

HOUSE BILL NO. 4514

May 04, 2023, Introduced by Reps. Markkanen, Paiz, Byrnes, Martus, Glanville, Brixie, Breen, Coleman, Dievendorf and MacDonell and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 16324b and part 169B.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 16324b. (1) Fees for an individual who is licensed or**
2 **seeking licensure to engage in the practice of clinical art therapy**
3 **under part 169B are as follows:**

1 (a) Subject to subsection (2), application processing
2 fee..... \$200.00

3 (b) Examination fee..... 200.00

4 (c) License fee, per year..... 100.00

5 (2) After the department receives more than a total of
6 \$23,000.00 in application processing fees from individuals who are
7 licensed or seeking licensure to engage in the practice of clinical
8 art therapy, the application processing fee is reduced to \$75.00.

9 PART 169B

10 ART THERAPY

11 Sec. 16971. As used in this part:

12 (a) "Art therapy" means the integrated application of
13 psychotherapeutic principles and methods with specialized training
14 in visual art media, the neurobiological implications of art making
15 and the creative process, and art-based assessment models to assist
16 individuals, families, or groups to improve cognitive and sensory-
17 motor functions, increase self-awareness and self-esteem, cope with
18 grief and traumatic experience, resolve conflicts and distress, and
19 enhance social functioning. The term includes therapeutic
20 interventions to facilitate alternative modes of receptive and
21 expressive communication and evaluation and assessment to define
22 and implement art-based treatment plans to address cognitive,
23 behavioral, developmental, and emotional needs.

24 (b) "Art therapy certified supervisor" means a certified art
25 therapist who holds a credential as an art therapy certified
26 supervisor from the Art Therapy Credentials Board or a successor
27 organization and who is approved by the board under section 16977.

28 (c) "Certified art therapist" means an individual who holds a
29 board certification in art therapy from the Art Therapy Credentials

1 Board or a successor organization.

2 (d) "Client" means an individual who is the recipient of art
3 therapy services provided by a clinical art therapist or a limited
4 license clinical art therapist.

5 (e) "Clinical art therapist" means an individual who is
6 licensed or otherwise authorized under this article to engage in
7 the practice of clinical art therapy.

8 (f) "Credentialed art therapist" means an individual who is a
9 certified art therapist or is designated as a registered art
10 therapist by the Art Therapy Credentials Board or a successor
11 organization.

12 (g) "Limited license clinical art therapist" means an
13 individual who has been granted a limited license under section
14 16979 to engage in the practice of clinical art therapy under
15 supervision.

16 (h) "Practice of clinical art therapy" means providing or
17 offering to provide art therapy and appraisal activities, as an
18 independent or adjunctive therapist, to an individual, family, or
19 group using the application of art therapy principles and methods
20 in the diagnosis, prevention, treatment, and amelioration of
21 cognitive, developmental, emotional, and behavioral disabilities
22 and conditions. Practice of clinical art therapy does not include
23 the administration and interpretation of psychological tests except
24 for those tests that are consistent with the individual's education
25 and training and the professional code of ethics for professional
26 art therapists.

27 (i) "Privileged communication" means any information,
28 including, but not limited to, client records, artwork, verbal or
29 artistic expressions, assessment results, or assessment

1 interpretations, developed during a professional relationship
2 between a clinical art therapist or limited license clinical art
3 therapist and a client.

4 Sec. 16973. (1) Beginning 1 year after the effective date of
5 this part, only an individual who is licensed under this part may
6 engage in the practice of clinical art therapy or use the title
7 "clinical art therapist", "licensed clinical art therapist", or
8 "limited license clinical art therapist" or the initials "l.c.a.t."
9 or "l.l.c.a.t."

10 (2) Unless an individual is exempt under section 16975, only
11 an individual who is licensed under this part may represent that
12 the individual offers clinical art therapy, licensed art therapy,
13 art therapy, or a service of similar import or effect that is
14 included in the practice of clinical art therapy.

15 Sec. 16975. (1) This part does not apply to any of the
16 following:

17 (a) A member of an organization who is providing art therapy,
18 if both of the following are met:

19 (i) Providing art therapy is incidental to the religious or
20 spiritual practices performed by the member under the auspices or
21 recognition of the organization.

22 (ii) The member does not represent themselves as a clinical art
23 therapist who is licensed under this part.

24 (b) An individual who, during the 2-year period beginning on
25 the effective date of the rules implementing this part, meets both
26 of the following:

27 (i) Is a credentialed art therapist who is licensed under
28 another part.

29 (ii) Does not represent themselves as a clinical art therapist

1 who is licensed under this part.

2 (c) A student who is engaged in the practice of clinical art
3 therapy, under qualified supervision, as part of a clinical
4 internship in an approved or accredited program of art therapy
5 described in section 16977(1)(a) or a substantially equivalent
6 program described in section 16977(1)(a) and (2).

7 (2) This part does not prevent or restrict an individual who
8 is licensed under any other part or act from engaging in any
9 activity or practice, including use of art or art materials, if
10 both of the following are met:

11 (a) The practice or activity is consistent with the
12 individual's licensed scope of practice and professional training.

13 (b) The individual does not represent that the activity or
14 practice is art therapy or represent themselves as a clinical art
15 therapist or as authorized under this part to engage in the
16 practice of clinical art therapy.

17 Sec. 16976. (1) The board of clinical art therapists is
18 created in the department. The board shall consist of the following
19 voting members who meet the requirements of part 161, as follows:

20 (a) Except as otherwise provided in this subdivision, 4
21 clinical art therapists. Beginning 4 years after the first members
22 are appointed to the board, 6 clinical art therapists.

23 (b) Three public members.

24 (2) The terms of office of individual members of the board
25 created under this part, except those appointed to fill vacancies,
26 expire 4 years after appointment on June 30 of the year in which
27 the term expires.

28 Sec. 16977. (1) Subject to this section, the board shall grant
29 a license as a clinical art therapist to an individual who meets

1 the requirements of section 16174 and provides satisfactory
2 evidence to the board that the individual meets all of the
3 following requirements:

4 (a) Has a master's or doctoral degree from a regionally or
5 nationally accredited college or university in a program in art
6 therapy that was either approved by the American Art Therapy
7 Association or accredited by the Commission on Accreditation of
8 Allied Health Education Programs at the time the degree was
9 conferred; or, subject to subsection (2), a program that the board
10 determines is substantially equivalent to an approved or accredited
11 program in art therapy.

12 (b) Has completed at least 2 years of postgraduate, supervised
13 clinical experience in art therapy that meets the requirements of
14 subsection (3).

15 (c) Has demonstrated competence in the practice of
16 professional art therapy by passing the board certification
17 examination administered by the Art Therapy Credentials Board or an
18 equivalent examination as determined by the board.

19 (2) For purposes of subsection (1)(a), the board shall not
20 determine that a program in art therapy is substantially equivalent
21 to an approved or accredited program described in subsection (1)(a)
22 unless the board finds that the program includes graduate-level
23 coursework and supervised field experience that meet the
24 requirements to qualify for a credential as a registered art
25 therapist established by the Art Therapy Credentials Board or
26 equivalent requirements as determined by the board.

27 (3) To be eligible for licensure as a clinical art therapist,
28 an individual must successfully complete post-master's degree paid
29 or volunteer supervised work experience and training in the

1 delivery and treatment of cognitive, emotional, developmental, or
2 behavioral disabilities and conditions in children or adults.
3 Subject to subsections (6) and (7), the supervised experience
4 required under this section must meet all of the following
5 requirements:

6 (a) The supervised experience must include at least 1,000
7 hours of direct contact with clients, with at least the first 500
8 hours of direct client contact conducted under the supervision of
9 an art therapy certified supervisor. On or before 3 years after the
10 effective date of the rules implementing this part, the board may
11 allow a certified art therapist to supervise the first 500 hours of
12 direct client contact. The remaining hours of direct client contact
13 may be supervised by an art therapy certified supervisor, certified
14 art therapist, or other licensed practitioner with a master's
15 degree or higher in a related mental health field, as determined by
16 the board.

17 (b) The supervised experience must include at least 100 hours
18 of direct supervision, with at least 50 of those hours of
19 supervision provided by an approved art therapy certified
20 supervisor. On or before 3 years after the effective date of the
21 rules implementing this part, the board may allow a certified art
22 therapist to supervise the first 50 hours of supervision. The
23 supervision must be evenly distributed over the course of the
24 supervised experience and may include supervision by telephone or
25 by audio or audiovisual electronic device, as determined by the
26 board.

27 (c) The supervised experience must be completed in no fewer
28 than 24 consecutive months and not more than 72 consecutive months,
29 as determined by the board.

1 (4) An individual is eligible for approval by the board as an
2 art therapy certified supervisor if the individual is a certified
3 art therapist or a licensed professional clinical counselor who is
4 a certified art therapist. An individual who is seeking approval as
5 an art therapy certified supervisor must do all of the following:

6 (a) Submit an application, in the form prescribed by the
7 board, and at least 1 letter of recommendation from a certified art
8 therapist that attests to the individual's competence to provide
9 art therapy supervision.

10 (b) Have completed at least 3 years of postlicensure
11 professional experience. On or before 3 years after the effective
12 date of the rules implementing this part, the board may waive this
13 requirement for an applicant who has maintained his or her status
14 as a certified art therapist for the 3 years preceding the date of
15 the application.

16 (c) Demonstrate successful completion of a graduate-level
17 course in clinical supervision of at least 3 semester credit hours,
18 or the equivalent number of credits for a quarter or term as
19 determined by the board, from a regionally or nationally accredited
20 college or university, or a minimum of 35 continuing education
21 credits that involve courses or training in art therapy
22 supervision.

23 (5) The board may waive the requirements of subsection (1) and
24 grant a license as a clinical art therapist to an individual who,
25 on or before 1 year after the effective date of the rules
26 implementing this part, submits an application, in a form
27 established by the board, and provides satisfactory evidence to the
28 board that the individual meets all of the following:

29 (a) Satisfies the requirements of section 16174.

1 (b) Holds a credential as a registered art therapist by the
2 Art Therapy Credentials Board or meets the requirements for that
3 credential or its equivalent, as determined by the board.

4 (c) Has completed at least 5 years of professional practice in
5 art therapy, as determined by the board.

6 (6) The board may require an additional 500 hours of
7 supervised field experience for an applicant who graduated from a
8 program described in subsection (1)(a) that, at the time of
9 graduation, was not accredited by the Commission on Accreditation
10 of Allied Health Education Programs.

11 (7) A doctoral internship may be applied toward the supervised
12 experience required under this section.

13 Sec. 16979. (1) The board shall grant a limited license as a
14 limited license clinical art therapist to an individual to permit
15 that individual to obtain the supervised experience required under
16 section 16977(1)(b). The board shall not renew a limited license
17 granted under this section for more than 6 years.

18 (2) An applicant for a limited license as a limited license
19 clinical art therapist must meet both of the following
20 requirements:

21 (a) Hold a master's or doctoral degree in art therapy that
22 meets the requirements of section 16977(1)(a).

23 (b) Submit a notarized written application, in a form
24 established by the board, that describes the plan for clinical
25 practice to be conducted under supervision that meets the
26 requirements of section 16977(3).

27 (3) An individual who holds a limited license as a limited
28 license clinical art therapist under this section shall do all of
29 the following:

1 (a) Use only the title "limited license clinical art
2 therapist".

3 (b) Not represent that the individual is engaged in
4 independent practice of clinical art therapy or is licensed as a
5 clinical art therapist.

6 (c) Practice only under the supervision of an art therapy
7 certified supervisor.

8 (d) Confine his or her practice to an organized health care
9 setting or other arrangement approved by the board.

10 Sec. 16981. Subject to section 16204, the board shall by rule
11 establish criteria for completion of continuing education for the
12 practice of clinical art therapy as a condition for license
13 renewal, which must include the continuing education requirements
14 of the Art Therapy Credentials Board to maintain board
15 certification as a certified art therapist.

16 Sec. 16983. (1) Except as provided in subsection (2), a
17 privileged communication may be disclosed only with the written
18 consent of the client, or the client's parent or guardian, if
19 applicable.

20 (2) The privilege established in this section is waived only
21 if 1 of the following circumstances occurs:

22 (a) If disclosure is required by law or necessary to protect
23 the health or safety of an individual.

24 (b) If the clinical art therapist is a party defendant to a
25 civil, criminal, or administrative action arising from services
26 performed as a licensee, in which case the waiver is limited only
27 to that action.

28 (c) If a waiver that specifies the terms of disclosure is
29 obtained in writing from a client or the client's parent or

1 guardian, if applicable, and then only in accordance with the terms
2 of the written waiver. If more than 1 individual is involved in the
3 art therapy performed, the privilege is not waived for any
4 individual unless all individuals, or an individual's parent or
5 guardian, if applicable, have executed the written waiver.

6 (d) If express written consent that establishes rules for
7 disclosure of privileged communications involving public use,
8 display, recording, or reproduction of client art expression and
9 therapy sessions is obtained from the client, or the client's
10 parent or guardian, if applicable, and then only within the terms
11 of that written consent.

12 (3) A clinical art therapist and limited license clinical art
13 therapist may use a privileged communication in teaching, writing,
14 electronic formats, or public presentations only if a written
15 waiver or consent has been previously obtained from the client, or
16 the client's parent or legal guardian, if applicable, and only for
17 the specific uses and communications formats designated in the
18 written waiver or consent. If a waiver is provided under this
19 subsection, the clinical art therapist or limited license clinical
20 art therapist shall ensure that appropriate steps are taken to
21 protect client identity and disguise any part of the notes, art
22 expression, or audio or video recording that reveals client
23 identity unless the client, or client's parent or guardian, if
24 applicable, designates in the signed consent that the client's
25 identity may be revealed.

26 Enacting section 1. This amendatory act takes effect 90 days
27 after the date it is enacted into law.