



1997 SENATE BILL 337

October 29, 1997 - Introduced by Senators ROSENZWEIG, RISSER and GROBSCHMIDT, cosponsored by Representatives KREIBICH, HANSON, HAHN and CULLEN. Referred to Committee on Health, Human Services, Aging, Corrections, Veterans and Military Affairs.

1 **AN ACT to repeal** 455.02 (2m) (mt) 2., 455.02 (2m) (mx) 2. and 455.02 (2m) (mz)
2 **2.; to renumber and amend** 455.02 (2m) (mt) 1. (intro.), 455.02 (2m) (mt) 1.
3 a. to c., 455.02 (2m) (mx) 1. (intro.), 455.02 (2m) (mx) 1. a. to c., 455.02 (2m) (mz)
4 1. (intro.) and 455.02 (2m) (mz) 1. a. to c.; **to amend** 455.10 and 455.11; and **to**
5 **create** 440.03 (13) (a) 1. (intro.), 440.03 (13) (a) 2. (intro.), 440.03 (13) (a) 3.
6 (intro.), 440.03 (13) (b) and (c), 440.08 (2) (a) 67q. and 440.215 of the statutes;
7 **relating to:** the regulation of music, art and dance therapists and providing a
8 penalty.

Analysis by the Legislative Reference Bureau

Under current law, with certain exceptions, a person may not practice psychology unless he or she is granted a license by the psychology examining board (board) in the department of regulation and licensing (DORL). This prohibition does not apply to a person who practices music, art or dance therapy if he or she submits evidence to the board that he or she is certified, registered or accredited as a music, art or dance therapist by a national organization which is approved by the board. This exemption from the prohibition does not apply after October 1, 1999.

This bill transfers administration of this licensure exemption from the board to DORL. In addition, DORL is required to issue a certificate of registration as a music, art or dance therapist to a person who pays an initial credential fee and submits evidence that he or she is certified, registered or accredited by a national organization approved by DORL. Finally, the bill repeals the October 1, 1999, sunset of the licensure exemption.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 440.03 (13) (a) 1. (intro.) of the statutes is created to read:

2 440.03 (13) (a) 1. (intro.) The department shall grant a certificate of
3 registration as a music therapist to a person if all of the following apply:

4 **SECTION 2.** 440.03 (13) (a) 2. (intro.) of the statutes is created to read:

5 440.03 (13) (a) 2. (intro.) The department shall grant a certificate of
6 registration as an art therapist to a person if all of the following apply:

7 **SECTION 3.** 440.03 (13) (a) 3. (intro.) of the statutes is created to read:

8 440.03 (13) (a) 3. (intro.) The department shall grant a certificate of
9 registration as a dance therapist to a person if all of the following apply:

10 **SECTION 4.** 440.03 (13) (b) and (c) of the statutes are created to read:

11 440.03 (13) (b) A person who is registered under par. (a) shall notify the
12 department in writing within 30 days if an organization specified in par. (a) 1. a., 2.
13 a. or 3. a. revokes the person's certification, registration or accreditation specified in
14 par. (a) 1. a., 2. a. or 3. a. The department shall revoke a certificate of registration
15 granted under par. (a) if such an organization revokes such a certification,
16 registration or accreditation.

17 (c) The renewal dates for certificates granted under par. (a) are specified under
18 s. 440.08 (2) (a). Renewal applications shall be submitted to the department on a
19 form provided by the department and shall include the renewal fee specified in s.
20 440.08 (2) (a) and evidence satisfactory to the department that the person's

1 certification, registration or accreditation specified in par. (a) 1. a., 2. a. or 3. a. has
2 not been revoked.

3 **SECTION 5.** 440.08 (2) (a) 67q. of the statutes is created to read:

4 440.08 (2) (a) 67q. Registered music, art or dance therapist: October 1 of each
5 odd-numbered year; \$41.

6 **SECTION 6.** 440.215 of the statutes is created to read:

7 **440.215 Enforcement regarding music, art and dance therapists. (1)**

8 A violation of s. 455.02 (1m) by a person specified in s. 455.02 (2m), (mt), (mx) or (mz)
9 may be enjoined in an action brought by the attorney general on petition by the
10 department. In any such proceeding, it shall not be necessary to show that any
11 person is individually injured by the actions complained of. If the respondent is
12 found guilty of the violation, the court shall enjoin the respondent from further
13 violations thereof until he or she is registered under s. 440.03 (13) (a). The remedy
14 given by this subsection is in addition to criminal prosecution under sub. (2).

15 (2) A person specified in s. 455.02 (2m) (mt), (mx) or (mz) who violates s. 455.02
16 (1m) may be fined not more than \$200 or imprisoned not more than 6 months or both.

17 **SECTION 7.** 455.02 (2m) (mt) 1. (intro.) of the statutes is renumbered 455.02
18 (2m) (mt) and amended to read:

19 455.02 (2m) (mt) A person practicing music therapy, ~~if all of the following~~
20 ~~apply: who is registered under s. 440.03 (13) (a) 1.~~

21 **SECTION 8.** 455.02 (2m) (mt) 1. a. to c. of the statutes are renumbered 440.03
22 (13) (a) 1. a. to c. and amended to read:

23 440.03 (13) (a) 1. a. The person is certified, registered or accredited as a music
24 therapist by the Certification Board for Music Therapists or by another national
25 organization that certifies, registers or accredits music therapists.

1 b. The organization that certified, registered or accredited the person under
2 subd. 1. a. is approved by the ~~examining board~~ department.

3 c. The person pays the fee specified in s. 440.05 (1) and files with the ~~examining~~
4 ~~board~~ department evidence satisfactory to the ~~examining board~~ department that he
5 or she is certified, registered or accredited as required under subd. 1. a.

6 **SECTION 9.** 455.02 (2m) (mt) 2. of the statutes is repealed.

7 **SECTION 10.** 455.02 (2m) (mx) 1. (intro.) of the statutes is renumbered 455.02
8 (2m) (mx) and amended to read:

9 455.02 **(2m)** (mx) A person practicing art therapy, ~~if all of the following apply:~~
10 who is registered under s. 440.03 (13) (a) 2.

11 **SECTION 11.** 455.02 (2m) (mx) 1. a. to c. of the statutes are renumbered 440.03
12 (13) (a) 2. a. to c. and amended to read:

13 440.03 **(13)** (a) 2. a. The person is certified, registered or accredited as an art
14 therapist by the Art Therapy Credentials Board or by another national organization
15 that certifies, registers or accredits art therapists.

16 b. The organization that certified, registered or accredited the person under
17 subd. ~~1.~~ 2. a. is approved by the ~~examining board~~ department.

18 c. The person pays the fee specified in s. 440.05 (1) and files with the ~~examining~~
19 ~~board~~ department evidence satisfactory to the ~~examining board~~ department that he
20 or she is certified, registered or accredited as required under subd. ~~1.~~ 2. a.

21 **SECTION 12.** 455.02 (2m) (mx) 2. of the statutes is repealed.

22 **SECTION 13.** 455.02 (2m) (mz) 1. (intro.) of the statutes is renumbered 455.02
23 (2m) (mz) and amended to read:

24 455.02 **(2m)** (mz) A person practicing dance therapy, ~~if all of the following~~
25 ~~apply:~~ who is registered under s. 440.03 (13) (a) 3.

1 **SECTION 14.** 455.02 (2m) (mz) 1. a. to c. of the statutes are renumbered 440.03
2 (13) (a) 3. a. to c. and amended to read:

3 440.03 **(13)** (a) 3. a. The person is certified, registered or accredited as a dance
4 therapist by the American Dance Therapy Association or by another national
5 organization that certifies, registers or accredits dance therapists.

6 b. The organization that certified, registered or accredited the person under
7 subd. ~~1.~~ 3. a. is approved by the examining board department.

8 c. The person pays the fee specified in s. 440.05 (1) and files with the ~~examining~~
9 ~~board~~ department evidence satisfactory to the ~~examining board~~ department that he
10 or she is certified, registered or accredited as required under subd. ~~1.~~ 3. a.

11 **SECTION 15.** 455.02 (2m) (mz) 2. of the statutes is repealed.

12 **SECTION 16.** 455.10 of the statutes is amended to read:

13 **455.10 Injunctive relief.** Violation of s. 455.02 may be enjoined in an action
14 brought by the attorney general on petition by the examining board. In any such
15 proceeding, it shall not be necessary to show that any person is individually injured
16 by the actions complained of. If the respondent is found guilty of the violation, the
17 court shall enjoin the respondent from further violations thereof until he or she has
18 been duly licensed. The remedy given by this section is in addition to criminal
19 prosecution under s. 455.11. This section does not apply to a violation of s. 455.02
20 (1m) by a person specified in s. 455.02 (2m) (mt), (mx) or (mz).

21 **SECTION 17.** 455.11 of the statutes is amended to read:

22 **455.11 Penalty.** Any person who violates this chapter may be fined not more
23 than \$200 or imprisoned not exceeding 6 months or both. This section does not apply
24 to a person specified in s. 455.02 (2m) (mt), (mx) or (mz) who violates s. 455.02 (1m).

25 **SECTION 18. Initial applicability.**

