

ART THERAPY CREDENTIALS BOARD

CODE OF PROFESSIONAL PRACTICE

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PREAMBLE

The Art Therapy Credentials Board, Inc. (ATCB) is a non-profit organization which seeks to protect the public by issuing registration and board certification credentials to practitioners in the field of art therapy who meet certain established standards. The Board is national in scope and includes both academicians and practitioners who work to establish rigorous standards which have a basis in real world practice.

Registration and board certification, hereinafter sometimes referred to as credentials, are offered to art therapists from a wide variety of practice disciplines, who meet high standards for the practice of art therapy.

Obtaining and maintaining ATCB credentials shall require adherence to ATCB's Standards of Conduct, included within this Code of Professional Practice. The Code of Professional Practice is designed to provide art therapists with a set of Ethical Considerations (Part II) that should guide them in their practice of art therapy, as well as Standards of Conduct (Part IV) to which every credentialed art therapist must adhere. ATCB may suspend, revoke, withhold, or decline to grant the credentials of any person who fails to adhere to the Standards of Conduct.

ATCB does not guarantee the job performance of any person. ATCB does not express an opinion regarding the competence of, or warrant the job performance of, any registered or board certified art therapist. Rather, registration or board certification constitutes recognition by ATCB that, to its best knowledge, an art therapist meets and adheres to certain minimum academic, preparation, professional experience, continuing education, and professional standards.

ETHICAL CONSIDERATIONS

The Art Therapy Credentials Board endorses the following general ethical principles, which should guide the conduct of all art therapists who seek to obtain or maintain credentials under the authority of ATCB. In addition, the specific ethical standards found in section II.B., should be considered by all independent practitioners, as defined therein. These principles are closely based upon standards adopted by The American Art Therapy Association, but they have been adapted to meet the goals and mission of ATCB, and are intended to stand as an independent expression of the ethical principles that guide the work of those who hold or seek ATCB credentials. ATCB does not warrant that the adherence to these ethical principles will guarantee compliance with the standards adopted by The American Art Therapy Association or will guarantee compliance with any ethical or disciplinary procedures of any state licensing, registration, or certification program.

1 GENERAL ETHICAL PRINCIPLES

1.1.1 Standards. Responsibility To Clients

- 1.1.1.1 Art therapists aspire to advance the welfare of all clients, respect the rights of those persons seeking their assistance, and make reasonable efforts to ensure that their services are used appropriately.
- 1.1.1.2 Art therapists do not discriminate against or refuse professional services to anyone on the basis of race, gender, religion, national origin, age, sexual orientation, or disability.
- 1.1.1.3 At the outset of the client-therapist relationship, art therapists should discuss and explain to clients the rights, roles, expectations, and limitations of the art therapy process.
- 1.1.1.4 Art therapists respect the rights of clients to make decisions and assist them in understanding the consequences of these decisions. Art therapists advise their clients that decisions on whether to follow treatment recommendations are the responsibility of the client. It is the professional responsibility of the art therapist to avoid ambiguity in the therapeutic relationship and to ensure clarity of roles at all times.
- 1.1.1.5 An art therapist continues a therapeutic relationship only so long as he or she believes that the client is benefiting from the relationship. It is unethical to maintain a professional or therapeutic relationship for the sole purpose of financial remuneration to the art therapist or when it becomes reasonably clear that the relationship or therapy is not in the best interest of the client.
- 1.1.1.6 Art therapists do not engage in therapy practices or procedures that are beyond their scope of practice, experience, training, and education. Art therapists should assist persons in obtaining other therapeutic services if the therapist is unable or unwilling to provide professional help, or where the problem or treatment indicated is beyond the scope of practice of the art therapist.
- 1.1.1.7 Art therapists do not abandon or neglect clients receiving services. If an art therapist is unable to continue to provide professional help, he or she should assist the client in making reasonable alternative arrangements for continuation of services.

1.1.2 Professional Competence And Integrity

- 1.1.2.1 Art therapists maintain high standards of professional competence and integrity.
- 1.1.2.2 Through educational activities and clinical experiences, art therapists keep informed and up-dated with regard to developments in their field or which relate to their practice.
- 1.1.2.3 Art therapists assess, treat, or advise on problems only in those cases in which they are competent as determined by their education, training, and experience.
- 1.1.2.4 Art therapists do not knowingly provide professional services to a person receiving treatment or therapy from another professional, except by agreement with such other professional, or after termination of the client's relationship with the other professional.
- 1.1.2.5 Art therapists, because of their potential to influence and alter the lives of others, exercise special care when making public their professional recommendations and opinions through testimony or other public statements.

- 1.1.2.6 Art therapists seek appropriate professional consultation or assistance for their personal problems or conflicts that may impair or affect work performance or clinical judgment.
- 1.1.2.7 Art therapists do not distort or misuse their clinical and research findings.
- 1.1.2.8 An art therapist may file a complaint with ATCB when the art therapist has reason to believe that another art therapist is or has been engaged in previously unreported conduct that violates the law or the Standards of Conduct contained in this Code. This does not apply when the belief is based upon information obtained in the course of a therapeutic relationship with a client; however, this does not relieve an art therapist from the duty to file any reports required by law.
- 1.1.2.9 An art therapist may notify ATCB of any previously unreported disciplinary sanctions imposed upon another art therapist by another professional credentialing agency or organization, when such sanctions come to his or her attention.

1.1.3 Responsibility To Students And Supervisees

- 1.1.3.1 Art therapists instruct their students using accurate, current, and scholarly information and at all times foster the professional growth of students and advisees.
- 1.1.3.2 Art therapists as teachers, supervisors, and researchers maintain high standards of scholarship and present accurate information.
- 1.1.3.3 Art therapists do not permit students, employees, or supervisees to perform or to hold themselves out as competent to perform professional services beyond their education, training, experience, or competence.
- 1.1.3.4 Art therapists who act as supervisors are responsible for maintaining the quality of their supervision skills and obtaining consultation or supervision for their work as supervisors whenever appropriate.

1.1.4 Responsibility To Research Participants

- 1.1.4.1 Art therapists who are researchers seek to respect the dignity and protect the welfare of participants in research.
- 1.1.4.2 Researchers should be aware of and comply with federal and state laws and regulations, agency regulations, and professional standards governing the conduct of research.
- 1.1.4.3 Researchers should make careful examinations of ethical acceptability in planning studies. To the extent that services to research participants may be compromised by participation in research, investigators should seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of research participants.
- 1.1.4.4 A researcher requesting a participant's involvement in research should inform him or her of all risks and aspects of the research that might reasonably be expected to influence willingness to participate, and should obtain a written informed consent, reflecting an understanding of the said risks and aspects of the research, signed by the participant, or, where appropriate, by the participant's parent or legal guardian. Researchers should be especially sensitive to the possibility of diminished consent when participants are also receiving clinical services, have impairments which limit understanding and/or communication, or when participants are children.

- 1.1.4.5 Researchers respect participants' freedom to decline participation in or to withdraw from a research study at any time. This principle requires special thought and consideration when investigators or other members of the research team are in positions of authority or influence over participants. Art therapists, therefore, should avoid relationships with research participants outside of the scope of the research.
- 1.1.4.6 Information obtained about a research participant during the course of an investigation should be treated as confidential unless there is an authorization previously obtained in writing. When there is a risk that others, including family members, may obtain access to such information, this risk, together with the plan for protecting confidentiality, should be explained as part of the above stated procedure for obtaining a written informed consent.

1.1.5 Responsibility To The Profession

- 1.1.5.1 Art therapists respect the rights and responsibilities of professional colleagues and participate in activities which advance the goals of art therapy.
- 1.1.5.2 Art therapists adhere to the standards of the profession when acting as members or employees of organizations.
- 1.1.5.3 Art therapists attribute publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- 1.1.5.4 Art therapists who author books or other materials which are published or distributed appropriately cite persons to whom credit for original ideas is due.
- 1.1.5.5 Art therapists who author books or other materials published or distributed by an organization take reasonable precautions to ensure that the organization promotes and advertises the materials accurately and factually.
- 1.1.5.6 Art therapists are encouraged, whenever possible, to recognize a responsibility to participate in activities that contribute to a better community and society, including devoting a portion of their professional activity to services for which there is little or no financial return.
- 1.1.5.7 Art therapists are encouraged, whenever possible, to assist and be involved in developing laws and regulations pertaining to the field of art therapy which serve the public interest and with changing such laws and regulations that are not in the public interest.
- 1.1.5.8 Art therapists cooperate with any ethics investigation by any professional organization or government agency, and truthfully represent and disclose facts to such organizations or agencies when requested or when necessary to preserve the integrity of the art therapy profession.
- 1.1.5.9 Art therapists endeavor to prevent distortion, misuse, or suppression of art therapy findings by any institution or agency of which they are employees.

1.1.6 Financial Arrangements

- 1.1.6.1 Art therapists seek to ensure that financial arrangements with clients, third party payers, and supervisees are understandable and conform to accepted professional practices.
- 1.1.6.2 Art therapists should not offer or accept payment for referrals.
- 1.1.6.3 Art therapists do not exploit their clients financially.
- 1.1.6.4 Art therapists represent facts truthfully to clients, third party payers, and supervisees regarding services rendered and the charges therefore.

1.1.7 Advertising

- 1.1.7.1 Art therapists should engage in appropriate informational activities to enable lay persons to choose professional services on an informed basis.
- 1.1.7.2 Art therapists accurately represent their competence, education, training, and experience relevant to their professional practice.
- 1.1.7.3 Art therapists assure that all advertisements and publications, whether in directories, announcement cards, newspapers, or on radio or television, are formulated to accurately convey, in a dignified and professional manner, information that is necessary for the public to make an informed, knowledgeable decision.
- 1.1.7.4 Art therapists should not use a name which is likely to mislead the public concerning the identity, responsibility, source, and status of those under whom they are practicing, and should not hold themselves out as being partners or associates of a firm if they are not.
- 1.1.7.5 Art therapists should not use any professional identification (such as a business card, office sign, letterhead, or telephone or association directory listing) if it includes a statement or claim that is false, fraudulent, misleading or deceptive. A statement is false, fraudulent, misleading or deceptive if it: fails to state any material fact necessary to keep the statement from being misleading; is intended to, or likely to, create an unjustified expectation; or contains a material misrepresentation of fact.
- 1.1.7.6 An art therapist corrects, whenever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.
- 1.1.7.7 Art therapists make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading, or deceptive.
- 1.1.7.8 Art therapists may represent themselves as specializing within a limited area of art therapy only if they have the education, training, and experience which meet recognized professional standards to practice in that specialty area.

2 INDEPENDENT PRACTITIONER

The Independent Practitioner of Art Therapy is an art therapist who is practicing art therapy independently and who is responsible for the delivery of services to clients where the client and/or third party payer pays the clinician directly or through insurance for art therapy services rendered.

2.1.1 General

- 2.1.1.1 When appropriate, independent practitioners of art therapy obtain qualified medical or psychological consultation for cases in which such evaluation and/or administration of medication is required. Art therapists do not provide services other than art therapy unless certified or licensed to provide such other services.
- 2.1.1.2 Independent practitioners of art therapy conform to relevant federal, state, and local statutes and ordinances which pertain to the provision of independent mental health practice. Laws vary from state to state. It is the sole responsibility of the independent practitioner to conform to these laws.
- 2.1.1.3 Independent practitioners of art therapy confine their practice within the limits of their training. Art therapists neither claim nor imply professional qualifications exceeding those actually earned and received by them. The art therapist is responsible for avoiding and/or correcting any misrepresentation of these qualifications. Art therapists adhere to state laws regarding independent practice and licensure, as applicable.

2.1.2 Environment

- 2.1.2.1 Independent practitioners of art therapy seek to provide a safe, functional environment in which to offer art therapy services. This includes, but is not limited to: proper ventilation, adequate lighting, access to water supply, knowledge of hazards or toxicity of art materials and the effort needed to safeguard the health of clients, storage space for art projects and secured areas for any hazardous materials, monitored use of sharps, allowance for privacy and confidentiality, and compliance with any other health and safety requirements according to state and federal agencies which regulate comparable businesses.

2.1.3 Acceptance And Financial Arrangements

- 2.1.3.1 An independent practitioner of art therapy should sign and issue a written professional disclosure statement to a client upon the establishment of a professional relationship. Such statement should include, but need not be limited to, the following information: education, training, experience, professional affiliations, credentials, fee structure, payment schedule, session scheduling arrangements, information pertaining to the limits of confidentiality and the duty to report, and the name, address, and telephone number of ATCB along with information regarding the function of ATCB. It is suggested that a copy of the statement be retained in the client's file. Independent practitioners of art therapy seek to ensure that financial arrangements with clients, third party payers, and supervisees are understandable and conform to accepted professional practices.
- 2.1.3.2 Independent practitioners of art therapy do not offer or accept payment for referrals.
- 2.1.3.3 Independent practitioners of art therapy do not exploit clients financially.
- 2.1.3.4 Independent practitioners of art therapy disclose their fees at the commencement of services and give reasonable notice of any changes in fees.
- 2.1.3.5 Independent practitioners of art therapy represent facts truthfully to clients, third party payers, and supervisees regarding services rendered and the charges therefore.

2.1.4 Treatment Planning

Independent practitioners of art therapy design treatment plans:

- 2.1.4.1 To assist the client in attaining maintenance of the maximum level of functioning and quality of life appropriate for such individual;
- 2.1.4.2 In compliance with federal, state, and local regulations and any licensure requirements governing the provision of art therapy services in the state;
- 2.1.4.3 That delineate the type, frequency, and duration of art therapy involvement;
- 2.1.4.4 That contain goals that reflect the client's current needs and strengths, formulated, when possible, with the client's understanding and permission;
- 2.1.4.5 That provide for timely review, modification, and revision.

2.1.5 Documentation

Independent practitioners of art therapy should document activity with clients so that the most recent art therapy progress notes reflect, at a minimum, the following:

- 2.1.5.1 The client's current level of functioning.

- 2.1.5.2 The current goals of any treatment plan.
- 2.1.5.3 Verbal content of art therapy sessions relevant to client behaviour and goals.
- 2.1.5.4 Artistic expression relevant to client behaviour and goals.
- 2.1.5.5 Changes (or lack of change) in affect, thought process, and behaviour.
- 2.1.5.6 Suicidal or homicidal intent or ideation.
- 2.1.5.7 Upon termination of the therapeutic relationship, independent practitioners of art therapy should write a discharge/transfer summary that includes the client's response to treatment and future treatment recommendations.

2.1.6 Termination Of Services

Independent practitioners of art therapy terminate art therapy when the client has attained stated goals and objectives or fails to benefit from art therapy services.

- 2.1.6.1 Independent practitioners of art therapy communicate the termination of art therapy services to the client.

3 ELIGIBILITY FOR CREDENTIALS

- 3.1.1.1 As a condition of eligibility for and continued maintenance or renewal of any ATCB credential, each applicant, registrant or certificant agrees to the following:
- 3.1.1.2 Compliance with ATCB Standards, Policies and Procedures
- 3.1.1.3 No person is eligible to apply for or maintain credentials unless in compliance with all ATCB eligibility criteria as stated in the ATR and ATR-BC applications, as well as all other ATCB rules and standards, policies and procedures, including, but not limited to, those stated herein, and including timely payment of fees and any other requirements for renewal of credentials. Each applicant, registrant or certificant bears the burden for showing and maintaining compliance at all times. ATCB may deny, revoke, decline to renew, or otherwise act upon credentials when an applicant, registrant, or certificant is not in compliance with all ATCB standards, policies and procedures.

3.1.2 Complete Application

- 3.1.2.1 ATCB may make administrative requests for additional information to supplement or complete any application for credentials or for renewal of existing credentials. An applicant shall truthfully complete and sign an application in the form provided by ATCB, shall provide the required fees, and shall provide additional information as requested. The applicant shall notify ATCB within 60 days of occurrence of any change in name, address, telephone number, and any other facts bearing on eligibility for credentials, including but not limited to: filing of any civil or criminal charge, indictment or litigation involving the applicant; disposition of any civil or criminal charge, indictment or litigation involving the applicant, including, but not limited to, dismissal, entry of a judgment, conviction, plea of guilty, plea of nolo contendere, or disciplinary action by a licensing board or professional organization. An applicant, registrant, or certificant shall not make and shall correct immediately any statement concerning his or her status which is or becomes inaccurate, untrue, or misleading.

- 3.1.2.2 All references to “days” in ATCB standards, policies and procedures shall mean calendar days. Communications required by ATCB shall be transmitted by certified mail, return receipt requested, or other verifiable method of delivery. The applicant, registrant, or certificant shall provide ATCB with confirmation of compliance with ATCB requirements as requested by ATCB through its President or Management Director.

3.1.3 Property of ATCB

- 3.1.3.1 The examinations, certificates, and cards of ATCB, the name Art Therapy Credentials Board, the mark ATR, the mark ATR-BC, the term Registered Art Therapist, the term Registered Art Therapist – Board Certified, and all abbreviations relating thereto, are all the exclusive property of ATCB and may not be used in any way without the express prior written consent of ATCB. In case of suspension, limitation, relinquishment or revocation of ATCB credentials, or as otherwise requested by ATCB, a person previously holding an ATCB credential shall immediately relinquish, refrain from using, and correct at his or her expense any and all outdated or otherwise inaccurate business cards, stationery, advertisements, or other use of any certificate, logo, emblem, and the ATCB name and related abbreviations.

3.1.4 Pending Litigation

- 3.1.4.1 An applicant, registrant, or certificant shall notify ATCB of the filing in any court of an information, complaint, or indictment charging him or her with a felony or with a crime related to the practice of art therapy or the public health and safety, or the filing of any charge or action before a state or federal regulatory agency or judicial body directly relating to the practice of art therapy or related professions, or to a matter described in Section IV. Such notification shall be within 60 days of the filing of such charge or action, and shall provide documentation of the resolution of such charge within 60 days of resolution.

3.1.5 Criminal Convictions

- 3.1.5.1 Any person convicted of either (i) a felony, or (ii) any crime substantially related to or impacting upon art therapy, the therapist’s professional qualifications or public health and safety shall be ineligible for credentials for a period of five years from and after completion of sentence by final release from confinement (if any), or satisfaction of fine imposed, whichever is later. Convictions of this nature include but are not limited to those involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and prohibited sale, distribution or possession of a controlled substance.

4 STANDARDS OF CONDUCT

The Art Therapy Credentials Board adopts the following standards of conduct, which shall guide the conduct of all art therapists who seek to obtain or maintain credentials under the authority of ATCB. These standards are closely based upon standards adopted by The American Art Therapy Association, but they have been adapted to meet the goals and mission of ATCB, and are intended to stand as an independent expression of the standards of conduct that shall guide the work of those who hold ATCB credentials.

4.1.1 Confidentiality

- 4.1.1.1 Art therapists shall respect and protect confidential information obtained from clients including, but not limited to, all verbal and/or artistic expression occurring within a client-therapist relationship.
- 4.1.1.2 Art therapists shall protect the confidentiality of the client-therapist relationship in all matters.
- 4.1.1.3 Art therapists shall not disclose confidential information without the client's explicit written consent unless there is reason to believe that the client or others are in immediate, severe danger to health or life. Any such disclosure shall be made consistent with state and federal laws that pertain to welfare of the client, family, and the general public.
- 4.1.1.4 In the event that an art therapist believes it is in the interest of the client to disclose confidential information, he or she shall seek and obtain written authorization from the client or the client's legal guardian, before making any disclosures, unless such disclosure is required by law.
- 4.1.1.5 Art therapists shall disclose confidential information when mandated by law and/or in an ATCB disciplinary action. In these cases client confidences may be disclosed only as reasonably necessary in the course of that action.
- 4.1.1.6 Art therapists shall maintain client treatment records for a reasonable amount of time consistent with state regulations and sound clinical practice. Records shall be stored or disposed of in ways that maintain confidentiality.
- 4.1.1.7 Where the client is a minor, any and all disclosure or consent shall be made to or obtained from the parent or legal guardian of the minor client, except where otherwise provided by state law. Care shall be taken to preserve confidentiality with the minor client and to refrain from disclosure of information to the parent or guardian which might adversely affect the treatment of the client, except where otherwise provided by state law.

4.1.2 Public Use And Reproduction Of Client Art Expression & Therapy Sessions

- 4.1.2.1 Art therapists shall not make or permit any public use or reproduction of a client's art therapy sessions, including verbalization and art expression, without express written consent of the client or, where appropriate, the client's parent or legal guardian.
- 4.1.2.2 Art therapists shall obtain written informed consent from a client, or where applicable, a parent or legal guardian before photographing the client's art expressions, video taping, audio recording, or otherwise duplicating, or permitting third party observation of art therapy sessions.
- 4.1.2.3 Art therapists shall use clinical materials in teaching, writing, and public presentations only if a written authorization has been previously obtained from the client who produced the material, or, where appropriate, a parent or legal guardian. Once authorization has been granted, the therapist shall ensure that appropriate steps are taken to protect client identity and disguise any part of the art expression or videotape which reveals client identity.
- 4.1.2.4 Art therapists shall obtain written, informed consent from a client or, when appropriate, the client's parent or legal guardian before displaying the client's art in galleries, mental health facilities, schools, or other public places.

4.1.3 Professional Relationships

- 4.1.3.1 Art therapists shall not engage in any relationship with current or former clients, students, interns, trainees, supervisees, employees, or colleagues that is exploitative by its nature or effect. Art therapists shall make their best efforts to avoid, if it is reasonably possible to do so, entering into non-therapeutic or non-professional relationships with current or former clients, students, interns, trainees, supervisees, employees, or colleagues or any family members or other persons known to have a close personal relationship with such individuals such as spouses, children, or close friends. In the event that the nature of any such relationship is questioned, the burden of proof shall be on the art therapist to prove that a non-therapeutic or non-professional relationship with current or former clients, students, interns, trainees, supervisees, employees, or colleagues is not exploitative or harmful to any such individuals.
- 4.1.3.2 Art therapists shall not engage in exploitative relationships with clients. Exploitative relationships include, but are not limited to, borrowing money from or loaning money to a client, hiring a client, engaging in a business venture with a client, engaging in a romantic relationship with a client, or engaging in sexual intimacy with a client.
- 4.1.3.3 Art therapists shall take appropriate professional precautions to ensure that their judgment is not impaired, that no exploitation occurs, and that all conduct is undertaken solely in the client's best interest.
- 4.1.3.4 Art therapists shall not use their professional relationships with clients to further their own interests.
- 4.1.3.5 Art therapists shall be aware of their influential position with respect to students and supervisees, and they shall avoid exploiting the trust and dependency of such persons. Art therapists, therefore, shall not provide therapy to students or supervisees contemporaneously with the student/supervisee relationship.
- 4.1.3.6 Art therapists shall not engage in exploitative relationships with their students or supervisees. An exploitative relationship is a relationship between an art therapist and a student or supervisee which, in fact or by its inherent nature, contains the potential for abuse by the art therapist of the trust and dependency of the student or supervisee and the inherently influential position of the art therapist over the student or supervisee. Exploitative relationships between art therapists and students or supervisees include, but are not limited to, borrowing money from or loaning money to the student or supervisee, engaging in a romantic relationship with a current student or supervisee, or engaging in sexual intimacy with a current student or supervisee.

4.1.4 Grounds For Discipline

- 4.1.4.1 ATCB may deny or revoke credentials or otherwise take action with regard to credentials or an application for credentials under the following circumstances:
 - 4.1.4.1.1 Failure to observe and comply with the Standards of Conduct stated above in Section IV;
 - 4.1.4.1.2 Failure to meet and maintain eligibility for ATCB credentials;
 - 4.1.4.1.3 Irregularity in connection with any ATCB examination;
 - 4.1.4.1.4 Failure to pay fees required by ATCB;
 - 4.1.4.1.5 Unauthorized possession of, use of, or access to ATCB examinations, certificates, cards, and logos, the name Art Therapy Credentials Board, the term ATCB, and abbreviations relating thereto, the terms Registered Art Therapist, Registered

Art Therapist - Board Certified, the abbreviations ATR and ATR-BC, and any variations thereof, and any other ATCB documents and materials;

- 4.1.4.1.6 Obtaining, maintaining, or attempting to obtain or maintain credentials by a false or misleading statement, failure to make a required statement, fraud, or deceit in an application, reapplication, or any other communication to ATCB;
- 4.1.4.1.7 Misrepresentation of status of ATCB credentials;
- 4.1.4.1.8 Failure to provide any written information required by ATCB;
- 4.1.4.1.9 Failure to cooperate with ATCB or any body established or convened by ATCB at any point from the inception of an ethical complaint through the completion of all proceedings regarding that complaint;
- 4.1.4.1.10 Habitual use of alcohol or any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
- 4.1.4.1.11 Gross or repeated negligence in the practice of art therapy or other professional work;
- 4.1.4.1.12 Limitation or sanction (including but not limited to discipline, revocation or suspension by a regulatory board or professional organization) in a field relevant to the practice of art therapy;
- 4.1.4.1.13 The conviction of, or plea of guilty or plea of *nolo contendere* to, (i) any felony or (ii) any crime related to the practice of art therapy, the therapist's professional qualifications, or public health and safety. Convictions of this nature include but are not limited to those involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and the prohibited sale, distribution or use of a controlled substance;
- 4.1.4.1.14 Failure to timely update information, including any violation of this Section, to ATCB;
- 4.1.4.1.15 Failure to maintain confidentiality as required in the Standards of Conduct, by any ATCB policy or procedure, or as otherwise required by law; or
- 4.1.4.1.16 Other violation of an ATCB standard, policy or procedure stated herein or as stated in the ATCB candidate brochure or other material provided to applicants, registrants, or certificants.

4.1.5 Appointment Of Disciplinary Hearing Committees

- 4.1.5.1 The ATCB Board of Directors by a majority vote may appoint an Ethics Officer and a Disciplinary Hearing Committee, to consider alleged violations of the Standards of Conduct contained in this Code or any other ATCB standard, policy or procedure. The ATCB Board of Directors shall appoint the chair of the Disciplinary Hearing Committee.
- 4.1.5.2 The Disciplinary Hearing Committee shall be composed of three members, including the chair. The membership of each of these Committees shall be drawn from ATCB registrants and certificants, except that one member of the Disciplinary Hearing Committee shall be a public member who shall not be a ATCB registrant or certificant.
- 4.1.5.3 The initial appointments to the disciplinary hearing committee shall be for terms of years as determined by the ATCB Board of Directors to result in staggered

expiration dates. Thereafter, a committee member's term of office on the committee shall run for three years and may be renewed.

- 4.1.5.4 A committee member may serve on only one committee and may not serve on any matter in which he or she has an actual or apparent conflict of interest or his or her impartiality might reasonably be questioned. When a party to a matter before one of the committees requests that a member of the committee, other than the chair, recuse himself or herself, a final decision on the issue of recusal shall be made by the committee chair, subject to review as hereinafter provided. In the event a request is made that the chair recuse himself or herself, the decision shall be made by the President, subject to review as hereinafter provided.
- 4.1.5.5 Committee action shall be determined by majority vote.
- 4.1.5.6 When a committee member is unavailable to serve by resignation, disqualification, or other circumstance, the President of ATCB shall designate another registrant or certificant, or public member, if applicable, to serve as an interim member.

5 DISCIPLINARY PROCEDURES

5.1.1 *Submission Of Allegations*

- 5.1.1.1 Any person concerned with possible violation of ATCB Standards of Conduct, or other ATCB standard, policy or procedure, may initiate a complaint by identifying the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Management Director. The statement should identify by name, address, and telephone number the person making the information known to ATCB, and others who may have knowledge of the facts and circumstances concerning the alleged conduct. ATCB may provide for the submission of complaints on forms to be supplied by the Management Director. After a complaint is received, the Management Director shall refer the matter to the Public Member of the ATCB Board of Directors (the "Public Member") for further action. The Public Member may initiate complaints, that shall be handled in the manner provided hereinafter for the review and determination of all complaints.
- 5.1.1.2 The Public Member shall review the allegations and supporting information and make a determination of the merits of the allegations, after such further inquiry as he or she considers appropriate, and after consultation with counsel as needed. The Public Member may direct the ATCB Management Director to assist with factual investigations or with administrative matters related to the initial review of allegations.
- 5.1.1.3 If the Public Member determines that the allegations are frivolous or fail to state a violation of the Standards of Conduct, or if ATCB lacks jurisdiction over the complaint or the person(s) complained about, he or she shall take no further action and shall notify the Board and the complainant, if any.
- 5.1.1.4 If the Public Member determines that probable cause may exist to deny eligibility or question compliance with the Standards of Conduct or any other ATCB policy or procedure, he or she shall transmit the allegations to the Ethics Officer.
- 5.1.1.5 The Ethics Officer shall review the allegations and supporting information provided and may make such further inquiry as he or she deems appropriate.

The Ethics Officer also may research precedents in ATCB's files or in reported legal decisions, as he or she reasonably determines to be necessary in making a determination regarding probable cause of a violation of the ATCB Code of Professional Conduct or other misconduct. The Ethics Officer may direct the ATCB Management Director to assist with factual investigations or with administrative matters related to the review of allegations. If the Ethics Officer concurs that probable cause may exist to deny eligibility or question compliance with the Standards of Conduct or any other ATCB policy or procedure, he or she shall transmit the allegations and his or her findings to the full Disciplinary Hearing Committee, the complainant and the respondent. If the Ethics Officer determines that probable cause does not exist to deny eligibility or question compliance or that ATCB lacks jurisdiction over the complaint or the person(s) complained of he or she may take no further action and shall notify the Board, the respondent, and complainant, if any.

5.1.2 Procedures Of The Disciplinary Hearing Committee

- 5.1.2.1 Upon receipt of notice from the Ethics Officer containing a statement of the complaint allegations and the finding(s) that probable cause may exist to deny eligibility or question compliance with the Standards of Conduct or any other ATCB policy or procedure, the respondent shall have fifteen (15) days after receipt of the to notice to notify the Ethics Officer in writing that the respondent disputes the allegations of the complaint and to request review by written submissions to the Disciplinary Hearing Committee, a telephone conference with the Disciplinary Hearing Committee, or an in-person hearing (held at a time and place to be determined by the committee), with the respondent bearing his or her own expenses for such hearing. If the respondent does not contest the allegations of the complaint he or she may still request review by written submissions to the Disciplinary Hearing Committee, a telephone conference with the Disciplinary Hearing Committee, or an in-person hearing (held at a time and place to be determined by the committee), with the respondent bearing his or her own expenses for such hearing concerning the appropriate sanction(s) to be applied in the case. If the respondent does not submit a written contest to the allegations or notify the board of a request for review by written submission, telephone conference or in-person hearing as set forth in this paragraph then the Disciplinary Hearing Committee shall render a decision and apply sanctions as it deems appropriate.
- 5.1.2.2 If the respondent requests a review, telephone conference, or hearing, the following procedures shall apply:
 - 5.1.2.2.1 The Ethics Officer shall forward the allegations and response of the respondent to the Disciplinary Hearing Committee, and shall designate one of its members to present the allegations and any substantiating evidence, examine and cross-examine witnesses, and otherwise present the matter during any hearing of the Disciplinary Hearing Committee.
 - 5.1.2.2.2 The Disciplinary Hearing Committee shall then schedule a written review, or telephone or in-person hearing as requested by the respondent, allowing for an adequate period of time for preparation, and shall send by certified mail, return receipt requested, a notice to the respondent. The notice shall include a statement of the standards allegedly violated, the procedures to be followed, and the date for submission of materials for

written review, or the time and place of any hearing, as determined by the Disciplinary Hearing Committee. The respondent may request a change in the date of any hearing for good cause.

5.1.2.2.3 The Disciplinary Hearing Committee shall maintain a verbatim audio, video, or written transcript of any hearing.

5.1.2.2.4 During any proceeding before the Disciplinary Hearing Committee, all parties may consult with and be represented by counsel at their own expense. At any hearing, all parties or their counsel may make opening statements, present relevant documents or other evidence and relevant testimony, examine and cross-examine witnesses under oath, make closing statements, and present written briefs as scheduled by the Disciplinary Hearing Committee.

5.1.2.2.5 The Disciplinary Hearing Committee shall determine all evidentiary and procedural matters relating to any hearing or written review. Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions regarding procedures or the admission of evidence shall be determined by the chair, subject to the majority vote of the full committee. All decisions shall be made on the record.

5.1.2.2.6 Proof shall be by preponderance of the evidence.

5.1.2.2.7 Whenever mental or physical disability is alleged, the respondent may be required to undergo a physical or mental examination at his or her own expense. The report of such an examination shall become part of the evidence considered.

5.1.2.2.8 The Disciplinary Hearing Committee shall issue a written decision following any hearing or written review and any submission of briefs. The decision shall contain findings of fact, a finding as to the truth of the allegations, conclusions of law and any sanctions applied. It shall be mailed promptly by certified mail, return receipt requested, to the respondent.

5.1.2.2.9 If the Disciplinary Hearing Committee finds that the allegations have not been proven by a preponderance of the evidence, no further action shall be taken, and the respondent, and the complainant, if any, shall be notified.

5.1.2.3 Appeal Procedures

5.1.2.3.1 If the decision rendered by the Disciplinary Hearing Committee is not favorable to the respondent, he or she may appeal the decision to the ATCB Board of Directors by submitting to the Management Director a written appeals statement within 30 days following receipt of the decision of the Disciplinary Hearing Committee. The Disciplinary Hearing Committee shall, in its sole discretion, consider requests for extensions based on the nature of the case and the public interest. The written appeals statement shall be accompanied by the appeal fee then required by ATCB as stated in the written decision. The Disciplinary Hearing Committee may file a written response with the Management Director. The Management Director shall immediately forward any appeals documents to the ATCB Board of Directors.

- 5.1.2.3.2 The ATCB Board of Directors by majority vote shall render a decision on the record without further hearing, although written briefs may be submitted on a schedule determined by the Board of Directors.
- 5.1.2.3.3 The decision of the ATCB Board of Directors shall be rendered in writing following receipt and review of briefs. The decision shall contain findings of fact, a finding as to the truth of the allegations; conclusions of law and any sanctions applied and shall be final. The decision shall be communicated to the respondent by certified mail, return receipt requested. The complainant, if any, shall be notified of the Board of Director's final decision.

5.1.3 Sanctions

- 5.1.3.1 Sanctions for violation of the Standards of Conduct, or any other ATCB standard, policy or procedure to which reference is made herein, may include one or more of the following:
 - 5.1.3.1.1 Denial or suspension of eligibility for credentials for a stated period of time;
 - 5.1.3.1.2 Forfeiture or revocation of registration or certification;
 - 5.1.3.1.3 Suspension of registration or certification;
 - 5.1.3.1.4 Non-renewal of certification;
 - 5.1.3.1.5 Reprimand;
 - 5.1.3.1.6 Publication of the complaint and its disposition;
 - 5.1.3.1.7 Other corrective action.

5.1.4 Release Of Information

- 5.1.4.1 Each applicant, registrant, and certificant agrees to cooperate promptly and fully in any review of eligibility or credential status, including submitting such documents and information deemed necessary to confirm the information in an application. The individual applicant, registrant, or certificant agrees that ATCB and its officers, directors, committee members, employees, Ethics Officer, agents, and others may communicate any and all information relating to an ATCB application, registration or certification, and review thereof, including, but not limited to, existence of or outcome of disciplinary proceedings, to state and federal authorities, licensing boards, employers, other registrants or certificants, and to the public.

5.1.5 Waiver

- 5.1.5.1 An applicant, registrant, or certificant releases, discharges, exonerates, indemnifies, and holds harmless ATCB, its officers, directors, employees, committee members, panel members, Ethics Officer, and agents, and any other persons from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, for actions of ATCB arising out of applicant's application for or participation in the ATCB registration and/or certification programs and use of ATCB trademarks or other references to the ATCB registration and/or certification programs, including but not limited to the furnishing or inspection of documents, records, and other information and any investigation and review of applications or credentials by ATCB.

5.1.6 Reconsideration Of Eligibility And Reinstatement Of Credentials

- 5.1.6.1 If eligibility or credentials are denied, revoked, or suspended for a violation of the Standards of Conduct, eligibility for credentials may be reconsidered by the Board of Directors, upon application, on the following basis:
 - 5.1.6.1.1 In the event of a felony conviction, no earlier than five years from and after the exhaustion of appeals, completion of sentence by final release from confinement (if any), or satisfaction of fine imposed, whichever is later;
 - 5.1.6.1.2 In any other event, at any time following imposition of sanctions, at the discretion of the Board of Directors.
- 5.1.6.2 In addition to other facts required by ATCB, such an applicant must fully set forth the circumstances of the decision denying, revoking, or suspending eligibility or credentials as well as all relevant facts and circumstances since the decision. The applicant bears the burden of demonstrating by clear and convincing evidence that he or she has been rehabilitated and does not pose a danger to others.

5.1.7 Deadlines

- 5.1.7.1 ATCB expects its registrants and certificants to meet all deadlines imposed by ATCB, especially in regard to submission of fees, renewal or recertification applications, required evidence of continuing education, and sitting for its examinations. On rare occasions, circumstances beyond the control of the applicant, registrant or certificant, or other extraordinary conditions may render it difficult, if not impossible, to meet ATCB deadlines. Should an applicant, registrant, or certificant wish to appeal a missed deadline, he or she should transmit a written explanation and make a request for a reasonable extension of the missed deadline, with full relevant supporting documentation, to the ATCB Management Director, to the attention of the ATCB Board of Directors. The Board of Directors shall determine at the next meeting of the Board, in its sole discretion and on a case-by-case basis, what, if any, recourse should be afforded based on the circumstances described and the overall impact on the profession of art therapy. No other procedures shall be afforded for failure to meet ATCB deadlines.

5.1.8 Bias, Prejudice, Impartiality

- 5.1.8.1 At all times during ATCB's handling of any matter, ATCB shall extend impartial review. If at any time during ATCB's review of a matter an applicant, registrant, certificant, or any other person identifies a situation where the judgment of a reviewer may be biased or prejudiced or impartiality may be compromised (including employment with a competing organization), such person shall immediately report such matter to the Management Director or President of ATCB.