

Senate File 85 - Introduced

SENATE FILE 85

BY BOLKCOM and MATHIS

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 2017, 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 2017, 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 2017, 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 2017, 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 2017, 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 2017, 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 2017, is amended by adding the
31 following new subsections:

32 NEW SUBSECTION. 01. "*Art therapy*" means the use by
33 a licensed clinical art therapist of psychotherapeutic
34 principles, art media, and the creative process to assist
35 individuals, families, or groups in increasing awareness of

1 self and others, coping with symptoms, stress, and traumatic
2 experiences, and enhancing their own cognitive abilities,
3 and the identification and implementation by a licensed
4 clinical art therapist of therapeutic interventions to meet
5 the developmental, behavioral, mental, and emotional needs of
6 individuals, families, or groups.

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

11 NEW SUBSECTION. 1B. "*Licensed clinical art therapist*"
12 means a person licensed to practice clinical art therapy under
13 chapter 147 and this chapter.

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

17 Sec. 8. Section 154D.1, subsections 4 and 7, Code 2017, are
18 amended to read as follows:

19 4. "*Licensee*" includes a licensed marital and family
20 therapist, a licensed clinical art therapist, and a licensed
21 mental health counselor.

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

28 Sec. 9. Section 154D.4, Code 2017, is amended to read as
29 follows:

30 **154D.4 Exemptions.**

31 1. **This chapter** and **chapter 147** do not prevent qualified
32 members of other professions, including but not limited to
33 nurses, psychologists, social workers, physicians, physician
34 assistants, attorneys at law, or members of the clergy,
35 from providing or advertising that they provide services

1 of a marital and family therapy, clinical art therapy, or
2 mental health counseling nature consistent with the accepted
3 standards of their respective professions, but these persons
4 shall not use a title or description denoting that they are
5 licensed marital and family therapists, licensed clinical art
6 therapists, or licensed mental health counselors.

7 2. The licensure requirements of **this chapter** and chapter
8 147 do not apply to the following:

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

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

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

23 Sec. 10. Section 154D.5, Code 2017, is amended to read as
24 follows:

25 **154D.5 Sexual conduct with client.**

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

31 Sec. 11. Section 154D.7, Code 2017, is amended to read as
32 follows:

33 **154D.7 Temporary license — ~~marital and family therapy~~ —**
34 **~~mental health counseling~~ — fees.**

35 Any person who has fulfilled all of the requirements for

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

16 Sec. 12. NEW SECTION. 154D.8 Licensure — clinical art
17 therapy.

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

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

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

27 (2) A program accredited by the commission on accreditation
28 of allied health education programs at the time the degree was
29 conferred.

30 (3) A substantially equivalent program as approved by the
31 board.

32 b. Has at least two years of supervised experience or its
33 equivalent as approved by the board that includes experience
34 in a clinical setting that provides opportunities to diagnose,
35 treat, appraise, and assess mental, emotional, behavioral, and

1 addiction disorders in both individual and group settings, as
2 determined by the board by rule. Standards for supervision,
3 including the requirement that supervision be provided by
4 an art therapy certified supervisor credentialed by the art
5 therapy credentials board or other qualified licensed mental
6 health professional approved by the board, shall be determined
7 by the board by rule.

8 *c.* Passes the national board examination of the art therapy
9 credentials board or its successor.

10 2. The board may make a determination that a program is
11 substantially equivalent to a master's degree program in art
12 therapy approved by the American art therapy association or its
13 successor if the program includes an art therapy internship
14 of not less than six hundred hours that is performed under
15 supervision and is part of an approved course of study and
16 graduate-level courses and training in the following areas:

17 *a.* The art therapy profession.

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

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

20 *d.* Application of art therapy with people in different
21 treatment settings.

22 *e.* Art therapy appraisal, diagnosis, and assessment.

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

24 *g.* Matters of cultural and social diversity bearing on the
25 practice of art therapy.

26 *h.* Standards of good art therapy practice.

27 *i.* Group art therapy.

28 Sec. 13. TRANSITION PROVISIONS.

29 1. Notwithstanding sections 147.14, as amended in this
30 Act, and 147.16, the governor may appoint, as the initial
31 member licensed to practice clinical art therapy to the board
32 of behavioral science pursuant to section 147.14, subsection
33 1, paragraph "m", as amended in this Act, an individual who
34 is credentialed as a board-certified art therapist by the
35 art therapy credentials board with experience and expertise

1 substantially equivalent to the requirements for licensure as a
2 clinical art therapist under section 154D.8, as enacted in this
3 Act.

4 2. Notwithstanding section 154D.8, subsection 1, as
5 enacted in this Act, during the period of one year from the
6 effective date of rules implementing this Act, the board
7 may grant a license to practice clinical art therapy for an
8 applicant who provides documentation satisfactory to the board
9 that the applicant holds a credential in good standing as a
10 board-certified art therapist with the art therapy credentials
11 board and has been engaged in the practice of clinical art
12 therapy for not less than five years at the time of the
13 effective date of rules adopted by the board to implement this
14 Act, which shall include experience in a clinical setting
15 that provides substantial opportunities to diagnose, treat,
16 appraise, and assess mental, emotional, behavioral, and
17 addiction disorders in both individual and group settings, as
18 determined by the board by rule.

19 Sec. 14. EFFECTIVE DATE AND IMPLEMENTATION. This Act
20 shall take effect January 1, 2018, except that the board of
21 behavioral science may begin implementation prior to that date,
22 to the extent necessary to fully implement the provisions
23 providing for the licensure of clinical art therapists by
24 January 1, 2018.

25 EXPLANATION

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

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

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

5 The bill defines several terms including "art therapy"
6 and "clinical art therapy". The bill provides for temporary
7 licensure of clinical art therapists. The bill requires that
8 to acquire a license to practice art therapy, an applicant
9 must have a master's or doctoral degree in art therapy from
10 a program approved by the American art therapy association,
11 accredited by the commission on accreditation of allied health
12 education programs at the time the degree was conferred, or
13 another program approved by the board of behavioral science,
14 pass a national board examination, and complete at least two
15 years of supervised experience.

16 The bill includes licensed certified art therapists as
17 "health care providers" eligible to provide services through
18 the volunteer health care provider program created in Code
19 section 135.24. The bill provides that the board of behavioral
20 science may waive the licensing requirements established by
21 the bill for persons with certain qualifications in the first
22 year after rules implementing the licensure of clinical art
23 therapists are adopted. The bill includes an effective date of
24 January 1, 2018, except that the board of behavioral science
25 may begin implementation prior to that date, to the extent
26 necessary to fully implement the provisions providing for the
27 licensure of clinical art therapists by January 1, 2018.