

HB 343

2023

26 prohibiting the practice of professional art therapy
27 for compensation and the use of certain titles,
28 letters, abbreviations, and insignia without a valid,
29 active license; providing criminal penalties;
30 providing construction; exempting certain persons from
31 licensure and registration requirements; requiring the
32 board and department to adopt rules; providing an
33 effective date.

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

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37 Section 1. This act may be cited as the "Professional Art
38 Therapist Licensure Act."

39 Section 2. The Legislature finds that understanding the
40 power of art and art making to stimulate memories and reveal
41 emotions, and the skill to safely manage and interpret the
42 reactions different art processes may evoke, are competencies
43 unique to professionally trained art therapists. The Legislature
44 further finds that the practice of professional art therapy
45 presents a danger to public health, safety, and welfare if
46 applied beyond the competence of a professional art therapist or
47 if applied by an individual without the appropriate training. It
48 is the intent of this act to secure the health, safety, and
49 welfare of the public, and to assist the public in making
50 informed choices regarding art therapy services, by establishing

51 minimum qualifications for entry into and continuing practice of
52 professional art therapy.

53 Section 3. Subsections (11) through (18) of section
54 491.003, Florida Statutes, are renumbered as subsections (12)
55 through (19), respectively, and a new subsection (11) is added
56 to that section to read:

57 (11) "Professional art therapist" means a person licensed
58 under this chapter to practice professional art therapy.

59 Section 4. The first art therapist member appointed to the
60 Board of Clinical Social Work, Marriage and Family Therapy, and
61 Mental Health Counseling under s. 491.004, Florida Statutes, as
62 amended by this act, must meet all qualifications, other than
63 payment of fees, to obtain a license pursuant to s. 491.019(2),
64 Florida Statutes.

65 Section 5. Subsections (1), (2), and (3) of section
66 491.004, Florida Statutes, are amended to read:

67 491.004 Board of Clinical Social Work, Marriage and Family
68 Therapy, and Mental Health Counseling.—

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

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

75 1. Two members shall be licensed practicing clinical

76 social workers.

77 2. Two members shall be licensed practicing marriage and
78 family therapists.

79 3. Two members shall be licensed practicing mental health
80 counselors.

81 4. One member shall be a licensed practicing professional
82 art therapist.

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

87 (3) ~~No later than January 1, 1988,~~ The Governor shall
88 appoint 10 ~~nine~~ members of the board as follows:

89 (a) Three members for terms of 2 years each.

90 (b) Three members for terms of 3 years each.

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

92 (d) One licensed practicing professional art therapist
93 member for a term of 4 years.

94 Section 6. Section 491.019, Florida Statutes, is created
95 to read:

96 491.019 Professional art therapy.-

97 (1) As used in this section, the term:

98 (a) "Art therapist intern" means a person registered under
99 subsection (3) who is completing the post-master's clinical
100 experience pursuant to paragraph (2)(c).

101 (b) "Board-certified art therapist" means an individual
102 who holds a credential in good standing with the Art Therapy
103 Credentials Board, Inc., or any successor organization.

104 (c) "Licensed professional art therapist" means an
105 individual who is licensed under this chapter to engage in the
106 practice of professional art therapy.

107 (d) "Practice of professional art therapy" means the
108 integrated use of psychotherapeutic principles and methods with
109 specialized graduate training in art media, the neurobiological
110 implications of art making, and art-based assessment models in
111 the assessment, diagnosis, prevention, treatment, and
112 amelioration of mental, developmental, behavioral, and emotional
113 disorders and conditions in clients of all ages. The term
114 includes:

115 1. The use of therapeutic art interventions to facilitate
116 alternative modes of receptive and expressive communication
117 which can circumvent the limitations of verbal articulation and
118 implementation of art-based treatment plans to help clients
119 improve cognitive, sensory, and motor functions; reduce symptoms
120 of depression, anxiety, posttraumatic stress, and attachment
121 disorders; enhance neurological, cognitive, and verbal
122 abilities; foster self-esteem and self-awareness; cultivate
123 emotional resilience; reduce and resolve conflicts, distress,
124 and grief; and enhance educational performance and social
125 functioning.

126 2. Psychological methods used to evaluate, assess,
127 diagnose, treat, and prevent emotional and mental disorders or
128 dysfunctions, including cognitive, affective, and behavioral
129 disorders, alcoholism, and substance abuse.

130 3. Consultation, client advocacy, crisis intervention,
131 provision of needed information and education to clients, art-
132 based treatments that relate to multicultural populations,
133 program evaluation, and applied research.

134 (2) The department shall issue a professional art
135 therapist license to an applicant who the board certifies has
136 met all of the following requirements:

137 (a) Has submitted a completed application.

138 (b) Holds a minimum of a master's degree from an
139 accredited college or university in:

140 1. An art therapy program that was approved by the
141 American Art Therapy Association or accredited by the Commission
142 on Accreditation of Allied Health Education Programs at the time
143 the degree was conferred; or

144 2. A program that is substantially equivalent to an
145 approved or accredited program in art therapy, as determined by
146 rule of the board.

147 (c) Has completed at least 2 years of clinical experience
148 in professional art therapy, which must be at the post-master's
149 level under the supervision of a licensed practicing
150 professional art therapist, a board-certified art therapist, or

151 another qualified mental health professional, as determined by
152 rule of the board. A doctoral internship may qualify as clinical
153 experience under this paragraph.

154 (d) Has passed the Art Therapy Credentials Board
155 Examination offered by the Art Therapy Credentials Board, Inc.,
156 or an examination offered by any successor organization.

157 (e) Has demonstrated, in a manner designated by rule of
158 the board, knowledge of the laws and rules governing the
159 practice of clinical social work, marriage and family therapy,
160 mental health counseling, and professional art therapy.

161 (3)(a) If an individual intends to practice art therapy to
162 satisfy the post-master's clinical experience pursuant to
163 paragraph (2)(c), he or she must register with the department as
164 an art therapist intern before beginning such practice.

165 (b) The department shall register an applicant as an art
166 therapist intern after the board certifies that he or she has
167 met all of the following requirements:

168 1. Has submitted a completed application.

169 2. Has completed the education requirements specified in
170 paragraph (2)(b).

171 3. Has submitted an acceptable supervision plan, as
172 determined by rule of the board.

173 4. Has identified a qualified supervisor, as determined by
174 rule of the board.

175 (c) An individual registered under this subsection must

176 practice under supervision until he or she is licensed as a
177 professional art therapist.

178 (4) (a) The department shall issue a license by endorsement
179 to an applicant who the board certifies has met all of the
180 following requirements:

181 1. Has submitted a completed application.

182 2. Holds a professional art therapist license in good
183 standing, or its equivalent, issued by another state or
184 jurisdiction, if the qualifications for licensure in such other
185 state or jurisdiction are equal to or greater than those
186 specified in subsection (2).

187 3. Has demonstrated, in a manner designated by rule of the
188 board, knowledge of the laws and rules governing the practice of
189 clinical social work, marriage and family therapy, mental health
190 counseling, and professional art therapy.

191 4. Has actively engaged in the practice of professional
192 art therapy in such other state or jurisdiction for 3 of the 5
193 years immediately preceding his or her application for licensure
194 by endorsement under this subsection.

195 5. Is not under investigation for, and has not been found
196 guilty of, any act that would constitute a violation of this
197 chapter.

198 (b) The department shall waive the requirements of
199 subsection (2) and issue a professional art therapist license to
200 an applicant who, before July 1, 2024, submits a completed

201 application and demonstrates to the board that he or she has met
202 all of the following requirements:

203 1. Has passed the Art Therapy Credentials Board
204 Examination offered by the Art Therapy Credentials Board, Inc.,
205 or an examination offered by any successor organization.

206 2. Has engaged in the practice of professional art therapy
207 for at least 5 years, which may include up to 1 year of practice
208 under supervision, as determined by rule of the board.

209 3. Has completed appropriate training, as determined by
210 rule of the board, in the assessment, diagnosis, treatment, or
211 resolution of mental, behavioral, and emotional disorders and
212 dysfunctions as part of the approved course of study for his or
213 her master's or doctoral degree or following completion of such
214 degree.

215 4. Has demonstrated, in a manner designated by rule of the
216 board, knowledge of the laws and rules governing the practice of
217 clinical social work, marriage and family therapy, mental health
218 counseling, and professional art therapy.

219 5. Is not under investigation for, and has not been found
220 guilty of, any act that would constitute a violation of this
221 chapter.

222 (5)(a) The board or department shall adopt rules
223 establishing requirements for the annual renewal of professional
224 art therapist licenses.

225 (b)1. An applicant for license renewal shall present

226 satisfactory evidence that, in the period since the license was
227 issued, the applicant has completed continuing education
228 requirements, as determined by rule of the board or department.

229 2. The board or department shall require continuing
230 education which must include, at a minimum, the continuing
231 education requirements for maintaining national board
232 certification in good standing with the Art Therapy Credentials
233 Boards, Inc., or any successor organization. The board or
234 department may not require more than 100 hours of continuing
235 education in a 5-year period.

236 (c) Continuing education providers, programs, and courses,
237 and laws and rules governing such providers, programs, and
238 courses, must be approved by the board or department as
239 specified in s. 491.0085.

240 (d) The board or department shall adopt rules establishing
241 requirements for the annual renewal of art therapist intern
242 registrations.

243 (6) (a) Inactive status is the licensure status that
244 results when a licensee has applied to the department to be
245 placed on inactive status.

246 (b) An inactive license may be renewed annually.

247 (c) An inactive license may be reactivated by submitting a
248 completed application to the department.

249 (7) (a) The following acts constitute grounds for denial of
250 a license or disciplinary action, as specified in s. 456.072 (2):

- 251 1. Committing any act specified in s. 491.009(1).
- 252 2. Committing an act upon a client which would constitute
 253 sexual battery or which would constitute sexual misconduct as
 254 defined by rule pursuant to s. 491.0111.
- 255 3. Disclosing confidential information including, but not
 256 limited to, records, artwork, verbal or artistic expression, or
 257 assessment interpretations developed within the client-therapist
 258 relationship without the client's explicit consent, except as
 259 mandated by law or court order.
- 260 (b) The department may enter an order denying licensure or
 261 imposing any of the penalties in s. 456.072(2) against any
 262 applicant for licensure, licensee, or registered intern who is
 263 found guilty of violating paragraph (a) or s. 456.072(1).
- 264 (8)(a) A person may not:
- 265 1. Practice professional art therapy for compensation
 266 unless the person holds a valid, active license issued pursuant
 267 to subsection (2) or subsection (4) or is a registered art
 268 therapist intern pursuant to subsection (3).
- 269 2. Use the title "licensed professional art therapist,"
 270 "professional art therapist," or "licensed art therapist," or
 271 use any letters, abbreviations, or insignia to represent himself
 272 or herself as licensed to practice professional art therapy,
 273 unless he or she holds a valid, active license issued pursuant
 274 to subsection (2) or subsection (4) or is a registered art
 275 therapist intern pursuant to subsection (3).

276 3. Use the title "registered art therapist intern,"
277 "registered art therapist," or "art therapist intern," or use
278 any letters, abbreviations, or insignia to represent himself or
279 herself as a registered art therapist intern, unless he or she
280 holds a valid, active registration issued pursuant to subsection
281 (3).

282 4. Present as his or her own the professional art
283 therapist license or art therapist intern registration of
284 another.

285 5. Give false or forged evidence to the department or the
286 board, or a member thereof, for the purpose of obtaining a
287 license or registration.

288 6. Use or attempt to use a license or registration issued
289 pursuant to this section which has been revoked or suspended.

290 7. Knowingly conceal information relative to violations of
291 this section.

292 (b) A person who violates paragraph (a) commits a
293 misdemeanor of the first degree, punishable as provided in s.
294 775.082 or s. 775.083.

295 (c) The department may institute appropriate judicial
296 proceedings to enjoin violations of this subsection.

297 (9) This section does not restrict the activities or
298 practice of an individual licensed or certified under this
299 chapter or any other law of this state from engaging in the
300 profession or practice for which he or she is licensed or

301 certified if he or she is providing services that are within the
302 scope of practice of his or her license or certification and
303 consistent with his or her professional training and if the
304 individual does not hold himself or herself out to the public as
305 a licensed professional art therapist or registered art
306 therapist intern under this section.

307 (10) The following persons are not required to be licensed
308 to practice professional art therapy or to be registered art
309 therapist interns under this section:

310 (a) A salaried employee of a government agency; a
311 developmental disability facility or program; a domestic
312 violence center certified pursuant to chapter 39; a mental
313 health, alcohol, or drug abuse facility operating under chapter
314 393, chapter 394, or chapter 397; a child-placing or child-
315 caring agency licensed pursuant to chapter 409; the statewide
316 child care resource and referral network operating under s.
317 1002.92; an accredited academic institution; or a research
318 institution, if such employee is performing duties for which he
319 or she was trained and hired solely within the confines of such
320 agency, facility, program, center, network, or institution, so
321 long as the employee is not held out to the public as a
322 registered art therapist intern or licensed professional art
323 therapist.

324 (b) A salaried employee of a private, nonprofit
325 organization providing counseling services to children, youth,

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326 and families, if such services are provided for no charge and
327 such employee is performing duties for which he or she was
328 trained and hired, so long as the employee is not held out to
329 the public as a registered art therapist intern or licensed
330 professional art therapist.

331 (c) A student providing professional art therapy services
332 regulated under this section who is enrolled in a post-master's
333 or doctoral program in professional art therapy if such services
334 are provided under supervision as part of an approved course of
335 study.

336 (d) A nonresident of this state who offers professional
337 art therapy services in this state if all of the following
338 requirements are met:

339 1. The nonresident is licensed or certified to practice
340 professional art therapy in another state or territory of the
341 United States or in a foreign country or province.

342 2. Such services are performed for no more than 15 days in
343 any calendar year.

344 (11) The board and department shall adopt rules to
345 administer this section.

346 Section 7. This act shall take effect July 1, 2023.