

House File 362 - Introduced

HOUSE FILE 362

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 2019, 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
15 to [chapter 154](#); a psychologist licensed pursuant to chapter
16 154B; a social worker licensed pursuant to [chapter 154C](#); a
17 mental health counselor, a clinical art therapist, marital
18 and family therapist, behavior analyst, or assistant behavior
19 analyst licensed pursuant to [chapter 154D](#); a speech pathologist
20 or audiologist licensed pursuant to [chapter 154F](#); a pharmacist
21 licensed pursuant to [chapter 155A](#); or an emergency medical care
22 provider certified pursuant to [chapter 147A](#).

23 Sec. 2. Section 147.1, subsections 3 and 6, Code 2019, are
24 amended to read as follows:

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

1 family therapist, clinical art therapist, mental health
2 counselor, respiratory care and polysomnography practitioner,
3 polysomnographic technologist, social worker, massage
4 therapist, athletic trainer, acupuncturist, nursing home
5 administrator, hearing aid specialist, or sign language
6 interpreter or transliterator means a person licensed under
7 this subtitle.

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

22 Sec. 3. Section 147.2, subsection 1, Code 2019, is amended
23 to read as follows:

24 1. A person shall not engage in the practice of medicine
25 and surgery, podiatry, osteopathic medicine and surgery,
26 genetic counseling, psychology, chiropractic, physical
27 therapy, physical therapist assisting, nursing, dentistry,
28 dental hygiene, dental assisting, optometry, speech pathology,
29 audiology, occupational therapy, occupational therapy
30 assisting, orthotics, prosthetics, pedorthics, respiratory
31 care, pharmacy, cosmetology arts and sciences, barbering,
32 social work, dietetics, applied behavior analysis, marital
33 and family therapy ~~or~~, clinical art therapy, mental health
34 counseling, massage therapy, mortuary science, polysomnography,
35 athletic training, acupuncture, nursing home administration,

1 or sign language interpreting or transliterating, or shall not
2 practice as a physician assistant or a hearing aid specialist,
3 unless the person has obtained a license for that purpose from
4 the board for the profession.

5 Sec. 4. Section 147.13, subsection 16, Code 2019, is amended
6 to read as follows:

7 16. For applied behavior analysis, marital and family
8 therapy, clinical art therapy, and mental health counseling,
9 the board of behavioral science.

10 Sec. 5. Section 147.14, subsection 1, paragraph m, Code
11 2019, is amended to read as follows:

12 *m.* For behavioral science, three members licensed to
13 practice marital and family therapy, all of whom shall be
14 practicing marital and family therapists; three members
15 licensed to practice mental health counseling, one of whom
16 shall be employed in graduate teaching, training, or research
17 in mental health counseling and two of whom shall be practicing
18 mental health counselors; one member licensed to practice
19 clinical art therapy; two licensed behavior analysts; one
20 licensed assistant behavior analyst; and ~~three~~ two members
21 who are not licensed to practice marital and family therapy,
22 applied behavior analysis, clinical art therapy, or mental
23 health counseling and who shall represent the general public.

24 Sec. 6. Section 147.74, Code 2019, is amended by adding the
25 following new subsection:

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

35 Sec. 7. Section 154D.1, Code 2019, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 01. *"Art therapy"* means the integrative
3 use of psychotherapeutic principles and methods by persons
4 with specialized training in art media, the neurobiological
5 implications of art-making, and art-based assessment models to
6 assist individuals, families, or groups to improve cognitive
7 and sensorimotor functions, increase self-awareness and
8 self-esteem, cope with grief and traumatic experience, resolve
9 conflicts and distress, and enhance social functioning. *"Art*
10 *therapy"* includes therapeutic interventions that facilitate
11 alternative modes of receptive and expressive communication and
12 evaluation and assessments that define and implement art-based
13 treatment plans that address developmental, behavioral, mental,
14 and emotional needs.

15 NEW SUBSECTION. 2A. *"Clinical art therapy"* means the
16 application of art therapy principles and methods in the
17 diagnosis, prevention, treatment, and amelioration of
18 psychological problems and emotional or mental conditions.

19 NEW SUBSECTION. 4A. *"Licensed clinical art therapist"*
20 means a person licensed to practice clinical art therapy under
21 chapter 147 and this chapter.

22 NEW SUBSECTION. 11A. *"Temporary licensed clinical art*
23 *therapist"* means a person licensed to practice clinical art
24 therapy under supervision in accordance with section 154D.7.

25 Sec. 8. Section 154D.1, subsections 7 and 11, Code 2019, are
26 amended to read as follows:

27 7. *"Licensee"* includes a licensed marital and family
28 therapist, a licensed clinical art therapist, and a licensed
29 mental health counselor.

30 11. *"Temporary license"* means a license to practice marital
31 and family therapy, clinical art therapy, or mental health
32 counseling under direct supervision of a qualified supervisor
33 as determined by the board by rule to fulfill the postgraduate
34 supervised clinical experience requirement in accordance with
35 this chapter.

1 Sec. 9. Section 154D.4, subsections 1 and 2, Code 2019, are
2 amended to read as follows:

3 1. **This chapter** and **chapter 147** do not prevent qualified
4 members of other professions, including but not limited to
5 nurses, psychologists, social workers, physicians, physician
6 assistants, attorneys at law, or members of the clergy,
7 from providing or advertising that they provide services
8 of a marital and family therapy, clinical art therapy, or
9 mental health counseling nature consistent with the accepted
10 standards of their respective professions, but these persons
11 shall not use a title or description denoting that they are
12 licensed marital and family therapists, licensed clinical art
13 therapists, or licensed mental health counselors.

14 2. The licensure requirements of **this chapter** and chapter
15 147 do not apply to the following:

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

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

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

30 Sec. 10. Section 154D.5, Code 2019, is amended to read as
31 follows:

32 **154D.5 Sexual conduct with client.**

33 The license of a behavior analyst, an assistant behavior
34 analyst, a marital and family therapist, a clinical art
35 therapist, or a mental health counselor shall be revoked if the

1 board finds that the licensee engaged in sexual activity with a
2 client as determined by board rule. The revocation shall be in
3 addition to any other penalties provided by law.

4 Sec. 11. Section 154D.7, Code 2019, is amended to read as
5 follows:

6 **154D.7 Temporary license — ~~marital and family therapy~~ —**
7 **~~mental health counseling~~ — fees.**

8 Any person who has fulfilled all of the requirements
9 for licensure under section 154D.2, or for clinical art
10 therapy under section 154D.8, except for having completed
11 the postgraduate supervised clinical experience requirement
12 as determined by the board by rule, may apply to the board
13 for a temporary license. The license shall be designated
14 "temporary license in marital and family therapy", "temporary
15 license in clinical art therapy", or "temporary license in
16 mental health counseling" and shall authorize the licensee to
17 practice marital and family therapy, clinical art therapy, or
18 mental health counseling under the supervision of a qualified
19 supervisor as determined by the board by rule. The license
20 shall be valid for three years and may be renewed at the
21 discretion of the board. The fee for a temporary license
22 shall be set by the board to cover the administrative costs of
23 issuing the license, and if renewed, a renewal fee as set by
24 the board shall be required.

25 Sec. 12. NEW SECTION. 154D.8 Licensure — clinical art
26 therapy.

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

30 a. Possesses a master's or doctoral degree from a nationally
31 accredited institution consisting of at least sixty semester
32 hours, or its equivalent, in one of the following art therapy
33 programs:

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

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

4 (3) A substantially equivalent program as approved by the
5 board.

6 *b.* Has at least two years of supervised experience or its
7 equivalent as approved by the board that satisfies all of the
8 following requirements:

9 (1) Successful completion of at least three thousand
10 hours of clinical art therapy that shall include at least one
11 thousand five hundred hours of direct client contact and two
12 hundred hours of clinical supervision.

13 (2) Includes experience in clinical settings that provide
14 opportunities to diagnose, treat, appraise and assess
15 mental, emotional, behavioral and addiction disorders in both
16 individual and group settings, as determined by the board by
17 rule.

18 (3) Provides for supervision by an art therapy certified
19 supervisor, licensed clinical art therapist, board certified
20 art therapist, or other qualified licensed mental health
21 professional approved by the board. Applicants beginning
22 supervised experience on or after January 1, 2020, shall
23 complete at least five hundred hours of direct client contact
24 under supervision by an art therapy certified supervisor or
25 board certified art therapist.

26 *c.* Passes the national board examination of the art therapy
27 credentials board or its successor.

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

33 *a.* The art therapy profession.

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

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

1 *d.* Application of art therapy with people in different
2 treatment settings.

3 *e.* Art therapy assessment.

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

5 *g.* Matters of cultural and social diversity bearing on the
6 practice of art therapy.

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

8 *i.* Group art therapy.

9 *j.* Diagnosis, assessment, and treatment procedures.

10 *k.* An art therapy internship of not less than six hundred
11 hours that is performed under supervision and is part of an
12 approved course of study.

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

23 Sec. 13. TRANSITION PROVISIONS.

24 1. Notwithstanding sections 147.14, as amended in this
25 Act, and 147.16, the governor may appoint, as the initial
26 member licensed to practice clinical art therapy to the board
27 of behavioral science pursuant to section 147.14, subsection
28 1, paragraph "m", as amended in this Act, an individual who
29 is credentialed as a board-certified art therapist by the
30 art therapy credentials board with experience and expertise
31 substantially equivalent to the requirements for licensure as a
32 clinical art therapist under section 154D.8, as enacted in this
33 Act.

34 2. Notwithstanding section 154D.8, subsection 1, as
35 enacted in this Act, during the period of one year from the

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

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

26 Sec. 14. EFFECTIVE DATE AND IMPLEMENTATION. This Act
27 shall take effect January 1, 2020, except that the board of
28 behavioral science may begin implementation prior to that date,
29 to the extent necessary to fully implement the provisions
30 providing for the licensure of clinical art therapists by
31 January 1, 2020.

32 EXPLANATION

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

35 This bill provides for the licensure of clinical art

1 therapists. Under the bill, the board of behavioral science
2 shall administer the licensure of clinical art therapists and
3 shall adopt rules relating to the practice of clinical art
4 therapy. The bill modifies the membership of the board of
5 behavioral science to add one clinical art therapist and remove
6 one public member. The bill provides that persons not licensed
7 under the bill but referring to themselves as clinical art
8 therapists or using other similar terms or abbreviations shall
9 be guilty of a simple misdemeanor. A simple misdemeanor is
10 punishable by confinement for no more than 30 days or a fine of
11 at least \$65 but not more than \$625 or by both.

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

26 The bill includes licensed certified art therapists as
27 "health care providers" eligible to provide services through
28 the volunteer health care provider program created in Code
29 section 135.24. The bill provides that the board of behavioral
30 science may waive the licensing requirements established by
31 the bill for persons with certain qualifications in the first
32 year after rules implementing the licensure of clinical art
33 therapists are adopted. The bill also directs the board to
34 grant temporary licenses to applicants seeking to practice
35 clinical art therapy under supervision whose supervision plan

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1 includes supervision by a registered art therapist who has been
2 practicing for at least five years. This directive applies for
3 the first three years following the effective date of rules
4 implementing the bill. The bill includes an effective date of
5 January 1, 2020, except that the board of behavioral science
6 may begin implementation prior to that date, to the extent
7 necessary to fully implement the provisions providing for the
8 licensure of clinical art therapists by January 1, 2020.