A BILL FOR

An Act providing for the licensure of clinical art therapists by the behavioral science board, making penalties applicable, providing for fees, and including applicability provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 147.1, subsections 3 and 6, Code 2015, are amended to read as follows:

3. “Licensed” or “certified”, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, clinical art therapist, social worker, massage therapist, athletic trainer, acupuncturist, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. “Profession” means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care.

Note: Wording changed or added to the existing Code appear as underlined text or with the notation NEW SECTION; words deleted appear in (parentheses).
cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, art therapy, social work, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, hearing aid dispensing, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.2, subsection 1, Code 2015, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy, clinical art therapy, or mental health counseling, massage therapy, mortuary science, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating, or shall not practice as a physician assistant, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, subsection 16, Code of 2015, is amended to read as follows:

16. For marital and family therapy, clinical art therapy, and mental health counseling, the board of behavioral science.

Sec. 4. Section 147.14, subsection 1, paragraph m, Code of 2015, is amended to read as follows:

m. For behavioral science, three members licensed to practice marital and family therapy, all of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; one member licensed to practice clinical art therapy; and (three) two members who
are not licensed to practice marital and family therapy, clinical art therapy, or mental health counseling and who shall represent the general public.

Sec. 5. Section 147.74, subsection 14, Code 2015, is amended to read as follows:

g. A mental health counselor licensed under chapter 154D and this chapter may use the words “licensed mental health counselor” after the person’s name. A mental health counselor licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix “Doctor” or “Dr.” in conjunction with the person’s name, but shall add after the person’s name the words “licensed mental health counselor”.

b. A clinical art therapist licensed under chapter 154D and this chapter may use the words “licensed clinical art therapists” after the person’s name or signify the same by the use of the letters “L.C.A.T.” after the person’s name. A clinical art therapist licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix “Doctor” or “Dr.” in conjunction with the person’s name, but shall add after the person’s name the words “licensed clinical art therapist”.

Sec. 6. Section 154D.1, Code 2015, is amended to read as follows:

154D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “Art therapy” means the integrated use of psychotherapeutic principles, art media, and the creative process to assist individuals, families, or groups in increasing awareness of self and others, coping with symptoms, stress, and traumatic experiences, enhancing cognitive abilities, and identifying and implementing therapeutic interventions to meet developmental, behavioral, mental, and emotional needs.

2. “Board” means the board of behavioral science established in chapter 147.

3. "Clinical Art Therapy” means the application of art therapy principles and methods in the diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions.
4. “Licensed clinical art therapist” means a person licensed to practice clinical art therapy under chapter 147 and this chapter.

5. “Licensed marital and family therapist” means a person licensed to practice marital and family therapy under chapter 147 and this chapter.

6. “Licensed mental health counselor” means a person licensed to practice mental health counseling under chapter 147 and this chapter.

7. “Licensee” includes a licensed marital and family therapist, licensed clinical art therapist, and a licensed mental health counselor.

8. “Marital and family therapy” means the application of counseling techniques in the assessment and resolution of emotional conditions. This includes the alteration and establishment of attitudes and patterns of interaction relative to marriage, family life, and interpersonal relationships.

9. “Mental health counseling” means the provision of counseling services involving assessment, referral, consultation, and the application of counseling, human development principles, learning theory, group dynamics, and the etiology of maladjustment and dysfunctional behavior to individuals, families, and groups.

10. “Temporary license” means a license to practice marital and family therapy, clinical art therapy, or mental health counseling under direct supervision of a qualified supervisor as determined by the board by rule to fulfill the postgraduate supervised clinical experience requirement in accordance with this chapter.

11. “Temporary licensed clinical art therapist” means a person licensed to practice clinical art therapy under supervision in accordance with 154D.7.

12. “Temporary licensed marital and family therapist” means a person licensed to practice marital and family therapy under supervision in accordance with section 154D.7.

13. “Temporary licensed mental health counselor” means a person licensed to practice mental health counseling under supervision in accordance with section 154D.7.

Sec. 6. Section 154D.4, Code 2015, is amended to read as follows”

154D.4. Exceptions.
1. This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a marital and family therapy, clinical art therapy, or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists, licensed clinical art therapists, or licensed mental health counselors.

2. The licensure requirements of this chapter and chapter 147 do not apply to the following:
   a. Students whose activities are conducted within a course of professional education in marital and family therapy, art therapy, or mental health counseling.
   b. A person who practices marital and family therapy, clinical art therapy, or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in sections 154D.2, subsection 2 and section 154D.8, subsection 1, paragraph “b”.
   c. The provision of children, family, or mental health services through the department of human services or juvenile court, or agencies contracting with the department of human services or juvenile court, by persons who do not represent themselves to be (either) a marital and family therapists, a clinical art therapist, or a mental health counselor.

Sec. 7. Section 154D.5, Code 2015, is amended to read as follows:

154D.5 Sexual conduct with client.

The license of a marital and family therapist, clinical art therapist, or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule. The revocation shall be in addition to any other penalties provided by law.

Sec. 8. Section 154D.7, Code 2015, is amended to read as follows:

154D.7 Temporary license—marital and family therapy—clinical art therapy—mental health counseling—fees.
Any person who has fulfilled all of the requirements for licensure under this chapter, except for having completed the postgraduate supervised clinical experience requirement as determined by the board by rule, may apply to the board for a temporary license. The license shall be designated “temporary license in marital and family therapy”, “temporary license in clinical art therapy”, or “temporary license in mental health counseling” and shall authorize the licensee to practice marital and family therapy, clinical art therapy, or mental health counseling under the supervision of a qualified supervisor as determined by the board by rule. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative costs of issuing the license, and if renewed, a renewal fee as set by the board shall be required.

Sec. 9. Section 154D, Code 2015, is amended by adding the following new section:

NEW SECTION. 154D.8 Licensure—clinical art therapy.
1. An applicant for a license to practice clinical art therapy shall be granted a license by the board when the applicant satisfies all of the following requirements:
   a. Possesses a master’s or doctoral degree from a nationally accredited institution consisting of at least sixty semester hours, or its equivalent, in an art therapy program that was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time the degree was conferred, or a substantially equivalent program as approved by the board.
   b. Has at least two years of supervised experience or its equivalent as approved by the board that includes experience in a clinical setting that provides opportunities to diagnose, treat, appraise and assess mental, emotional, behavioral and addiction disorders in both individual and group settings, as determined by the board by rule. Standards for supervision, including the requirement that supervision be provided by an Art Therapy Certified Supervisor credentialed by the Art Therapy Credentials Board (ATCB) or other qualified
licensed mental health professional approved by the board, shall be determined
by the board by rule.

c. Passes the national Board Examination of the Art Therapy Credentials
Board (ATCB).

2. The board may make a determination that a program is substantially
equivalent to a program master’s degree program in art therapy approved by the
American Art Therapy Association if the program includes graduate-level courses
and training in the following areas:

a. The art therapy profession.

b. Theory and practice of art therapy.

c. Human growth and developmental dynamics in art.

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

e. Art therapy appraisal, diagnosis and assessment.

f. Ethical and legal issues of art therapy practice.

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

h. Standards of good art therapy practice.

i. Group art therapy.

j. An art therapy internship of not less than six hundred hours that is
performed under supervision and is part of an approved course of study.

Sec. 10. TRANSITION PROVISIONS.

1. Notwithstanding sections 147.14, as amended in this Act, and 147.16,
the governor may appoint to the board of behavioral science pursuant to section
147.14, subsection 1, paragraph “m”, as amended in this Act, subject to
confirmation by the senate, as the initial member licensed to practice clinical art
therapy, an individual who is credentialed as a Board Certified Art Therapist
(ART-BC) by the Art Therapy Credentials Board (ATCB) with experience and
expertise substantially equivalent to the requirements for licensure as a clinical
art therapist under section 154D.8, as amended in this Act.

2. Notwithstanding section 154D.8, subsection 1, as amended in this Act,
during the period of one year from the effective date of rules administering this
Act, the board may waive the requirements of section 154D.8, subsections 1
and 2, as amended in this Act, and may grant a license to practice clinical art therapy for an applicant who provides documentation satisfactory to the board that the applicant satisfies the following:

   a. Holds a credential in good standing as a Board Certified Art Therapist (ATR-BC) with the Art Therapy Credentials Board (ATCB).

   b. Has been engaged in the practice of clinical art therapy for not less than five years at the time of the effective date of rule adopted by the board to administer this Act, which shall include experience in a clinical setting that provides substantial opportunities to diagnose, treat, appraise and assess mental, emotional, behavioral and addiction disorders in both individual and group settings, as determined by the board by rule.

Sec. 11. RULES.

1. The board of behavioral science shall adopt rules to administer this Act pursuant to section 147.76, Code 2015.

2. Rules adopted by the board pursuant to this section shall include requirements for renewal of licenses granted in accordance with section 154D.8, as amended in this Act, that include continuing education requirements that are consistent with requirements to maintain certification as a Board Certified Art Therapist (ATR-BC) in good standing with the Art Therapy Credentials Board (ATCB).

3. Rules adopted by the board pursuant to this section shall be effective January 1, 2017.