

ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB605

Hearing Date: Thursday February 23, 2023
Committee On: Health and Human Services
Introducer: Albrecht
One Liner: Change provisions of the Mental Health Practice Act to include protections and requirements for certified art therapists

Roll Call Vote - Final Committee Action:

Advanced to General File

Vote Results:

Aye: 7 Senators Ballard, Cavanaugh, M., Day, Hansen, B., Hardin, Riepe, Walz
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Joni Albrecht
Jessie Stallings
Petra Walqvist

Representing:

Introducer
Heartland Family Service
Nebraskans for the Arts

Opponents:

Representing:

Neutral:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 605 includes art therapy under the Uniform Credentialing Act as well as the Mental Health Practice Act. Definitions are provided for art media, art therapy, certified art therapist, and qualified supervisor. Licensed mental health practitioners and certified art therapists may use the title licensed art therapist. Licensed independent mental health practitioners and certified art therapists may also use the title licensed art therapist. One certified art therapist is added to the membership of the Board of Mental Health Practice. DHHS (Department of Health and Human Services) certification and provisional certification requirements are provided. The Board is allowed to appoint an art therapist advisory committee.

Sec. 1: Includes certified art therapist in the Uniform Credentialing Act

Sec. 2: Includes new art therapist language in the Mental Health Practice Act

Sec. 3: Adds art therapists to the purpose of licensing mental health practitioners language.

Sec. 4: Incorporates new art therapy definitions into the Uniform Credentialing Act and the Mental Health Practice Act.

Sec. 5: Includes the American Art Therapy Association or the Commission on Accreditation of Allied Health Education Programs for a master's degree program in art therapy as an approved educational program.

Sec. 6: Defines art media as materials used by an individual to create tangible representations of private experiences, thoughts, and emotions. Art media includes, but is not limited to, traditional art making materials such as paint, clay, drawing implements, photography, and collage, as well as, crafts, found objects, and non-traditional materials that can be utilized to make personal art.

Sec. 7: Defines art therapy as the integrative application of psychotherapeutic principles and methods with specialized training in strategic use of art media, the neurobiological implications of art-making, and art-based assessment models in the evaluation, assessment, and treatment of normal and abnormal cognitive, developmental, emotional, and behavioral disorders and conditions in individuals, families, and groups.

Art therapy includes, but is not limited to appraisal activities, use of art media,; strategic application of therapeutic interventions; use of art-making and the verbal processing of produced imagery; implementation of treatment plans; adjustment of appraisal and evaluation techniques and treatments; referral activities; and provision of consultation, crisis intervention, client advocacy, and education services.

Nothing in this section shall be construed to authorize a certified art therapist to engage in the practice of psychology.

Sec. 8: Defines certified art therapist person who is certified to practice art therapy pursuant to the Uniform Credentialing Act and who holds a current certificate issued by DHHS.

Sec. 9: A person who is licensed as either an independent mental health practitioner or a mental health practitioner and certified as an art therapist may use the title licensed art therapist. No person shall use the title licensed clinical social counseling, marriage and family therapy, human development, psychology, family relations, or art therapy, the content of which contains an emphasis on therapeutic mental health and course work in psychotherapy and the assessment of mental disorders. Also, no person shall used the title, licensed independent art therapist unless such person is licensed and certified or holds a privilege.

Sec. 10: Includes art therapy in the definition of mental health program.

Sec. 11: Adds a certified art therapist to the Board of Mental Health Practice.

Sec. 12: The requirement to be licensed as a mental health practitioner shall not be construed to prevent the delivery of services by art therapy.

Sec. 13: Requires a certified art therapist to take and pass a certification examination approved by the board before becoming licensed as a mental health practitioner.

Sec. 14: A person shall be qualified to be a licensed independent mental health practitioner if he/she graduated with a master's or doctoral degree which was either approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs at the time of graduation.

Sec. 15: DHHS, with the recommendation of the board, may issue a certificate based on licensure in another jurisdiction to represent oneself as a certified art therapist.

Sec. 16: A person who applies to DHHS for certification as an art therapist shall be qualified for certification if such person:

Provides evidence to DHHS that they have a master's or doctoral degree in art therapy or a master's degree in a related mental health field;

Provides evidence to DHHS that they have at least 3000 hours of experience in art therapy under a qualified supervisor. The 3000 hours shall include at least 1500 hours of direct client contact; 100 of those hours with a qualified supervisor; and

Completes an application and passes an examination approved by the board.

Qualified supervisor is defined as a qualified physician, licensed psychologist, licensed mental health practitioner, or certified art therapist who has met standards of supervision specified in rules and regulations..

Experience requirements are provided for applicants who have completed all or part of their qualifying experience in another state or jurisdiction.

Sec. 17: DHHS, with the recommendation of the board, may issue a credential as a certified art therapist based on licensure in another state or jurisdiction who meets the requirements of this bill or substantially equivalent requirements as determined by DHHS, with recommendation of the board.

A person practicing art therapy in Nebraska before January 1, 2024, may apply for certification if such person completes an application and provides satisfactory evidence to DHHS that such person:

Holds a credential in good standing;

Has engaged in the practice of art therapy during at least 3 of the 5 years preceding submission of the application; and

Has met any additional requirements as determined by DHHS, with the recommendation of the board.

Sec. 18: A person who needs to obtain the required 3000 hours of supervised experience in art therapy shall obtain a provisional certification as an art therapist. To qualify for a provisional certification, such person shall have a minimum of a master's degree in art therapy; and apply prior to earning the 3000 hours of supervised experience.

A provisional art therapist certification shall expire upon receipt of certification or 5 years after the date of issuance, whichever comes first.

A person who holds a provisional certification shall inform all clients. Failure to make such disclosure is a ground for discipline.

Sec. 19: Nothing in the Mental Health Practice Act shall be construed to prevent or restrict any person who has obtained a credential under the Uniform Credentialing Act from engaging in any activity or practice that is consistent with their scope of practice and professional training, as long as they do not use the title licensed art therapist or certified art therapist.

Sec. 20: A certified art therapist shall not disclose any information acquired from any person consulting in a professional capacity.

Sec. 21: An advisory committee shall develop recommendations for adoption by the board and promulgation by DHHS on necessary topics that include, but not limited to:

Standards of competency and procedures;

Education standards;

Standards pertaining to supervised practice of art therapy;

Code of ethics; and

Continuing competency standards.

Sec. 22: Nothing in the Mental Health Practice Act shall be construed to require the State of Nebraska to employ or contract with only persons certified under this act for the performance of any of their professional activities.

Sec. 23: Includes new language in current law on disciplinary actions.

Sec. 24: This act becomes operative on January 1, 2024.

Sec. 25: Repealer

Ben Hansen, Chairperson