

House File 2061 - Introduced

HOUSE FILE 2061

BY MASCHER

A BILL FOR

1 An Act providing for the licensure of clinical art therapists,
2 making penalties applicable, providing for fees, and
3 including effective date and implementation provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 7, paragraph d, Code
2 2018, is amended to read as follows:

3 *d. "Health care provider"* means a physician licensed under
4 chapter 148, a chiropractor licensed under [chapter 151](#), a
5 physical therapist licensed pursuant to [chapter 148A](#), an
6 occupational therapist licensed pursuant to [chapter 148B](#),
7 a podiatrist licensed pursuant to [chapter 149](#), a physician
8 assistant licensed and practicing under a supervising physician
9 pursuant to [chapter 148C](#), a licensed practical nurse, a
10 registered nurse, or an advanced registered nurse practitioner
11 licensed pursuant to [chapter 152](#) or [152E](#), a respiratory
12 therapist licensed pursuant to [chapter 152B](#), a dentist, dental
13 hygienist, or dental assistant registered or licensed to
14 practice under [chapter 153](#), an optometrist licensed pursuant to
15 chapter 154, a psychologist licensed pursuant to [chapter 154B](#),
16 a social worker licensed pursuant to [chapter 154C](#), a mental
17 health counselor, a clinical art therapist, or a marital and
18 family therapist licensed pursuant to [chapter 154D](#), a speech
19 pathologist or audiologist licensed pursuant to [chapter 154F](#), a
20 pharmacist licensed pursuant to [chapter 155A](#), or an emergency
21 medical care provider certified pursuant to [chapter 147A](#).

22 Sec. 2. Section 147.1, subsections 3 and 6, Code 2018, are
23 amended to read as follows:

24 3. "*Licensed*" or "*certified*", when applied to a physician
25 and surgeon, podiatric physician, osteopathic physician and
26 surgeon, physician assistant, psychologist, chiropractor,
27 nurse, dentist, dental hygienist, dental assistant,
28 optometrist, speech pathologist, audiologist, pharmacist,
29 physical therapist, physical therapist assistant, occupational
30 therapist, occupational therapy assistant, orthotist,
31 prosthetist, pedorthist, respiratory care practitioner,
32 practitioner of cosmetology arts and sciences, practitioner
33 of barbering, funeral director, dietitian, marital and
34 family therapist, clinical art therapist, mental health
35 counselor, respiratory care and polysomnography practitioner,

1 polysomnographic technologist, social worker, massage
2 therapist, athletic trainer, acupuncturist, nursing home
3 administrator, hearing aid specialist, or sign language
4 interpreter or transliterator means a person licensed under
5 this subtitle.

6 6. "*Profession*" means medicine and surgery, podiatry,
7 osteopathic medicine and surgery, practice as a physician
8 assistant, psychology, chiropractic, nursing, dentistry,
9 dental hygiene, dental assisting, optometry, speech
10 pathology, audiology, pharmacy, physical therapy, physical
11 therapist assisting, occupational therapy, occupational
12 therapy assisting, respiratory care, cosmetology arts and
13 sciences, barbering, mortuary science, marital and family
14 therapy, clinical art therapy, mental health counseling,
15 polysomnography, social work, dietetics, massage therapy,
16 athletic training, acupuncture, nursing home administration,
17 practice as a hearing aid specialist, sign language
18 interpreting or transliterating, orthotics, prosthetics, or
19 pedorthics.

20 Sec. 3. Section 147.2, subsection 1, Code 2018, is amended
21 to read as follows:

22 1. A person shall not engage in the practice of medicine
23 and surgery, podiatry, osteopathic medicine and surgery,
24 psychology, chiropractic, physical therapy, physical
25 therapist assisting, nursing, dentistry, dental hygiene,
26 dental assisting, optometry, speech pathology, audiology,
27 occupational therapy, occupational therapy assisting,
28 orthotics, prosthetics, pedorthics, respiratory care,
29 pharmacy, cosmetology arts and sciences, barbering, social
30 work, dietetics, marital and family therapy, clinical art
31 therapy, ~~or~~ mental health counseling, massage therapy, mortuary
32 science, polysomnography, athletic training, acupuncture,
33 nursing home administration, or sign language interpreting or
34 transliterating, or shall not practice as a physician assistant
35 or a hearing aid specialist, unless the person has obtained a

1 license for that purpose from the board for the profession.

2 Sec. 4. Section 147.13, subsection 16, Code 2018, is amended
3 to read as follows:

4 16. For marital and family therapy, clinical art therapy,
5 and mental health counseling, the board of behavioral science.

6 Sec. 5. Section 147.14, subsection 1, paragraph m, Code
7 2018, is amended to read as follows:

8 *m.* For behavioral science, three members licensed to
9 practice marital and family therapy, all of whom shall be
10 practicing marital and family therapists; three members
11 licensed to practice mental health counseling, one of whom
12 shall be employed in graduate teaching, training, or research
13 in mental health counseling and two of whom shall be practicing
14 mental health counselors; one member licensed to practice
15 clinical art therapy; and ~~three~~ two members who are not
16 licensed to practice marital and family therapy, clinical art
17 therapy, or mental health counseling and who shall represent
18 the general public.

19 Sec. 6. Section 147.74, Code 2018, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 14A. A clinical art therapist licensed
22 under chapter 154D and this chapter may use the words "licensed
23 clinical art therapist" after the person's name or signify the
24 same by the use of the letters "L.C.A.T." after the person's
25 name. A clinical art therapist licensed under chapter 154D and
26 this chapter who possesses a doctoral degree may use the prefix
27 "Doctor" or "Dr." in conjunction with the person's name, but
28 shall add after the person's name the words "licensed clinical
29 art therapist" or letters "L.C.A.T.".

30 Sec. 7. Section 154D.1, Code 2018, is amended by adding the
31 following new subsections:

32 NEW SUBSECTION. 01. "*Art therapy*" means the integrative
33 use of psychotherapeutic principles and methods by persons
34 with specialized training in art media, the neurobiological
35 implications of art-making, and art-based assessment models to

1 assist individuals, families, or groups to improve cognitive
2 and sensorimotor functions, increase self-awareness and
3 self-esteem, cope with grief and traumatic experience, resolve
4 conflicts and distress, and enhance social functioning. "Art
5 therapy" includes therapeutic interventions that facilitate
6 alternative modes of receptive and expressive communication and
7 evaluation and assessments that define and implement art-based
8 treatment plans that address developmental, behavioral, mental,
9 and emotional needs.

10 NEW SUBSECTION. 1A. "*Clinical art therapy*" means the
11 application of art therapy principles and methods in the
12 diagnosis, prevention, treatment, and amelioration of
13 psychological problems and emotional or mental conditions.

14 NEW SUBSECTION. 1B. "*Licensed clinical art therapist*"
15 means a person licensed to practice clinical art therapy under
16 chapter 147 and this chapter.

17 NEW SUBSECTION. 7A. "*Temporary licensed clinical art*
18 *therapist*" means a person licensed to practice clinical art
19 therapy under supervision in accordance with section 154D.7.

20 Sec. 8. Section 154D.1, subsections 4 and 7, Code 2018, are
21 amended to read as follows:

22 4. "*Licensee*" includes a licensed marital and family
23 therapist, a licensed clinical art therapist, and a licensed
24 mental health counselor.

25 7. "*Temporary license*" means a license to practice marital
26 and family therapy, clinical art therapy, or mental health
27 counseling under direct supervision of a qualified supervisor
28 as determined by the board by rule to fulfill the postgraduate
29 supervised clinical experience requirement in accordance with
30 this chapter.

31 Sec. 9. Section 154D.4, Code 2018, is amended to read as
32 follows:

33 **154D.4 Exemptions.**

34 1. **This chapter** and **chapter 147** do not prevent qualified
35 members of other professions, including but not limited to

1 nurses, psychologists, social workers, physicians, physician
2 assistants, attorneys at law, or members of the clergy,
3 from providing or advertising that they provide services
4 of a marital and family therapy, clinical art therapy, or
5 mental health counseling nature consistent with the accepted
6 standards of their respective professions, but these persons
7 shall not use a title or description denoting that they are
8 licensed marital and family therapists, licensed clinical art
9 therapists, or licensed mental health counselors.

10 2. The licensure requirements of **this chapter** and chapter
11 147 do not apply to the following:

12 a. Students whose activities are conducted within a course
13 of professional education in marital and family therapy,
14 clinical art therapy, or mental health counseling.

15 b. A person who practices marital and family therapy,
16 clinical art therapy, or mental health counseling under the
17 supervision of a person licensed under **this chapter** as part
18 of a clinical experience as described in section 154D.2,
19 subsection 2, or section 154D.8, subsection 1, paragraph "b".

20 c. The provision of children, family, or mental health
21 services through the department of human services or juvenile
22 court, or agencies contracting with the department of human
23 services or juvenile court, by persons who do not represent
24 themselves to be either a marital and family therapist, a
25 clinical art therapist, or a mental health counselor.

26 Sec. 10. Section 154D.5, Code 2018, is amended to read as
27 follows:

28 **154D.5 Sexual conduct with client.**

29 The license of a marital and family therapist, a clinical art
30 therapist, or a mental health counselor shall be revoked if the
31 board finds that the licensee engaged in sexual activity with a
32 client as determined by board rule. The revocation shall be in
33 addition to any other penalties provided by law.

34 Sec. 11. Section 154D.7, Code 2018, is amended to read as
35 follows:

1 **154D.7 Temporary license — ~~marital and family therapy —~~**
2 **~~mental health counseling — fees.~~**

3 Any person who has fulfilled all of the requirements for
4 licensure under **this chapter**, except for having completed
5 the postgraduate supervised clinical experience requirement
6 as determined by the board by rule, may apply to the board
7 for a temporary license. The license shall be designated
8 "temporary license in marital and family therapy", "temporary
9 license in clinical art therapy", or "temporary license in
10 mental health counseling" and shall authorize the licensee to
11 practice marital and family therapy, clinical art therapy, or
12 mental health counseling under the supervision of a qualified
13 supervisor as determined by the board by rule. The license
14 shall be valid for three years and may be renewed at the
15 discretion of the board. The fee for a temporary license
16 shall be set by the board to cover the administrative costs of
17 issuing the license, and if renewed, a renewal fee as set by
18 the board shall be required.

19 Sec. 12. NEW SECTION. **154D.8 Licensure — clinical art**
20 **therapy.**

21 1. An applicant for a license to practice clinical art
22 therapy shall be granted a license by the board when the
23 applicant satisfies all of the following requirements:

24 a. Possesses a master's or doctoral degree from a nationally
25 accredited institution consisting of at least sixty semester
26 hours, or its equivalent, in one of the following art therapy
27 programs:

28 (1) A program approved by the American art therapy
29 association or its successor.

30 (2) A program accredited by the commission on accreditation
31 of allied health education programs at the time the degree was
32 conferred.

33 (3) A substantially equivalent program as approved by the
34 board.

35 b. Has at least two years of supervised experience or its

1 equivalent as approved by the board that satisfies all of the
2 following requirements:

3 (1) Successful completion of at least three thousand
4 hours of clinical art therapy that shall include at least one
5 thousand five hundred hours of direct client contact and two
6 hundred hours of clinical supervision.

7 (2) Includes experience in clinical settings that provide
8 opportunities to diagnose, treat, appraise and assess
9 mental, emotional, behavioral and addiction disorders in both
10 individual and group settings, as determined by the board by
11 rule.

12 (3) Provides for supervision by an art therapy certified
13 supervisor, licensed clinical art therapist, board certified
14 art therapist, or other qualified licensed mental health
15 professional approved by the board. Applicants beginning
16 supervised experience on or after January 1, 2019, shall
17 complete at least five hundred hours of direct client contact
18 under supervision by an art therapy certified supervisor or
19 board certified art therapist.

20 *c.* Passes the national board examination of the art therapy
21 credentials board or its successor.

22 2. The board may make a determination that a program is
23 substantially equivalent to a master's degree program in art
24 therapy approved by the American art therapy association or its
25 successor if the program includes graduate-level courses and
26 training in the following areas:

27 *a.* The art therapy profession.

28 *b.* Theory and practice of art therapy.

29 *c.* Human growth and developmental dynamics in art.

30 *d.* Application of art therapy with people in different
31 treatment settings.

32 *e.* Art therapy assessment.

33 *f.* Ethical and legal issues of art therapy practice.

34 *g.* Matters of cultural and social diversity bearing on the
35 practice of art therapy.

- 1 *h.* Standards of good art therapy practice.
- 2 *i.* Group art therapy.
- 3 *j.* Diagnosis, assessment, and treatment procedures.
- 4 *k.* An art therapy internship of not less than six hundred
- 5 hours that is performed under supervision and is part of an
- 6 approved course of study.

7 3. This section shall not be construed to prevent members of
8 other professions licensed or certified under this chapter from
9 engaging in any act or practice, including the use of art or
10 art materials, in a manner consistent with their training and
11 the accepted standards of their respective professions without
12 a license to practice clinical art therapy, but such persons
13 shall not represent such acts or practices as art therapy, or
14 use any title or description denoting they are a clinical art
15 therapist or licensed to practice clinical art therapy under
16 this chapter.

17 Sec. 13. TRANSITION PROVISIONS.

18 1. Notwithstanding sections 147.14, as amended in this
19 Act, and 147.16, the governor may appoint, as the initial
20 member licensed to practice clinical art therapy to the board
21 of behavioral science pursuant to section 147.14, subsection
22 1, paragraph "m", as amended in this Act, an individual who
23 is credentialed as a board-certified art therapist by the
24 art therapy credentials board with experience and expertise
25 substantially equivalent to the requirements for licensure as a
26 clinical art therapist under section 154D.8, as enacted in this
27 Act.

28 2. Notwithstanding section 154D.8, subsection 1, as
29 enacted in this Act, during the period of one year from the
30 effective date of rules implementing this Act, the board
31 may grant a license to practice clinical art therapy for an
32 applicant who provides documentation satisfactory to the board
33 that the applicant holds a credential in good standing as a
34 board-certified art therapist with the art therapy credentials
35 board and has been engaged in the practice of clinical art

1 therapy for not less than five years at the time of the
2 effective date of rules adopted by the board to implement this
3 Act, which shall include experience in a clinical setting
4 that provides substantial opportunities to diagnose, treat,
5 appraise, and assess mental, emotional, behavioral, and
6 addiction disorders in both individual and group settings, as
7 determined by the board by rule.

8 3. Notwithstanding section 154D.8, subsection 1, paragraph
9 "b", as enacted in this Act, during the period of three years
10 from the effective date of rules implementing this Act, the
11 board shall accept for purposes of qualifying an applicant for
12 a temporary license to practice clinical art therapy under
13 supervision in accordance with section 154D.7, as amended
14 in this Act, a plan for supervision that includes direct
15 clinical supervision by an individual who is credentialed as a
16 registered art therapist by the art therapy credentials board
17 who has been engaged in the practice of clinical art therapy
18 for not less than five years, as determined by the board by
19 rule.

20 Sec. 14. EFFECTIVE DATE AND IMPLEMENTATION. This Act
21 shall take effect January 1, 2019, except that the board of
22 behavioral science may begin implementation prior to that date,
23 to the extent necessary to fully implement the provisions
24 providing for the licensure of clinical art therapists by
25 January 1, 2019.

26 EXPLANATION

27 The inclusion of this explanation does not constitute agreement with
28 the explanation's substance by the members of the general assembly.

29 This bill provides for the licensure of clinical art
30 therapists. Under the bill, the board of behavioral science
31 shall administer the licensure of clinical art therapists and
32 shall adopt rules relating to the practice of clinical art
33 therapy. The bill modifies the membership of the board of
34 behavioral science to add one clinical art therapist and remove
35 one public member. The bill provides that persons not licensed

1 under the bill but referring to themselves as clinical art
2 therapists or using other similar terms or abbreviations shall
3 be guilty of a simple misdemeanor. A simple misdemeanor is
4 punishable by confinement for no more than 30 days or a fine of
5 at least \$65 but not more than \$625 or by both.

6 The bill defines several terms including "art therapy"
7 and "clinical art therapy". The bill provides for temporary
8 licensure of clinical art therapists. The bill requires that
9 to acquire a license to practice art therapy, an applicant
10 must have a master's or doctoral degree in art therapy from
11 a program approved by the American art therapy association,
12 accredited by the commission on accreditation of allied health
13 education programs at the time the degree was conferred, or
14 another program approved by the board of behavioral science,
15 pass a national board examination, and complete at least
16 two years of supervised experience. The bill allows other
17 licensees under Code chapter 154D to use art or art materials
18 as part of their practice without an art therapy license if
19 they do not represent that they practice art therapy.

20 The bill includes licensed certified art therapists as
21 "health care providers" eligible to provide services through
22 the volunteer health care provider program created in Code
23 section 135.24. The bill provides that the board of behavioral
24 science may waive the licensing requirements established by
25 the bill for persons with certain qualifications in the first
26 year after rules implementing the licensure of clinical art
27 therapists are adopted. The bill also directs the board to
28 grant temporary licenses to applicants seeking to practice
29 clinical art therapy under supervision whose supervision plan
30 includes supervision by a registered art therapist who has been
31 practicing for at least five years. This directive applies for
32 the first three years following the effective date of rules
33 implementing the bill. The bill includes an effective date of
34 January 1, 2019, except that the board of behavioral science
35 may begin implementation prior to that date, to the extent

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1 necessary to fully implement the provisions providing for the
2 licensure of clinical art therapists by January 1, 2019.