

ONE HUNDRED SEVENTH LEGISLATURE - FIRST SESSION - 2021
COMMITTEE STATEMENT
LB325

Hearing Date: Wednesday January 27, 2021
Committee On: Health and Human Services
Introducer: Albrecht
One Liner: Adopt the Art Therapy Practice Act

Roll Call Vote - Final Committee Action:

Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Arch, Day, Hansen, B., Murman, Walz
Nay:		
Absent:		
Present Not Voting:	2	Senators Cavanaugh, M., Williams

Oral Testimony:

Proponents:

Joni Albrecht
Jennelle Hallaert
Jeanne Triplett
Skyler Dykes

Representing:

Introducer
Self
Self
Nebraskans for the Arts

Opponents:

Susan Reay

Representing:

Self

Neutral:

Representing:

Summary of purpose and/or changes:

LB 325 would amend the Uniform Credentialing Act, and include the Art Therapy Practice Act within the Mental Health Practice Act.

LB 325 would allow the Department of Health and Human Services (DHHS) to issue a certificate for a certified art therapist for licensed mental health practitioners. [Section 3, p. 4].

It would define accredited institutions as universities or colleges accredited by national accrediting agencies of institutions of higher learning or as a program approved by the American Art Therapy Association. [Section 6, p. 4].

A licensed professional art therapist would be defined as a person who has completed a masters or doctoral program in art therapy, and has been issued a license by the Board of Mental Health Practice for the independent practice of art therapy. [Section 8, p. 5]. Under current law, the Board of Mental Health Practice does not issue credentials; it is an advisory board to DHHS Public Licensure Unit. The Public Licensure Unit issues, suspends, and revokes credentials within the Uniform Credentialing Act.

The practice of professional art therapy would be defined as using visual art media and the creative process in the assessment, treatment, and remediation of various disorders. [Section 9, p. 5].

LB 325 would protect the title 'licensed professional art therapist' for those who have been licensed by the Board of Mental Health Practice, and allow an exemption for graduate students in art therapy to practice professional art therapy under supervision [Section 10, 11, p. 5].

To become licensed, a professional art therapist would need to provide proof of successful completion of art therapy curriculum or proof of graduation with a four-year degree and two consecutive years as a student art therapist under supervision. He or she would also need to complete an examination approved by the Board of Mental Health Practice. [Section 12, p. 5-6].

If an applicant for licensure passed the examination more than three years prior to his or her application, he or she must prove he or she has completed continuing competency requirements approved by the Board of Mental Health Practice. If an applicant for licensure is applying based on credentialing in another jurisdiction, but he or she is not practicing at the time of application, he or she must submit proof of completing continuing competency requirements within the preceding three years. A military spouse may apply for temporary licensure. [Section 13, 14, p. 6].

DHHS may collect licensure fees. [Section 15, p. 6].

The act would become operative on January 1, 2022.

Explanation of amendments:

AM 527 would replace the green copy of LB 325.

It would amend the Uniform Credentialing Act to protect the 'certified art therapist' title. It would also amend the legislative findings as it relates to mental health practitioners, to include art therapists as an associated certification with mental health providers. [Sections 1, 2, pp. 3, 4].

AM 22 would define 'art media,' 'art therapy,' and 'certified art therapist,' and would give examples of art therapy. Art media would mean the methods and materials used by an individual to create tangible representations of private experiences, thoughts and emotions. Such methods and materials would include traditional art making materials as well as crafts, found objects, and nontraditional materials that can be utilized to make personal art. Certified art therapist would mean a person certified to practice art therapy pursuant to the Uniform Credentialing Act and who holds a current certificate issued by the department. Art Therapy would include:

- appraisal activities;
- use of art media;
- strategic application of therapeutic interventions;
- use of art-making and verbal processing of produced imagery;
- implementation of treatment plans;
- adjustment of appraisal and evaluation techniques to meet multicultural and diversity issues;
- referral activities; and
- provision of consultation, crisis intervention, client advocacy, and education services to clients. [Sections 5, 6, 7, pp. 4, 5].

The American Art Therapy Association or the Commission on the Accreditation of Allied Health Education Programs would accredit masters degree programs in art therapy. [Section 8, p. 6].

Section 9 allows licensed and certified individuals to use either the 'licensed art therapist' or 'licensed independent art therapist' titles. [Section 9, p. 7].

Section 10 adds an approved educational art therapy program to the definition of mental health program. [Section 10, p. 8].

Section 11 adds a certified art therapist to the Board of Mental Health Practice. All other certified sub-specialties have two professional members on the board. [Section 11, p. 9].

Sections 12, 13, and 14 harmonize provisions in the Mental Health Practice Act to reflect art therapy provisions. [Sections 12, 13, 14, pp. 8-12].

Section 15 allows the Department of Health and Human Services [DHHS] to issue a certificate based on licensure in another jurisdiction as a certified art therapist if that person meets the art therapy requirements. [Section 15, p. 13].

Section 16 defines the qualifications of a certified an art therapist. A qualified art therapist would provide a masters or doctoral degree in art therapy; provide proof of 3,000 hours of experience in art therapy, half of which must be direct client contact; and complete an application and pass an examination. It also lists qualified supervisors, and states that an applicant must have completed 'not less than one-half' of the supervisory training requirements must be completed under the supervision of a qualified supervised art therapist. If an applicant completes supervised experience in another state or jurisdiction, not less than one-half will be completed under a Board Certified Art Therapist who is credentialed from the Art Therapy Credentials Board. [Section 16, p. 13-14].

Section 17 allows for reciprocity of the art therapy credential, and allows a person already practicing art therapy to apply for a credential prior to January 1, 2022. [Section 17, p. 14-15].

Section 18 allows for a provisional certification as an art therapist, if the applicant has not obtained the required supervised experience hours. The provisional certification expires when the requirements are met for certification as a certified art therapist, or when five years elapse from the date of issuance, whichever comes first. [Section 18, p. 15].

Section 19 protects the titles 'licensed art therapist' and 'certified art therapist.' It also states that nothing in the section should be construed to prevent individuals from using art and art materials consistent with their licensed scope of practice, so long as it is not represented as art therapy. [Section 19, p. 15-16].

Section 20 states an art therapist shall not disclose information gained in a consultation. [Section 20, p. 16].

Section 21 states that the Board of Mental Health Practice may appoint an art therapist advisory committee, which will develop recommendations for the Board of Mental Health Practice. [Section 21, p. 16].

Section 22 states that the State of Nebraska, any agency of the State of Nebraska doesnt have to hire only persons certified as art therapists. [Section 22, p. 17].

Section 23 harmonizes language regarding grounds for disciplinary action.

Section 24 makes the act operative on January 1, 2022; and Section 25 repeals the original statutes.

This amendment is congruent with the recommendations of the 407 credentialing review process and mirrors the other

certifications within the Board of Mental Health Practices jurisdiction.

John Arch, Chairperson