complies with this section.

14 (b) The training program must provide the person with
15 information regarding:

16 (1) the law governing board operations;

17 (2) the programs, functions, rules, and budget of the
18 board;

19 (3) the scope of and limitations on the rulemaking
20 authority of the board;

21 (4) the types of board rules, interpretations, and
22 enforcement actions that may implicate federal antitrust law by
23 limiting competition or impacting prices charged by persons engaged
24 in a profession or business the board regulates, including any
25 rule, interpretation, or enforcement action that:

26 (A) regulates the scope of practice of persons in
27 a profession or business the board regulates;

1 (B) restricts advertising by persons in a
2 profession or business the board regulates;

3 (C) affects the price of goods or services
4 provided by persons in a profession or business the board
5 regulates; or

6 (D) restricts participation in a profession or
7 business the board regulates;

8 (5) the results of the most recent formal audit of the
9 board;

10 (6) the requirements of:

11 (A) laws relating to open meetings, public
12 information, administrative procedure, and disclosure of conflicts
13 of interest; and

14 (B) other laws applicable to members of the board
15 in performing their duties; and

16 (7) any applicable ethics policies adopted by the
17 board or the Texas Ethics Commission.

18 (c) A person appointed to the board is entitled to
19 reimbursement, as provided by the General Appropriations Act, for
20 the travel expenses incurred in attending the training program
21 regardless of whether the attendance at the program occurs before
22 or after the person qualifies for office.

23 (d) The executive director of the executive council shall
24 create a training manual that includes the information required by
25 Subsection (b). The executive director shall distribute a copy of
26 the training manual annually to each board member. Each member of
27 the board shall sign and submit to the executive director a

1 statement acknowledging that the member received and has reviewed
2 the training manual.

3 SUBCHAPTER C. GENERAL POWERS AND DUTIES

4 Sec. 508.101. GENERAL POWERS AND DUTIES OF EXECUTIVE
5 COUNCIL. (a) The executive council shall administer and enforce
6 this chapter.

7 (b) The executive council may:

8 (1) adopt and enforce rules necessary to perform the
9 executive council's duties under this chapter;

10 (2) ensure strict compliance with and enforcement of
11 this chapter, including by recommending violations of this chapter
12 to the appropriate district, criminal district, or county attorney
13 for prosecution; and

14 (3) enter into contracts as necessary to administer
15 and enforce this chapter.

16 (c) The executive council shall adopt a code of ethics for
17 license holders.

18 Sec. 508.102. BOARD DUTIES. The board shall propose to the
19 executive council:

20 (1) rules regarding:

21 (A) the qualifications necessary to obtain a
22 license, including rules limiting an applicant's eligibility for a
23 license based on the applicant's criminal history;

24 (B) the scope of practice of and standards of
25 care and ethical practice for the practice of art therapy; and

26 (C) continuing education requirements for
27 license holders; and

1 (2) a schedule of sanctions for violations of this
2 chapter or rules adopted under this chapter.

3 Sec. 508.103. ROSTER OF PERSONS LICENSED UNDER THIS
4 CHAPTER. The executive council shall compile and publish annually
5 a roster of names, license numbers, and addresses of each person
6 licensed under this chapter.

7 Sec. 508.104. FEES. (a) Subject to Subsection (b), the
8 executive council shall establish reasonable and necessary fees for
9 the administration of this chapter, including fees for license
10 applications and license renewals and any penalty fee for late
11 renewals.

12 (b) The fee to apply for a professional art therapist
13 license must be at least \$183.

14 SUBCHAPTER D. LICENSE REQUIREMENTS

15 Sec. 508.151. LICENSE REQUIRED TO PRACTICE ART THERAPY;
16 TITLE RESTRICTIONS. (a) A person may not engage in the practice of
17 art therapy unless the person is licensed under this chapter.

18 (b) Unless the person holds the appropriate license under
19 this chapter, a person may not use or cause to be used:

20 (1) the titles "licensed professional art therapist"
21 or "licensed associate art therapist";

22 (2) the abbreviations "LPAT" or "LAAT"; or

23 (3) any other title, designation, word, letter,
24 abbreviation, or insignia indicating the practice of art therapy.

25 Sec. 508.152. APPLICATION; ISSUANCE. (a) A person may
26 apply for a license under this chapter by submitting an application
27 to the executive council and paying any required fee. The

1 application must:

2 (1) be on a form and submitted in a manner prescribed
3 by the executive council;

4 (2) include evidence satisfactory to the executive
5 council that the applicant meets the eligibility requirements for
6 the license for which the applicant is applying; and

7 (3) contain any other information required by
8 executive council rule.

9 (b) The executive council shall review applications
10 submitted under Subsection (a) and issue the appropriate license to
11 a person who meets the eligibility requirements of this chapter for
12 the license for which the person applied.

13 Sec. 508.153. ELIGIBILITY FOR PROFESSIONAL ART THERAPIST
14 LICENSE. (a) To be eligible for a professional art therapist
15 license, an applicant must:

16 (1) be at least 21 years of age;

17 (2) be licensed as an associate art therapist;

18 (3) subject to Subsection (b), have completed the
19 minimum number of hours practicing art therapy as a licensed
20 associate art therapist as required by executive council rule in a
21 period of not less than two years, which may not be less than 3,000
22 hours; and

23 (4) satisfactorily complete the Art Therapy
24 Credentials Board Examination (ATC-BE) or a substantially similar
25 examination approved by the executive council.

26 (b) With respect to the hours required under Subsection
27 (a)(3):

1 (1) at least 1,500 of those hours must have been spent
2 practicing art therapy with clients in face-to-face meetings for
3 the purpose of diagnosing or treating mental, emotional,
4 behavioral, or addiction disorders;

5 (2) for every 10 hours the licensed associate art
6 therapist practices art therapy with clients in face-to-face
7 meetings, the qualified art therapy supervisor must provide to the
8 licensed associate art therapist at least one hour of direct
9 supervision by face-to-face meeting; and

10 (3) notwithstanding Subdivision (2), the qualified
11 art therapy supervisor must provide at least two hours of
12 supervision each month to the associate art therapist through group
13 or individual supervision, which shall be credited toward meeting
14 the hours of supervision required by Subdivision (2).

15 Sec. 508.154. ELIGIBILITY FOR ASSOCIATE ART THERAPIST
16 LICENSE. To be eligible for an associate art therapist license, an
17 applicant must:

18 (1) be at least 21 years of age;

19 (2) either:

20 (A) have completed a master's or doctoral degree
21 program in art therapy with an accredited educational institution
22 that included at least 700 hours of supervised educational
23 experience through an internship; or

24 (B) have completed each of the following:

25 (i) a master's or doctoral degree program in
26 a field related to art therapy with an accredited educational
27 institution;

1 (ii) as part of the degree program
2 described by Subparagraph (i), at least 30 graduate credit hours in
3 any combination of the following subjects:

4 (a) theory and practice of art
5 therapy, including applicable standards for the practice of art
6 therapy;

7 (b) art therapy media and techniques;

8 (c) history of art therapy;

9 (d) human growth and developmental
10 dynamics in art;

11 (e) application of art therapy with
12 persons in different treatment settings;

13 (f) art therapy appraisal;

14 (g) diagnosis and assessment;

15 (h) group art therapy;

16 (i) ethical and legal issues of art
17 therapy practice; and

18 (j) matters of cultural and social
19 diversity bearing on the practice of art therapy; and

20 (iii) at least 700 hours of supervised
21 educational experience through an internship;

22 (3) submit at least one letter of recommendation
23 attesting to the applicant's integrity and competence from a
24 qualified art therapy supervisor who has provided direct clinical
25 supervision of the applicant's graduate program clinical training,
26 practicum, or internship; and

27 (4) have secured employment as an associate art

1 therapist and completed a postgraduate supervised training plan on
2 forms prescribed by the executive council describing the services
3 to be provided, place of employment, and individuals responsible
4 for supervision and in a statement acknowledging the rules and
5 requirements for practice as an associate art therapist.

6 Sec. 508.155. EXAMINATIONS. The executive council shall
7 adopt or develop, and administer as necessary, examinations for
8 licensure as a professional art therapist and associate art
9 therapist.

10 Sec. 508.156. ISSUANCE OF LICENSE TO APPLICANTS LICENSED IN
11 OTHER JURISDICTIONS. The executive council may issue a
12 professional art therapist license or associate art therapist
13 license to an applicant for a license under this chapter who is
14 licensed, registered, certified, or otherwise credentialed in
15 another jurisdiction to engage in the practice of art therapy if:

16 (1) the executive council determines that the
17 standards for issuance of the credential issued in the other
18 jurisdiction are substantially equivalent to the requirements for a
19 license under this chapter;

20 (2) the applicant demonstrates in the manner
21 prescribed by the executive council that the applicant:

22 (A) will comply with the laws and rules governing
23 the practice of art therapy in this state and practice art therapy
24 within the scope authorized by law;

25 (B) has not been subject to any disciplinary
26 action of a serious nature by the licensing authority in the other
27 jurisdiction; and

1 (C) has completed a master's or doctoral degree
2 program in art therapy or a related field with an accredited
3 educational institution; and

4 (3) the applicant pays any required application fee.

5 Sec. 508.157. ISSUANCE OF LICENSE FOR CERTAIN PERSONS
6 PRACTICING ART THERAPY BEFORE ENACTMENT OF CHAPTER; EXPIRATION.

7 (a) The executive council may waive the requirements of this
8 chapter for licensure as a professional art therapist for an
9 applicant who, not later than March 1, 2027, pays any required
10 application fee and demonstrates to the executive council in a
11 manner prescribed by the executive council that the applicant:

12 (1) has completed a master's or doctoral degree
13 program in art therapy or a related field;

14 (2) holds a credential in good standing with the Art
15 Therapy Credentials Board, Inc., or an equivalent credential as
16 determined by the executive council; and

17 (3) has engaged in the practice of art therapy for at
18 least five years preceding September 1, 2025.

19 (b) This section expires September 1, 2027.

20 SUBCHAPTER E. LICENSE RENEWAL AND CONTINUING EDUCATION

21 Sec. 508.201. PROFESSIONAL ART THERAPIST LICENSE TERM;
22 RENEWAL. (a) A professional art therapist license is valid for a
23 term of two years.

24 (b) The executive council by rule shall adopt a system under
25 which professional art therapist licenses expire on various dates
26 during the year.

27 (c) To renew a professional art therapist license, the

1 license holder must apply on a form and in a manner prescribed by
2 the executive council, pay any required fee, and demonstrate to the
3 satisfaction of the executive council that the license holder has
4 completed any required continuing education.

5 (d) On application by a license holder, the executive
6 council shall renew the license if the license holder meets all the
7 renewal requirements of this chapter, including any rule adopted
8 under this chapter.

9 Sec. 508.202. ASSOCIATE ART THERAPIST LICENSE TERM;
10 EXTENSION OF TERM. (a) An associate art therapist license is valid
11 for a term of three years and may not be renewed.

12 (b) A licensed associate art therapist who has not met the
13 requirement for licensure as a professional art therapist before
14 the expiration of the person's license may apply for a one-time
15 extension of the license for an additional two years. An
16 application for extension under this subsection must include:

17 (1) a plan for completing the requirements to obtain a
18 professional art therapist license;

19 (2) documented evidence of compliance with any
20 required continuing education;

21 (3) documented evidence that the license holder is
22 receiving appropriate supervision from a qualified art therapy
23 supervisor; and

24 (4) at least one letter of recommendation from a
25 qualified art therapy supervisor who is providing supervision to
26 the license holder.

27 Sec. 508.203. CONTINUING EDUCATION. (a) The executive

1 council shall:

2 (1) require each person licensed under this chapter to
3 complete a minimum number of continuing education courses or
4 programs once every 24 months;

5 (2) recognize the American Art Therapy Association and
6 other persons as providers of continuing education for any
7 continuing education required under Chapter 507, this chapter, or a
8 rule adopted under either of those chapters;

9 (3) subject to Subsection (b), accredit educational
10 courses or programs related to art therapy as qualifying continuing
11 education, including:

12 (A) attending meetings of constituents and
13 components of art therapy associations recognized by the executive
14 council;

15 (B) preparing or participating in examinations;

16 (C) preparing papers;

17 (D) publications;

18 (E) presentations; and

19 (F) obtaining teaching and research
20 appointments; and

21 (4) establish procedures for the issuance of
22 continuing education credit on receiving satisfactory evidence of
23 completion of the courses or programs described by Subdivision (3).

24 (b) The executive council may approve courses or programs
25 described by Subsection (a)(3) only if the programs are open to all
26 art therapists in this state on a reasonably nondiscriminatory
27 basis.

1 (c) For an education course or program that qualifies as
2 continuing education, each hour of instruction is equivalent to one
3 credit.

4 (d) As part of the continuing education hours required under
5 Subsection (a)(1), each person licensed under this chapter must
6 complete at least three hours of courses or programs on the ethical
7 practice of art therapy.

8 Sec. 508.204. EXTENSION TO COMPLETE CONTINUING EDUCATION
9 REQUIREMENTS. The executive council shall adopt rules to provide
10 for a professional art therapy license holder who is unable to
11 complete the required continuing education hours for renewal before
12 the expiration of the license holder's license to apply for an
13 extension of the term of the license for a time considered adequate
14 by the executive council for the license holder to complete any
15 remaining required continuing education hours.

16 Sec. 508.205. REQUIRED NOTICE OF RENEWAL; INACTIVE STATUS.

17 (a) Not later than the 30th day before the date a person's
18 professional art therapy license expires, the executive council
19 shall provide notice to the license holder of the renewal fees under
20 Section 507.255 and that the license holder may request that the
21 executive council place the license on inactive status.

22 (b) On request of a professional art therapy license holder,
23 the executive council shall place the person's license on inactive
24 status.

25 (c) A person whose license is inactive:

26 (1) may not practice art therapy under this chapter;
27 and

1 (2) is not required to pay a license renewal fee or any
2 penalty fee.

3 (d) A person whose license is inactive may apply to
4 reactivate the license. The executive council shall reactivate the
5 license if the applicant:

6 (1) pays a license fee;

7 (2) is not in violation of this chapter when the
8 applicant applies to reactivate the license; and

9 (3) fulfills the requirements provided by executive
10 council rule for the holder of an inactive license.

11 SUBCHAPTER F. PRACTICE BY LICENSE HOLDER

12 Sec. 508.251. INDEPENDENT PRACTICE BY LICENSED
13 PROFESSIONAL ART THERAPIST. (a) In this section, the "independent
14 practice of art therapy" means to diagnose and treat mental health
15 disorders specified in the most recent edition of the Diagnostic
16 and Statistical Manual of Mental Disorders designated by the
17 executive council for use by licensed professional art therapists.

18 (b) Notwithstanding any other law, a licensed professional
19 art therapist may engage in the independent practice of art
20 therapy.

21 (c) If a client has symptoms of a mental disorder, a
22 licensed professional art therapist shall request a consultation
23 from and consult with the client's primary care physician or
24 psychiatrist, as applicable, to determine whether a medical
25 condition or medication is causing or contributing to the client's
26 symptoms of the mental disorder.

27 (d) A licensed professional art therapist is not required to

1 consult a client's primary care physician or psychiatrist under
2 Subsection (c) if the client waives that requirement in writing.
3 The licensed professional art therapist shall maintain any written
4 waiver under this subsection with the client's records.

5 (e) Regardless of when the consultation required by
6 Subsection (c) is obtained, the licensed professional art therapist
7 may continue, after the consultation is requested under Subsection
8 (c) or waived under Subsection (d), to evaluate and treat the
9 client.

10 (f) The executive council may adopt rules governing the
11 independent practice of art therapy by a licensed professional art
12 therapist.

13 Sec. 508.252. SUPERVISED PRACTICE OF ART THERAPY BY
14 LICENSED ASSOCIATE ART THERAPIST. (a) A licensed associate art
15 therapist may not:

16 (1) practice art therapy unless:

17 (A) the licensed associate art therapist is
18 practicing under the supervision of a qualified art therapy
19 supervisor;

20 (B) the licensed associate art therapist and each
21 of the therapist's qualified art therapy supervisors have entered
22 into a postgraduate supervised training plan on forms prescribed by
23 the executive council describing the services to be provided, place
24 of employment, and individuals responsible for supervision and in a
25 statement acknowledging the rules and requirements for practice as
26 a licensed associate art therapist; and

27 (C) the training plan described by Paragraph (B)

1 has been approved by the executive council; and

2 (2) represent that the licensed associate art
3 therapist is a licensed professional art therapist or that the
4 licensed associate art therapist may engage in the independent
5 practice of art therapy.

6 (b) The supervision of a licensed associate art therapist by
7 a qualified art therapy supervisor must comply with the following
8 requirements:

9 (1) the practice of art therapy is under the order,
10 control, and full professional responsibility of the supervisor who
11 reviews aspects of the practice and case management in a
12 face-to-face meeting with the therapist; and

13 (2) the supervisor:

14 (A) accepts direct responsibility for the client
15 services provided by the licensed associate art therapist and
16 conducts regular face-to-face meetings with the therapist;

17 (B) ensures that the extent, kind, and quality of
18 art therapy services provided by the therapist are consistent with
19 the education, training, and experience of the therapist;

20 (C) reviews client or patient records of the
21 clients or patients for whom the therapist provided art therapy
22 services;

23 (D) monitors the therapist's practice of art
24 therapy;

25 (E) evaluates any assessment administered,
26 diagnosis made, or treatment decision made by the therapist; and

27 (F) ensures compliance with laws and rules

1 governing the practice of art therapy, including as practiced by a
2 licensed associate art therapist.

3 Sec. 508.253. CONFIDENTIALITY OF COMMUNICATIONS MADE
4 DURING ART THERAPY SERVICES. (a) Any communication made between a
5 licensed professional art therapist or a licensed associate art
6 therapist and the therapist's client while the therapist is
7 practicing art therapy is confidential.

8 (b) A communication that is confidential under this section
9 may not be disclosed by the therapist unless:

10 (1) the client receiving the art therapy service
11 authorizes the disclosure in writing;

12 (2) the therapist is the defendant in a civil,
13 criminal, or administrative action arising from the art therapy
14 service during which the communication was made; or

15 (3) the disclosure is authorized by other law.

16 (c) A disclosure authorized by Subsection (b) does not waive
17 the right to assert in the future that the communication is
18 confidential.

19 SUBCHAPTER G. DISCIPLINARY ACTIONS

20 Sec. 508.301. DISCIPLINARY ACTIONS. A person is subject to
21 disciplinary action as provided by Subchapter G or H, Chapter 507,
22 if the person:

23 (1) violates this chapter or a rule or code of ethics
24 adopted under this chapter; or

25 (2) commits an act for which liability exists under
26 Chapter 81, Civil Practice and Remedies Code.

27 Sec. 508.302. REFUND. (a) Subject to Subsection (b), the

1 executive council may order a license holder to pay a refund to a
2 consumer as provided in an agreement resulting from an informal
3 settlement conference instead of or in addition to imposing an
4 administrative penalty under Subchapter H, Chapter 507.

5 (b) The amount of a refund ordered as provided in an
6 agreement resulting from an informal settlement conference may not
7 exceed the amount the consumer paid to the license holder for a
8 service regulated by this chapter. The executive council may not
9 require payment of other damages or estimate harm in a refund order.

10 SUBCHAPTER H. CRIMINAL PENALTY

11 Sec. 508.351. OFFENSE. (a) A person commits an offense if
12 the person:

13 (1) violates Section 508.151; or

14 (2) engages in the independent practice of art therapy
15 without holding a professional art therapist license.

16 (b) An offense under this section is a Class B misdemeanor.

17 SECTION 2.02. Section 81.001(2), Civil Practice and
18 Remedies Code, is amended to read as follows:

19 (2) "Mental health services provider" means an
20 individual, licensed or unlicensed, who performs or purports to
21 perform mental health services, including a:

22 (A) licensed social worker as defined by Section
23 505.002, Occupations Code;

24 (B) chemical dependency counselor as defined by
25 Section 504.001, Occupations Code;

26 (C) licensed professional counselor as defined
27 by Section 503.002, Occupations Code;

1 (D) licensed marriage and family therapist as
2 defined by Section 502.002, Occupations Code;

3 (E) member of the clergy;

4 (F) physician who is practicing medicine as
5 defined by Section 151.002, Occupations Code;

6 (G) psychologist offering psychological services
7 as defined by Section 501.003, Occupations Code; ~~[or]~~

8 (H) special officer for mental health assignment
9 certified under Section 1701.404, Occupations Code; or

10 (I) professional art therapist or associate art
11 therapist licensed under Chapter 508, Occupations Code.

12 SECTION 2.03. As soon as practicable after the effective
13 date of this Act, the governor shall appoint the members of the
14 Texas Art Therapy Board in accordance with Chapter 508, Occupations
15 Code, as added by this Act. In making the initial appointments, the
16 governor shall designate two members for terms expiring February 1,
17 2027, two members for terms expiring February 1, 2029, and one
18 member for a term expiring February 1, 2031.

19 SECTION 2.04. Not later than January 1, 2026, the Texas
20 Behavioral Health Executive Council shall adopt the rules,
21 procedures, and fees necessary to administer Chapter 508,
22 Occupations Code, as added by this Act.

23 SECTION 2.05. Notwithstanding Chapter 508, Occupations
24 Code, as added by this Act, an art therapist is not required to hold
25 a license under that chapter to practice as a licensed professional
26 art therapist or licensed associate art therapist in this state
27 before September 1, 2026.

ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Sections 503.310(a) and (b), Occupations Code, are amended to read as follows:

(a) On application and payment of applicable fees, the executive council may issue a provisional license to a person who holds a license as a counselor [~~or art therapist~~] issued by another state or by a jurisdiction acceptable to the executive council.

(b) An applicant for a provisional license must:

(1) be licensed in good standing as a counselor [~~or art therapist~~] in another state, territory, or jurisdiction that has licensing requirements substantially equivalent to the requirements of this chapter;

(2) have passed the required license examination; and

(3) be sponsored by a person licensed under this chapter with whom the applicant may practice under a provisional license.

SECTION 3.02. Section 503.452(a), Occupations Code, is amended to read as follows:

(a) A person commits an offense if the person knowingly:

(1) engages in the practice of professional counseling without holding a license under this chapter;

(2) represents the person by the title "Licensed Professional Counselor" or "Licensed Counselor" without holding a license under this chapter;

~~[(3) represents the person by the title "Licensed Professional Counselor -- Art Therapist," "Art Therapist," or by the initials "L.P.C. -- A.T." or "A.T." without:~~

1 ~~[(A) holding a license with a specialization in~~
2 ~~art therapy under Section 503.303, or~~

3 ~~[(B) holding a license under Section 503.309,]~~ or

4 (3) ~~[(4)]~~ uses any title, words, letters, or
5 abbreviations that imply that the person is licensed under this
6 chapter if the person is not licensed under this chapter.

7 SECTION 3.03. Section 503.303, Occupations Code, is
8 repealed.

9 SECTION 3.04. Section 503.452(a), Occupations Code, as
10 amended by this Act, applies only to an offense committed on or
11 after the effective date of this Act. An offense committed before
12 the effective date of this Act is governed by the law in effect on
13 the date the offense was committed, and the former law is continued
14 in effect for that purpose. For purposes of this section, an
15 offense was committed before the effective date of this Act if any
16 element of the offense occurred before that date.

17 ARTICLE 4. EFFECTIVE DATE

18 SECTION 4.01. (a) Except as provided by Subsection (b) of
19 this section, this Act takes effect September 1, 2025.

20 (b) Section 508.151 and Subchapters G and H, Chapter 508,
21 Occupations Code, as added by this Act, take effect September 1,
22 2026.