

By Senators Ring and Sobel

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1                   A bill to be entitled  
 2           An act relating to art therapy; creating s. 491.017,  
 3           F.S.; providing definitions; prohibiting use of the  
 4           title "art therapist" except by certain individuals;  
 5           providing a penalty; creating the Board of  
 6           Professional Art Therapists; providing membership  
 7           requirements; providing requirements, with exception,  
 8           for licensure as an art therapist; providing  
 9           requirements for practice as a registered art therapy  
 10          intern; requiring the board to establish fees for  
 11          licensure applications, licensure, and license  
 12          renewal; providing grounds for disciplinary action;  
 13          requiring rulemaking; providing applicability;  
 14          providing an effective date.

15  
 16 Be It Enacted by the Legislature of the State of Florida:

17  
 18           Section 1. Section 491.017, Florida Statutes, is created to  
 19           read:

20           491.017 Practice of art therapy.-

21           (1) DEFINITIONS.-As used in this section, the term:

22           (a) "Accredited art therapy program" means a college or  
 23           university art therapy program that is approved by the American  
 24           Art Therapy Association.

25           (b) "Art therapist" means an individual who is trained in  
 26           and provides art therapy as defined in this section.

27           (c) "Art therapy" means the integrated use of  
 28           psychotherapeutic principles, art media, and the creative  
 29           process by an art therapist for:

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30 1. Clinical mental health diagnoses.

31 2. Clinical mental, physical, and emotional goals for a  
32 patient, including, but not limited to:

33 a. Coping with symptoms, stress, and traumatic experiences.

34 b. Addressing cognitive abilities.

35 c. Identifying and assessing a client's needs in order to  
36 implement therapeutic intervention to meet developmental,  
37 behavioral, mental, or emotional needs.

38 3. Increasing awareness of self and others.

39 4. Promoting developmentally appropriate academic and  
40 social interaction.

41 (d) "Board" means the Board of Professional Art Therapists.

42 (e) "Clinical professional art therapy" means the  
43 professional practice of art therapy, for compensation, by  
44 providing a service to an individual or group using the  
45 application of art therapy principles and methods to diagnose,  
46 prevent, treat, and ameliorate psychological, emotional, or  
47 mental conditions.

48 (f) "Credentialing body" means the Art Therapy Credentials  
49 Board, Inc.

50 (g) "Supervised practice" means the practice of clinical  
51 professional art therapy as part of an internship, practicum, or  
52 graduate work to fulfill the requirements for licensure as an  
53 art therapist under the supervision of a licensed art therapist  
54 or a social worker, marriage and family therapist, mental health  
55 counselor, or psychotherapist licensed under this chapter, as  
56 approved by the board.

57 (2) USE OF TITLE.—

58 (a) An individual may not, for or without compensation, use

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59 the professional designation of "art therapist" or otherwise  
60 hold himself or herself out to the public as an art therapist,  
61 either directly or through a governmental or private  
62 organization, entity, or agency, unless the individual holds a  
63 master's degree in art therapy from an accredited art therapy  
64 program or holds credentials as a Registered Art Therapist from  
65 the credentialing body.

66 (b) An individual who violates this subsection commits a  
67 misdemeanor of the first degree, punishable as provided in s.  
68 775.082 or s. 775.083.

69 (3) BOARD OF PROFESSIONAL ART THERAPISTS.—There is created  
70 within the department the Board of Professional Art Therapists.  
71 The board shall consist of five members appointed by the  
72 Governor with the advice of the State Surgeon General. Three  
73 members must be licensed as art therapists, and two members must  
74 be consumer members. The board shall adopt rules to implement  
75 and enforce this chapter.

76 (4) LICENSURE.—

77 (a) An individual applying for licensure as an art  
78 therapist must:

79 1. Hold a minimum of a master's degree in art therapy and  
80 have at least 700 hours of supervised practice from an  
81 accredited art therapy program. A master's degree in art therapy  
82 must include at least 60 credit hours in graduate level courses,  
83 24 credits of which must include the following topics:

84 a. History of art therapy.

85 b. Theory of art therapy.

86 c. Techniques of practice in art therapy.

87 d. Application of art therapy in different treatment

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88 settings.

89 e. Art therapy assessment.

90 f. Ethical and legal issues in art therapy practice.

91 g. Cultural and social diversity in art therapy practice.

92 h. Art therapy practice standards.

93 i. Group art therapy.

94 2. Complete the supervised practice requirement for  
95 licensure as an art therapist. An applicant must provide:

96 a. Evidence of successful completion of credentials as a  
97 Registered Art Therapist from the credentialing body, which  
98 includes 1,000 hours of supervised practice under a licensed or  
99 credentialed art therapist.

100 b. Evidence that the applicant has passed the Art Therapy  
101 Credentials Board Examination administered by the credentialing  
102 body or another related art therapy credentialing examination.

103 3. Complete a clinical experience requirement. An applicant  
104 must provide:

105 a. Evidence of successful completion of at least 3,000  
106 hours of postgraduate experience and successful completion of  
107 100 hours of supervised practice under a licensed art therapist  
108 or an art therapist certified by the credentialing body as an  
109 Art Therapy Certified Supervisor; or

110 b. Evidence of successful completion of a doctoral  
111 internship.

112 4. Submit a set of fingerprints to the department on a form  
113 and under procedures specified by the department for the purpose  
114 of a criminal background check, along with payment in an amount  
115 equal to the costs incurred by the department for the criminal  
116 background check.

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117 (b) The board shall waive the requirements for the practice  
118 of licensed clinical professional art therapy under this chapter  
119 if, on or before December 31, 2016, the applicant provides the  
120 board with documentation showing current credentials by the  
121 credentialing body.

122 (c) An individual may practice professional art therapy as  
123 a registered art therapy intern under the supervision of a  
124 licensed art therapist for a limited period, to be determined by  
125 the board, if the intern has a master's or doctoral degree in  
126 art therapy which meets the educational requirements of this  
127 section.

128 (5) FEES.—Along with the application requirements under  
129 subsection (4), an applicant for licensure as an art therapist  
130 shall submit an application fee. The board shall establish, by  
131 rule, fees for licensure application not to exceed \$200 and  
132 reasonable licensure and license renewal fees.

133 (6) DISCIPLINARY ACTION.—

134 (a) An individual licensed under this chapter or an  
135 applicant for licensure under this chapter may not engage in  
136 unprofessional conduct. For purposes of this subsection, the  
137 term "unprofessional conduct" includes, but is not limited to:

138 1. Failure to keep a written record for each patient, which  
139 includes patient history, examination results, and the course of  
140 prescribed treatment.

141 2. Performing services that have not been authorized by the  
142 patient or his or her legal representative.

143 3. Performing a procedure or prescribing therapy that, by  
144 the general standards of art therapy practice, would constitute  
145 experimentation on a human subject without first obtaining full,

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146 informed, and written consent.

147 4. Sexual harassment of a patient.

148 5. Engaging in sexual misconduct, as defined in s.

149 394.4593, with a patient while such patient is under the care of  
150 the licensee.

151 (b) If the board shows, by a preponderance of the evidence,  
152 that a licensee or applicant for licensure has engaged in  
153 unprofessional conduct, the board may take disciplinary action  
154 against such licensee or applicant as follows:

155 1. Provide a warning or reprimand;

156 2. Enforce an administrative penalty, as determined by  
157 rule;

158 3. Revoke or suspend an existing license or deny an  
159 application for licensure; or

160 4. Take such action as determined in a negotiated agreement  
161 between the board and a licensee or applicant for licensure.

162 (c) In addition to or in lieu of disciplinary action  
163 provided in paragraph (b), the board may require that a licensee  
164 or applicant for licensure:

165 1. Submit to care, therapy, or counseling;

166 2. Practice only under the supervision of a specified  
167 individual;

168 3. Complete a continuing education course, as determined by  
169 the board, to remedy a specified deficiency; or

170 4. Limit the scope of his or her practice.

171 (d) The board shall adopt rules for the administration of  
172 this section and to determine under what circumstances a license  
173 may be reinstated after a licensee has undergone disciplinary  
174 action.

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175 (7) EXEMPTIONS.—

176 (a) This section does not restrict an individual licensed  
177 or certified as a professional under any other law of this state  
178 from engaging in the profession or practice for which he or she  
179 is licensed or certified if he or she does not represent, imply,  
180 or claim that he or she is a licensed art therapist.

181 (b) Licensure as an art therapist under this section is not  
182 required for:

183 1. A professional artist-in-residence, mental health  
184 counselor, physician, psychologist, psychoanalyst, registered  
185 nurse, marriage and family therapist, social worker,  
186 rehabilitation counselor, or any other professional licensed by  
187 this state when such professional acts within the scope of his  
188 or her profession, consistent with his or her training, and  
189 without representing himself or herself as a licensed art  
190 therapist under this section.

191 2. A student, intern, or trainee pursuing studies in art  
192 therapy at an accredited institution of higher education if such  
193 student, intern, or trainee performs, as part of a course of  
194 study and under the supervision of a licensed art therapist,  
195 activities that would otherwise require licensure as an art  
196 therapist.

197 Section 2. This act shall take effect July 1, 2015.