

By Senator Sobel

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1 A bill to be entitled
2 An act relating to art therapy; creating part XVII of
3 ch. 468, F.S., entitled "Art Therapy"; creating s.
4 468.901, F.S.; providing legislative findings and
5 intent; creating s. 468.902, F.S.; defining terms;
6 creating s. 468.903, F.S.; creating the Advisory
7 Council of Professional Art Therapists within the
8 Division of Medical Quality Assurance in the
9 Department of Health; providing for membership of the
10 council; requiring the council to meet at least
11 annually or by call of the director of the division;
12 requiring the council to provide the director with
13 certain expertise and assistance; requiring the
14 director to consult with the council before issuing
15 rules; creating s. 468.904, F.S.; prohibiting an
16 individual from practicing professional or clinical
17 art therapy unless he or she holds a certain license;
18 providing exceptions; prohibiting use of the titles
19 "professional art therapist" or "clinical art
20 therapist" except by certain individuals; providing a
21 penalty; providing for construction; creating s.
22 468.905, F.S.; establishing requirements for licensure
23 as a professional art therapist and a clinical art
24 therapist; authorizing the director to determine that
25 certain programs are substantially equivalent to
26 accredited art therapy programs; providing for
27 licensure by reciprocity; exempting certain applicants
28 from licensure requirements; requiring certain fees to
29 be deposited into the Medical Quality Assurance Trust

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30 Fund; creating s. 468.906, F.S.; requiring a license
31 to be renewed biennially, subject to certain
32 requirements; requiring the director to establish
33 continuing education requirements; providing that
34 failure to renew shall result in forfeiture of the
35 license; creating s. 468.907, F.S.; specifying
36 disciplinary grounds and actions; authorizing the
37 division, in consultation with the advisory council,
38 to conduct investigations into violations; requiring
39 the division to adopt rules for the administration of
40 disciplinary procedures and actions; creating s.
41 468.908, F.S.; authorizing the division to adopt
42 rules; amending s. 1002.66, F.S.; adding art therapy
43 to the list of specialized instructional services that
44 parents of children eligible for the prekindergarten
45 program for children with disabilities may select;
46 amending s. 1003.572, F.S.; including professional art
47 therapists as private instructional personnel to
48 provide specialized services in public schools;
49 providing an effective date.

50
51 Be It Enacted by the Legislature of the State of Florida:

52
53 Section 1. Part XVII of chapter 468, Florida Statutes,
54 consisting of ss. 468.901-468.908, Florida Statutes, is created
55 and entitled "Art Therapy."

56 Section 2. Section 468.901, Florida Statutes, is created to
57 read:

58 468.901 Legislative findings and intent.—The Legislature

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59 finds that understanding the power of art and art-making to
60 stimulate memories and reveal emotions, and the skill to safely
61 manage and interpret the reactions different art processes may
62 evoke, are competencies that are unique to professionally
63 trained art therapists. The Legislature further finds that the
64 practice of art therapy presents a danger to public health,
65 safety, and welfare if applied beyond the competence of the
66 practitioner or if applied by individuals without appropriate
67 training. It is the intent of this act to secure the health,
68 safety, and welfare of the public, and to assist the public in
69 making informed choices regarding art therapy services, by
70 establishing minimum qualifications for the practice of clinical
71 and professional art therapy.

72 Section 3. Section 468.902, Florida Statutes, is created to
73 read:

74 468.902 Definitions.—As used in this part, the term:

75 (1) "Accredited art therapy program" means a master's
76 degree program in art therapy at a nationally accredited college
77 or university which was approved by the American Art Therapy
78 Association at the time an applicant's degree was granted, or,
79 beginning January 1, 2020, a master's degree program in art
80 therapy accredited by the Commission on Accreditation of Allied
81 Health Education Programs.

82 (2) "Advisory council" means the Advisory Council of
83 Professional Art Therapists established in s. 468.903.

84 (3) "Art therapy" means the integrated use of
85 psychotherapeutic principles, art media, and creative processes
86 to assist individuals, families, or groups in increasing an
87 awareness of self and others, coping with stress and the

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88 symptoms that arise from traumatic experiences, enhancing
89 cognitive abilities, and identifying and implementing
90 therapeutic interventions to meet developmental, behavioral,
91 mental, and emotional needs.

92 (4) "Art therapy certified supervisor" means a board-
93 certified art therapist holding the Art Therapy Certified
94 Supervisor credential from the Art Therapy Credentials Board.

95 (5) "Board-certified art therapist" means an individual who
96 holds national board certification in good standing with the Art
97 Therapy Credentials Board.

98 (6) "Director" means the director of the Division of
99 Medical Quality Assurance.

100 (7) "Division" means the Division of Medical Quality
101 Assurance within the Department of Health.

102 (8) "Licensed clinical art therapist" means an individual
103 who is licensed by the division to practice clinical art therapy
104 pursuant to s. 468.905(3).

105 (9) "Licensed professional art therapist" means an
106 individual who is licensed by the division to practice
107 professional art therapy pursuant to s. 468.905(1).

108 (10) "Practice of clinical art therapy" means the practice
109 of professional art therapy by an independent or adjunctive
110 therapist who provides services to an individual, family, or
111 group using the application of art therapy principles and
112 methods in the diagnosis, prevention, treatment, and
113 amelioration of psychological problems and emotional or mental
114 conditions.

115 (11) "Practice of professional art therapy" means to engage
116 professionally and for compensation in art therapy by providing

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117 services that involve application of art therapy principles and
118 methods that include, but are not limited to:

119 (a) Evaluation and treatment activities during individual,
120 couples, family, or group sessions which provide opportunities
121 for expression through the creative process;

122 (b) Using the process and products of art creation to tap
123 into clients' inner fears, conflicts, and core issues with the
124 goal of improving physical, mental, and emotional functioning
125 and well-being;

126 (c) Using diagnostic art therapy assessments to determine
127 treatment goals and implement therapeutic art interventions that
128 meet developmental, mental, behavioral, and emotional needs; and

129 (d) Employing art media, the creative process, and the
130 resulting artwork to assist clients to:

131 1. Reduce psychiatric symptoms that include, but are not
132 limited to, depression, anxiety, posttraumatic stress, and
133 attachment disorders;

134 2. Enhance neurological, cognitive, and verbal abilities,
135 develop social skills, aid sensory impairments, and improve
136 developmental capabilities;

137 3. Cope with symptoms of stress, anxiety, traumatic
138 experiences, and grief;

139 4. Explore feelings, gain insight into behaviors, and
140 reconcile emotional conflicts;

141 5. Improve or restore functioning and a sense of personal
142 well-being;

143 6. Increase coping skills, self-esteem, awareness of self,
144 and empathy for others;

145 7. Improve healthy channeling of anger and guilt; and

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146 8. Promote developmentally appropriate academic and social
147 interaction and relationships.

148 (12) "Supervised experience" means the regular oversight of
149 the functions and activities of an art therapy student as part
150 of an internship or practicum, or an art therapy graduate
151 trainee engaged in the practice of professional art therapy to
152 fulfill the requirements for licensure pursuant to s. 468.904,
153 by an art therapy certified supervisor, board-certified art
154 therapist, or other qualified mental health professional as
155 determined by rule.

156 Section 4. Section 468.903, Florida Statutes, is created to
157 read:

158 468.903 Advisory Council of Professional Art Therapists.-

159 (1) There is created within the division an Advisory
160 Council of Professional Art Therapists, composed of five members
161 appointed by the director to serve 3-year terms. The advisory
162 council shall consist of two members who are licensed
163 professional art therapists, two members who are licensed
164 clinical art therapists, and one member who is a licensed health
165 care provider and who is not connected with the practice of
166 professional art therapy.

167 (a) Advisory council members shall serve staggered terms as
168 determined by rule. Initial appointments to fill the
169 professional art therapist positions on the advisory council
170 shall be for a term of at least 1 year. Appointees shall be
171 credentialed art therapists who meet the requirements for
172 licensure under this part and who have engaged in the practice
173 of professional art therapy in this state for at least 4 years
174 immediately before appointment.

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175 (b) Advisory council members may serve consecutive terms at
176 the will of the director.

177 (c) Advisory council members shall serve without
178 compensation, but shall be entitled to reimbursement for per
179 diem and travel expenses pursuant to s. 112.061.

180 (2) The advisory council shall meet at least annually or as
181 called by the director.

182 (3) The advisory council shall provide the director with
183 expertise and assistance in carrying out his or her duties and
184 responsibilities pursuant to this part, including:

185 (a) Advising the director in developing rules relating to
186 procedures and requirements for licensure and the biennial
187 renewal of licenses, fees, licensure examinations, and approval
188 of art therapy programs;

189 (b) Evaluating the professional qualifications of
190 applicants for licensure;

191 (c) Developing materials that the division may use to
192 educate the public about art therapy and the licensure of
193 clinical and professional art therapists; and

194 (d) Reviewing complaints of improper or unethical practice
195 by licensed art therapists and providing advice regarding
196 disciplinary actions.

197 (4) The director shall consult with the advisory council
198 before issuing rules pursuant to s. 468.908.

199 Section 5. Section 468.904, Florida Statutes, is created to
200 read:

201 468.904 Licensure requirement; use of title.—

202 (1) An individual may not, for or without compensation,
203 engage in the practice of professional art therapy or clinical

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204 art therapy unless the individual holds a license issued by the
205 division pursuant to s. 468.905. The requirement for licensure
206 pursuant to this section does not apply to:

207 (a) A student enrolled in a postgraduate program in art
208 therapy approved by the director while engaged in supervised
209 experiences that are part of an approved course of study; and

210 (b) A person holding a master's or doctoral degree from an
211 approved program in art therapy who is engaged in the practice
212 of clinical or professional art therapy while under supervision
213 as part of clinical training, approved by the division, to
214 satisfy the supervised experience requirement for licensure
215 pursuant to s. 468.905.

216 (2) An individual may not, for or without compensation, use
217 in connection with his or her name the professional designations
218 "professional art therapist" or "clinical art therapist," or use
219 any letters, words, or insignia, or otherwise represent himself
220 or herself to the public as licensed or qualified to practice
221 professional art therapy, either directly or through a
222 governmental or private organization, entity, or agency, unless
223 the individual holds a license issued by the division pursuant
224 to s. 468.905.

225 (3) An individual who violates this section commits a
226 misdemeanor of the first degree, punishable as provided in s.
227 775.082 or s. 775.083.

228 (4) This section may not be construed to restrict the
229 activities or practice of an individual licensed or certified
230 under any other law of this state from engaging in the
231 profession or practice for which he or she is licensed or
232 certified if he or she is providing services that are consistent

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233 with the individual's professional training and he or she does
234 not represent, imply, or claim that he or she is a professional
235 art therapist or clinical art therapist licensed under this
236 part.

237 Section 6. Section 468.905, Florida Statutes, is created to
238 read:

239 468.905 Issuance of licenses.-

240 (1) The division shall issue a professional art therapist
241 license to each applicant who files an application using a form
242 and in such manner as the division prescribes, accompanied by
243 applicable fees, and who furnishes evidence satisfactory to the
244 division that the applicant:

245 (a) Holds a master's degree or higher from an accredited
246 art therapy program or a substantially equivalent program
247 approved by the director;

248 (b) Has completed not less than 3 years, with a minimum of
249 3,000 hours, of supervised experience in art therapy under the
250 supervision of an art therapy certified supervisor, board-
251 certified art therapist, or other qualified mental health
252 professional, as determined by the director, of which:

253 1. A minimum of 2 years, or 2,000 hours, was completed
254 following completion of the graduate degree;

255 2. A minimum of 1,500 hours of postgraduate supervised
256 experience involved the practice of professional art therapy
257 face-to-face with clients, some part of which may have included
258 participation in a doctoral internship; and

259 3. At least 1 hour of direct contact between a graduate
260 trainee and an approved supervisor was provided per 15 hours of
261 practice face-to-face with clients, with a minimum of 1 hour of

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262 direct supervision every 2 weeks;

263 (c) Has passed the Art Therapy Credentials Board
264 Examination.

265 (2) The director may determine that a master's degree
266 program in art therapy or a related field at a nationally
267 accredited college or university is substantially equivalent to
268 an accredited art therapy program if the program includes at
269 least 60 semester credit hours, or the equivalent, of graduate-
270 level courses that include courses and training in the following
271 areas:

272 (a) The art therapy profession.

273 (b) Theory and practice of art therapy.

274 (c) Human growth and developmental dynamics in art.

275 (d) Application of art therapy with people in different
276 treatment settings.

277 (e) Art therapy appraisal, diagnosis, and assessment.

278 (f) Ethical and legal issues of art therapy practice.

279 (g) Matters of cultural and social diversity bearing on the
280 practice of art therapy.

281 (h) Standards of good art therapy practice.

282 (i) Group art therapy.

283 (j) An art therapy internship of at least 600 hours which
284 is performed under appropriate supervision and is part of an
285 approved course of study.

286 (3) The division shall issue a clinical art therapist
287 license to each applicant who files an application using a form
288 and in such manner as the division prescribes, accompanied by
289 applicable fees, and who furnishes evidence satisfactory to the
290 division that the applicant:

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291 (a) Has met all qualifications for licensure required by
292 subsection (1).

293 (b) Has completed at least 9 semester credit hours, or the
294 equivalent, of graduate-level courses specifically related to
295 diagnosis, treatment, appraisal, and assessment of mental,
296 emotional, behavioral, and addiction disorders, either as part
297 of an approved course of study for the master's or doctoral
298 degree or following completion of such degree.

299 (c) Has completed postgraduate supervised experience in
300 clinical art therapy in a clinical setting that provides
301 substantial opportunities to diagnose, treat, appraise, and
302 assess mental, emotional, behavioral, and addiction disorders in
303 both individual and group settings.

304 (4) The division shall issue a professional art therapist
305 license to an applicant who completes and submits an application
306 using a form and in such manner as the division prescribes,
307 accompanied by applicable fees, and who furnishes evidence
308 satisfactory to the division that the applicant holds a license
309 in good standing as a professional art therapist issued by
310 another state or jurisdiction where the qualifications required
311 for licensure are equal to or greater than those required by
312 subsection (1).

313 (5) The division shall waive the requirements of subsection
314 (1) and issue a professional art therapist license to an
315 applicant who, before July 1, 2018, files an application using a
316 form and in a manner as the division prescribes, accompanied by
317 applicable fees, and who furnishes evidence satisfactory to the
318 division that the applicant:

319 (a) Is a board-certified art therapist in good standing

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320 with the Art Therapy Credentials Board; and

321 (b) Has not less than 5 years of relevant experience in the
322 practice of art therapy before July 1, 2016, which may include
323 not more than 1 year of supervised experience as determined by
324 the director.

325 (6) Fees collected pursuant to this part shall be deposited
326 into the Medical Quality Assurance Trust Fund as provided under
327 s. 456.025.

328 Section 7. Section 468.906, Florida Statutes, is created to
329 read:

330 468.906 License renewal.—

331 (1) A license issued by the division under this part must
332 be renewed biennially by submission of an application using a
333 form and in a manner as the division prescribes, payment of a
334 renewal fee, and submission by the licensee of evidence of
335 satisfactory completion of required continuing education.

336 (2) The director shall establish by rule the requirements
337 for the number of credit hours and content of continuing
338 education, approval of qualified providers of continuing
339 education, and procedures for verifying and issuing credit for
340 satisfactory completion of continuing education, which shall
341 incorporate the requirements and standards for maintaining
342 national board certification in good standing with the Art
343 Therapy Credentials Board.

344 (3) Failure to renew a license shall result in forfeiture
345 of the license. Licenses that have been forfeited may be
346 restored within 1 year of the expiration date upon the
347 licensee's payment of renewal and restoration fees. Failure to
348 restore a forfeited license within 1 year of the date of its

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349 expiration results in the automatic termination of the license,
350 and the division may require the individual to reapply for
351 licensure as a new applicant.

352 Section 8. Section 468.907, Florida Statutes, is created to
353 read:

354 468.907 Disciplinary grounds and actions.—

355 (1) The following acts constitute violations of this part
356 and grounds for denial of a license or disciplinary action, as
357 specified in s. 456.072(2):

358 (a) Attempting to obtain, obtaining, or renewing a license
359 issued by the division under this part by fraudulent
360 misrepresentation, by bribery, or through an error of the
361 division.

362 (b) Being convicted or found guilty of, or entering a plea
363 of guilty or nolo contendere to, regardless of adjudication, a
364 crime in any jurisdiction which directly relates to the practice
365 of professional art therapy or the ability to practice art
366 therapy.

367 (c) Engaging in false, deceptive, or misleading advertising
368 or attempting to practice under a name other than one's own.

369 (d) Failing to meet the minimum standards of performance in
370 professional activities when measured against generally
371 prevailing peer performance, including performing any treatment
372 or therapy for which the licensee is not qualified by training
373 or experience or performing services that have not been duly
374 authorized by the client or his or her legal representative.

375 (e) Making or filing a report that the licensee knows to be
376 false, intentionally or negligently failing to file a report or
377 record required by state or federal law, willfully impeding or

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378 obstructing such filing, or inducing another person to do so.

379 (f) Failing to keep a written record for each client, which
380 includes client history, examination results, and the course of
381 prescribed treatment.

382 (g) Failing to make available, upon the written request of
383 a client or client's legal representative, copies of tests,
384 reports, art products, or documents in the possession of the
385 licensee which have been prepared for and paid for by the
386 client.

387 (h) Committing any act upon a client which would constitute
388 sexual battery or which would constitute sexual misconduct as
389 defined pursuant to s. 394.4593.

390 (i) Failing to respond within 30 days to a written
391 communication from the division or the Department of Health
392 concerning any investigation by the division or the department,
393 or failing to make available any relevant records with respect
394 to any investigation about the licensee's conduct or background.

395 (j) Failing or being unable to practice art therapy with
396 reasonable skill or competence as a result of any mental or
397 physical condition, or by reason of illness, drunkenness, or
398 excessive use of drugs, narcotics, or chemical substances.

399 (k) Violating a rule relating to the regulation of the art
400 therapy profession or a lawful order of the department
401 previously entered in a disciplinary hearing involving the
402 licensee.

403 (2) The division, in consultation with the advisory
404 council, may conduct investigations into alleged violations of
405 this section.

406 (3) The division shall adopt rules for the administration

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407 of this section, including determinations of the actions that
408 constitute a substantial violation of this section; the
409 sanctions necessary to protect the public or to compensate
410 clients; circumstances that allow for probation or corrective
411 actions rather than sanctions; and the conditions under which a
412 license may be reinstated after a licensee has undergone
413 disciplinary action.

414 Section 9. Section 468.908, Florida Statutes, is created to
415 read:

416 468.908 Rules.—The division is authorized to adopt rules to
417 implement this part.

418 Section 10. Paragraph (f) is added to subsection (2) of
419 section 1002.66, Florida Statutes, to read:

420 1002.66 Specialized instructional services for children
421 with disabilities.—

422 (2) The parent of a child who is eligible for the
423 prekindergarten program for children with disabilities may
424 select one or more specialized instructional services that are
425 consistent with the child's individual educational plan. These
426 specialized instructional services may include, but are not
427 limited to:

428 (f) Art therapy as defined in s. 468.902.

429 Section 11. Paragraph (g) is added to subsection (1) of
430 section 1003.572, Florida Statutes, to read:

431 1003.572 Collaboration of public and private instructional
432 personnel.—

433 (1) As used in this section, the term "private
434 instructional personnel" means:

435 (g) Professional art therapists licensed under part XVII of

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436 chapter 468.

437 Section 12. This act shall take effect July 1, 2016.