

By Senator Turner

36-729-98

See HB 3325

1 A bill to be entitled
2 An act relating to art therapy; providing for
3 regulation of the practice of art therapy under
4 chapter 491, F.S., relating to clinical social
5 work, marriage and family therapy, and mental
6 health counseling; amending s. 491.002, F.S.;
7 providing intent; amending s. 491.003, F.S.;
8 revising and providing definitions; amending s.
9 491.004, F.S.; renaming the Board of Clinical
10 Social Work, Marriage and Family Therapy, and
11 Mental Health Counseling as the the Board of
12 Clinical Social Work, Marriage and Family
13 Therapy, Art Therapy, and Mental Health
14 Counseling; increasing board membership to
15 provide for appointment of an art therapist
16 member; amending s. 491.0045, F.S.; providing
17 for registration of art therapist interns;
18 amending s. 491.0046, F.S.; providing for
19 provisional licensure; amending s. 491.005,
20 F.S.; providing licensure requirements;
21 amending s. 491.006, F.S.; providing for
22 licensure by endorsement; amending s. 491.012,
23 F.S.; providing penalties with respect to the
24 use of certain titles and terms and with
25 respect to unlicensed practice; amending s.
26 491.014, F.S.; conforming a cross-reference;
27 amending s. 491.0149, F.S.; requiring the
28 display of license at each practice location;
29 requiring the use of certain professional
30 titles on promotional materials; amending ss.
31 20.43, 61.20, 90.503, 397.311, 397.405, 456.32,

1 468.1295, 490.00515, 490.014, 627.668, F.S.,
2 relating to the Department of Health, social
3 investigations when child custody is in
4 question, a definition of "psychotherapist," a
5 definition of "private practitioner," certain
6 exemptions from licensure, definitions of
7 "healing arts" and "practitioner of the healing
8 arts," a ground for disciplinary action
9 relating to impairment as a speech-language
10 pathologist or audiologist, exemptions from
11 public records applicable to psychologists,
12 exemptions from regulation as a psychologist,
13 and optional insurance coverage for mental and
14 nervous disorders, respectively, to provide
15 applicability to art therapists and other
16 conforming changes; providing an effective
17 date.

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19 Be It Enacted by the Legislature of the State of Florida:

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21 Section 1. Section 491.002, Florida Statutes, is
22 amended to read:

23 491.002 Intent.--The Legislature finds that as society
24 becomes increasingly complex, emotional survival is equal in
25 importance to physical survival. Therefore, in order to
26 preserve the health, safety, and welfare of the public, the
27 Legislature must provide privileged communication for members
28 of the public or those acting on their behalf to encourage
29 needed or desired counseling, clinical and psychotherapy
30 services, or certain other services of a psychological nature
31 to be sought out. The Legislature further finds that, since

1 such services assist the public primarily with emotional
2 survival, which in turn affects physical and psychophysical
3 survival, the practice of clinical social work, marriage and
4 family therapy, art therapy, and mental health counseling by
5 persons not qualified to practice such professions presents a
6 danger to public health, safety, and welfare. The Legislature
7 finds that, to further secure the health, safety, and welfare
8 of the public and also to encourage professional cooperation
9 among all qualified professionals, the Legislature must assist
10 the public in making informed choices of such services by
11 establishing minimum qualifications for entering into and
12 remaining in the respective professions.

13 Section 2. Section 491.003, Florida Statutes, is
14 amended to read:

15 491.003 Definitions.--As used in this chapter:

16 (1) "Art therapist" means a person licensed under this
17 chapter to practice art therapy.

18 (2)~~(1)~~ "Board" means the Board of Clinical Social
19 Work, Marriage and Family Therapy, Art Therapy, and Mental
20 Health Counseling.

21 (3)~~(2)~~ "Clinical social worker" means a person
22 licensed under this chapter to practice clinical social work.

23 (4)~~(3)~~ "Clinical social work experience" is defined as
24 a period during which the applicant provides clinical social
25 work services, including assessment, diagnosis, treatment, and
26 evaluation of clients; provided that at least 50 percent of
27 the hours worked consist of providing psychotherapy and
28 counseling services directly to clients.

29 (5)~~(4)~~ "Department" means the Department of Health.
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1 ~~(6)~~~~(5)~~ "Marriage and family therapist" means a person
2 licensed under this chapter to practice marriage and family
3 therapy.

4 ~~(7)~~~~(6)~~ "Mental health counselor" means a person
5 licensed under this chapter to practice mental health
6 counseling.

7 (8) The "practice of art therapy" is defined as the
8 use of scientific and applied knowledge, theories, and
9 techniques of art for the purpose of describing, evaluating,
10 and treating undesired behavior and enhancing mental health
11 and human development and is based on human developmental and
12 psychological theories which are implemented in the full
13 spectrum of models of assessment and treatment, including
14 educational, psychodynamic, cognitive, transpersonal, and
15 other therapeutic means of reconciling emotional conflicts,
16 fostering self-awareness, developing social skills, managing
17 behavior, solving problems, facilitating reality-orientation,
18 and increasing self-esteem. In general, the practice of art
19 therapy uses art media, images, the creative art process, and
20 client response to the created product as means to reflect an
21 individual's development, abilities, personality, interests,
22 concerns, and conflicts. The practice of art therapy includes
23 methods of a psychological nature used to evaluate, assess,
24 diagnose, treat, and prevent emotional and mental disorders or
25 dysfunctions (whether cognitive, affective, or behavioral),
26 sexual dysfunction, behavioral disorders, alcoholism, and
27 substance abuse. The practice of art therapy includes, but is
28 not limited to, psychotherapy, hypnotherapy, and sex therapy.
29 The practice of art therapy also includes counseling, behavior
30 modification, consultation, client-centered advocacy, crisis
31 intervention, and the provision of needed information and

1 education to clients, when using methods of a psychological
2 nature to evaluate, assess, diagnose, treat, and prevent
3 emotional and mental disorders and dysfunctions (whether
4 cognitive, affective, or behavioral), sexual dysfunction,
5 behavioral disorders, alcoholism, or substance abuse. The
6 practice of art therapy may also include clinical research
7 into more effective psychotherapeutic modalities for the
8 treatment and prevention of such conditions.

9 (a) Art therapy may be rendered to individuals,
10 couples (whether married or unmarried), families, groups,
11 organizations, and communities.

12 (b) The use of specific methods, techniques, or
13 modalities within the practice of art therapy is restricted to
14 art therapists appropriately trained in the use of such
15 methods, techniques, or modalities.

16 (c) The terms "diagnose" and "treat," as used in this
17 chapter, when considered in isolation or in conjunction with
18 any provision of the rules of the board, shall not be
19 construed to permit the performance of any act which art
20 therapists are not educated and trained to perform, including,
21 but not limited to, admitting persons to hospitals for
22 treatment of the foregoing conditions, treating persons in
23 hospitals without medical supervision, prescribing medicinal
24 drugs as defined in chapter 465, authorizing clinical
25 laboratory procedures pursuant to chapter 483, or radiological
26 procedures, or use of electroconvulsive therapy. In addition,
27 this definition shall not be construed to permit any person
28 licensed, provisionally licensed, registered, or certified
29 pursuant to this chapter to describe or label any test,
30 report, or procedure as "psychological," except to relate
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1 specifically to the definition of practice authorized in this
2 subsection.

3 (d) The definition of "art therapy" contained in this
4 subsection includes all services offered directly to the
5 general public or through organizations, whether public or
6 private, and applies whether payment is requested or received
7 for services rendered.

8 (9)~~(7)~~ The "practice of clinical social work" is
9 defined as the use of scientific and applied knowledge,
10 theories, and methods for the purpose of describing,
11 preventing, evaluating, and treating individual, couple,
12 marital, family, or group behavior, based on the
13 person-in-situation perspective of psychosocial development,
14 normal and abnormal behavior, psychopathology, unconscious
15 motivation, interpersonal relationships, environmental stress,
16 differential assessment, differential planning, and data
17 gathering. The purpose of such services is the prevention and
18 treatment of undesired behavior and enhancement of mental
19 health. The practice of clinical social work includes methods
20 of a psychological nature used to evaluate, assess, diagnose,
21 treat, and prevent emotional and mental disorders and
22 dysfunctions (whether cognitive, affective, or behavioral),
23 sexual dysfunction, behavioral disorders, alcoholism, and
24 substance abuse. The practice of clinical social work
25 includes, but is not limited to, psychotherapy, hypnotherapy,
26 and sex therapy. The practice of clinical social work also
27 includes counseling, behavior modification, consultation,
28 client-centered advocacy, crisis intervention, and the
29 provision of needed information and education to clients, when
30 using methods of a psychological nature to evaluate, assess,
31 diagnose, treat, and prevent emotional and mental disorders

1 and dysfunctions (whether cognitive, affective, or
2 behavioral), sexual dysfunction, behavioral disorders,
3 alcoholism, or substance abuse. The practice of clinical
4 social work may also include clinical research into more
5 effective psychotherapeutic modalities for the treatment and
6 prevention of such conditions.

7 (a) Clinical social work may be rendered to
8 individuals, including individuals affected by the termination
9 of marriage, and to marriages, couples, families, groups,
10 organizations, and communities.

11 (b) The use of specific methods, techniques, or
12 modalities within the practice of clinical social work is
13 restricted to clinical social workers appropriately trained in
14 the use of such methods, techniques, or modalities.

15 (c) The terms "diagnose" and "treat," as used in this
16 chapter, when considered in isolation or in conjunction with
17 any provision of the rules of the board, shall not be
18 construed to permit the performance of any act which clinical
19 social workers are not educated and trained to perform,
20 including, but not limited to, admitting persons to hospitals
21 for treatment of the foregoing conditions, treating persons in
22 hospitals without medical supervision, prescribing medicinal
23 drugs as defined in chapter 465, authorizing clinical
24 laboratory procedures pursuant to chapter 483, or radiological
25 procedures, or use of electroconvulsive therapy. In addition,
26 this definition shall not be construed to permit any person
27 licensed, provisionally licensed, registered, or certified
28 pursuant to this chapter to describe or label any test,
29 report, or procedure as "psychological," except to relate
30 specifically to the definition of practice authorized in this
31 subsection.

1 (d) The definition of "clinical social work" contained
2 in this subsection includes all services offered directly to
3 the general public or through organizations, whether public or
4 private, and applies whether payment is requested or received
5 for services rendered.

6 (10)~~(8)~~ The "practice of marriage and family therapy"
7 is defined as the use of scientific and applied marriage and
8 family theories, methods, and procedures for the purpose of
9 describing, evaluating, and modifying marital, family, and
10 individual behavior, within the context of marital and family
11 systems, including the context of marital formation and
12 dissolution, and is based on marriage and family systems
13 theory, marriage and family development, human development,
14 normal and abnormal behavior, psychopathology, human
15 sexuality, psychotherapeutic and marriage and family therapy
16 theories and techniques. The practice of marriage and family
17 therapy includes methods of a psychological nature used to
18 evaluate, assess, diagnose, treat, and prevent emotional and
19 mental disorders or dysfunctions (whether cognitive,
20 affective, or behavioral), sexual dysfunction, behavioral
21 disorders, alcoholism, and substance abuse. The practice of
22 marriage and family therapy includes, but is not limited to,
23 marriage and family therapy, psychotherapy, including
24 behavioral family therapy, hypnotherapy, and sex therapy. The
25 practice of marriage and family therapy also includes
26 counseling, behavior modification, consultation,
27 client-centered advocacy, crisis intervention, and the
28 provision of needed information and education to clients, when
29 using methods of a psychological nature to evaluate, assess,
30 diagnose, treat, and prevent emotional and mental disorders
31 and dysfunctions (whether cognitive, affective, or

1 behavioral), sexual dysfunction, behavioral disorders,
2 alcoholism, or substance abuse. The practice of marriage and
3 family therapy may also include clinical research into more
4 effective psychotherapeutic modalities for the treatment and
5 prevention of such conditions.

6 (a) Marriage and family therapy may be rendered to
7 individuals, including individuals affected by termination of
8 marriage, to couples, whether married or unmarried, to
9 families, or to groups.

10 (b) The use of specific methods, techniques, or
11 modalities within the practice of marriage and family therapy
12 is restricted to marriage and family therapists appropriately
13 trained in the use of such methods, techniques, or modalities.

14 (c) The terms "diagnose" and "treat," as used in this
15 chapter, when considered in isolation or in conjunction with
16 any provision of the rules of the board, shall not be
17 construed to permit the performance of any act which marriage
18 and family therapists are not educated and trained to perform,
19 including, but not limited to, admitting persons to hospitals
20 for treatment of the foregoing conditions, treating persons in
21 hospitals without medical supervision, prescribing medicinal
22 drugs as defined in chapter 465, authorizing clinical
23 laboratory procedures pursuant to chapter 483, or radiological
24 procedures, or use of electroconvulsive therapy. In addition,
25 this definition shall not be construed to permit any person
26 licensed, provisionally licensed, registered, or certified
27 pursuant to this chapter to describe or label any test,
28 report, or procedure as "psychological," except to relate
29 specifically to the definition of practice authorized in this
30 subsection.

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1 (d) The definition of "marriage and family therapy"
2 contained in this subsection includes all services offered
3 directly to the general public or through organizations,
4 whether public or private, and applies whether payment is
5 requested or received for services rendered.

6 (11)~~(9)~~ The "practice of mental health counseling" is
7 defined as the use of scientific and applied behavioral
8 science theories, methods, and techniques for the purpose of
9 describing, preventing, and treating undesired behavior and
10 enhancing mental health and human development and is based on
11 the person-in-situation perspectives derived from research and
12 theory in personality, family, group, and organizational
13 dynamics and development, career planning, cultural diversity,
14 human growth and development, human sexuality, normal and
15 abnormal behavior, psychopathology, psychotherapy, and
16 rehabilitation. The practice of mental health counseling
17 includes methods of a psychological nature used to evaluate,
18 assess, diagnose, and treat emotional and mental dysfunctions
19 or disorders (whether cognitive, affective, or behavioral),
20 behavioral disorders, interpersonal relationships, sexual
21 dysfunction, alcoholism, and substance abuse. The practice of
22 mental health counseling includes, but is not limited to,
23 psychotherapy, hypnotherapy, and sex therapy. The practice of
24 mental health counseling also includes counseling, behavior
25 modification, consultation, client-centered advocacy, crisis
26 intervention, and the provision of needed information and
27 education to clients, when using methods of a psychological
28 nature to evaluate, assess, diagnose, treat, and prevent
29 emotional and mental disorders and dysfunctions (whether
30 cognitive, affective, or behavioral), behavioral disorders,
31 sexual dysfunction, alcoholism, or substance abuse. The

1 practice of mental health counseling may also include clinical
2 research into more effective psychotherapeutic modalities for
3 the treatment and prevention of such conditions.

4 (a) Mental health counseling may be rendered to
5 individuals, including individuals affected by the termination
6 of marriage, and to couples, families, groups, organizations,
7 and communities.

8 (b) The use of specific methods, techniques, or
9 modalities within the practice of mental health counseling is
10 restricted to mental health counselors appropriately trained
11 in the use of such methods, techniques, or modalities.

12 (c) The terms "diagnose" and "treat," as used in this
13 chapter, when considered in isolation or in conjunction with
14 any provision of the rules of the board, shall not be
15 construed to permit the performance of any act which mental
16 health counselors are not educated and trained to perform,
17 including, but not limited to, admitting persons to hospitals
18 for treatment of the foregoing conditions, treating persons in
19 hospitals without medical supervision, prescribing medicinal
20 drugs as defined in chapter 465, authorizing clinical
21 laboratory procedures pursuant to chapter 483, or radiological
22 procedures, or use of electroconvulsive therapy. In addition,
23 this definition shall not be construed to permit any person
24 licensed, provisionally licensed, registered, or certified
25 pursuant to this chapter to describe or label any test,
26 report, or procedure as "psychological," except to relate
27 specifically to the definition of practice authorized in this
28 subsection.

29 (d) The definition of "mental health counseling"
30 contained in this subsection includes all services offered
31 directly to the general public or through organizations,

1 whether public or private, and applies whether payment is
2 requested or received for services rendered.

3 (12) "Provisional art therapist licensee" means a
4 person provisionally licensed under this chapter to provide
5 art therapy services under supervision.

6 (13)~~(10)~~ "Provisional clinical social worker licensee"
7 means a person provisionally licensed under this chapter to
8 provide clinical social work services under supervision.

9 (14)~~(11)~~ "Provisional marriage and family therapist
10 licensee" means a person provisionally licensed under this
11 chapter to provide marriage and family therapy services under
12 supervision.

13 (15)~~(12)~~ "Provisional mental health counselor
14 licensee" means a person provisionally licensed under this
15 chapter to provide mental health counseling services under
16 supervision.

17 (16)~~(13)~~ "Psychotherapist" means a clinical social
18 worker, marriage and family therapist, art therapist, or
19 mental health counselor licensed pursuant to this chapter.

20 (17) "Registered art therapist intern" means a person
21 registered under this chapter who is completing the
22 postgraduate clinical experience requirement specified in s.
23 491.005(5)(c).

24 (18)~~(14)~~ "Registered clinical social worker intern"
25 means a person registered under this chapter who is completing
26 the postgraduate clinical social work experience requirement
27 specified in s. 491.005(1)(c).

28 (19)~~(15)~~ "Registered marriage and family therapist
29 intern" means a person registered under this chapter who is
30 completing the post-master's clinical experience requirement
31 specified in s. 491.005(3)(c).

1 ~~(20)(16)~~ "Registered mental health counselor intern"
2 means a person registered under this chapter who is completing
3 the post-master's clinical experience requirement specified in
4 s. 491.005(4)(c).

5 Section 3. Section 491.004, Florida Statutes, is
6 amended to read:

7 491.004 Board of Clinical Social Work, Marriage and
8 Family Therapy, Art Therapy, and Mental Health Counseling.--

9 (1) There is created within the department the Board
10 of Clinical Social Work, Marriage and Family Therapy, Art
11 Therapy, and Mental Health Counseling composed of 10 ~~nine~~
12 members appointed by the Governor and confirmed by the Senate.

13 (2)(a) Seven ~~Six~~ members of the board shall be persons
14 licensed under this chapter as follows:

15 1. Two members shall be licensed practicing clinical
16 social workers.

17 2. Two members shall be licensed practicing marriage
18 and family therapists.

19 3. One member shall be a licensed practicing art
20 therapist.

21 ~~4.3.~~ Two members shall be licensed practicing mental
22 health counselors.

23 (b) Three members shall be citizens of the state who
24 are not and have never been licensed in a mental
25 health-related profession and who are in no way connected with
26 the practice of any such profession.

27 (3)(a) No later than January 1, 1988, the Governor
28 shall appoint the initial nine members of the board as
29 follows:

30 ~~1.(a)~~ Three members for terms of 2 years each.

31 ~~2.(b)~~ Three members for terms of 3 years each.

1 3.(c) Three members for terms of 4 years each.

2 (b) No later than January 1, 1999, the Governor shall
3 appoint the initial art therapist member of the board to a
4 term of 2 years.

5 (4) As the terms of the initial members expire, the
6 Governor shall appoint successors for terms of 4 years; and
7 those members shall serve until their successors are
8 appointed.

9 (5) The board shall adopt rules to implement and
10 enforce the provisions of this chapter.

11 (6) All applicable provisions of chapter 455 relating
12 to activities of regulatory boards shall apply to the board.

13 (7) The board shall maintain its official headquarters
14 in the City of Tallahassee.

15 Section 4. Section 491.0045, Florida Statutes, is
16 amended to read:

17 491.0045 Intern registration; requirements.--

18 (1) ~~Effective January 1, 1998,~~An individual who
19 intends to practice in Florida to satisfy the postgraduate or
20 post-master's level experience requirements, as specified in
21 s. 491.005(1)(c), (3)(c), ~~or~~ (4)(c), or (5)(c), must register
22 as an intern in the profession for which he or she is seeking
23 licensure prior to commencing the experience requirement.

24 (2) The department shall register as a clinical social
25 worker intern, marriage and family therapist intern, art
26 therapist intern, or mental health counselor intern each
27 applicant who the board certifies has:

28 (a) Completed the application form and remitted a
29 nonrefundable application fee not to exceed \$200, as set by
30 board rule;

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1 (b) Completed the education requirements as specified
2 in s. 491.005 for the profession for which he or she is
3 applying for licensure; and

4 (c) Identified a qualified supervisor.

5 (3) An individual registered under this section must
6 remain under supervision until he or she is in receipt of a
7 license or a letter from the department stating that he or she
8 is licensed to practice the profession for which he or she
9 applied.

10 Section 5. Section 491.0046, Florida Statutes, is
11 amended to read:

12 491.0046 Provisional license; requirements.--

13 (1) An individual who has satisfied the clinical
14 experience requirements of s. 491.005 intending to provide
15 clinical social work, marriage and family therapy, art
16 therapy, or mental health counseling services in Florida while
17 satisfying coursework or examination requirements for
18 licensure must be provisionally licensed in the profession for
19 which he or she is seeking licensure prior to beginning
20 practice.

21 (2) The department shall issue a provisional clinical
22 social worker license, provisional marriage and family
23 therapist license, provisional art therapist license, or
24 provisional mental health counselor license to each applicant
25 who the board certifies has:

26 (a) Completed the application form and remitted a
27 nonrefundable application fee not to exceed \$100, as set by
28 board rule; and

29 (b)1. Earned a graduate degree in social work, a
30 graduate degree with a major emphasis in marriage and family
31 therapy or a closely related field, a graduate degree with a

1 major emphasis in art therapy or equivalent specialization, or
2 a graduate degree in a major related to the practice of mental
3 health counseling, and satisfied the clinical experience
4 requirements for licensure pursuant to s. 491.005; or

5 2. Been approved for examination under the provisions
6 for licensure by endorsement pursuant to s. 491.006.

7 (3) A provisional licensee must work under the
8 supervision of a licensed mental health professional, as
9 defined by the board, until the provisional licensee is in
10 receipt of a license or a letter from the department stating
11 that he or she is licensed as a clinical social worker,
12 marriage and family therapist, art therapist, or mental health
13 counselor.

14 (4) A provisional license expires 24 months after the
15 date it is issued and may not be renewed or reissued.

16 Section 6. Paragraph (e) of subsection (1), paragraph
17 (e) of subsection (3), and paragraph (e) of subsection (4) of
18 section 491.005, Florida Statutes, are amended, and subsection
19 (5) is added to said section, to read:

20 491.005 Licensure by examination.--

21 (1) Upon verification of documentation and payment of
22 a fee not to exceed \$200, as set by board rule, plus the
23 actual per applicant cost to the department for purchase of
24 the examination from the American Association of State Social
25 Worker's Boards or a similar national organization, the
26 department shall issue a license as a clinical social worker
27 to an applicant who the board certifies:

28 (e) Has demonstrated, in a manner designated by rule
29 of the board, knowledge of the laws and rules governing the
30 practice of clinical social work, marriage and family therapy,
31 art therapy, and mental health counseling.

1 (3) Upon verification of documentation and payment of
2 a fee not to exceed \$200, as set by board rule, plus the
3 actual cost to the department for the purchase of the
4 examination from the Association of Marital and Family Therapy
5 Regulatory Board, or similar national organization, the
6 department shall issue a license as a marriage and family
7 therapist to an applicant who the board certifies:

8 (e) Has demonstrated, in a manner designated by rule
9 of the board, knowledge of the laws and rules governing the
10 practice of clinical social work, marriage and family therapy,
11 art therapy,and mental health counseling.

12 (4) Upon verification of documentation and payment of
13 a fee not to exceed \$200, as set by board rule, plus the
14 actual per applicant cost to the department for purchase of
15 the examination from the Professional Examination Service for
16 the National Academy of Certified Clinical Mental Health
17 Counselors or a similar national organization, the department
18 shall issue a license as a mental health counselor to an
19 applicant who the board certifies:

20 (e) Has demonstrated, in a manner designated by rule
21 of the board, knowledge of the laws and rules governing the
22 practice of clinical social work, marriage and family therapy,
23 art therapy,and mental health counseling.

24 (5) Upon verification of documentation and payment of
25 a fee not to exceed \$200, as set by board rule, including
26 verification of documentation from the Art Therapy Credentials
27 Board that the applicant has been designated a Registered Art
28 Therapist by that board and has passed the National Board
29 Certification Examination in Art Therapy administered by that
30 board, the department shall issue a license as an art
31 therapist to an applicant who the board certifies:

1 (a) Has made application therefor and paid the
2 appropriate fee.

3 (b)1.a. Except as otherwise provided in subparagraph
4 2., has received a minimum of a master's degree with major
5 emphasis in art therapy, or a closely related field, and has
6 completed all of the following requirements:

7 (I) A minimum of 21 semester hours or 32 quarter hours
8 of graduate coursework, which must include 4 semester hours or
9 6 quarter hours of graduate coursework in art therapy and a
10 minimum of 2 semester hours or 3 quarter hours of
11 graduate-level course credits in each of the following areas:
12 history and theory of art therapy, techniques of practice in
13 art therapy, human growth and development, psychopathology,
14 group theories and practice of group art therapy, diagnosis
15 and assessment, art therapy research and evaluation, and
16 multicultural issues in art therapy. Courses in testing
17 theories and procedures; thesis or dissertation work; or
18 practicums, internships, or fieldwork may not be applied
19 toward this requirement.

20 (II) A minimum of one graduate-level course of 2
21 semester hours or 3 quarter hours in legal, ethical, and
22 professional standards issues in the practice of art therapy
23 or a course determined by the board to be equivalent.

24 (III) A minimum of one supervised clinical practicum,
25 internship, or field experience in art therapy, for a minimum
26 of 600 hours, 300 hours of which must include direct
27 individual and group or family client contact using art
28 therapy and must be under the supervision of an individual who
29 has met the requirements for supervision under paragraph (c).
30 This requirement may be met by a supervised practice
31 experience which took place outside the academic arena, but

1 which is certified as equivalent to a graduate-level practicum
2 or internship program which required a minimum of 600 hours of
3 art therapy services currently offered within an academic
4 program of a college or university accredited by an
5 accrediting agency approved by the United States Department of
6 Education, or an institution which is publicly recognized as a
7 member in good standing with the Association of Universities
8 and Colleges of Canada or a training institution accredited by
9 the American Art Therapy Association. Certification shall be
10 required from an official of such college, university, or
11 training institution.

12 b. If the course title which appears on the
13 applicant's transcript does not clearly identify the content
14 of the coursework, the applicant shall be required to provide
15 additional documentation, including, but not limited to, a
16 syllabus or catalog description published for the course.

17
18 The master's degree must have been received in an institution
19 of higher education which at the time the applicant graduated
20 was: fully accredited by a regional accrediting body
21 recognized by the Commission on Recognition of Postsecondary
22 Accreditation; publicly recognized as a member in good
23 standing with the Association of Universities and Colleges of
24 Canada; or an institution of higher education located outside
25 the United States and Canada, which at the time the applicant
26 was enrolled and at the time the applicant graduated
27 maintained a standard of training substantially equivalent to
28 the standards of training of those institutions in the United
29 States which are accredited by a regional accrediting body
30 recognized by the Commission on Recognition of Postsecondary
31 Accreditation. Such foreign education and training must have

1 been received in an institution or program of higher education
2 officially recognized by the government of the country in
3 which it is located as an institution or program to train
4 students to practice as professional art therapists or
5 psychotherapists. The burden of establishing that the
6 requirements of this provision have been met shall be upon the
7 applicant, and the board shall require documentation, such as,
8 but not limited to, an evaluation by a foreign equivalency
9 determination service, as evidence that the applicant's
10 graduate degree program and education were equivalent to an
11 accredited program in this country. An applicant with a
12 master's degree from a program which did not emphasize art
13 therapy may complete the coursework requirement in a training
14 institution which follows the guidelines and meets the
15 educational requirements of the American Art Therapy
16 Association and the Art Therapy Credentials Board.

17 2. In lieu of the master's degree required under
18 subparagraph 1., an applicant may have completed the following
19 equivalent training:

20 a. A minimum of a bachelor's degree and either 21
21 semester hours or 32 quarter hours of graduate coursework or
22 315 hours of training in art therapy core curriculum. Such
23 training must be in a program of not less than 2 years in
24 duration, or 15 months full time, and must include instruction
25 in the following areas: history and theory of art therapy,
26 techniques of practice in art therapy, human growth and
27 development, psychopathology, group theories and practice of
28 group art therapy, diagnosis and assessment, art therapy
29 research and evaluation, and multicultural issues in art
30 therapy.

31

1 b. A minimum of one practicum, consisting of not less
2 than 700 hours of art therapy experience under the supervision
3 of an individual who has met the requirements for supervision
4 under paragraph (c), not less than 50 percent of which must
5 include direct client contact, whether individual, family, or
6 group.

7 3. As a prerequisite to the master's degree under
8 subparagraph 1. or other equivalent specialization under
9 subparagraph 2., each applicant must have completed 15
10 semester hours or 21 quarter hours in studio art and 12
11 semester hours or 18 quarter hours in psychology, including
12 developmental and abnormal psychology. The studio art
13 requirement may be fulfilled through documentation of training
14 outside the academic arena, with 30 hours of training in
15 studio art considered the equivalent of 2 semester hours or 3
16 quarter hours.

17 (c) Has had not less than 2 years of clinical
18 experience, which must be at the post-master's level, or the
19 equivalent, under the supervision of a licensed art therapist
20 who is a qualified supervisor as determined by the board. An
21 individual who intends to practice in Florida to satisfy the
22 clinical experience requirements must register pursuant to s.
23 491.0045 prior to commencing practice. A doctoral internship
24 may be applied toward the clinical experience requirement. The
25 clinical experience requirement may be met by work performed
26 on or off the premises of the supervising art therapist or the
27 equivalent, provided the off-premises work is not the
28 independent private practice rendering of art therapy services
29 that does not have a licensed mental health professional, as
30 determined by the board, on the premises at the same time the
31 intern is providing services.

1 (d) Has passed a theory and practice examination
2 provided by the department for this purpose.

3 (e) Has demonstrated, in a manner designated by rule
4 of the board, knowledge of the laws and rules governing the
5 practice of clinical social work, marriage and family therapy,
6 art therapy, and mental health counseling.

7 Section 7. Paragraph (a) of subsection (1) of section
8 491.006, Florida Statutes, is amended to read:

9 491.006 Licensure or certification by endorsement.--

10 (1) The department shall license or grant a
11 certificate to a person in a profession regulated by this
12 chapter who, upon applying to the department and remitting the
13 appropriate fee, demonstrates to the board that he or she:

14 (a) Has demonstrated, in a manner designated by rule
15 of the board, knowledge of the laws and rules governing the
16 practice of clinical social work, marriage and family therapy,
17 art therapy, and mental health counseling.

18 Section 8. Section 491.012, Florida Statutes, is
19 amended to read:

20 491.012 ~~Violations; penalty; injunction.~~--

21 (1) It is unlawful and a violation of this chapter for
22 any person to:

23 (a) Use the following titles or any combination
24 thereof, unless she or he holds a valid, active license as a
25 clinical social worker issued pursuant to this chapter:

- 26 1. "Licensed clinical social worker."
- 27 2. "Clinical social worker."
- 28 3. "Licensed social worker."
- 29 4. "Psychiatric social worker."
- 30 5. "Psychosocial worker."

31

1 (b) Use the following titles or any combination
2 thereof, unless she or he holds a valid, active license as a
3 marriage and family therapist issued pursuant to this chapter:

- 4 1. "Licensed marriage and family therapist."
- 5 2. "Marriage and family therapist."
- 6 3. "Marriage counselor."
- 7 4. "Marriage consultant."
- 8 5. "Family therapist."
- 9 6. "Family counselor."
- 10 7. "Family consultant."

11 (c) Use the following titles or any combination
12 thereof, unless she or he holds a valid, active license as an
13 art therapist issued pursuant to this chapter:

- 14 1. "Licensed art therapist."
- 15 2. "Art therapist."
- 16 3. "Licensed professional art therapist."
- 17 4. "Professional art therapist."
- 18 5. "Clinical art therapist."

19 ~~(d)~~(c) Use the following titles or any combination
20 thereof, unless she or he holds a valid, active license as a
21 mental health counselor issued pursuant to this chapter:

- 22 1. "Licensed mental health counselor."
- 23 2. "Mental health counselor."
- 24 3. "Mental health therapist."
- 25 4. "Mental health consultant."

26 (e)~~(d)~~ Use the terms psychotherapist or sex therapist,
27 unless such person is licensed pursuant to this chapter or
28 chapter 490, or is certified under s. 464.012 as an advanced
29 registered nurse practitioner who has been determined by the
30 Board of Nursing as a specialist in psychiatric mental health
31

1 and the use of such terms is within the scope of her or his
2 practice based on education, training, and licensure.

3 (f)~~(e)~~ Present as her or his own the clinical social
4 work, marriage and family therapy, art therapy, or mental
5 health counseling license of another.

6 (g)~~(f)~~ Give false or forged evidence to the board or a
7 member thereof for the purpose of obtaining a license.

8 (h)~~(g)~~ Use or attempt to use a license issued pursuant
9 to this chapter which has been revoked or is under suspension.

10 (i)~~(h)~~ Knowingly conceal information relative to
11 violations of this chapter.

12 (j)~~(i)~~ Practice clinical social work in this state, as
13 the practice is defined in s. 491.003~~(9)~~(7), for compensation,
14 unless the person holds a valid, active license to practice
15 clinical social work issued pursuant to this chapter.

16 (k)~~(j)~~ Practice marriage and family therapy in this
17 state, as the practice is defined in s. 491.003~~(10)~~(8), for
18 compensation, unless the person holds a valid, active license
19 to practice marriage and family therapy issued pursuant to
20 this chapter.

21 (l) Practice art therapy in this state, as the
22 practice is defined in s. 491.003(8), for compensation, unless
23 the person holds a valid, active license to practice art
24 therapy issued pursuant to this chapter.

25 (m)~~(k)~~ Practice mental health counseling in this
26 state, as the practice is defined in s. 491.003~~(11)~~(9), for
27 compensation, unless the person holds a valid, active license
28 to practice mental health counseling issued pursuant to this
29 chapter.

30
31

1 (n)~~(1)~~ Use the following titles or any combination
2 thereof, unless he or she holds a valid registration as an
3 intern issued pursuant to this chapter:

- 4 1. "Registered clinical social worker intern."
- 5 2. "Registered marriage and family therapist intern."
- 6 3. "Registered art therapist intern."
- 7 ~~4.3.~~ "Registered mental health counselor intern."

8 (o)~~(m)~~ Use the following titles or any combination
9 thereof, unless he or she holds a valid provisional license
10 issued pursuant to this chapter:

- 11 1. "Provisional clinical social worker licensee."
- 12 2. "Provisional marriage and family therapist
13 licensee."
- 14 3. "Provisional art therapist licensee."

15 ~~4.3.~~ "Provisional mental health counselor licensee."

16 (2) It is unlawful and a violation of this chapter for
17 any person to describe her or his services using the following
18 terms or any derivative thereof, unless such person holds a
19 valid, active license under this chapter or chapter 490, or is
20 certified under s. 464.012 as an advanced registered nurse
21 practitioner who has been determined by the Board of Nursing
22 as a specialist in psychiatric mental health and the use of
23 such terms is within the scope of her or his practice based on
24 education, training, and licensure:

- 25 (a) "Psychotherapy."
- 26 (b) "Sex therapy."
- 27 (c) "Sex counseling."
- 28 (d) "Clinical social work."
- 29 (e) "Psychiatric social work."
- 30 (f) "Marriage and family therapy."
- 31 (g) "Marriage and family counseling."

1 (h) "Marriage counseling."

2 (i) "Family counseling."

3 (j) "Art therapy."

4 (k)~~(j)~~ "Mental health counseling."

5 (3) Any person who violates any provision of
6 subsection (1) or subsection (2) commits a misdemeanor of the
7 first degree, punishable as provided in s. 775.082 or s.
8 775.083.

9 (4) The department may institute appropriate judicial
10 proceedings to enjoin violation of this section.

11 Section 9. Subsection (6) of section 491.014, Florida
12 Statutes, is amended to read:

13 491.014 Exemptions.--

14 (6) Nothing in subsections (2)-(4) shall exempt any
15 person from the provisions of s. 491.012(1)(a)-(d)~~(a)-(c)~~,
16 (n)~~(i)~~, and(o)~~(m)~~.

17 Section 10. Section 491.0149, Florida Statutes, is
18 amended to read:

19 491.0149 Display of license; use of professional title
20 on promotional materials.--

21 (1)(a) A person licensed under this chapter as a
22 clinical social worker, marriage and family therapist, art
23 therapist, or mental health counselor, or certified as a
24 master social worker shall conspicuously display the valid
25 license issued by the department or a true copy thereof at
26 each location at which the licensee practices his or her
27 profession.

28 (b)1. A licensed clinical social worker shall include
29 the words "licensed clinical social worker" or the letters
30 "LCSW" on all promotional materials, including cards,
31

1 brochures, stationery, advertisements, and signs, naming the
2 licensee.

3 2. A licensed marriage and family therapist shall
4 include the words "licensed marriage and family therapist" or
5 the letters "LMFT" on all promotional materials, including
6 cards, brochures, stationery, advertisements, and signs,
7 naming the licensee.

8 3. A licensed art therapist shall include the words
9 "licensed art therapist" or the letters "LAT" on all
10 promotional materials, including cards, brochures, stationery,
11 advertisements, and signs, naming the licensee.

12 ~~4.3.~~ A licensed mental health counselor shall include
13 the words "licensed mental health counselor" or the letters
14 "LMHC" on all promotional materials, including cards,
15 brochures, stationery, advertisements, and signs, naming the
16 licensee.

17 (2)(a) A person registered under this chapter as a
18 clinical social worker intern, marriage and family therapist
19 intern, art therapist intern, or mental health counselor
20 intern shall conspicuously display the valid registration
21 issued by the department or a true copy thereof at each
22 location at which the registered intern is completing the
23 experience requirements.

24 (b) A registered clinical social worker intern shall
25 include the words "registered clinical social worker intern,"
26 a registered marriage and family therapist intern shall
27 include the words "registered marriage and family therapist
28 intern," a registered art therapist intern shall include the
29 words "registered art therapist intern," and a registered
30 mental health counselor intern shall include the words
31 "registered mental health counselor intern" on all promotional

1 materials, including cards, brochures, stationery,
2 advertisements, and signs, naming the registered intern.

3 (3)(a) A person provisionally licensed under this
4 chapter as a provisional clinical social worker licensee,
5 provisional marriage and family therapist licensee,
6 provisional art therapist licensee, or provisional mental
7 health counselor licensee shall conspicuously display the
8 valid provisional license issued by the department or a true
9 copy thereof at each location at which the provisional
10 licensee is providing services.

11 (b) A provisional clinical social worker licensee
12 shall include the words "provisional clinical social worker
13 licensee," a provisional marriage and family therapist
14 licensee shall include the words "provisional marriage and
15 family therapist licensee," a provisional art therapist
16 licensee shall include the words "provisional art therapist
17 licensee," and a provisional mental health counselor licensee
18 shall include the words "provisional mental health counselor
19 licensee" on all promotional materials, including cards,
20 brochures, stationery, advertisements, and signs, naming the
21 provisional licensee.

22 Section 11. Paragraph (g) of subsection (3) of section
23 20.43, Florida Statutes, is amended to read:

24 20.43 Department of Health.--There is created a
25 Department of Health.

26 (3) The following divisions of the Department of
27 Health are established:

28 (g) Division of Medical Quality Assurance, which is
29 responsible for the following boards and professions
30 established within the division:

31 1. Nursing assistants, as provided under s. 400.211.

- 1 2. Health care services pools, as provided under s.
- 2 402.48.
- 3 3. The Board of Acupuncture, created under chapter
- 4 457.
- 5 4. The Board of Medicine, created under chapter 458.
- 6 5. The Board of Osteopathic Medicine, created under
- 7 chapter 459.
- 8 6. The Board of Chiropractic, created under chapter
- 9 460.
- 10 7. The Board of Podiatric Medicine, created under
- 11 chapter 461.
- 12 8. Naturopathy, as provided under chapter 462.
- 13 9. The Board of Optometry, created under chapter 463.
- 14 10. The Board of Nursing, created under chapter 464.
- 15 11. The Board of Pharmacy, created under chapter 465.
- 16 12. The Board of Dentistry, created under chapter 466.
- 17 13. Midwifery, as provided under chapter 467.
- 18 14. The Board of Speech-Language Pathology and
- 19 Audiology, created under part I of chapter 468.
- 20 15. The Board of Nursing Home Administrators, created
- 21 under part II of chapter 468.
- 22 16. Occupational therapy, as provided under part III
- 23 of chapter 468.
- 24 17. Respiratory therapy, as provided under part V of
- 25 chapter 468.
- 26 18. Dietetics and nutrition practice, as provided
- 27 under part X of chapter 468.
- 28 19. Athletic trainers, as provided under part XIV of
- 29 chapter 468.
- 30 20. Electrolysis, as provided under chapter 478.
- 31

1 21. The Board of Massage Therapy, created under
2 chapter 480.
3 22. The Board of Clinical Laboratory Personnel,
4 created under part III of chapter 483.
5 23. Medical physicists, as provided under part IV of
6 chapter 483.
7 24. The Board of Opticianry, created under part I of
8 chapter 484.
9 25. The Board of Hearing Aid Specialists, created
10 under part II of chapter 484.
11 26. The Board of Physical Therapy Practice, created
12 under chapter 486.
13 27. The Board of Psychology, created under chapter
14 490.
15 28. The Board of Clinical Social Work, Marriage and
16 Family Therapy, Art Therapy, and Mental Health Counseling,
17 created under chapter 491.
18
19 The department may contract with the Agency for Health Care
20 Administration who shall provide consumer complaint,
21 investigative, and prosecutorial services required by the
22 Division of Medical Quality Assurance, councils, or boards, as
23 appropriate.
24 Section 12. Subsection (2) of section 61.20, Florida
25 Statutes, is amended to read:
26 61.20 Social investigation and recommendations when
27 child custody is in issue.--
28 (2) A social investigation and study, when ordered by
29 the court, shall be conducted by qualified staff of the court;
30 a child-placing agency licensed pursuant to s. 409.175; a
31 psychologist licensed pursuant to chapter 490; or a clinical

1 social worker, marriage and family therapist, art therapist,
2 or mental health counselor licensed pursuant to chapter 491.
3 If a certification of indigence based on an affidavit filed
4 with the court pursuant to s. 57.081 is provided by an adult
5 party to the proceeding and the court does not have qualified
6 staff to perform the investigation and study, the court may
7 request that the Department of Health and Rehabilitative
8 Services conduct the investigation and study.

9 Section 13. Paragraph (a) of subsection (1) of section
10 90.503, Florida Statutes, is amended to read:

11 90.503 Psychotherapist-patient privilege.--

12 (1) For purposes of this section:

13 (a) A "psychotherapist" is:

14 1. A person authorized to practice medicine in any
15 state or nation, or reasonably believed by the patient so to
16 be, who is engaged in the diagnosis or treatment of a mental
17 or emotional condition, including alcoholism and other drug
18 addiction;

19 2. A person licensed or certified as a psychologist
20 under the laws of any state or nation, who is engaged
21 primarily in the diagnosis or treatment of a mental or
22 emotional condition, including alcoholism and other drug
23 addiction;

24 3. A person licensed or certified as a clinical social
25 worker, marriage and family therapist, art therapist, or
26 mental health counselor under the laws of this state, who is
27 engaged primarily in the diagnosis or treatment of a mental or
28 emotional condition, including alcoholism and other drug
29 addiction; or

30 4. Treatment personnel of facilities licensed by the
31 state pursuant to chapter 394, chapter 395, or chapter 397, of

1 facilities designated by the Department of Health and
2 Rehabilitative Services pursuant to chapter 394 as treatment
3 facilities, or of facilities defined as community mental
4 health centers pursuant to s. 394.907(1), who are engaged
5 primarily in the diagnosis or treatment of a mental or
6 emotional condition, including alcoholism and other drug
7 addiction.

8 Section 14. Subsection (23) of section 397.311,
9 Florida Statutes, is amended to read:

10 397.311 Definitions.--As used in this chapter, except
11 part VIII:

12 (23) "Private practitioner" means a physician licensed
13 under chapter 458 or chapter 459, a psychologist licensed
14 under chapter 490, or a clinical social worker, marriage and
15 family therapist, art therapist, or mental health counselor
16 licensed under chapter 491.

17 Section 15. Subsection (7) of section 397.405, Florida
18 Statutes, is amended to read:

19 397.405 Exemptions from licensure.--The following are
20 exempt from the licensing provisions of this chapter:

21 (7) A social worker, marriage and family therapist,
22 art therapist, or mental health counselor licensed under
23 chapter 491.

24

25 The exemptions from licensure in this section do not apply to
26 any facility or entity which receives an appropriation, grant,
27 or contract from the state to operate as a service provider as
28 defined in this chapter or to any substance abuse program
29 regulated pursuant to s. 397.406. No provision of this
30 chapter shall be construed to limit the practice of a
31 physician licensed under chapter 458 or chapter 459, a

1 psychologist licensed under chapter 490, or a psychotherapist
2 licensed under chapter 491, providing outpatient or inpatient
3 substance abuse treatment to a voluntary patient, so long as
4 the physician, psychologist, or psychotherapist does not
5 represent to the public that he or she is a licensed service
6 provider under this act. Failure to comply with any
7 requirement necessary to maintain an exempt status under this
8 section is a misdemeanor of the first degree, punishable as
9 provided in s. 775.082 or s. 775.083.

10 Section 16. Subsections (2) and (3) of section 456.32,
11 Florida Statutes, are amended to read:

12 456.32 Definitions.--In construing this chapter, the
13 words, phrases, or terms, unless the context otherwise
14 indicates, shall have the following meanings:

15 (2) "Healing arts" shall mean the practice of
16 medicine, surgery, psychiatry, dentistry, osteopathic
17 medicine, chiropractic, naturopathy, podiatry, chiropody,
18 psychology, clinical social work, marriage and family therapy,
19 art therapy, mental health counseling, and optometry.

20 (3) "Practitioner of the healing arts" shall mean a
21 person licensed under the laws of the state to practice
22 medicine, surgery, psychiatry, dentistry, osteopathic
23 medicine, chiropractic, naturopathy, podiatry, chiropody,
24 psychology, clinical social work, marriage and family therapy,
25 art therapy, mental health counseling, or optometry within the
26 scope of his or her professional training and competence and
27 within the purview of the statutes applicable to his or her
28 respective profession, and who may refer a patient for
29 treatment by a qualified person, who shall employ hypnotic
30 techniques under the supervision, direction, prescription, and
31 responsibility of such referring practitioner.

1 Section 17. Paragraph (bb) of subsection (1) of
2 section 468.1295, Florida Statutes, is amended to read:

3 468.1295 Disciplinary proceedings.--

4 (1) The following acts constitute grounds for both
5 disciplinary actions as set forth in subsection (2) and cease
6 and desist or other related actions by the department as set
7 forth in s. 455.228:

8 (bb) Being unable to practice the profession for which
9 he or she is licensed or certified under this chapter with
10 reasonable skill or competence as a result of any mental or
11 physical condition or by reason of illness, drunkenness, or
12 use of drugs, narcotics, chemicals, or any other substance. In
13 enforcing this paragraph, upon a finding by the secretary, his
14 or her designee, or the board that probable cause exists to
15 believe that the licensee or certificateholder is unable to
16 practice the profession because of the reasons stated in this
17 paragraph, the department shall have the authority to compel a
18 licensee or certificateholder to submit to a mental or
19 physical examination by a physician, psychologist, clinical
20 social worker, marriage and family therapist, art therapist,
21 or mental health counselor designated by the department or
22 board. If the licensee or certificateholder refuses to comply
23 with the department's order directing the examination, such
24 order may be enforced by filing a petition for enforcement in
25 the circuit court in the circuit in which the licensee or
26 certificateholder resides or does business. The department
27 shall be entitled to the summary procedure provided in s.
28 51.011. A licensee or certificateholder affected under this
29 paragraph shall at reasonable intervals be afforded an
30 opportunity to demonstrate that he or she can resume the
31

1 competent practice for which he or she is licensed or
2 certified with reasonable skill and safety to patients.

3 Section 18. Section 490.00515, Florida Statutes, is
4 amended to read:

5 490.00515 Exemptions from public records and meetings
6 requirements.--The exemptions from s. 119.07(1) provided by
7 ss. 455.621 ~~455.225~~(2) and (10) and 455.707 ~~455.261~~(3)(e) and
8 (5)(a) also apply to information concerning a provisional
9 psychologist regulated by the Agency for Health Care
10 Administration and the department of Health under this
11 chapter, ~~a registered clinical social worker intern, a~~
12 ~~registered marriage and family therapist intern, a registered~~
13 ~~mental health counselor intern, a provisional clinical social~~
14 ~~worker, a provisional marriage and family therapist, or a~~
15 ~~provisional mental health counselor regulated by the Agency~~
16 ~~for Health Care Administration and the Department of Health~~
17 ~~under chapter 491. The exemption from s. 286.011 provided by~~
18 ~~s. 455.621 ~~455.225~~(4) also applies to the proceedings of a~~
19 ~~probable cause panel with respect to an investigation~~
20 ~~concerning a provisional psychologist, a registered clinical~~
21 ~~social worker intern, a registered marriage and family~~
22 ~~therapist intern, a registered mental health counselor intern,~~
23 ~~a provisional clinical social worker, a provisional marriage~~
24 ~~and family therapist, or a provisional mental health counselor~~
25 ~~regulated by the agency and department under this chapter or~~
26 ~~chapter 491. This section is subject to the Open Government~~
27 ~~Sunset Review Act of 1995 in accordance with s. 119.15 and~~
28 ~~shall stand repealed on October 2, 2002, unless reviewed and~~
29 ~~saved from repeal through reenactment by the Legislature.~~

30 Section 19. Paragraph (b) of subsection (1) of section
31 490.014, Florida Statutes, is amended to read:

1 490.014 Exemptions.--

2 (1)

3 (b) No provision of this chapter shall be construed to
4 limit the practice of nursing, clinical social work, marriage
5 and family therapy, art therapy, mental health counseling, or
6 other recognized businesses or professions, or to prevent
7 qualified members of other professions from doing work of a
8 nature consistent with their training, so long as they do not
9 hold themselves out to the public as psychologists or use a
10 title protected by this chapter. Nothing in this subsection
11 shall be construed to exempt any person from the provisions of
12 s. 490.012.

13 Section 20. Paragraph (b) of subsection (2) of section
14 627.668, Florida Statutes, is amended to read:

15 627.668 Optional coverage for mental and nervous
16 disorders required; exception.--

17 (2) Under group policies or contracts, inpatient
18 hospital benefits, partial hospitalization benefits, and
19 outpatient benefits consisting of durational limits, dollar
20 amounts, deductibles, and coinsurance factors shall not be
21 less favorable than for physical illness generally, except
22 that:

23 (b) Outpatient benefits may be limited to \$1,000 for
24 consultations with a ~~licensed~~ physician, a psychologist
25 licensed pursuant to chapter 490, a mental health counselor
26 licensed pursuant to chapter 491, an art therapist licensed
27 pursuant to chapter 491, a marriage and family therapist
28 licensed pursuant to chapter 491, and a clinical social worker
29 licensed pursuant to chapter 491. If benefits are provided
30 beyond the \$1,000 per benefit year, the durational limits,
31

1 dollar amounts, and coinsurance factors thereof need not be
2 the same as applicable to physical illness generally.

3 Section 21. This act shall take effect October 1 of
4 the year in which enacted.

5
6 *****

7 LEGISLATIVE SUMMARY

8 Provides for regulation of the practice of art therapy
9 under ch. 491, F.S., relating to clinical social work,
10 marriage and family therapy, and mental health
11 counseling. Provides intent and revises and provides
12 definitions. Renames the Board of Clinical Social Work,
13 Marriage and Family Therapy, and Mental Health Counseling
14 as the the Board of Clinical Social Work, Marriage and
15 Family Therapy, Art Therapy, and Mental Health
16 Counseling, and increases board membership to provide for
17 appointment of an art therapist member. Provides for
18 registration of art therapist interns. Provides for
19 provisional licensure. Provides licensure requirements,
20 including licensure by endorsement. Provides penalties
21 with respect to the use of certain titles and terms and
22 with respect to unlicensed practice. Requires the display
23 of license at each practice location. Requires the use of
24 certain professional titles on promotional materials.

25
26 Amends provisions of law relating to the Department of
27 Health, social investigations when child custody is in
28 question, a definition of "psychotherapist," a definition
29 of "private practitioner," certain exemptions from
30 licensure, definitions of "healing arts" and
31 "practitioner of the healing arts," a ground for
disciplinary action relating to impairment as a
speech-language pathologist or audiologist, exemptions
from public records applicable to psychologists,
exemptions from regulation as a psychologist, and
optional insurance coverage for mental and nervous
disorders, to provide applicability to art therapists and
other conforming changes. (See bill for details.)