

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 persons;  
 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:

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 18           Section 1. Section 491.017, Florida Statutes, is created  
 19 to 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:
- 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  
 34 experiences.
    - 35        b. Addressing cognitive abilities.
    - 36        c. Identifying and assessing a client's needs in order to  
 37 implement therapeutic intervention to meet developmental,  
 38 behavioral, mental, or emotional needs.
    - 39        3. Increasing awareness of self and others.
    - 40        4. Promoting developmentally appropriate academic and  
 41 social interaction.
- 42        (d) "Board" means the Board of Professional Art  
 43 Therapists.
- 44        (e) "Clinical professional art therapy" means the  
 45 professional practice of art therapy, for compensation, by  
 46 providing a service to an individual or group using the  
 47 application of art therapy principles and methods to diagnose,  
 48 prevent, treat, and ameliorate psychological, emotional, or  
 49 mental conditions.
- 50        (f) "Credentialing body" means the Art Therapy Credentials  
 51 Board, Inc.
- 52        (g) "Supervised practice" means the practice of clinical

53 professional art therapy as part of an internship, practicum, or  
54 graduate work to fulfill the requirements for licensure as an  
55 art therapist under the supervision of a licensed art therapist  
56 or a social worker, marriage and family therapist, mental health  
57 counselor, or psychotherapist licensed under this chapter, as  
58 approved by the board.

59 (2) USE OF TITLE.—

60 (a) An individual may not, for or without compensation,  
61 use the professional designation of "art therapist" or otherwise  
62 hold himself or herself out to the public as an art therapist,  
63 either directly or through a governmental or private  
64 organization, entity, or agency, unless the individual holds a  
65 master's degree in art therapy from an accredited art therapy  
66 program or holds credentials as a Registered Art Therapist from  
67 the credentialing body.

68 (b) An individual who violates this subsection commits a  
69 misdemeanor of the first degree, punishable as provided in s.  
70 775.082 or s. 775.083.

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

78 (4) LICENSURE.—

79        (a) An individual applying for licensure as an art  
 80 therapist must:

81        1. Hold a minimum of a master's degree in art therapy and  
 82 have at least 700 hours of supervised practice from an  
 83 accredited art therapy program. A master's degree in art therapy  
 84 must include at least 60 credit hours in graduate level courses,  
 85 24 credits of which must include the following topics:

- 86            a. History of art therapy.
- 87            b. Theory of art therapy.
- 88            c. Techniques of practice in art therapy.
- 89            d. Application of art therapy in different treatment  
 90 settings.
- 91            e. Art therapy assessment.
- 92            f. Ethical and legal issues in art therapy practice.
- 93            g. Cultural and social diversity in art therapy practice.
- 94            h. Art therapy practice standards.
- 95            i. Group art therapy.

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

- 98            a. Evidence of successful completion of credentials as a  
 99 Registered Art Therapist from the credentialing body, which  
 100 includes 1,000 hours of supervised practice under a licensed or  
 101 credentialed art therapist.
- 102            b. Evidence that the applicant has passed the Art Therapy  
 103 Credentials Board Examination administered by the credentialing  
 104 body or another related art therapy credentialing examination.

105 3. Complete a clinical experience requirement. An  
106 applicant must provide:

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

112 b. Evidence of successful completion of a doctoral  
113 internship.

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

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

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

130 (5) FEES.—Along with the application requirements under

131 subsection (4), an applicant for licensure as an art therapist  
132 shall submit an application fee. The board shall establish, by  
133 rule, fees for licensure application not to exceed \$200 and  
134 reasonable licensure and license renewal fees.

135 (6) DISCIPLINARY ACTION.—

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

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

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

145 3. Performing a procedure or prescribing therapy which, by  
146 the general standards of art therapy practice, would constitute  
147 experimentation on a human subject without first obtaining full,  
148 informed, and written consent.

149 4. Sexual harassment of a patient.

150 5. Engaging in sexual misconduct, as defined in s.  
151 394.4593, with a patient while such patient is under the care of  
152 the licensee.

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

157        1. Provide a warning or reprimand;  
 158        2. Enforce an administrative penalty, as determined by  
 159 rule;  
 160        3. Revoke or suspend an existing license or deny an  
 161 application for licensure; or  
 162        4. Take such action as determined in a negotiated  
 163 agreement between the board and a licensee or applicant for  
 164 licensure.  
 165        (c) In addition to or in lieu of disciplinary action  
 166 provided in paragraph (b), the board may require that a licensee  
 167 or applicant for licensure:  
 168            1. Submit to care, therapy, or counseling;  
 169            2. Practice only under the supervision of a specified  
 170 individual;  
 171            3. Complete a continuing education course or courses, as  
 172 determined by the board, to remedy a specified deficiency; or  
 173            4. Limit the scope of his or her practice.  
 174        (d) The board shall adopt rules for the administration of  
 175 this section and to determine under what circumstances a license  
 176 may be reinstated after a licensee has undergone disciplinary  
 177 action.  
 178        (7) EXEMPTIONS.—  
 179            (a) This section does not restrict an individual licensed  
 180 or certified as a professional under any other law of this state  
 181 from engaging in the profession or practice for which he or she  
 182 is licensed or certified if he or she does not represent, imply,

183 or claim that he or she is a licensed art therapist.

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

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

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

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