

By Senator Rouson

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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; providing for per diem and travel expenses;  
11      requiring the council to meet at least annually or at  
12      the call of the director of the division; requiring  
13      the council to provide the director with certain  
14      expertise and assistance; requiring the director to  
15      consult with the council before issuing rules;  
16      creating s. 468.904, F.S.; prohibiting an individual  
17      from practicing professional or clinical art therapy  
18      unless he or she holds a certain license; providing  
19      exceptions; prohibiting an individual from using the  
20      title "professional art therapist" or "clinical art  
21      therapist," from using certain letters, words, or  
22      insignia, or from representing himself or herself as  
23      licensed or qualified to practice professional art  
24      therapy without a license; providing penalties;  
25      providing for construction; creating s. 468.905, F.S.;  
26      establishing requirements for licensure as a  
27      professional art therapist and a clinical art  
28      therapist; authorizing the director to determine that  
29      certain programs are substantially equivalent to

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30 accredited art therapy programs; providing for the  
31 licensure of applicants who hold a license issued by  
32 another state or jurisdiction under certain  
33 circumstances; exempting certain applicants from  
34 licensure requirements; requiring certain fees to be  
35 deposited into the Medical Quality Assurance Trust  
36 Fund; creating s. 468.906, F.S.; requiring a license  
37 to be renewed biennially, subject to certain  
38 requirements; requiring the director to establish  
39 continuing education requirements; providing that  
40 failure to renew shall result in forfeiture of the  
41 license; authorizing a forfeited license to be  
42 restored under certain circumstances; creating s.  
43 468.907, F.S.; specifying disciplinary grounds and  
44 actions; authorizing the division, in consultation  
45 with the advisory council, to conduct investigations  
46 into violations; requiring the division to adopt rules  
47 for the administration of disciplinary procedures and  
48 actions; creating s. 468.908, F.S.; authorizing the  
49 division to adopt rules; amending s. 1002.66, F.S.;  
50 adding art therapy to the list of specialized  
51 instructional services that parents of children  
52 eligible for the prekindergarten program for children  
53 with disabilities may select; amending s. 1003.572,  
54 F.S.; including professional art therapists as private  
55 instructional personnel to provide specialized  
56 services in public schools; providing an effective  
57 date.

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

60  
61 Section 1. Part XVII of chapter 468, Florida Statutes,  
62 consisting of ss. 468.901-468.908, Florida Statutes, is created  
63 and entitled "Art Therapy."

64 Section 2. Section 468.901, Florida Statutes, is created to  
65 read:

66 468.901 Legislative findings and intent.—The Legislature  
67 finds that understanding the power of art and art-making to  
68 stimulate memories and reveal emotions, as well as possessing  
69 the necessary skill to safely manage and interpret the reactions  
70 that different art processes may evoke in people, is unique to  
71 professionally trained art therapists. The Legislature further  
72 finds that the practice of art therapy, if applied beyond the  
73 competence of the practitioner or if applied by an individual  
74 with no appropriate training, presents a danger to public  
75 health, safety, and welfare. It is the intent of this act to  
76 secure the health, safety, and welfare of the public, and to  
77 assist the public in making informed choices regarding art  
78 therapy services, by establishing minimum qualifications for the  
79 practice of professional art therapy and the practice of  
80 clinical art therapy.

81 Section 3. Section 468.902, Florida Statutes, is created to  
82 read:

83 468.902 Definitions.—As used in this part, the term:  
84 (1) "Accredited art therapy program" means a master's or  
85 doctoral degree program in art therapy at a nationally  
86 accredited college or university which was approved by the  
87 American Art Therapy Association at the time an applicant's

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88 degree was granted or, beginning January 1, 2020, a master's or  
89 doctoral degree program in art therapy accredited by the  
90 Commission on Accreditation of Allied Health Education Programs.

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

93 (3) "Art therapy" means the integrated use of  
94 psychotherapeutic principles, art media, and creative processes  
95 to assist an individual, couple, family, or group in increasing  
96 the awareness of self and others, coping with stress and the  
97 symptoms that arise from traumatic experiences, enhancing  
98 cognitive abilities, and identifying and implementing  
99 therapeutic interventions to meet the developmental, behavioral,  
100 physical, mental, and emotional needs of the individual, couple,  
101 family, or group.

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

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

108 (6) "Director" means the director of the Division of  
109 Medical Quality Assurance.

110 (7) "Division" means the Division of Medical Quality  
111 Assurance within the Department of Health.

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

115 (9) "Licensed professional art therapist" means an  
116 individual who is licensed by the division to practice

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117 professional art therapy pursuant to s. 468.905(1).

118 (10) "Practice of clinical art therapy" means the practice  
119 of clinical art therapy by an independent or adjunctive  
120 therapist who provides services to an individual, couple,  
121 family, or group using art therapy principles and methods in the  
122 diagnosis, prevention, treatment, and amelioration of the  
123 psychological problems and the physical, emotional, or mental  
124 conditions of the individual, couple, family, or group.

125 (11) "Practice of professional art therapy" means to engage  
126 professionally and for compensation in art therapy by providing  
127 services that involve application of art therapy principles and  
128 methods that include, but are not limited to, the use of:

129 (a) Evaluation and treatment activities during an  
130 individual, couple, family, or group session which provide  
131 opportunities for expression through the creative process;

132 (b) The process and products of art creation to tap into a  
133 client's inner fears, conflicts, and core issues with the goal  
134 of improving his or her physical, mental, and emotional  
135 functioning and well-being;

136 (c) Diagnostic art therapy assessments to determine  
137 treatment goals and implement therapeutic art interventions that  
138 meet the client's developmental, physical, mental, behavioral,  
139 and emotional needs; and

140 (d) Art media, the creative process, and the resulting  
141 artwork to assist the client to:

142 1. Reduce symptoms of a mental health problem, which  
143 includes, but is not limited to, depression, anxiety,  
144 posttraumatic stress, and attachment disorder;

145 2. Enhance neurological, cognitive, and verbal abilities,

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146 develop social skills, aid sensory impairments, and improve  
147 developmental capabilities;

148 3. Cope with symptoms of stress, anxiety, traumatic  
149 experiences, and grief;

150 4. Explore feelings, gain insight into behaviors, and  
151 reconcile emotional conflicts;

152 5. Improve or restore functioning and a sense of personal  
153 well-being;

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

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

157 8. Promote developmentally appropriate interactions and  
158 relationships in academic and social settings.

159 (12) "Supervised experience" means the regular oversight of  
160 the functions and activities of an art therapy student as part  
161 of an internship or practicum, or of an art therapy graduate  
162 trainee engaged in the practice of professional art therapy or  
163 the practice of clinical therapy to fulfill the requirements for  
164 licensure under s. 468.905, by an art therapy certified  
165 supervisor, board-certified art therapist, or other qualified  
166 mental health professional as determined by rule.

167 Section 4. Section 468.903, Florida Statutes, is created to  
168 read:

169 468.903 Advisory Council of Professional Art Therapists.—

170 (1) There is created within the division an Advisory  
171 Council of Professional Art Therapists. The advisory council  
172 consists of five members, two of whom are licensed professional  
173 art therapists, two of whom are licensed clinical art  
174 therapists, and one of whom is a licensed health care provider

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175 who is not connected with the practice of professional art  
176 therapy. Appointees who are professional art therapists or  
177 clinical art therapists must hold a license issued by the  
178 division pursuant to s. 468.905 and must have engaged in the  
179 practice of professional art therapy in this state for at least  
180 4 years immediately before appointment.

181 (a) Advisory council members are appointed by the director  
182 and shall serve for 3 years; however, the terms shall be  
183 staggered, as determined by rule, and initial appointments to  
184 fill the professional art therapist positions on the advisory  
185 council must be for a term of at least 1 year.

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

188 (c) Advisory council members shall serve without  
189 compensation, but are entitled to reimbursement for per diem and  
190 travel expenses pursuant to s. 112.061.

191 (2) The advisory council shall meet at least annually or at  
192 the call of the director.

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

196 (a) Advising the director in developing rules relating to  
197 procedures and requirements for licensure and the biennial  
198 renewal of licenses, fees, licensure examinations, and approval  
199 of art therapy programs;

200 (b) Evaluating the professional qualifications of  
201 applicants for licensure;

202 (c) Developing materials that the division may use to  
203 educate the public about art therapy and the licensure of

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204 clinical and professional art therapists; and

205 (d) Reviewing complaints of improper or unethical practice  
206 by licensed art therapists and providing advice regarding  
207 disciplinary actions.

208 (4) The director must consult with the advisory council  
209 before issuing rules pursuant to s. 468.908.

210 Section 5. Section 468.904, Florida Statutes, is created to  
211 read:

212 468.904 Licensure requirement; use of title.-

213 (1) An individual may not, for or without compensation,  
214 engage in the practice of professional art therapy or the  
215 practice of clinical art therapy without a license issued by the  
216 division pursuant to s. 468.905. The requirement for licensure  
217 does not apply to:

218 (a) A student enrolled in a postgraduate program in art  
219 therapy or a related field approved by the director who is  
220 practicing under supervision as part of an approved course of  
221 study; or

222 (b) A person holding a master's or doctoral degree from an  
223 accredited art therapy program, or from a postgraduate program  
224 in art therapy or a related field approved by the director under  
225 s. 468.905(2), who is practicing under supervision as part of  
226 clinical training approved by the division to satisfy the  
227 supervised experience requirement for licensure under s.  
228 468.905.

229 (2) An individual may not, for or without compensation, use  
230 in connection with his or her name the professional designations  
231 "professional art therapist" or "clinical art therapist" or use  
232 any letter, word, or insignia or otherwise represent himself or

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233 herself to the public as licensed or qualified to practice  
234 professional art therapy or clinical art therapy, directly or  
235 through a governmental or private organization, entity, or  
236 agency, unless the individual holds a license issued by the  
237 division pursuant to s. 468.905.

238 (3) An individual who violates this section commits a  
239 misdemeanor of the first degree, punishable as provided in s.  
240 775.082 or s. 775.083.

241 (4) This section may not be construed to restrict the  
242 activities or practice of an individual licensed or certified  
243 under any other law of this state from engaging in the  
244 profession or practice for which he or she is licensed or  
245 certified if he or she is providing services that are consistent  
246 with the individual's professional training and if he or she  
247 does not represent, imply, or claim that he or she is a  
248 professional art therapist or clinical art therapist licensed  
249 under this part.

250 Section 6. Section 468.905, Florida Statutes, is created to  
251 read:

252 468.905 Issuance of licenses.—

253 (1) The division shall issue a professional art therapist  
254 license to an applicant who files an application using a form  
255 and in such manner as the division prescribes, accompanied by  
256 applicable fees, and who furnishes evidence satisfactory to the  
257 division that the applicant:

258 (a) Holds a master's degree or higher from an accredited  
259 art therapy program or a substantially equivalent program  
260 approved by the director;

261 (b) Has completed a minimum of 3 years, with a minimum of

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262 3,000 hours, of supervised experience, of which:

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

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

269 3. At least 1 hour of direct contact between the graduate  
270 trainee and an approved supervisor was provided per 15 hours of  
271 practice face-to-face with clients, with a minimum of 1 hour of  
272 direct supervision every 2 weeks; and

273 (c) Has passed the Art Therapy Credentials Board  
274 Examination.

275 (2) The director may determine that a master's or doctoral  
276 degree program in art therapy or a related field at a nationally  
277 accredited college or university is substantially equivalent to  
278 an accredited art therapy program if the program includes at  
279 least 60 semester credit hours, or the equivalent, of graduate-  
280 level courses that include courses and training in the following  
281 areas:

282 (a) The art therapy profession.

283 (b) Theory and practice of art therapy.

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

285 (d) Application of art therapy with people in different  
286 treatment settings.

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

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

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

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- 291       (h) Standards of good art therapy practice.
- 292       (i) Group art therapy.
- 293       (j) An art therapy internship of at least 600 hours which  
294 is performed under appropriate supervision and is part of an  
295 approved course of study.
- 296       (3) The division shall issue a clinical art therapist  
297 license to an applicant who files an application using a form  
298 and in such manner as the division prescribes, accompanied by  
299 applicable fees, and who furnishes evidence satisfactory to the  
300 division that the applicant:
- 301           (a) Has met all qualifications for licensure required under  
302 subsection (1);
- 303           (b) Has completed at least 9 semester credit hours, or the  
304 equivalent, of graduate-level courses specifically related to  
305 the diagnosis, treatment, appraisal, and assessment of mental,  
306 emotional, behavioral, and addiction disorders, either as part  
307 of an approved course of study for the master's or doctoral  
308 degree or following completion of such degree; and
- 309           (c) Has completed postgraduate supervised experience in the  
310 practice of clinical art therapy in a clinical setting that  
311 provides substantial opportunities to diagnose, treat, appraise,  
312 and assess mental, emotional, behavioral, and addiction  
313 disorders in both individual and group settings.
- 314       (4) The division shall issue a professional art therapist  
315 license to an applicant who completes and submits an application  
316 using a form and in such manner as the division prescribes,  
317 accompanied by applicable fees, and who furnishes evidence  
318 satisfactory to the division that the applicant holds a license  
319 in good standing as a professional art therapist issued by

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320 another state or jurisdiction in which the qualifications  
321 required for licensure are equal to or greater than those  
322 required by subsection (1).

323 (5) The division shall waive the requirements of subsection  
324 (1) and issue a professional art therapist license to an  
325 applicant who, before July 1, 2019, files an application using a  
326 form and in a manner as the division prescribes, accompanied by  
327 applicable fees, and who furnishes evidence satisfactory to the  
328 division that the applicant:

329 (a) Is a board-certified art therapist in good standing  
330 with the Art Therapy Credentials Board; and

331 (b) Has at least 5 years of relevant experience in the  
332 practice of art therapy before July 1, 2017, which may include  
333 up to 1 year of supervised experience as determined by the  
334 director.

335 (6) Fees collected pursuant to this section shall be  
336 deposited into the Medical Quality Assurance Trust Fund as  
337 provided under s. 456.025.

338 Section 7. Section 468.906, Florida Statutes, is created to  
339 read:

340 468.906 License renewal.—

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

346 (2) The director shall establish by rule the requirements  
347 for the number of credit hours and content of continuing  
348 education, approval of qualified providers of continuing

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349 education, and procedures for verifying and issuing credit for  
350 satisfactory completion of continuing education. The continuing  
351 education must incorporate the requirements and standards for  
352 maintaining national board certification in good standing with  
353 the Art Therapy Credentials Board.

354 (3) Failure to renew a license shall result in forfeiture  
355 of the license. A license that has been forfeited may be  
356 restored within 1 year after the expiration date upon the  
357 licensee's payment of renewal and restoration fees and  
358 submission by the licensee of evidence of satisfactory  
359 completion of the continuing education requirements. Failure to  
360 restore a forfeited license within 1 year after the date of its  
361 expiration shall result in the automatic termination of the  
362 license, and the division may require the individual to reapply  
363 for licensure as a new applicant.

364 Section 8. Section 468.907, Florida Statutes, is created to  
365 read:

366 468.907 Disciplinary grounds and actions.—

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

370 (a) Attempting to obtain, obtaining, or renewing a license  
371 issued by the division under this part by fraudulent  
372 misrepresentation, by bribery, or through an error of the  
373 division.

374 (b) Being convicted or found guilty of, or entering a plea  
375 of guilty or nolo contendere to, regardless of adjudication, a  
376 crime in any jurisdiction which directly relates to the practice  
377 of professional art therapy or the ability to practice art

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378 therapy.

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

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

387 (e) Making or filing a report that the licensee knows to be  
388 false, intentionally or negligently failing to file a report or  
389 record required by state or federal law, willfully impeding or  
390 obstructing such filing, or inducing another person to do so.

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

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

398 (h) Committing an act upon a client which would constitute  
399 sexual battery or which would constitute sexual misconduct as  
400 defined pursuant to s. 394.4593.

401 (i) Failing to respond within 30 days to a written  
402 communication from the division or the Department of Health  
403 concerning any investigation by the division or the department,  
404 or failing to make available any relevant record with respect to  
405 an investigation about the licensee's conduct or background.

406 (j) Failing or being unable to practice art therapy with

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407 reasonable skill or competence as a result of any mental or  
408 physical condition or by reason of illness, drunkenness, or  
409 excessive use of drugs, narcotics, or chemical substances.

410 (k) Violating a rule relating to the regulation of the art  
411 therapy profession or a lawful order of the department  
412 previously entered in a disciplinary hearing involving the  
413 licensee.

414 (2) The division, in consultation with the advisory  
415 council, may conduct an investigation into an alleged violation  
416 of this section.

417 (3) The division shall adopt rules for the administration  
418 of this section, including determinations of the actions that  
419 constitute a substantial violation of this section; the  
420 sanctions necessary to protect the public or to compensate  
421 clients; circumstances that allow for probation or corrective  
422 actions rather than sanctions; and the conditions under which a  
423 license may be reinstated after a licensee has undergone  
424 disciplinary action.

425 Section 9. Section 468.908, Florida Statutes, is created to  
426 read:

427 468.908 Rules.—The division may adopt rules to administer  
428 this part.

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

431 1002.66 Specialized instructional services for children  
432 with disabilities.—

433 (2) The parent of a child who is eligible for the  
434 prekindergarten program for children with disabilities may  
435 select one or more specialized instructional services that are

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436 consistent with the child's individual educational plan. These  
437 specialized instructional services may include, but are not  
438 limited to:

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

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

442 1003.572 Collaboration of public and private instructional  
443 personnel.—

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

446 (g) Professional art therapists licensed under part XVII of  
447 chapter 468.

448 Section 12. This act shall take effect July 1, 2017.