



**ART THERAPY** **ATCB**  
CREDENTIALS BOARD, INC.

# Code

of Ethics, Conduct, and  
Disciplinary Procedures

Revised March 2021

# CODE OF ETHICS, CONDUCT, AND DISCIPLINARY PROCEDURES

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The mission of the Art Therapy Credentials Board is to protect the public by promoting the competent and ethical practice of art therapy through the credentialing of art therapy professionals.



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#### PREAMBLE

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

The ATCB art therapy registration, board certification, and clinical supervisor credentials, hereinafter sometimes referred to as credentials, are offered to art therapists from a wide variety of practice disciplines, who meet specific professional standards for the practice of art therapy.

The *Code of Ethics, Conduct, and Disciplinary Procedures* is designed to provide art therapists and credential applicants with a set of Ethical Standards (Part I, Section 1) to guide them in the practice of art therapy, as well as Standards of Conduct (Part I, Section 2) to which every credentialed art therapist and credential applicant must adhere. The ATCB may decline to grant, withhold, suspend, or revoke the credentials of any person who fails to adhere to the Standards of Ethics and Conduct (Part I, Section 3). Credentialed art therapists and credential applicants are expected to comply with ATCB Standards of Ethics and Conduct.

The ATCB does not guarantee the job performance of any credential holder or applicant. The ATCB does not express an opinion regarding the competence of any registered or board certified art therapist or art therapy certified supervisor. Rather, registration, board certification or supervisor credential offered through an ATCB program constitutes recognition by the ATCB that, to its best knowledge, an art therapist or applicant meets and adheres to minimum academic preparation, professional experience, continuing education, and professional standards set by the ATCB.

The ATCB *Code of Ethics, Conduct, and Disciplinary Procedures* applies to all those credentialed by the ATCB and all ATCB applicants regardless of any other professional affiliation. The ATCB can bring actions to discipline or sanction ATCB credential holders and/or decline credentialing to applicants only if the provisions of the ATCB *Code of Ethics, Conduct, and Disciplinary Procedures* (but not any other ethical code) are found, after due process, to have been violated (Part II, Sections 4 and 5).

# I. CODE OF ETHICS AND CONDUCT

## 1. General Ethical Standards

The Art Therapy Credentials Board endorses the following general ethical principles, which shall guide the conduct of all art therapists who seek to obtain or maintain credentials under the authority of the ATCB.

### 1.1 Responsibility to Clients

- 1.1.1 Art therapists shall 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.
- 1.1.2 Art therapists will not discriminate against or refuse professional services to individuals or groups based on age, gender, gender identity, gender expression, sexual orientation, ethnicity, race, national origin, culture, marital/partnership status, language preference, socioeconomic status, citizenship or immigration status, ability, religion/spirituality, or any other basis.
- 1.1.3 At the outset of the client-therapist relationship, art therapists must discuss and explain to clients the rights, roles, expectations, and limitations of the art therapy process.
- 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.
- 1.1.5 Art therapists continue a therapeutic relationship only so long as they believe 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.
- 1.1.6 Art therapists must not engage in therapy practices or procedures that are beyond their scope of practice, experience, training, and education.
- 1.1.7 Art therapists must not abandon or neglect clients receiving services. If art therapists are unable to continue to provide professional help, they must assist the client in making reasonable alternative arrangements for continuation of services.
- 1.1.8 Art therapists shall ensure regular contact with clients and prompt rescheduling of missed sessions.
- 1.1.9 Art therapists shall make all attempts to ensure there are procedures in place or follow recommendations for a “professional will” that suggests the handling of client documentation and art, if applicable, in the event of their unexpected death or inability to continue practice. Art therapists shall recognize the harm it may cause if clients are unable to access services in such a situation and identify individuals who can assist clients with obtaining services and with appropriate transfer of records. These written procedures shall be provided to the client.
- 1.1.10 Art therapists shall provide clients with contact information for the Art Therapy Credentials Board.
- 1.1.11 Art therapists are familiar with state requirements and limitations for consent for treatment. When providing services to minors or persons unable to give voluntary consent, art therapists seek the assent of clients and/ or guardians to services, and include them in decision making as much as possible. Art therapists recognize the need to balance the ethical rights of clients to make choices, their capacity to give consent or assent to receive services, and parental or familial legal rights and responsibilities to protect these clients and make decisions on their behalf.
- 1.1.12 Art therapists should obtain qualified medical or psychological consultation for cases when such evaluation and/or administration of medication is required. Art therapists must not provide services other than art therapy unless certified or licensed to provide such other services.

## **1.2 Professional Competence and Integrity**

- 1.1.13 Practitioners of art therapy must conform to relevant federal, provincial, state, and local statutes and ordinances that pertain to the provision of independent mental health practice. Laws vary based upon the location of the practice. It is the sole responsibility of the independent practitioner to conform to these laws. Art therapists shall be knowledgeable about statutes and/or laws that pertain to art therapy and mental health practice in any jurisdiction (state, province, country) in which they practice.
- 1.1.14 Art therapists must seek to provide a safe private, and 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 client artworks 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 that regulate comparable businesses.
- 1.1.15 Art therapists shall provide clients with reasonable access to their records. Art therapists who are concerned that access to records could cause misunderstanding or harm shall assist with review, interpretation, or consultation with the client regarding the records. Access should be limited only in exceptional circumstances as permitted by law such as when the art therapist determines in the exercise of professional judgement that the requested access is reasonably likely to endanger the life or physical safety of the client or another person, or the access requested is reasonably likely to cause substantial harm to a person referenced in the client's records. Confidential information about any other client should not be disclosed to clients requesting access to records. Client requests and the art therapist's rationale for granting or withholding the records should be documented in the client file.
- 1.2.1 Art therapists must maintain high standards of professional competence and integrity. Art therapists must keep informed and updated with regard to developments in the field which relate to their practice by engaging in educational activities and clinical experiences. Additionally, art therapists shall seek regular consultation and/or supervision with fellow qualified professionals.
- 1.2.2 Art therapists shall assess, treat, or advise only in those cases in which they are competent as determined by their education, training, and experience.
- 1.2.3 Art therapists shall develop and improve multicultural competence through ongoing education and training. Art therapists shall use practices in accordance with the client's or group's age, gender, gender identity, gender expression, sexual orientation, ethnicity, race, national origin, culture, marital/partnership status, language preference, socioeconomic status, immigration/citizenship status, ability, religion/spirituality, or any other identity factor.
- 1.2.4 Art therapists shall communicate in ways that are both developmentally and culturally sensitive and appropriate. When clients and/or art therapists have difficulty understanding each other's language, art therapists shall attempt to locate necessary translation/interpretation services.
- 1.2.5 Art therapists will obtain client's written consent to communicate with other health care providers for the purpose of collaborating on client treatment.
- 1.2.6 Art therapists, because of their potential to influence and alter the lives of others, must exercise special care when making public their professional recommendations and opinions through testimony or other public statements.
- 1.2.7 Art therapists must seek appropriate professional consultation or assistance for their personal problems or conflicts that may impair or affect work performance or clinical judgment.
- 1.2.8 Art therapists must not distort or misuse their clinical and research findings.
- 1.2.9

- 1.2.10 Art therapists shall file a complaint with the ATCB when they have reason to believe that another art therapist is or has been engaged in conduct that violates the law or the Standards of Ethics and 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 and voluntary, written authorization for disclosure of the information has not been obtained; however, this does not relieve an art therapist from the duty to file any reports required by law.
- 1.2.11 Art therapists shall notify the ATCB of any disciplinary sanctions imposed upon themselves or another art therapist by another professional credentialing agency or organization, when such sanctions come to their attention.
- 1.2.12 Art therapists shall not knowingly make false, improper, or frivolous ethics or legal complaints against colleagues or other art therapists.

- 1.3.7 Art therapists who offer and/or provide supervision must:
- 1.3.7.1 Ensure that they have proper training and supervised experience, contemporary continuing education and/or graduate training in clinical supervision;
- 1.3.7.2 Ensure that supervisees are informed of the supervisor's credentials and professional status as well as all conditions of supervision as defined/outlined by the supervisor's practice, agency, group, or organization;
- 1.3.7.3 Ensure that supervisees are aware of the current ethical standards related to their professional practice, including the ATCB *Code of Ethics, Conduct, and Disciplinary Procedures*;
- 1.3.7.4 Ensure regular contact with supervisees and prompt rescheduling of missed supervision sessions;
- 1.3.7.5 Provide supervisees with adequate feedback and evaluation throughout the supervision process;
- 1.3.7.6 Ensure that supervisees inform their clients of their professional status, the name and contact information of their supervisors, and obtain informed consent from their clients for sharing disguised client information and artwork or reproductions as necessary with their supervisors;

### **1.3 Responsibility to Students and Supervisees**

- 1.3.1 Art therapists must instruct their students using accurate, current, and scholarly information and at all times foster the professional growth of students and advisees.
- 1.3.2 Art therapists as teachers, supervisors, and researchers must maintain high standards of scholarship and present accurate information.
- 1.3.3 Art therapists must not permit students, employees, or supervisees to perform or to represent themselves as competent to perform professional services beyond their education, training, experience, or competence, including multicultural and diversity competence.
- 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.
- 1.3.5 Art therapists are aware of their influential position with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Art therapists, therefore, shall not engage in a therapeutic relationship with their students or supervisees.
- 1.3.6 Art therapists do not condone or engage in sexual harassment, which is defined as

- 1.3.7.7 Ensure that supervisees obtain client consent to share client artwork or reproductions in supervision;
- 1.3.7.8 Establish procedures with their supervisees for handling crisis situations.
- 1.3.9 Art therapy supervisors shall provide supervisees with a professional disclosure statement that advises supervisees of the supervisor's affirmation of adherence to this *Code of Ethics, Conduct, and Disciplinary Procedures*, and instructions regarding how the supervisee should address any dissatisfaction with the supervision process including how to file a complaint with the ATCB, the ATCB's address, telephone number, and email address.

### **1.4 Responsibility to Research Participants**

- 1.4.1 Art therapists who are researchers must respect the dignity and protect the welfare of participants in research.
- 1.4.2 Researchers must be aware of and comply with federal, provincial, state, and local laws and regulations, agency regulations, institutional review boards, and professional standards governing the conduct of research.

- 1.4.3 Researchers must 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 must seek the ethical advice of qualified professionals not directly involved in the investigation and observe safeguards to protect the rights of research participants.
- 1.4.4 Researchers requesting potential participants' involvement in research must inform them of all risks and aspects of the research that might reasonably be expected to influence willingness to participate, and must obtain a written acknowledgment of 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 must 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.
- 1.4.5 Researchers must respect participants' freedom to decline participation in or to withdraw from a research study at any time. This principle requires thoughtful consideration when investigators or other members of the research team are in positions of authority or influence over participants. Art therapists, therefore, must avoid relationships with research participants outside the scope of the research.
- 1.4.6 Art therapists must treat information obtained about research participants during the course of the research protocol as confidential unless the participants have previously and reasonably authorized in writing that their confidential information may be used. 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, must be explained to the participants as part of the above stated procedure for obtaining a written informed consent.

### **1.5 Responsibility to the Profession**

- 1.5.1 Art therapists must respect the rights and responsibilities of professional colleagues and should participate in activities that advance the goals of art therapy.

- 1.5.2 Art therapists must adhere to the ATCB standards of the profession when acting as members or employees of third-party organizations.
- 1.5.3 Art therapists must attribute publication credit to those who have contributed to a publication in proportion to their contributions and in accordance with customary professional publication practices.
- 1.5.4 Art therapists who author books or other materials that are published or distributed must cite persons to whom credit for original ideas is due.
- 1.5.5 Art therapists who author books or other materials published or distributed by a third party must take reasonable precautions to ensure that the third party promotes and advertises the materials accurately and factually.
- 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.
- 1.5.7 Art therapists are encouraged, whenever possible, to assist and be involved in developing laws and regulations pertaining to the field of art therapy that serve the public interest and in changing such laws and regulations that are not in the public interest.
- 1.5.8 Art therapists are encouraged, whenever possible, to promote public understanding of the principles and the profession of art therapy through presentations to general audiences, mental health professionals, and students. In making such presentations, art therapists shall accurately convey to the audience members or students the expected competence and qualifications that will result from the presentations, as well as, the differences between the presentation and formal studies in art therapy.
- 1.5.9 Art therapists must cooperate with any ethics investigation by any professional organization or government agency, and must truthfully represent and disclose facts to such organizations or agencies when requested or when necessary to preserve the integrity of the art therapy profession.

- 1.5.10 Art therapists should endeavor to ensure that the benefits and limitations are correctly conveyed by any institution or agency of which they are employees.
- 1.5.11 Art therapists are accountable at all times for their behavior. They must be aware that all actions and behaviors of the art therapist reflect on professional integrity and, when inappropriate, can damage the public trust in the art therapy profession. To protect public confidence in the art therapy profession, art therapists avoid behavior that is clearly in violation of accepted moral and legal standards.

## 2. Standards of Conduct

The Art Therapy Credentials Board prescribes 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 the ATCB.

### 2.1 Confidentiality

- 2.1.1 Art therapists shall inform clients of the purpose and limitations of confidentiality.
- 2.1.2 Art therapists shall respect and protect confidential information obtained from clients, including, but not limited to, all verbal and/or artistic expression occurring within the client-therapist relationship.
- 2.1.3 Art therapists shall protect the confidentiality of the client-therapist relationship in all matters.  
Art therapists shall not disclose confidential information without the client's explicit written consent unless mandated by law or a court order.
- 2.1.4 In these cases, confidences may be disclosed only as legally and reasonably necessary in the course of that action. All disclosures of information shall be documented in the client's file, including the identity of the recipient, the basis upon which the information was disclosed, and a description of the information disclosed.  
If there is reason to believe that the client or others are in immediate, serious danger to health or life, any such disclosure shall be made consistent with state and federal laws that pertain to the protection and welfare of the client or others. Art therapists strive to disclose information in a way that ensures respect for the client and integrity for the therapeutic relationship.
- 2.1.5

- 2.1.6 In the event that art therapists believe it is in the interest of a client to disclose confidential information, they 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.
- 2.1.7 For the purpose of collecting information on harm caused to clients or possible violations of ATCB rules and its *Code of Ethics, Conduct, and Disciplinary Procedures* by art therapists or those falsely claiming to have an ATCB credential, art therapists may disclose such information without the client's explicit written consent if the information is disguised so that the identity of the client is fully protected.
- 2.1.8 Art therapists shall maintain client treatment records for a reasonable period of time consistent with federal and state laws, agency regulations and sound clinical practice. Records shall be stored or disposed of in ways that maintain client confidentiality.
- 2.1.9 Whenever possible, a photographic representation should be maintained, in accordance with the provisions set forth in 2.2.2 of this document on consent to photograph, for all work created by the client that is relevant to document the therapy if maintaining the original artwork would be difficult.
- 2.1.10 When 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 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 that might adversely affect the treatment of the client, except where otherwise provided by state law or when necessary to protect the health, welfare, or safety of the minor client.
- 2.1.11 Client confidentiality must be maintained when clients are involved in research, according to Part I, Section 1.4 of this code of practice.

2.1.12 Independent practitioners of art therapy must sign and issue a written professional disclosure statement to a client upon the establishment of a professional relationship. Such disclosure statement must 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. The name, address, and telephone number of the ATCB should be written in this document along with the following statement, "The ATCB oversees the ethical practice of art therapists and may be contacted with client concerns." It is suggested that a copy of the statement be retained in the client's file.

## **2.2 Use and Reproduction of Client Art Expression and Therapy Sessions**

2.2.1 Art therapists shall take into consideration the benefits and potential negative impact of photographing, videotaping, using other means to duplicate, and/or display and/or broadcast client artwork with the client's best interest in mind. Art therapists shall provide to the client and/or parent or legal guardian clear warnings about the art therapist's inability to protect against the use, misuse, and republication of the art product and/or session by others once it is displayed or posted.

2.2.2 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 the client's parent or legal guardian.

2.2.3 Art therapists shall obtain written informed consent from a client, or when applicable, a parent or legal guardian, before photographing the client's art expressions, making video or audio recordings, otherwise duplicating, or permitting third-party observation of art therapy sessions.

2.2.4 Art therapists shall use clinical materials in teaching, writing, electronic formats and public presentations only if a written authorization has been previously obtained from the client, client's parent, or legal guardian.

2.2.5 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,

2.2.6 Only the client, parent or legal guardian may give signed consent for use of client's art or information from sessions and treatment, and only for the specific uses, and in the specific communication formats, designated in the consent. Once consent has been granted, art therapists shall ensure that appropriate steps are taken to protect client identity and disguise any part of the notes, art expression or audio or video recording that reveals client identity unless the client, parent or legal guardian specifically designates in the signed consent that the client's identity may be revealed. The signed consent form shall include conspicuous language that explains the potential that imagery and information displayed or used in any form may not be able to be permanently removed if consent is later revoked.

## **2.3 Professional Relationships**

2.3.1 Art therapists shall not engage in any relationship, including through social media, with current or former clients, students, interns, trainees, supervisees, employees, or colleagues that is exploitative by its nature or effect.

2.3.2 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.

2.3.3 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.

2.3.4 Exploitative relationships with clients 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.

2.3.5 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.

- 2.3.6 Art therapists shall not use their professional relationships with clients to further their own interests.
- 2.3.7 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.
- 2.3.8 Art therapists must not knowingly misuse, or allow others to misuse, their influence when engaging in personal, social, organizational, electioneering or lobbying activities.
- 2.3.9 Art therapists do not condone or engage in sexual harassment, which is defined as unwelcome comments, gestures, or physical contact of a sexual nature.
- 2.3.10 Art therapists shall be aware of and take into account the traditions and practices of other professions with which they work and cooperate fully with them.
- 2.3.11 Art therapists who have a private practice, but who are also employed in an agency or group practice must abide by and inform clients of the agency's or group practice's policies regarding self-referral.
- 2.3.12 Any data derived from a client relationship and subsequently used in training or research shall be so disguised in such a way that the client's identity is fully protected. Any data which cannot be so disguised may be used only as expressly authorized by the client's informed and voluntary consent.

#### **2.4 Financial Arrangements**

- 2.4.1 Independent practitioners of art therapy shall seek to ensure that financial arrangements with clients, third party payers, and supervisees are understandable and conform to accepted professional practices.
- 2.4.2 If a client wishes to access insurance coverage for art therapy services out of state, art therapists shall advise clients that it is the client's responsibility to confirm coverage before beginning services.
- 2.4.3 Art therapists must not offer or accept payment for referrals.
- 2.4.4 Art therapists must not exploit their clients financially.

- 2.4.5 Art therapists must represent facts truthfully to clients, third party payers, and supervisees regarding services rendered and the charges thereof.
- 2.4.6 Art therapists who intend to use collection agencies or take legal measure to collect fees from clients who do not pay for services as agreed upon must first inform clients in writing of such intended actions and offer clients the opportunity to make payment.
- 2.4.7 Art therapists may barter only if the relationship is not exploitive or harmful and does not place the art therapist in an unfair advantage, if the client requests it, and if such arrangements are an accepted practice among professionals within the community. Art therapists should consider the cultural implications of bartering and discuss relevant concerns with clients and document such agreements in a clear written contract.
- 2.4.8 Art therapists shall not accept gifts from clients except in cases when it is culturally appropriate or therapeutically relevant to the specific client. Prior to acceptance, art therapists shall consider the value of the gift and discuss the gift-giving with the client. The art therapist shall document the matter, including all consideration and the client discussion in the client's record.

#### **2.5 Advertising**

- 2.5.1 Art therapists shall provide sufficient and appropriate information about their professional services to help the layperson make an informed decision about contracting for those services.
- 2.5.2 Art therapists must accurately represent their competence, education, earned credentials, training, and experience relevant to their professional practice.
- 2.5.3 Art therapists must ensure that all advertisements and publications, whether in print, directories, announcement cards, newspapers, radio, television, electronic format such as the Internet, or any other media, are formulated to accurately convey, in a professional manner, information that is necessary for the public to make an informed, knowledgeable decision.
- 2.5.4 Art therapists must not use names or designations for their practices that are likely to confuse and/or mislead the public concerning the identity, responsibility, source, and status of those under whom they are practicing, and must not hold themselves out as being partners or associates of a firm if they are not.

- 2.5.5 Art therapists must 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.
- 2.5.6 Art therapists must correct, whenever possible, false, misleading, or inaccurate information and representations made by others concerning the art therapist's qualifications, services, or products.
- 2.5.7 Art therapists must make certain that the qualifications of persons in their employ are represented in a manner that is not false, misleading, or deceptive.
- 2.5.8 Art therapists may represent themselves as specializing within a limited area of art therapy only if they have the education, training, and experience that meet recognized professional standards to practice in that specialty area.

## **2.6 Measurement and Evaluation**

- 2.6.1 Art therapists shall use or interpret only the specific assessment instruments for which they have the required education and supervised experience.
- 2.6.2 Art therapists must provide instrument specific orientation or information to an examinee prior to and following the administration of assessment instruments or techniques so that the results may be placed in proper perspective with other relevant factors. The purpose of testing and the explicit use of the results must be made known to an examinee prior to testing.
- 2.6.3 In selecting assessment instruments or techniques for use in a given situation or with a particular client, art therapists must carefully evaluate the specific theoretical bases and characteristics, validity, reliability and appropriateness of each instrument.
- 2.6.4 When making statements to the public about assessment instruments or techniques, art therapists must provide accurate information and avoid false claims or misconceptions concerning the instrument's reliability and validity.
- 2.6.5 Art therapists must follow all directions and researched procedures for selection, administration and interpretation of all evaluation instruments and use them only within proper contexts.
- 2.6.6 Art therapists must be cautious when interpreting the results of instruments that possess insufficient technical data, and must explicitly state to examinees the specific limitations and purposes for the use of such instruments.
- 2.6.7 Art therapists must proceed with caution when attempting to evaluate and interpret performance of any person who cannot be appropriately compared to the norms for the instrument.
- 2.6.8 Because prior coaching or dissemination of assessment instruments can invalidate test results, art therapists are professionally obligated to maintain test security.
- 2.6.9 Art therapists must consider psychometric limitations when selecting and using an instrument, and must be cognizant of the limitations when interpreting the results. When tests are used to classify clients, art therapists must ensure that periodic review and/or retesting are conducted to prevent client stereotyping.
- 2.6.10 Art therapists recognize that test results may become obsolete, and avoid the misuse of obsolete data.
- 2.6.11 Art therapists must not appropriate, reproduce, or modify published assessment instruments or parts thereof without acknowledgment and permission from the publisher, except as permitted by the fair educational use provisions of the U.S. copyright law.
- 2.6.12 Art therapists who develop assessment instruments for the purpose of measuring personal characteristics, diagnosing, or other clinical uses shall provide test users with a description of the benefits and limitations of the instrument, appropriate use, interpretation, and information on the importance of basing decisions on multiple sources rather than a single source.

## **2.7 Documentation**

Art therapists must maintain records that:

- 2.7.1 Are in compliance with federal, provincial, state, and local regulations and any licensure requirements governing the provision of art therapy services for the location in which the art therapy services are provided.
- 2.7.2 Are in compliance with the standards, policies and requirements at the art therapist's place of employment.
- 2.7.3 Include essential content from communication with/by the client via electronic means.

### **2.8 Termination of Services**

- 2.8.1 Art therapists shall terminate art therapy when the client has attained stated goals and objectives or fails to benefit from art therapy services.
- 2.8.2 Art therapists must communicate the termination of art therapy services to the client, client's parent or legal guardian.

### **2.9 Electronic Means**

- 2.9.1 Art therapists must inform clients of the benefits, risks, and limitations of using information technology applications in the therapeutic process and in business/billing procedures. Such technologies include but are not limited to computer hardware and software, faxing, telephones, the Internet, online assessment instruments, and other technological procedures and devices. Art therapists shall utilize encryption standards within Internet communications and/or take such precautions to reasonably ensure the confidentiality of information transmitted, as in 2.9.5.6.
- 2.9.2 When art therapists are providing technology-assisted distance art therapy services, the art therapist shall make a reasonable effort to determine that clients are intellectually, emotionally, and physically capable of using the application and that the application is appropriate for the needs of clients.
- 2.9.3 Art therapists must ensure that the use of technology in the therapeutic relationship does not violate the laws of any federal, provincial, state, local, or international entity and observe all relevant statutes.

- 2.9.4 Art therapists shall seek business, legal, and technical assistance when using technology applications for the purpose of providing art therapy services, particularly when the use of such applications crosses provincial, state lines or international boundaries.
- 2.9.5 As part of the process of establishing informed consent, art therapists shall do the following:
  - 2.9.5.1 Inform clients of issues related to the difficulty of maintaining the confidentiality of electronically transmitted communications, and the difficulty in removing any information or imagery that has been posted electronically if consent is later revoked.
  - 2.9.5.2 Inform clients of all colleagues, supervisors, and employees (including Information Technology [IT] administrators) who might have authorized access to electronic transmissions.
  - 2.9.5.3 Inform clients that, due to the nature of technology assisted art therapy, unauthorized persons may have access to information/art products that clients may share in the therapeutic process.
  - 2.9.5.4 Inform clients of pertinent legal rights and limitations governing the practice of a profession across state/provincial lines or international boundaries.
  - 2.9.5.5 Inform clients that Internet sites and e-mail communications will be encrypted but that there are limitations to the ability of encryption software to help ensure confidentiality.
  - 2.9.5.6 When the use of encryption is not possible, art therapists notify clients of this fact and limit electronic transmissions to general communications that are not client specific.
  - 2.9.5.7 Inform clients if and for how long archival storage of transaction records are maintained.
  - 2.9.5.8 Discuss the possibility of technology failure and alternate methods of service delivery.
  - 2.9.5.9 Inform clients of emergency procedures, such as calling 911 or a local crisis hotline, when the art therapist is not available.
  - 2.9.5.10 Discuss time zone differences, and cultural or language differences that might impact service delivery.
  - 2.9.5.11 If a client wishes to access insurance coverage for technology-assisted distance art therapy services, art therapists shall advise clients that it is the client's responsibility to confirm coverage before beginning services.

### 3. Eligibility for Credentials

As a condition of eligibility for and continued maintenance or renewal of any ATCB credential, each applicant, registrant, certificant, or certified supervisor agrees to the following:

#### **3.1 Compliance with ATCB Standards, Policies and Procedures**

3.1.1 No person is eligible to apply for or maintain credentials unless in compliance with all ATCB eligibility criteria as stated in the ATR, ATR-BC, and ATCS 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.

3.1.2 Each applicant, registrant, or certificant bears the burden for showing and maintaining compliance at all times. The ATCB may deny, decline to renew, revoke, or otherwise act upon credentials when an applicant, registrant, or certificant is not in compliance with all ATCB standards, policies, and procedures.

#### **3.2 Complete Application**

3.2.1 The ATCB may make administrative requests for additional information to supplement or complete any application for credentials or for renewal of existing credentials. An applicant must truthfully complete and sign an application in the form provided by the ATCB, must provide the required fees, and must provide additional information as requested.

3.2.2 The applicant, registrant, or certificant must provide written notification to the ATCB at the time of submission of an initial application and thereafter 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 an indictment, charge or complaint, not including traffic offenses, with any court, regulatory authority, professional association, credentialing body, or governmental or private payer of benefits; any litigation involving allegations of professional negligence or misconduct and the final disposition of such charges, complaints, or cases including but not limited to, entry of a judgment, order of dismissal or deferred adjudication, conviction, plea of guilty, plea of nolo contendere, and imposition of disciplinary sanctions.

2.9.5.12 Inform clients that communication will be included in client documentation as mentioned in 2.7.3.

2.9.6 Art therapists maintaining sites on the Internet shall do the following:

2.9.6.1 Regularly check that electronic links are working and professionally appropriate.

2.9.6.2 Provide electronic links to the ATCB and other relevant state, provincial, and or international licensure and professional certification boards to protect consumer rights and facilitate addressing ethical concerns.

2.9.6.3 Strive to provide a site that is accessible to persons with disabilities

#### **2.10 Social Media**

2.1.0.1 Art therapists who maintain social media sites shall clearly distinguish between their personal and professional profiles by tailoring information specific to those uses and modifying who can access each site.

2.1.0.2 In keeping with their duty to the profession, art therapists who respond to or post on social media shall ensure that their posts are reflective of the ethics and conduct outlined in this Code.

2.1.0.3 Art therapists do not disclose or display confidential information through social media.

- 3.2.3 An applicant, registrant, or certificant will provide information requested by the Ethics Officer.
- 3.2.4 An applicant, registrant, or certificant must not make and must correct immediately any statement concerning his or her status that is or becomes inaccurate, untrue, or misleading.
- 3.2.5 All references to “days” in ATCB standards, policies and procedures shall mean calendar days. Communications required by the ATCB shall be transmitted by certified mail, return receipt requested, or other verifiable method of delivery.
- 3.2.6 The applicant, registrant, or certificant shall provide the ATCB with documentation of compliance with ATCB requirements as requested by the ATCB through its President or Executive Director.

**3.3 Property of ATCB and Eligibility Determination**

- 3.3.1 All examinations, certificates, and registration or certification cards of the ATCB, the name Art Therapy Credentials Board, all marks and terms of credentials, and all abbreviations relating thereto, are all the exclusive property of the ATCB and may not be used in any way without the express prior written consent of the ATCB.
- 3.3.2 ATCB applicants, registrants, or certificants who share, use, or alter ATCB examinations, certificates, and registration or certification cards of the ATCB, the name Art Therapy Credentials Board, all marks and terms of credentials, and all abbreviations relating thereto, are subject to disciplinary sanctions that may include but are not limited to denial, declined renewal, or revocation of ATCB credentials and may be subject to civil or criminal prosecution.
- 3.3.3 In case of suspension, limitation, relinquishment, or revocation of ATCB credentials, or as otherwise requested by the 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.

**3.4 Pending Criminal or Administrative Proceedings**

- 3.4.1 An applicant, registrant, or certificant shall provide written notification to the ATCB of the filing in any court of any information, complaint, or indictment charge of 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 Part I, Section 4.1. Such notification shall be within 60 days of the filing of such charge or action, and shall provide written documentation of the resolution of such charge within 60 days of resolution.

**3.5 Criminal Convictions**

- 3.5.1 Applicants who meet all criteria as delineated in the current ATCB credential applications and who have not had sanctions imposed by the ATCB or other governmental authority, insurance carrier, professional organization, or credentialing board, or been convicted of a serious criminal offense, or been listed on a governmental abuse registry will be considered eligible for an ATCB credential upon submission of all application materials and fees. All other applicants will be subject to review by the ATCB and demonstration of their fitness to practice art therapy and that they do not pose a risk to the public.

## II. DISCIPLINARY PROCEDURES

### 4. Standards Of Conduct:

#### Discipline Process

##### 4.1 Grounds For Discipline

- 4.1.1 The ATCB may deny or revoke credentials or otherwise take action with regard to credentials or an application for credentials under the following circumstances:
  - 4.1.1.1 Failure to observe and comply with the Standards of Ethics and Conduct stated herein;
  - 4.1.1.2 Failure to meet and maintain eligibility for ATCB credentials;
  - 4.1.1.3 Irregularity in connection with any ATCB examination;
  - 4.1.1.4 Failure to pay fees required by the ATCB;
  - 4.1.1.5 Unauthorized possession of, use of, or access to ATCB examinations, certificates, registration or certification cards, logos, the name Art Therapy Credentials Board, all marks and terms of credentials, and all abbreviations relating thereto, and any variations thereof, and any other ATCB documents and materials;
  - 4.1.1.6 Obtaining, maintaining, or attempting too 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 the ATCB;
  - 4.1.1.7 Misrepresentation of status of ATCB credentials;
  - 4.1.1.8 Failure to provide any written information required by the ATCB;
  - 4.1.1.9 Failure to cooperate with the ATCB or anybody established or convened by the ATCB at any point from the inception of an ethical or disciplinary complaint through the completion of all proceedings regarding that complaint;
  - 4.1.1.10 Habitual use of alcohol, any drug or any substance, or any physical or mental condition, which impairs competent and objective professional performance;
  - 4.1.1.11 Gross negligence in the practice of art therapy or other related professional work; including, but not limited to, sexual relationships with clients, and sexual, physical, social, or financial exploitation;
- 4.1.1.12 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;
- 4.1.1.3 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 vulnerable person, actual or threatened use of a weapon or violence, and the prohibited sale, distribution or use of a controlled substance;
- 4.1.1.14 Failure to update information in a timely manner, including any violation referred to in this section, to the ATCB;
- 4.1.1.15 Failure to maintain confidentiality as required in the Standards of Ethics and Conduct, by any ATCB policy or procedure, or as otherwise required by law; or
- 4.1.1.16 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.

##### 4.2 Release of Information

- 4.2.1 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.
- 4.2.2 The individual applicant, registrant, or certificant agrees that the ATCB and its officers, directors, committee members, employees, ethics officers, and agents, may communicate any and all information relating to an ATCB application, registration or certification, and review thereof, and any imposed public disciplinary sanctions to state and federal authorities, licensing boards, and employers, and may communicate any imposed public disciplinary sanctions and the status of a registrant's or certificant's credential to the public.

### **4.3 Waiver**

- 4.3.1 An applicant, registrant, or certificant releases, discharges, exonerates, indemnifies, and holds harmless the ATCB, its officers, directors, committee members, employees, ethics officers, and agents, and any other persons from and against all claims, damages, losses, and expenses, including reasonable attorneys' fees, for actions of the 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 the ATCB.

### **4.4 Reconsideration of Eligibility and Reinstatement of Credentials**

- 4.4.1 If eligibility or credentials are denied, revoked, or suspended for a violation of the Standards of Ethics and Conduct, eligibility for credentials may be reconsidered by the Board of Directors, upon application, on the following basis:
- 4.4.1.1 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, probationary or parole status, or satisfaction of fine imposed, whichever is later;
- 4.4.1.2 In any other event, at any time following imposition of sanctions, at the sole discretion of the Board of Directors.
- 4.4.2 In addition to other facts required by the 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.
- 4.4.3 The applicant bears the burden of demonstrating by clear and convincing evidence of rehabilitation and absence of danger to others.

### **4.5 Deadlines**

- 4.5.1 The ATCB requires its applicants, registrants, and certificants to meet all deadlines imposed by the 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.
- 4.5.2 An applicant, registrant, or certificant who wishes to appeal a missed deadline must transmit a written explanation and make a request for a reasonable extension of the missed deadline along with the appropriate fees with full relevant supporting documentation, to the ATCB Executive Director, to the attention of the ATCB National Office.
- 4.5.3 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 will 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.
- 4.5.4 The ATCB shall make every effort to follow the time requirements set forth in this document. However, the ATCB's failure to meet a time requirement shall not prohibit the final resolution of any ethics matter.

## 5. DISCIPLINARY PROCEDURES

### 5.1 Appointment of Disciplinary Hearing Panel

- 5.1.1 The ATCB Board of Directors may authorize an Ethics Officer and a Disciplinary Hearing Panel to investigate or consider alleged violations of the Standards of Ethics and 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 Panel.
- 5.1.2 The Disciplinary Hearing Panel shall be composed of three members, including the chair. The membership of the Disciplinary Hearing Panel shall be drawn from ATCB registrants and certificants, except that one member of the Disciplinary Hearing Panel shall be a public member who shall not be an ATCB registrant or certificant.
- 5.1.3 The initial appointments to the Disciplinary Hearing Panel shall be for terms of three years as determined by the ATCB Board of Directors. Thereafter, a panel member's term of office on the panel shall run for three years and may be renewed. Once a member of the Disciplinary Hearing Panel begins to participate in the review of a matter, the panel member shall remain part of the Disciplinary Hearing Panel for that particular matter even if the review extends beyond the expiration of his or her term.
- 5.1.4 A Disciplinary Hearing Panel member may not serve simultaneously as Ethics Officer and may not serve on any matter wherein an actual or apparent conflict of interest or the Panel Member's impartiality might reasonably be questioned.
- 5.1.5 When a party to a matter before the Disciplinary Hearing Panel requests that a member of the panel, other than the chair, self-recuse, a final decision on the issue of recusal shall be made by the chair, subject to review as hereinafter provided. In the event a request is made that the chair self-recuse, the decision shall be made by the ATCB President, subject to review as hereinafter provided.
- 5.1.6 Panel action shall be determined by majority vote.

- 5.1.7 When a Panel member is unavailable to serve by resignation, disqualification, or other circumstance, the President of the ATCB shall designate another registrant or certificant, or public member, if applicable, to serve as an interim member for a particular matter or for the duration of the panel member's unexpired term whichever is appropriate.

### 5.2 Submission of Allegations

- 5.2.1 Any person concerned about a possible violation of the ATCB Standards of Ethics and Conduct, or other ATCB standard, policy or procedure, may initiate a written complaint and send it to the Executive Director. Complaints should include as much detail and specificity as possible, including identifying the person(s) alleged to be involved and the facts concerning the alleged conduct, and should be accompanied by all available documentation. A person initiating a complaint shall be referred to as the complainant. The applicant, certificant, or registrant who is the subject of the complaint shall be referred to as a respondent.
- 5.2.2 The written complaint should contain the name of the respondent, the facts and circumstances concerning the conduct complained about, and the name, address, and telephone number of the complainant and others who may have knowledge of relevant facts. Anonymous written complaints may be accepted by the ATCB, but the inability to follow up with the complainant might preclude effective and thorough investigation of the allegations and the imposition of sanctions against the respondent who is the subject of the complaint. The ATCB may provide for the submission submission of complaints on forms to be supplied by the Executive Director.
- 5.2.3 The Executive Director shall forward the complaint to an Ethics Officer for further action. The Ethics Officer may initiate complaints that shall be handled in the manner provided hereinafter for the review and determination of all complaints.

5.2.4 The Ethics Officer shall review the allegations and supporting information and make a determination of the merits of the allegations, after such further inquiry as the Ethics Officer considers appropriate, and after consultation with ATCB legal counsel as needed. The Ethics Officer may share a copy of the complaint and any complaint materials with the respondent as deemed necessary to assist in the investigation of the complaint. Care should be taken to redact information and the identity of any person identified in a complaint who is not a complainant when appropriate to protect the privacy rights of such person.

5.2.5 The Ethics Officer may direct the ATCB Executive Director to assist with factual investigations or with administrative matters related to the initial review of allegations.

5.2.6 If the Ethics Officer determines that the allegations are frivolous or fail to state a violation of the Standards of Ethics and Conduct, or that the ATCB lacks jurisdiction over the complaint or the person(s) complained about, the ATCB shall not take further action and shall notify the complainant.

If the Ethics Officer determines that the complaint and/or allegations may establish what the Ethics Officer determines to be one or more minor or technical violations of the Standards of Ethics and Conduct, the Ethics Officer may choose to resolve the complaint by the issuance of an advisory letter to the respondent setting out: a) the identified minor or technical violations; and b) any corrective or preventative measures that should be implemented by the respondent in the future.

Before determining that an advisory letter is appropriate under this Section of the Code, the Ethics Officer shall consider: a) all relevant facts and circumstances of the particular matter before the Ethics Officer; b) the work, educational and any criminal history of the respondent; and c) any professional and/or ethical history of the respondent, including, but not limited to any ATCB ethics history. If the Ethics Officer determines that an advisory letter is not appropriate, the Ethics Officer may take any other action consistent with the Standards of Ethics and Conduct.

If an advisory letter is issued, pursuant to this Section of the Standards of Ethics and Conduct, it shall be maintained as part of the respondent's file and may be taken into consideration when reviewing future complaints and/or allegations brought or made against the respondent, and any corresponding sanctions. Advisory letters issued pursuant to this Section of the Standards of Ethics and Conduct shall not be made public.

5.2.7 If the Ethics Officer determines that probable cause may exist to deny eligibility for credential or that probable cause exists of a failure to comply with the Standards of Ethics and Conduct or any other ATCB policy or procedure, other than a determination by the Ethics Officer that the allegations/complaint may establish one or more minor or technical violations of the Standards of Ethics and Conduct resulting in the issuance of an advisory letter (see 5.2.6), the Ethics Officer shall forward in writing all details of the allegations to another Ethics Officer.

5.2.8 The Ethics Officer shall review the allegations and supporting information provided and may make such further inquiry, as deemed appropriate.

5.2.9 The Ethics Officer may seek the assistance of the Executive Director to research precedents in the ATCB's files, as reasonably determined to be necessary in making a determination regarding probable cause of a violation of the Standards of Ethics and Conduct, any other ATCB policy or procedure, or other misconduct. The Ethics Officer may direct the ATCB Executive Director to assist with factual investigations or with administrative matters related to the review of allegations.

5.2.10 If the Ethics Officer concurs that probable cause may exist to deny eligibility or that probable cause exists of a failure to comply with the Standards of Ethics and Conduct or any other ATCB policy or procedure, the Ethics Officer shall transmit a copy of the complaint and written notification containing the allegations and findings to the full Disciplinary Hearing Panel, the complainant and the respondent who is the subject of the grievance and any attorneys representing them. Care should be taken to redact information and the identity of any person identified in the complaint who is not a complainant when appropriate to protect the privacy rights of such person. All written notices to the respondent shall be sent by certified mail, return receipt requested, to their addresses listed in the ATCB records. However if the Ethics Officer, in agreement with the other Ethics Officers determines that the probable cause determination is based on circumstances that are minor or technical in nature, or are not caused by the actions of the respondent, and have neither caused nor presented a danger of serious harm to a client or other individual(s), the Ethics Officer may choose to resolve the complaint by the issuance of an advisory letter to the respondent setting out the identified probable cause determination, assessment and any corrective or preventative measures that should be implemented by the respondent in the future. All such advisory letters shall be maintained as part of the respondent's file and may be taken into consideration of the sanctions to be assessed in connection with any future complaints brought against the respondent. Advisory letters shall not be made public.

5.2.11 If the Ethics Officer determines that probable cause does not exist to deny eligibility or that that probable cause does not exist of a failure to comply with the Standards of Ethics and Conduct or any other ATCB policy or procedure, or that the ATCB lacks jurisdiction over the complaint or the person(s) against whom the complaint was made, the Ethics Officer shall direct ATCB to take no further action and shall notify in writing the Board, the respondent and complainant.

5.2.12 If upon referral of a complaint from an Ethics Officer and an additional Ethics Officer determines that reasonable cause exists that a respondent has had a license or certification revoked or suspended or has been charged, indicted, placed on deferred adjudication, community supervision, probation, or convicted of an offense listed below or determines that there is a serious concern for the protection and safety of the public, the Ethics Officer shall present to the Disciplinary Hearing Panel a recommendation for summary suspension of the respondent’s registration or certification. If approved by a majority vote of the Disciplinary Hearing Panel, the Ethics Officer shall notify the respondent in writing by certified mail, return receipt requested, of the summary suspension at the respondent’s address listed in the ATCB records. The suspension shall be effective three (3) days after the date of mailing.

Summary suspension shall be considered for all serious offenses including but not limited to the following:

- (A) capital offenses;
- (B) sexual offenses involving a child victim;
- (C) felony sexual offenses involving an adult victim who is a client (one or more counts);
- (D) multiple counts of felony sexual offenses involving any adult victim;
- (E) homicide 1st degree;
- (F) kidnapping;
- (G) arson;
- (H) homicide of lesser degrees;
- (I) felony sexual offenses involving an adult victim who is not a client (single count);
- (J) attempting to commit listed crimes;
- (K) any felony or misdemeanor offenses potential physical harm to others and/or animals;
- (L) felony or misdemeanor alcohol and drug offenses;
- (M) all other felony offenses not listed.

A registration or certification summarily suspended shall remain suspended until final resolution of all criminal charges and a final decision of all complaints by the ATCB.

5.2.13 The ability of a complainant to withdraw a complaint shall be governed by the following standards:

- (A) The complaint may be withdrawn in the initial stage of the examination by the Public Member Director; however, the Public Member Director or the ATCB reserves the right to refile the complaint if, in his or her judgment, there is concern for the protection of the public.
- (B) Once the complaint has moved to an Ethics Officer for review, it cannot be withdrawn; however, the complainant cannot be forced to assist further.

**5.3 Procedures of the Disciplinary Hearing Panel**

5.3.1 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 for credential or question compliance with the Standards of Conduct or any other ATCB policy or procedure, the applicant, registrant, or certificant (the “respondent”) shall have thirty (30) days after receipt of the notice to notify the Ethics Officer in writing of the following:

- (1) Whether the respondent disputes the allegations of the complaint;
- (2) Whether the respondent requests a hearing by the Disciplinary Hearing Panel; and
- (3) Whether the respondent desires the hearing to be conducted by written submissions or a telephone conference.

In the event that no written statement is submitted or no participation in a telephone conference occurs, the Disciplinary Hearing Panel shall render a decision based on the evidence available and apply sanctions as it deems appropriate.

5.3.2 If the respondent requests a hearing conducted by written submissions or telephone conference, the following procedures shall apply:

5.3.3 If the respondent requests a hearing conducted by written submissions or telephone conference, the following procedures shall apply:

5.3.3.1 The Ethics Officer shall forward the complaint allegations and written statement from the respondent to the Disciplinary Hearing Panel. At the hearing, the Ethics Officer shall present the allegations and any substantiating evidence for consideration by the Disciplinary Hearing Panel.

- 5.3.3.2 The Disciplinary Hearing Panel shall notify the respondent in advance of the hearing with an adequate period of time for preparation, and shall notify the respondent (and complainant, if appropriate) of the allegations and standards implicated, the hearing procedures, the date for submission of materials for written review, or the date and time of any hearing. The respondent may request a change in the date of any hearing for good cause, which shall not be unreasonably denied.
- 5.3.3.3 The Disciplinary Hearing Panel shall maintain a verbatim audio or written transcript of any telephone hearing.
- 5.3.3.4 During any proceeding before the Disciplinary Hearing Panel, 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 Panel.
- 5.3.3.5 The Disciplinary Hearing Panel shall determine all evidentiary and procedural questions that arise during any hearing or written review. Formal rules of evidence are not followed. Relevant evidence may be introduced. The chair, subject to the majority vote of the full panel, shall determine disputed questions regarding procedures or the admission of evidence. All decisions shall be made on the record.
- 5.3.3.6 Unless where otherwise explicitly stated in the Code, the burden shall be upon the ATCB to demonstrate a violation has occurred by a preponderance of the evidence.
- 5.3.3.7 Whenever there is a reasonable concern that the mental or behavioral abilities of the respondent may be impaired, calling into question the ability to competently, safely and professionally provide art therapy services, the respondent may be required to undergo a mental or behavioral health examination at the respondent's own expense. The report of such an examination shall become part of the evidence considered.
- 5.3.3.8 The Disciplinary Hearing Panel shall issue a written decision following any telephone 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, and any sanctions applied. It shall be mailed by certified mail, return receipt requested, to the respondent and complainant, if any.
- 5.3.3.9 If the Disciplinary Hearing Panel 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 by certified mail.
- 5.3.3.10 If the Disciplinary Hearing Panel finds that the allegations have been proven by a preponderance of the evidence it shall assess one or more appropriate sanctions as set forth below:
- (1) deny, refuse to issue, or refuse to renew a registration or certification;
  - (2) revoke or suspend a registration or certification;
  - (3) probate a suspension of a registration or certification;
  - (4) issue a reprimand;
  - (5) publish the rule violation and the sanction imposed;
  - (6) require mandatory remediation through specific education, treatment, and/or supervision;
  - (7) require that the respondent take appropriate corrective action(s);
  - (8) provide referral or notice to governmental bodies of any final determination made by the ATCB; or
  - (9) other corrective action.
- The Disciplinary Hearing Panel will determine the length of the probation or suspension. If the Disciplinary Hearing Panel probates the suspension of a registration or certification, it may require the respondent to:
- (1) report regularly to the ATCB on matters that are conditions of the probation;
  - (2) limit practice to the areas prescribed by the Disciplinary Hearing Panel; or
  - (3) complete additional educational requirements, as required by the Disciplinary Hearing Panel to address the areas of concern that are the basis of the probation.

(4) provide periodic progress reports from the respondent's health care providers.

(5) provide periodic supervision reports from the respondent's supervisor.

All public sanctions shall be listed on the ATCB's website and accessible to the general public and/or published in the ATCB's official publication.

5.3.3.11 An individual whose registration or certification is revoked is not eligible to apply for a registration or certification for a minimum of three years after the date of revocation. The ATCB may consider the findings that resulted in revocation and any other relevant facts in determining whether to deny the application if an otherwise complete and sufficient application for a registration, or certification is submitted after three years have elapsed since revocation.

5.3.3.12 A voluntary surrender of a registration or certification accepted by the ATCB in response to a complaint shall be deemed to be an admission to the alleged violations and may be considered as such by the Disciplinary Hearing Panel in rendering its decision.

#### **5.4 Appeal Procedures**

5.4.1 If the decision rendered by the Disciplinary Hearing Panel is not favorable to the respondent, the respondent may appeal the decision to the ATCB Board of Appeals by submitting to the Executive Director a written appeal statement within thirty (30) days following receipt of the decision of the Disciplinary Hearing Panel. The Disciplinary Hearing Panel shall grant any reasonable requests for extensions.

5.4.2 The Disciplinary Hearing Panel may file a written response to the appeal with the Executive Director.

5.4.3 The Executive Director shall immediately forward any appeal documents to the ATCB Board of Appeals.

5.4.4 The ATCB Board of Appeals by majority vote shall render a decision on the record without further hearing, although written briefs may be submitted on a schedule reasonably determined by the Board of Appeals. On matters on which the ATCB Public Member has initiated a complaint or performed the initial review, the Public Member shall not be part of the ATCB Board of Appeals.

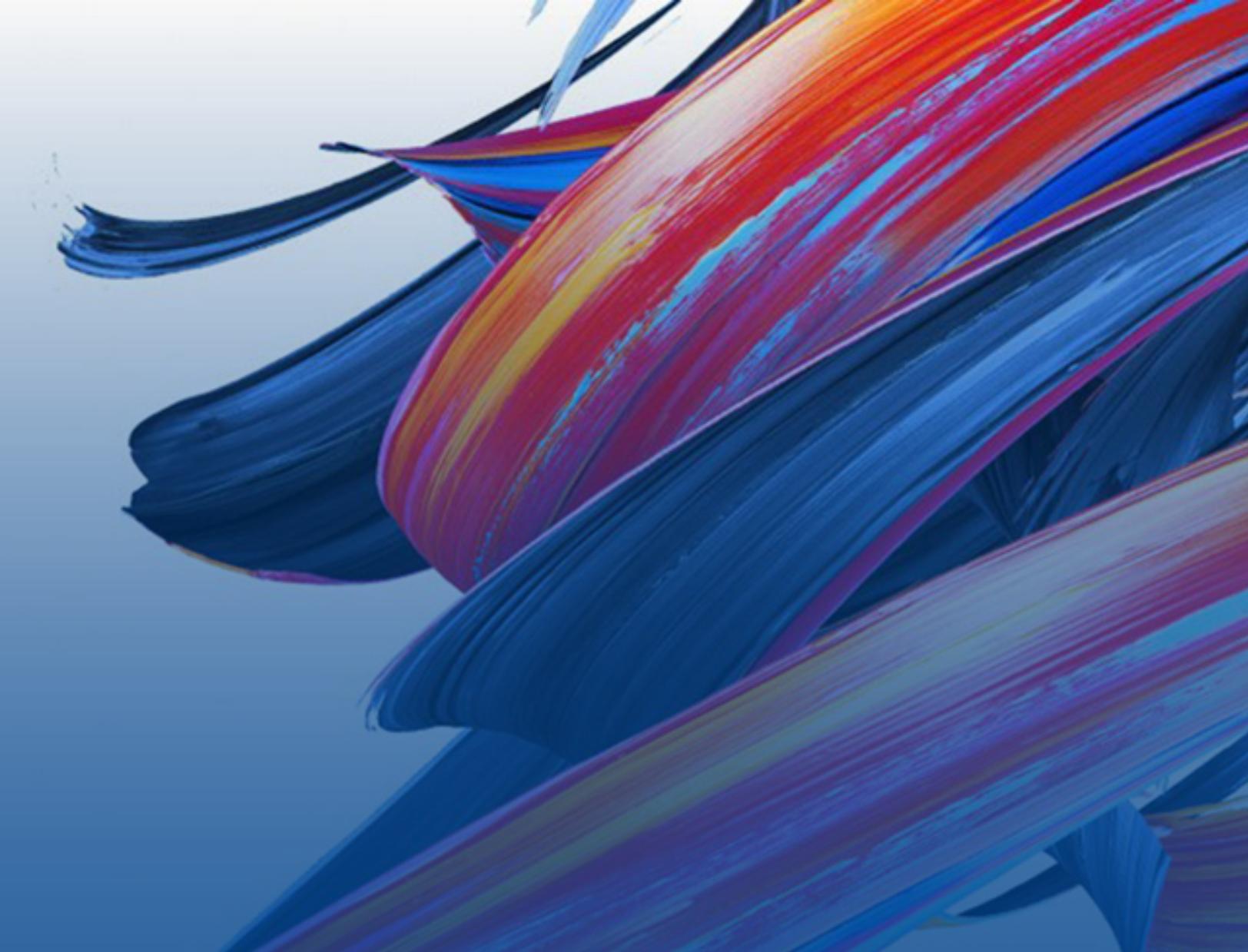
5.4.5 The decision of the ATCB Board of Appeals shall be rendered in writing following receipt and review of briefs. The decision shall contain findings of fact, findings as to the truth of the allegations, and any sanctions applied and the decision shall be final.

5.4.6 The decision of the ATCB Board of Appeals shall be communicated to the respondent by certified mail, return receipt requested. The complainant, if any, shall be notified of the Board of Appeals' final decision.

#### **5.5 Bias, Prejudice, Impartiality**

5.5.1 At all times during the ATCB's handling of any disciplinary matter, the ATCB shall extend impartial review. If at any time during the ATCB's review of a disciplinary matter a respondent, 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 Executive Director or President of the ATCB.

5.5.2 In matters where impartiality may be compromised, the reviewer shall self-recuse.



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