

January 31, 2019

ASSEMBLY BILL NO. 1220

To the General Assembly:

Pursuant to Article V, Section I, Paragraph 14 of the New Jersey Constitution, I am returning Assembly Bill No. 1220 with my recommendations for reconsideration.

As elected officials, we are charged with safeguarding the health, safety, and welfare of New Jerseyans. Professional licensing supports that aim by ensuring that professions and occupations that impact the public's health, safety, and welfare are properly regulated and that those who hold themselves out to the public as qualified to provide such services do indeed have the education, experience and qualification needed to engage in their professed area of expertise. As such, it is important to maintain effective and efficient regulatory oversight schemes to further those purposes.

However, over the years, the Legislature has imposed regulatory and licensing requirements on numerous additional professions and occupations, which has resulted in a concurrent proliferation of licensing boards and committees. Rather than establish unified professional or occupational boards or expand the authority of existing boards to license or oversee the practice of multiple related professions, the Legislature has often opted either to create entirely new boards or to add new advisory committees, which are the functional equivalent of boards. Consequently, there are currently 49 licensing boards and committees in the Division of Consumer Affairs, and there are more boards and committees under consideration as licensing bills move through the Legislature. While it is important that we ensure that appropriate regulatory oversight schemes are established for professions or occupations where unregulated practice will clearly harm or endanger the health, safety and welfare of the public, the unrestrained proliferation of licensing bodies will lead to a cumbersome regulatory environment that creates inefficiencies without advancing the interests of the public or the regulated community.

Like other licensing legislation, this bill would add yet another regulatory body in the Division of Consumer Affairs, by creating an advisory committee within the State Board of Marriage and Family Therapy Examiners. This committee would be in addition to the advisory committee that licenses art therapists that already exists within the State Board of Marriage and Family Therapy Examiners. As such, it appears that for each therapy that utilizes a different form of a creative art as a therapeutic modality, the Legislature will respond by creating an entirely new regulatory body to license and oversee the practice and performance of such services. Given that both forms of therapy use a creative art as a therapeutic tool, having two separate bodies regulate each therapy is inefficient and unnecessary.

While I am willing to accept the Legislature's implicit conclusion that licensing is an appropriate form of regulation of drama therapists and dance therapists, because the unregulated practice of these services would clearly harm or endanger the public, health, safety and welfare and the public will benefit by an assurance of initial and continuing professional and occupational ability, I am not convinced that establishing multiple boards to regulate each unique mode of creative arts therapy is the wisest way to regulate these professionals to protect the public. Rather than creating different advisory committees for each creative arts-related therapeutic modality, I recommend the creation of one unified board that will regulate and license practitioners of the various types of creative arts therapies: The State Board of Creative Arts Therapies. This board would regulate art therapy, drama therapy, dance/movement therapy, and any other creative arts therapy modality that in the future is determined to merit regulation through licensure. This recommendation reflects the Administration's goal of creating greater efficiencies in the regulatory oversight and licensing processes.

Therefore, I herewith return Assembly Bill No. 1220 and recommend it be amended as follows:

- Page 2, Title Lines 1-2: Delete "drama therapists and dance/movement" and insert "creative arts"
- Page 2, Section 1, Lines 8-9: Delete "Drama Therapists and Dance/Movement Therapists" and insert "Creative Arts Therapies"
- Page 2, Section 2, Lines 11-12: Delete "professions of drama therapy and dance/movement therapy" and insert "creative arts therapy professions"
- Page 2, Section 2, Lines 16-17: Delete in their entirety and insert "professional creative arts therapists and associate creative arts"
- Page 2, Section 3, Lines 21-22: Delete "Marriage and Family Therapy Examiners" and insert "Creative Arts Therapists"
- Page 2, Section 3, Lines 26-28: Delete in their entirety and insert:
 "'Creative arts therapist' means any person licensed to practice a creative arts therapy pursuant to the provisions of this act.

 'Creative arts therapy' means the integrated use of psychotherapeutic principles with art media, the creative process, creative expression, or creative movement to assist individuals, families or groups in:
 (1) increasing awareness of self and others;
 (2) coping with symptoms, stress, and traumatic experiences;
 (3) enhancing cognitive abilities;
 (4) identifying and assessing clients' needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs; and
 (5) other related psychotherapeutic remedies."
- Page 3, Section 3, Line 18: After "Association." insert "'Licensed associate art therapist' means an individual who holds a current, valid license issued pursuant to section 11 of P.L.2015, c.199 (C.45:8B-61)."
- Page 3, Section 3, Line 30: After "act." insert "'Licensed professional art therapist' means an individual who holds a

current, valid license issued pursuant to section 10 of P.L.2015, c.199 (C.45:8B-60)."

- Page 3, Section 3, Line 38: Delete "drama therapy or dance/movement" and insert "creative arts"
- Page 3, Section 3, Line 42: Delete "the drama therapy or dance/movement" and insert "a creative arts"
- Page 3, Section 3, Lines 44-45: Delete "drama therapist or licensed associate dance/movement therapist" and insert "in a creative arts therapy"
- Page 3, Section 3, Line 47: After "of" delete "the" and insert "a"
- Page 3, Section 3, Line 48: Delete "clinical drama therapist or licensed clinical" and insert "professional in a creative arts therapy; and"
- Page 4, Section 3, Line 1: Delete "dance/movement therapist;"
- Page 4, Section 3, Lines 2-3: Delete "drama therapy or dance/movement" and insert "a creative arts"
- Page 4, Section 3, Line 3: Delete "supervisor;" and insert "board."
- Page 4, Section 3, Lines 4-7: Delete in their entirety
- Page 4, Section 4, Lines 10-12: Delete "under the State Board of Marriage and Family Therapy Examiners, a Drama Therapy and Dance/Movement Therapy Advisory Committee" and insert "the State Board of Creative Arts Therapies"
- Page 4, Section 4, Line 12: Delete "committee" and insert "board"
- Page 4, Section 4, Line 13: Delete "six" and insert "eleven"
- Page 4, Section 4, Lines 13-15: Delete "as follows: three members who are clinical drama therapists and three members who are clinical dance/movement therapists"
- Page 4, Section 4, Line 16: Delete "three" and insert "eight"
- Page 4, Section 4, Lines 16-17: Delete "licensed clinical drama therapists" and insert "therapists who are licensed in creative arts therapies, including but not limited to art therapy, dance/movement therapy, drama therapy, and music therapy"

<u>Page 4, Section 4, Line 18:</u>	Delete "drama" and insert "a creative arts"
<u>Page 4, Section 4, Line 19:</u>	Delete "; and three"
<u>Page 4, Section 4, Lines 20-23:</u>	Delete in their entirety and insert ". The remaining members shall be public members."
<u>Page 4, Section 4, Line 30:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 4, Line 32:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 5, Line 36:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 5, Line 38:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 6, Line 40:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 6, Line 43:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 6, Line 44:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 6, Line 46:</u>	Delete "committee" and insert "board"
<u>Page 4, Section 7, Line 48:</u>	Delete "committee" and insert "board"
<u>Page 5, Section 7, Lines 1-2:</u>	Delete "drama therapists and dance/movement" and insert "creative arts"
<u>Page 5, Section 7, Lines 3-4:</u>	Delete "drama therapist or dance/movement" and insert "creative arts"
<u>Page 5, Section 7, Lines 6-7:</u>	Delete "drama therapist and dance/movement" and insert "creative arts"
<u>Page 5, Section 7, Line 13:</u>	Delete "licensed"
<u>Page 5, Section 7, Lines 14-15:</u>	Delete in their entirety
<u>Page 5, Section 7, Line 16:</u>	Delete "dance/movement" and insert "creative arts"
<u>Page 5, Section 7, Lines 17-18:</u>	Delete "to carry out matters delegated to the committee by the board"
<u>Page 6, Section 9, Line 4:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 9, Line 13:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 25:</u>	Delete "committee" and insert "board"

<u>Page 6, Section 10, Line 29:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 33:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 34:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 37:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 39:</u>	Delete "committee" and insert "board"
<u>Page 6, Section 10, Line 43:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 1:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 3:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 17:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 21:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 23:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 28:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 31:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 37:</u>	Delete "committee" and insert "board"
<u>Page 7, Section 10, Line 39:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 10, Line 9:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 10, Lines 23-24:</u>	Delete "or approved by the committee" and insert "by the board or administered by an approved third party"
<u>Page 8, Section 11, Line 32:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 11, Line 37:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 11, Line 41:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 11, Line 42:</u>	Delete "committee" and insert "board"
<u>Page 8, Section 11, Line 47:</u>	Delete "committee" and insert "board"

<u>Page 9, Section 11, Line 4:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 10:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 12:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 34:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 38:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 40:</u>	Delete "committee" and insert "board"
<u>Page 9, Section 11, Line 45:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Line 1:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Line 7:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Line 9:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Line 20:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Line 40:</u>	Delete "committee" and insert "board"
<u>Page 10, Section 11, Lines 41-42:</u>	Delete "or approved by the committee" and insert "by the board or administered by an approved third party"
<u>Page 11, Section 12, Line 3:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 7:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 11:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 12:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 16:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 19:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 39:</u>	Delete "committee" and insert "board"
<u>Page 11, Section 12, Line 44:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 12, Line 2:</u>	Delete "committee" and insert "board"

<u>Page 12, Section 12, Line 5:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 12, Line 13:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 12, Lines 23-24:</u>	Delete "or approved by a committee" and insert "by the board or administered by an approved third party"
<u>Page 12, Section 13, Line 33:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 13, Line 38:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 13, Line 42:</u>	Delete "committee" and insert "board"
<u>Page 12, Section 13, Line 43:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 1:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 5:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 25:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 33:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 38:</u>	Delete "committee" and insert "board"
<u>Page 13, Section 13, Line 42:</u>	Delete "committee" insert with "board"
<u>Page 13, Section 13, Line 46:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 13, Line 3:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 13, Line 9:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 13, Line 12:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 13, Line 31:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 13, Lines 32-33:</u>	Delete "or approved by the committee" and insert "by the board or administered by an approved third party"
<u>Page 14, Section 14, Line 35:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 14, Line 36:</u>	Delete "committee" and insert "board"

<u>Page 14, Section 14, Line 41:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 14, Line 44:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 15, Line 47:</u>	Delete "committee" and insert "board"
<u>Page 14, Section 15, Line 48:</u>	Delete "drama therapy license or a dance/movement therapy license, as"
<u>Page 15, Section 15, Line 1:</u>	Delete "the case may be," and insert "license for a creative arts therapy"
<u>Page 15, Section 15, Line 1:</u>	After "license" insert "in a creative arts therapy"
<u>Page 15, Section 15, Line 4:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 16, Line 7:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 16, Line 11:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 16, Line 13:</u>	After "Association" insert "that is current and that the applicant is in good-standing and has engaged in the practice of dance/movement therapy for at least one year"
<u>Page 15, Section 17, Line 16:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 17, Line 20:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 17, Line 23:</u>	After "Board" insert "that is current and that the applicant is in good-standing and has engaged in the practice of dance/movement therapy for at least one year"
<u>Page 15, Section 18, Line 26:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 18, Line 30:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 18, Line 34:</u>	After "Association" insert "that is current and that the applicant is in good-standing and has engaged in the practice of drama therapy for at least one year"
<u>Page 15, Section 19, Line 37:</u>	Delete "committee" and insert "board"
<u>Page 15, Section 19, Line 41:</u>	Delete "committee" and insert "board"

- Page 15, Section 19, Line 43: After "Board" insert "that is current and that the applicant is in good-standing and has engaged in the practice of dance/movement therapy for at least one year"
- Page 15, Section 20, Line 45: Delete "committee" and insert "board"
- Page 16, Section 20, Line 1: Delete "committee" and insert "board"
- Page 16, Section 20, Line 3: Delete "committee" and insert "board"
- Page 16, Section 21, Line 27: Delete "licensed clinical drama"
- Page 16, Section 21, Lines 28-29: Delete in their entirety and insert "person licensed as a professional or an associate creative arts"
- Page 16, Section 21, Lines 30-31: Delete "drama therapy or dance/movement therapy, as the case may be," and insert "creative arts therapy"
- Page 16, Section 21, Line 34: After "the" insert "person"
- Page 16, Section 21, Line 34: Delete "clinical drama"
- Page 16, Section 21, Lines 35-36: Delete in their entirety and insert "as a professional or an associate creative arts"
- Page 16, Section 21, Line 38: Delete "drama therapy or dance/movement" and insert "creative arts"
- Page 16, Section 22, Line 45: Delete "Supervision of drama therapy students shall be provided by" and insert "Standards for the supervision creative-arts therapy students shall be determined by the board through the adoption of rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)."
- Page 16, Section 22, Lines 46-48: Delete in their entirety
- Page 17, Section 22, Lines 1-4: Delete in their entirety
- Page 17, Section 23, Lines 6-12: Delete in their entirety
- Page 17, Line 13: Insert new section 23:
 "23. The Art Therapists Advisory Committee created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the State Board of Marriage and Family Therapy under section 4 of P.L.2015, c.199 (C.45:8B-54)

is hereby abolished, and all of its powers, functions, and duties are continued in the State Board of Creative Arts Therapies. All appropriations and other moneys available and to become available to the Art Therapists Advisory Committee are hereby continued in the board and shall be available for the objects and purposes for which such moneys are appropriated subject to any terms, restrictions, limitations, or other requirements imposed by State or federal law. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Art Therapists Advisory Committee, the same shall mean and refer to the State Board of Creative Arts Therapies within the Division of Consumer Affairs in the Department of Law and Public Safety."

Respectfully,

/s/ Philip D. Murphy

Governor

[seal]

Attest:

/s/ Matthew J. Platkin

Chief Counsel to the Governor