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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 2743

03/08/2023 Authored by Agbaje, Norris and Newton The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health professions; establishing licensure for clinical art therapists;
1.3 imposing fees and civil penalties; proposing coding for new law in Minnesota
1.4 Statutes, chapter 148B.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. 148B.73 DEFINITIONS.

1.7 Subdivision 1. Scope. For purposes of sections 148B.73 to 148B.89, the terms in this
1.8 section have the meanings given.

1.9 Subd. 2. Advisory council. "Advisory council" means the Clinical Art Therapy Advisory
1.10 Council established in section 148B.88.

1.11 Subd. 3. Art therapy. "Art therapy" means the integrative application of
1.12 psychotherapeutic principles and methods with specialized training in art media, the
1.13 neurobiological implications of art-making, and art-based assessment models to assist an
1.14 individual, family, or group to improve cognitive and sensory-motor functions, increase
1.15 self-awareness and self-esteem, cope with grief and traumatic experience, resolve conflicts
1.16 and distress, and enhance social functioning.

1.17 Subd. 4. Board. "Board" means the Board of Marriage and Family Therapy established
1.18 in section 148B.30.

1.19 Subd. 5. Certified art therapist. "Certified art therapist" means a person who holds an
1.20 art therapy board certification in good standing with the Art Therapy Credentials Board or
1.21 a substantially similar successor credentialing organization.

2.1 Subd. 6. **Clinical art therapy.** "Clinical art therapy" means the application of art therapy
 2.2 principles and methods in the diagnosis, prevention, treatment, and amelioration of mental,
 2.3 developmental, behavioral, and emotional disorders and conditions in children and adults.

2.4 Subd. 7. **Licensed clinical art therapist.** "Licensed clinical art therapist" means a person
 2.5 who is licensed by the board and meets the requirements of section 148B.77.

2.6 Subd. 8. **Privileged communication.** "Privileged communication" means any information,
 2.7 including but not limited to client records, artwork, verbal or artistic expressions, assessment
 2.8 results, or assessment interpretations developed during a professional relationship between
 2.9 a clinical art therapist and a client.

2.10 Subd. 9. **Provisional licensed clinical art therapist.** "Provisional licensed clinical art
 2.11 therapist" means a person who has been issued a provisional license by the board and meets
 2.12 the requirements of section 148B.78.

2.13 Subd. 10. **Student.** "Student" means a person who is enrolled in an art therapy academic
 2.14 program at an accredited educational institution or who is engaged in the practice of art
 2.15 therapy in a supervised practicum or internship as part of an approved course of professional
 2.16 education in art therapy.

2.17 Subd. 11. **Supervision.** "Supervision" means the regular observation and oversight of
 2.18 the functions and activities of a clinical art therapy student by a supervisor as part of an
 2.19 internship, practicum, or work experience to ensure the successful application of art therapy.

2.20 **Sec. 2. [148B.74] DUTIES OF THE BOARD.**

2.21 The board, acting under the advice of the advisory council, shall exercise the following
 2.22 duties:

2.23 (1) adopt rules necessary to implement sections 148B.73 to 148B.89;

2.24 (2) prescribe licensure application forms and issue licenses to individuals who are
 2.25 qualified under sections 148B.73 to 148B.89;

2.26 (3) establish and implement procedures designed to ensure that licensed clinical art
 2.27 therapists comply with the provisions of sections 148B.73 to 148B.89;

2.28 (4) establish and implement requirements and procedures for clinical art therapist license
 2.29 renewals and provisional clinical art therapist licenses in accordance with the provisions of
 2.30 sections 148B.73 to 148B.89; and

2.31 (5) establish continuing education requirements for licensed clinical art therapists in
 2.32 accordance with section 148B.81.

3.1 Sec. 3. **[148B.75] SCOPE OF PRACTICE.**

3.2 The practice of clinical art therapy includes:

3.3 (1) implementation of art therapy interventions, including evaluation, treatment planning,
3.4 assessment, and referral;

3.5 (2) development of an art-based treatment plan to address the cognitive, developmental,
3.6 behavioral, and emotional disorders of a client;

3.7 (3) use of therapeutic interventions to facilitate alternative modes of receptive and
3.8 expressive communication;

3.9 (4) use of art media; creative processes; and resulting artwork to assist clients in coping
3.10 with and reducing psychiatric symptoms and post-traumatic stress; enhancing neurological,
3.11 cognitive, and verbal abilities; and promoting appropriate skills development;

3.12 (5) use of crisis intervention; and

3.13 (6) use of art-based treatments that effectively respond to multicultural populations.

3.14 Sec. 4. **[148B.76] UNAUTHORIZED PRACTICE; TITLE PROTECTION.**

3.15 Subdivision 1. **Unlicensed practice prohibited.** Effective July 1, 2025, no person shall
3.16 practice clinical art therapy unless the person is licensed as a clinical art therapist or as a
3.17 provisional licensed clinical art therapist pursuant to sections 148B.73 to 148B.89, except
3.18 as otherwise provided.

3.19 Subd. 2. **Protected titles.** No person shall use the title "clinical art therapist," "licensed
3.20 clinical art therapist," "licensed art therapist," "art therapist," "certified art therapist," or any
3.21 words, letters, abbreviations, or insignia indicating or implying the person is licensed by
3.22 the state as a clinical art therapist or an art therapist, or is eligible for licensure as a clinical
3.23 art therapist, unless the person is licensed in accordance with sections 148B.73 to 148B.89.

3.24 Subd. 3. **Sanctions.** Any person who violates a provision of this section is guilty of a
3.25 misdemeanor and shall be subject to sanctions or actions according to section 214.11.

3.26 Subd. 4. **Exceptions.** This section does not apply to:

3.27 (1) a person employed as a clinical art therapist by the federal government or any federal
3.28 agency if the person is providing services under the direction and control of the employer;

3.29 (2) a student enrolled in an art therapy academic program with an accredited educational
3.30 institution while practicing clinical art therapy under supervision if such practice constitutes

4.1 part of the student's approved course of study and the student is designated by a title such
 4.2 as "student," "trainee," or any other title that clearly indicates training status;

4.3 (3) a nonresident who is licensed as a clinical art therapist or its equivalent under the
 4.4 law of their state of residence who is practicing clinical art therapy in Minnesota for up to
 4.5 30 days during any calendar year;

4.6 (4) a person licensed or regulated under the laws of this state in another profession or
 4.7 occupation, if the person is performing art therapy incidental to the person's professional
 4.8 scope of practice and the person does not represent their practice as clinical art therapy, use
 4.9 any of the protected titles under subdivision 2, or otherwise hold themselves out to the public
 4.10 by any title or description stating or implying that they are licensed to engage in the practice
 4.11 of clinical art therapy, unless they are licensed under sections 148B.73 to 148B.89;

4.12 (5) a rabbi, priest, minister, or clergyperson of any religious denomination or sect,
 4.13 provided the activities and services are within the scope of the performance of regular or
 4.14 specialized ministerial duties; or

4.15 (6) an unlicensed complementary and alternative health care practitioner performing a
 4.16 complementary and alternative health care practice as defined under chapter 146A, if the
 4.17 person does not represent their practice as clinical art therapy or art therapy, use any of the
 4.18 protected titles under subdivision 2, or otherwise hold themselves out to the public by any
 4.19 title or description stating or implying that they are licensed to engage in the practice of
 4.20 clinical art therapy, unless they are licensed under sections 148B.73 to 148B.89.

4.21 **Sec. 5. [148B.77] REQUIREMENTS FOR LICENSURE.**

4.22 Subdivision 1. **General requirements.** (a) To be licensed as a clinical art therapist, an
 4.23 applicant must submit an application on a form prescribed by the board and provide evidence
 4.24 to the board that the applicant:

4.25 (1) is at least 18 years of age;

4.26 (2) is of good moral character;

4.27 (3) holds a master's or doctoral degree from an accredited college or university in a
 4.28 program in art therapy that is either approved by the American Art Therapy Association or
 4.29 accredited by the Commission on Accreditation of Allied Health Education Programs at
 4.30 the time the degree was conferred, or from a program that the board determines is
 4.31 substantially equivalent to an approved or accredited program in art therapy according to
 4.32 the requirements of paragraph (b);

5.1 (4) has earned graduate-level semester credits or quarter-credit equivalents in the
5.2 following clinical content areas:

5.3 (i) six credits in diagnostic assessment for child or adult mental disorders, normative
5.4 development, and psychopathology, including developmental psychopathology;

5.5 (ii) three credits in clinical treatment planning, with measurable goals;

5.6 (iii) six credits in clinical intervention methods informed by research evidence and
5.7 community standards of practice;

5.8 (iv) three credits in evaluation methodologies regarding the effectiveness of interventions;

5.9 (v) three credits in professional ethics applied to clinical practice; and

5.10 (vi) three credits in cultural diversity;

5.11 (5) has demonstrated competence in clinical art therapy by passing the Board Certification
5.12 Examination administered by the Art Therapy Credentials Board;

5.13 (6) has demonstrated successful completion of 4,000 hours of supervised, post-master's
5.14 degree professional experience in the delivery of clinical art therapy in accordance with
5.15 section 148B.82; and

5.16 (7) has submitted all applicable fees as required under section 148B.89.

5.17 (b) To be determined as substantially equivalent to an approved or accredited program
5.18 in art therapy, a program in art therapy must include a minimum of 60 semester credit hours,
5.19 or quarter-credit equivalent hours of graduate level coursework, and not less than 700 hours
5.20 of supervised field experience. Program content and coursework must include the mental
5.21 health content and art therapy core content requirements to qualify for National Art Therapist
5.22 Registration (ATR) established by the Art Therapy Credentials Board in effect at the time
5.23 the coursework was successfully completed.

5.24 (c) The coursework required in paragraph (a), clause (4), may be completed as part of
5.25 the degree program, or following the granting of the qualifying degree if the coursework is
5.26 taken and passed for credit from an accredited institution that meets requirements established
5.27 by the board.

5.28 Subd. 2. **Transition period.** Until July 1, 2026, the board may waive the requirements
5.29 of subdivision 1, paragraph (a), clauses (3), (5), and (6), and issue a clinical art therapist
5.30 license to an applicant who provides satisfactory evidence to the board that the applicant:

5.31 (1) holds a credential in good standing as a certified art therapist; and

6.1 (2) has at least five years of full-time experience in the practice of clinical art therapy.

6.2 **Sec. 6. [148B.78] PROVISIONAL LICENSE.**

6.3 Subdivision 1. **Requirements.** (a) The board may issue a provisional license to practice
6.4 clinical art therapy if the applicant submits an application on a form prescribed by the board
6.5 and submits to the board:

6.6 (1) satisfactory evidence that the applicant meets the requirements of section 148B.77,
6.7 subdivision 1, paragraph (a), clauses (1) to (3); and

6.8 (2) applicable fees required under section 148B.89.

6.9 (b) An applicant seeking a provisional license under this section must submit with the
6.10 application a plan for supervised clinical experience that meets the requirements described
6.11 in section 148B.82. Upon any change in the supervision plan, a provisional licensee must
6.12 submit to the board a revised plan for supervised clinical practice that continues to meet the
6.13 requirements of section 148B.82.

6.14 (c) A provisional licensed clinical art therapist practicing under this section:

6.15 (1) must use the title "Provisional Licensed Clinical Art Therapist" or the letters
6.16 "LCAT-P" in professional activities; and

6.17 (2) is subject to all statutes and rules to the same extent as an individual who is licensed
6.18 under section 148B.77, except the individual is not subject to the continuing education
6.19 requirements of section 148B.81.

6.20 Subd. 2. **Renewal of provisional license.** (a) A provisional licensed clinical art therapist
6.21 practicing with a provisional license must renew the provisional license annually in
6.22 accordance with section 148B.80, with the exception of submission of attestation of
6.23 completing continuing education requirements.

6.24 (b) A provisional license is automatically terminated if not renewed as required under
6.25 this subdivision or upon the granting or denial by the board of the applicant's application
6.26 for licensure as a clinical art therapist.

6.27 (c) A provisional license must not be renewed more than five times.

6.28 **Sec. 7. [148B.79] LICENSURE THROUGH RECIPROCITY.**

6.29 The board shall issue a clinical art therapist license to an individual who holds a current
6.30 license as a clinical art therapist or its equivalent from another jurisdiction if the board

7.1 determines that the standards for licensure in the other jurisdiction are at least equivalent
7.2 to or exceed the requirements of section 148B.77.

7.3 **Sec. 8. [148B.80] LICENSE RENEWAL.**

7.4 Subdivision 1. **Renewal.** A license issued by the board must be renewed annually upon
7.5 the submission of a complete renewal application, payment of the required renewal fee
7.6 under section 148B.89, and attestation to the completion of the continuing education
7.7 requirements in section 148B.81.

7.8 Subd. 2. **Notice of renewal.** The board shall send a licensee a renewal notice to the
7.9 licensee's last known address on record with the board. The board may send the notice
7.10 electronically in addition to sending the notice to the licensee's last known address on record.

7.11 Subd. 3. **Receipt of renewal.** The board must receive the renewal application with a
7.12 postmark or electronic completion date on or before the expiration date of the current license.

7.13 Subd. 4. **Late fee.** A licensee must pay a late fee in accordance with section 148B.89 if
7.14 the board receives the licensee's renewal application with a postmark or electronic completion
7.15 date after the expiration date of the license, but within 30 days of the license expiration date.

7.16 Subd. 5. **Failure to renew.** If the licensee fails to submit the renewal application, the
7.17 required continuing education information, or the renewal and late renewal fees within 30
7.18 days after the license expiration date, the licensee's license expires and the licensee's right
7.19 to practice terminates.

7.20 **Sec. 9. [148B.81] CONTINUING EDUCATION.**

7.21 Licensees must complete 40 hours of board-approved continuing education every two
7.22 years. Of the 40 hours, at least 20 hours must involve content related to the practice of art
7.23 therapy, and at least three hours must involve ethical and professional studies education
7.24 covering professional ethics, family law, professional socialization, professional
7.25 organizations, legal issues, or interprofessional cooperation.

7.26 **Sec. 10. [148B.82] SUPERVISED EXPERIENCE.**

7.27 Subdivision 1. **Supervision requirements.** (a) To qualify as a licensed clinical art
7.28 therapist, an applicant must complete 4,000 hours of post-master's degree, supervised work
7.29 or volunteer experience in the delivery of clinical art therapy services in the diagnosis and
7.30 treatment of mental illnesses and disorders in both children and adults. The supervised
7.31 experience must be conducted according to the requirements in paragraphs (b) to (f).

8.1 (b) The first 2,000 hours of supervised experience must involve clinical practice of art
8.2 therapy with supervision by a qualified art therapy supervisor approved by the board in
8.3 accordance with subdivision 2. The second 2,000 hours of supervision may be provided by
8.4 either a qualified art therapy supervisor or a qualified licensed mental health practitioner
8.5 as determined by the board.

8.6 (c) The supervision must be obtained at the rate of two hours of supervision per 40 hours
8.7 of professional experience. Supervision must be evenly distributed over the course of the
8.8 supervised professional experience. At least 75 percent of the required supervision hours
8.9 must be received in person. The remaining 25 percent of the required hours may be received
8.10 by telephone or by audio or audiovisual electronic device.

8.11 (d) The supervised experience must be in clinical practice and must include at least 1,800
8.12 hours of clinical client contact.

8.13 (e) Qualifying supervised experience must be completed in no fewer than 24 consecutive
8.14 months and not more than 72 consecutive months.

8.15 (f) An applicant may apply a doctoral internship toward the required postgraduate
8.16 supervised experience.

8.17 Subd. 2. **Qualified art therapy supervisors.** (a) The following individuals are eligible
8.18 for approval by the board as a qualified art therapy supervisor:

8.19 (1) an art therapy certified supervisor;

8.20 (2) a licensed clinical art therapist;

8.21 (3) a licensed marriage and family therapist who is a certified art therapist;

8.22 (4) a licensed professional clinical counselor who is a certified art therapist; and

8.23 (5) a certified art therapist.

8.24 (b) For board approval as a qualified art therapy supervisor, an individual shall submit
8.25 an application on a form prescribed by the board with the following:

8.26 (1) a letter of recommendation from a licensed clinical art therapist or a certified art
8.27 therapist attesting to the individual's competence to provide art therapy supervision;

8.28 (2) evidence of completion of at least three years of postlicensure professional experience;
8.29 and

8.30 (3) evidence of the successful completion of a graduate-level course in clinical supervision
8.31 of at least three semester credit hours, or quarter credit equivalent from a regionally or

9.1 nationally accredited college or university, or a minimum of 35 continuing education credits
 9.2 involving courses or training in art therapy supervision.

9.3 (c) Notwithstanding paragraph (a), the board may approve an applicant as a qualified
 9.4 art therapy supervisor if the applicant demonstrates competence in supervising individuals
 9.5 providing clinical art therapy by providing documentation satisfactory to the board that the
 9.6 applicant:

9.7 (1) has provided supervision for persons providing clinical art therapy during a period
 9.8 of at least 36 consecutive months as part of a master's degree program in art therapy approved
 9.9 by the American Art Therapy Association; and

9.10 (2) has completed at least 500 hours of experience as a clinical or academic supervisor.

9.11 (d) Paragraph (c) expires July 1, 2026.

9.12 **Sec. 11. [148B.83] REFUSAL TO GRANT LICENSE; SUSPENSION OR**
 9.13 **REVOCAION OF LICENSE.**

9.14 The board may refuse to grant a license to, or may suspend, revoke, condition, limit,
 9.15 qualify, or restrict the license of any individual who the board, after a hearing under the
 9.16 contested case provisions of chapter 14, determines:

9.17 (1) is incompetent to practice clinical art therapy, or is found to engage in practice of
 9.18 clinical art therapy in a manner harmful or dangerous to a client or to the public;

9.19 (2) is convicted by a court of competent jurisdiction of a crime that the board determines
 9.20 is of a nature to render the convicted person unfit to practice clinical art therapy;

9.21 (3) has engaged in unprofessional conduct that fails to conform to minimum standards
 9.22 of acceptable and prevailing practice necessary for the protection of the public;

9.23 (4) has obtained or attempted to obtain a license or license renewal by bribery or
 9.24 fraudulent representation; or

9.25 (5) has knowingly made a false statement on a form required by the board for licensing
 9.26 or license renewal.

9.27 **Sec. 12. [148B.84] COMPLAINTS; INVESTIGATION.**

9.28 Licensed clinical art therapists licensed under sections 148B.73 to 148B.89 are subject
 9.29 to sections 148B.351, 148B.371, and 148B.372.

10.1 Sec. 13. **[148B.85] DUTY TO MAINTAIN CURRENT INFORMATION.**

10.2 All individuals licensed as clinical art therapists, all individuals with provisional licenses,
10.3 and all applicants for licensure must notify the board within 30 days of the occurrence of
10.4 any of the following:

10.5 (1) a change of name, address, place of employment, and home or business telephone
10.6 number; and

10.7 (2) a change in any other application information.

10.8 Sec. 14. **[148B.86] NONTRANSFERABILITY OF LICENSES.**

10.9 A clinical art therapist license or a provisional clinical art therapist license is not
10.10 transferable.

10.11 Sec. 15. **[148B.87] PRIVILEGED COMMUNICATION; EXCEPTIONS.**

10.12 A person licensed under sections 148B.73 to 148B.89 and employees and professional
10.13 associates of the licensed person cannot be required to disclose any privileged communication
10.14 that the person, employee, or associate may have acquired in rendering clinical art therapy
10.15 services, unless:

10.16 (1) disclosure is required by other state law;

10.17 (2) failure to disclose the information presents a clear and present danger to the health
10.18 or safety of an individual;

10.19 (3) the person, employee, or associate is a party defendant to a civil, criminal, or
10.20 disciplinary action arising from the therapy, in which case a waiver of the privilege accorded
10.21 by this section is limited to that action;

10.22 (4) the patient is a defendant in a criminal proceeding and the use of the privilege would
10.23 violate the defendant's right to a compulsory process or the right to present testimony and
10.24 witnesses on that person's behalf; and

10.25 (5) a patient agrees to a waiver of the privilege accorded by this section, and in
10.26 circumstances where more than one person in a family is receiving therapy, each family
10.27 member agrees to the waiver. Absent a waiver from each family member, a licensed clinical
10.28 art therapist or a provisional licensed clinical art therapist cannot disclose information
10.29 received by a family member in therapy.

11.1 **Sec. 16. [148B.88] CLINICAL ART THERAPY ADVISORY COUNCIL.**

11.2 Subdivision 1. **Membership.** The board shall appoint a five-member Clinical Art Therapy
 11.3 Advisory Council. Four members must be licensed clinical art therapists and one member
 11.4 must be a public member, as defined in section 214.02.

11.5 Subd. 2. **Organization.** The advisory council shall be organized and administered as
 11.6 provided in section 15.059.

11.7 Subd. 3. **Duties.** The advisory council shall:

11.8 (1) advise the board regarding licensure standards for licensed clinical art therapists;

11.9 (2) distribute information regarding licensed clinical art therapist standards;

11.10 (3) advise the board on enforcement of sections 148B.73 to 148B.89;

11.11 (4) review applications and recommend granting or denying licensure or license renewal;

11.12 (5) advise the board on issues related to receiving and investigating complaints,
 11.13 conducting hearings, and imposing disciplinary action in relation to complaints against
 11.14 licensed clinical art therapists;

11.15 (6) advise the board on approval of continuing education programs; and

11.16 (7) perform other duties authorized for advisory councils under chapter 214, as directed
 11.17 by the board.

11.18 Subd. 4. **Expiration.** Notwithstanding section 15.059, the advisory council does not
 11.19 expire.

11.20 **Sec. 17. [148B.89] FEES.**

11.21 Subdivision 1. **Fees.** All individuals licensed as clinical art therapists, all individuals
 11.22 with provisional licenses, and all applicants for licensure shall pay fees as follows:

11.23 (1) application fee, \$.....;

11.24 (2) initial licensure fee, \$.....;

11.25 (3) provisional licensure fee, \$.....;

11.26 (4) licensure renewal fee, \$.....; and

11.27 (5) late fee, \$.....

12.1 Subd. 2. **Proration of fees.** If a licensee's initial license term is less than 12 months, the
12.2 board may prorate the initial license fee proportionately. All licensees must pay the full fee
12.3 upon license renewal.

12.4 Subd. 3. **Nonrefundable fees.** All fees are nonrefundable.

12.5 Subd. 4. **Deposit of fees.** Fees collected by the board under this section shall be deposited
12.6 in the state government special revenue fund.

12.7 **Sec. 18. INITIAL ADVISORY COUNCIL.**

12.8 (a) Notwithstanding Minnesota Statutes, section 148B.88, the first clinical art therapist
12.9 members appointed to the Clinical Art Therapy Advisory Council need not be licensed
12.10 under Minnesota Statutes, but must meet the qualifications for licensure under Minnesota
12.11 Statutes, section 148B.77. A clinical art therapist initially appointed to the advisory council
12.12 must obtain licensure under Minnesota Statutes, section 148B.73 to 148B.89, by January
12.13 1, 2024. If the clinical art therapist does not obtain licensure by January 1, 2024, the member
12.14 must be removed from the advisory council by the board and a new member who is licensed
12.15 under Minnesota Statutes, sections 148B.73 to 148B.89, must be appointed by the board.

12.16 (b) The executive director of the Board of Marriage and Family Therapy shall convene
12.17 the first meeting of the Clinical Art Therapy Advisory Council by October 1, 2023.

12.18 **Sec. 19. APPROPRIATION.**

12.19 \$..... in fiscal year 2024 and \$..... in fiscal year 2025 are appropriated from the state
12.20 government special revenue fund to the Board of Marriage and Family Therapy for the
12.21 implementation of Minnesota Statutes, sections 148B.73 to 148B.89.

12.22 **Sec. 20. EFFECTIVE DATE.**

12.23 Sections 1 to 17 are effective July 1, 2023.