



2019 SENATE BILL 895

March 19, 2020 - Introduced by Senator TIFFANY, cosponsored by Representatives MAGNAFICI, BROSTOFF, EMERSON, FELZKOWSKI, GUNDRUM and SWEARINGEN. Referred to Committee on Public Benefits, Licensing and State-Federal Relations.

1 **AN ACT to amend** 15.405 (7c) (a) 4., 15.405 (7c) (b), 15.405 (7c) (c), 15.405 (7c) (f),
2 146.81 (1) (hg), 252.14 (1) (ar) 7., 440.03 (14) (am), 450.10 (3) (a) 10., 457.02 (6)
3 (c), 457.03 (1), 457.03 (1m), 457.03 (2), 457.035 (1), 457.04 (8) (intro.), 457.06
4 (intro.), 457.14 (1) (intro.), 457.24 (1), 457.24 (2), 457.25 (1), 457.25 (2), 457.26
5 (2) (b), 457.26 (2) (e) and 457.26 (2) (g); and **to create** 15.405 (7c) (a) 3m., 48.981
6 (2) (a) 12m., 440.03 (13) (b) 56m., 440.08 (2) (a) 63j., 457.01 (5e), 457.01 (5m),
7 457.01 (5s), 457.04 (6m), 457.133, 457.136, 457.14 (1) (g), 457.15 (4) and 457.22
8 (1) (d) of the statutes; **relating to:** licensing professional art therapists and
9 granting rule-making authority.

Analysis by the Legislative Reference Bureau

This bill establishes a licensure program for professional art therapists administered by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board. The bill defines “professional art therapy” and provides that, subject to certain exceptions, a person may practice professional art therapy only if the person holds a professional art therapist license. The examining board may grant a professional art therapist license to an applicant who, among other things, receives a master’s or doctorate degree in professional art therapy,

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completes courses related to diagnosis, prevention, treatment, or resolution of mental, emotional, behavioral, and addiction disorders, engages in a certain amount of hours of supervised practice of professional art therapy, and passes an approved examination. The bill authorizes the examining board to promulgate rules that require professional art therapists to complete continuing education requirements every two years to renew their licenses.

The bill adds two licensed professional art therapists and one public member to the examining board. Under the bill, the examining board investigates, holds hearings, and makes findings pertaining to violations of the bill. The examining board may reprimand a professional art therapist or deny, limit, suspend, or revoke a professional art therapist license if it finds that license holder has violated the bill.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (7c) (a) 3m. of the statutes is created to read:

2 15.405 (7c) (a) 3m. Two professional art therapist members who are licensed
3 under ch. 457.

4 **SECTION 2.** 15.405 (7c) (a) 4. of the statutes is amended to read:

5 15.405 (7c) (a) 4. ~~Three~~ Four public members who represent groups that
6 promote the interests of consumers of services provided by persons who are certified
7 or licensed under ch. 457.

8 **SECTION 3.** 15.405 (7c) (b) of the statutes is amended to read:

9 15.405 (7c) (b) In operation, the examining board shall be divided into a social
10 worker section, a marriage and family therapist section ~~and~~, a professional counselor
11 section, and a professional art therapist section. The social worker section shall
12 consist of the 4 social worker members of the examining board and one of the public
13 members of the examining board. The marriage and family therapist section shall
14 consist of the 3 marriage and family therapist members of the examining board and
15 one of the public members of the examining board. The professional counselor

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1 section shall consist of the 3 professional counselor members of the examining board
2 and one of the public members of the examining board. The professional art
3 therapist section shall consist of the 2 professional art therapist members of the
4 examining board and one of the public members of the examining board.

5 **SECTION 4.** 15.405 (7c) (c) of the statutes is amended to read:

6 15.405 (7c) (c) All matters pertaining to granting, denying, limiting,
7 suspending, or revoking a certificate or license under ch. 457, and all other matters
8 of interest to either the social worker, marriage and family therapist, ~~or~~ professional
9 counselor, or professional art therapist section shall be acted upon solely by the
10 interested section of the examining board.

11 **SECTION 5.** 15.405 (7c) (f) of the statutes is amended to read:

12 15.405 (7c) (f) At a joint meeting of the social worker section and one or ~~both~~
13 more of the other sections of the examining board, each member who is present has
14 one vote, except that the social worker members each have three-fourths of a vote
15 if all 4 of those members are present.

16 **SECTION 6.** 48.981 (2) (a) 12m. of the statutes is created to read:

17 48.981 (2) (a) 12m. A professional art therapist.

18 **SECTION 7.** 146.81 (1) (hg) of the statutes is amended to read:

19 146.81 (1) (hg) A social worker, marriage and family therapist, ~~or~~ professional
20 counselor, or professional art therapist certified or licensed under ch. 457.

21 **SECTION 8.** 252.14 (1) (ar) 7. of the statutes is amended to read:

22 252.14 (1) (ar) 7. A social worker, marriage and family therapist, ~~or~~
23 professional counselor, or professional art therapist certified or licensed under ch.
24 457.

25 **SECTION 9.** 440.03 (13) (b) 56m. of the statutes is created to read:

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1 440.03 (13) (b) 56m. Professional art therapist.

2 **SECTION 10.** 440.03 (14) (am) of the statutes is amended to read:

3 440.03 (14) (am) The department may promulgate rules that establish
4 requirements for granting a license to practice psychotherapy to a person who is
5 registered under par. (a). Rules promulgated under this paragraph shall establish
6 requirements for obtaining such a license that are comparable to the requirements
7 for obtaining a clinical social worker, marriage and family therapist, ~~or~~ professional
8 counselor, or professional art therapist license under ch. 457. If the department
9 promulgates rules under this paragraph, the department shall grant a license under
10 this paragraph to a person registered under par. (a) who pays the initial credential
11 fee determined by the department under s. 440.03 (9) (a) and provides evidence
12 satisfactory to the department that he or she satisfies the requirements established
13 in the rules.

14 **SECTION 11.** 440.08 (2) (a) 63j. of the statutes is created to read:

15 440.08 (2) (a) 63j. Professional art therapist: March 1 of each odd-numbered
16 year.

17 **SECTION 12.** 450.10 (3) (a) 10. of the statutes is amended to read:

18 450.10 (3) (a) 10. A social worker, marriage and family therapist, ~~or~~
19 professional counselor, or professional art therapist certified or licensed under ch.
20 457.

21 **SECTION 13.** 457.01 (5e) of the statutes is created to read:

22 457.01 (5e) “Professional art therapist” means an individual who holds a
23 license to practice professional art therapy granted by the professional art therapist
24 section.

25 **SECTION 14.** 457.01 (5m) of the statutes is created to read:

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1 457.01 **(5m)** “Professional art therapist section” means the professional art
2 therapist section of the examining board.

3 **SECTION 15.** 457.01 (5s) of the statutes is created to read:

4 457.01 **(5s)** “Professional art therapy” means integrative application of
5 psychotherapeutic principles and methods with specialized training in art media,
6 the neurobiological implications of art-making, and art-based assessment models
7 in the diagnosis, prevention, and treatment of cognitive, developmental, behavioral,
8 and emotional conditions and disorders in individuals, families, and groups,
9 including the use of therapeutic art interventions to facilitate alternative modes of
10 receptive and expressive communication and implementation of art-based
11 treatment plans to help clients improve cognitive and sensory-motor functions,
12 increase self-awareness and self-esteem, cope with traumatic experience and grief,
13 reduce symptoms of depression, anxiety, and attachment disorders, resolve conflicts,
14 anger, and distress, and improve educational performance and social functioning.

15 **SECTION 16.** 457.02 (6) (c) of the statutes is amended to read:

16 457.02 **(6)** (c) Provide a consultation or demonstration with an individual
17 licensed under this chapter if the person providing the consultation or
18 demonstration is licensed to practice marriage and family therapy, professional
19 counseling, ~~or~~ clinical social work, or professional art therapy in another state or
20 territory of the United States.

21 **SECTION 17.** 457.03 (1) of the statutes is amended to read:

22 457.03 **(1)** Upon the advice of the social worker section, marriage and family
23 therapist section, ~~and professional counselor section,~~ and professional art therapist
24 section, promulgate rules establishing minimum standards for educational
25 programs that must be completed for certification or licensure under this chapter

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1 and for supervised clinical training that must be completed for licensure as a clinical
2 social worker, marriage and family therapist, ~~or~~ professional counselor, or
3 professional art therapist under this chapter and approve educational programs and
4 supervised clinical training programs in accordance with those standards.

5 **SECTION 18.** 457.03 (1m) of the statutes is amended to read:

6 457.03 (1m) Upon the advice of the social worker section, marriage and family
7 therapist section, ~~and~~ professional counselor section, and professional art therapist
8 section, and consistent with s. 457.16, promulgate rules establishing examination
9 requirements for certification and licensure under this chapter.

10 **SECTION 19.** 457.03 (2) of the statutes is amended to read:

11 457.03 (2) Upon the advice of the social worker section, marriage and family
12 therapist section, ~~and~~ professional counselor section, and professional art therapist
13 section, promulgate rules establishing a code of ethics to govern the professional
14 conduct of certificate holders and licensees. The rules shall specify the services
15 included within the practice of social work, advanced practice social work, or
16 independent social work that an individual who is certified under this chapter as a
17 social worker, advanced practice social worker, or independent social worker may
18 perform and the degree of supervision, if any, required to perform those services.

19 **SECTION 20.** 457.035 (1) of the statutes is amended to read:

20 457.035 (1) The individual is licensed under this chapter as a clinical social
21 worker, marriage and family therapist, ~~or~~ professional counselor, or professional art
22 therapist.

23 **SECTION 21.** 457.04 (6m) of the statutes is created to read:

24 457.04 (6m) Practice professional art therapy or designate himself or herself
25 as a professional art therapist or use or assume the title “professional art therapist”

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1 or any other title or designation that represents or may tend to represent the person
2 as a professional art therapist unless the person is licensed as a professional art
3 therapist under this chapter.

4 **SECTION 22.** 457.04 (8) (intro.) of the statutes is amended to read:

5 457.04 (8) (intro.) Practice clinical social work, marriage and family therapy,
6 ~~or professional counseling, or professional art therapy~~ without notifying his or her
7 client in writing of the procedure to follow to resolve a grievance. The notice required
8 under this subsection shall provide one of the following options for resolving a
9 grievance to the client:

10 **SECTION 23.** 457.06 (intro.) of the statutes is amended to read:

11 **457.06 General requirements for certification or licensure.** (intro.) The
12 social worker section, marriage and family therapist section, ~~or professional~~
13 ~~counselor section, or professional art therapist section~~ may not grant any certificate
14 or license under this chapter unless the applicant does all of the following:

15 **SECTION 24.** 457.133 of the statutes is created to read:

16 **457.133 Professional art therapist license.** The professional art therapist
17 section shall grant a professional art therapist license to any individual who does all
18 of the following:

19 (1) Satisfies the requirements in s. 457.06.

20 (2) Submits evidence satisfactory to the professional art therapist section that
21 he or she has received a master's or doctorate degree in professional art therapy or
22 its equivalent from a program approved by the professional art therapist section.

23 (3) Submits evidence satisfactory to the professional art therapist section that
24 he or she has completed not less than 9 semester credit hours, or the equivalent, of
25 graduate level courses specifically related to diagnosis, prevention, treatment, or

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1 resolution of mental, emotional, behavioral, and addiction disorders either as part
2 of an approved program for a master's or doctorate degree in professional art therapy
3 or its equivalent or after completing the program.

4 (4) Submits evidence satisfactory to the professional art therapist section that
5 he or she has done any of the following:

6 (a) After receiving a master's degree in professional art therapy or its
7 equivalent, engaged in the equivalent of at least 1,500 hours of professional art
8 therapy practice, including at least 1,000 hours of face-to-face client contact,
9 supervised by one of the following:

10 1. An individual licensed as a professional art therapist who has received a
11 doctorate degree in professional art therapy or its equivalent or who holds a
12 certification as an art therapy certified supervisor from the Art Therapy Credentials
13 Board or its successor organization.

14 2. An individual who holds a certification as a board certified art therapist from
15 the Art Therapy Credentials Board or its successor organization and who has
16 engaged in the equivalent of 5 years of full-time clinical professional art therapy
17 practice.

18 3. An individual licensed as a professional counselor who has engaged in the
19 equivalent of 5 years of full-time professional counseling practice.

20 4. A psychiatrist or a psychologist licensed under ch. 455.

21 5. An individual, other than an individual specified in subd. 1., 2., 3., or 4., who
22 is approved by the professional art therapist section or satisfies requirements for
23 supervision that are specified in rules promulgated by the examining board upon the
24 advice of the professional art therapist section.

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1 (b) Received a doctorate degree in professional art therapy or its equivalent,
2 and, either during or after the doctorate degree program or its equivalent, engaged
3 in the equivalent of at least 1,000 hours of full-time professional counseling practice
4 in a primary clinical setting supervised by one of the following:

5 1. An individual licensed as a professional art therapist who has received a
6 doctorate degree in professional art therapy or its equivalent or who holds a
7 certification as an art therapy certified supervisor from the Art Therapy Credentials
8 Board or its successor organization.

9 2. An individual who holds a certification as a board certified art therapist from
10 the Art Therapy Credentials Board or its successor organization and who has
11 engaged in the equivalent of 5 years of full-time clinical professional art therapy
12 practice.

13 3. An individual licensed as a professional counselor who has engaged in the
14 equivalent of 5 years of full-time professional counseling practice.

15 4. A psychiatrist or a psychologist licensed under ch. 455.

16 5. An individual, other than an individual specified in subd. 1., 2., 3., or 4., who
17 is approved by the professional art therapist section or satisfies requirements for
18 supervision that are specified in rules promulgated by the examining board upon the
19 advice of the professional art therapist section.

20 (5) Passes one or more examinations approved by the professional art therapist
21 section to determine minimum competence to practice as a professional art therapist.

22 **SECTION 25.** 457.136 of the statutes is created to read:

23 **457.136 Professional art therapist training license.** (1) The professional
24 art therapist section shall grant a professional art therapist training license to any
25 individual who does all of the following:

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1 (a) Submits an application for the license to the department on a form provided
2 by the department.

3 (b) Pays the fee specified in s. 440.05 (6).

4 (c) Satisfies the requirements in s. 457.133 (2).

5 (d) Submits evidence satisfactory to the professional art therapist section that
6 he or she is in a position, or has an offer for a position, as a professional art therapist
7 in a supervised professional art therapy practice or is in a position, or has an offer
8 for a position, in which the applicant will, in the opinion of the professional art
9 therapist section, receive training and supervision equivalent to the training and
10 supervision received in a supervised professional art therapy practice.

11 (2) A professional art therapist training license is valid for 48 months and may
12 be renewed at the discretion of the professional art therapist section.
13 Notwithstanding s. 457.04 (6m), a professional art therapist training license
14 authorizes the holder to use any title specified in s. 457.04 (6m) and to practice
15 professional art therapy within the scope of his or her training and supervision
16 during the period in which the license is valid.

17 **SECTION 26.** 457.14 (1) (intro.) of the statutes is amended to read:

18 457.14 (1) (intro.) Upon application and payment of the fee specified in s.
19 440.05 (6), the appropriate section of the examining board may grant a temporary
20 social worker, advanced practice social worker, independent social worker, clinical
21 social worker, marriage and family therapist, ~~or~~ professional counselor, or
22 professional art therapist certificate or license to any individual who does one of the
23 following:

24 **SECTION 27.** 457.14 (1) (g) of the statutes is created to read:

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1 457.14 (1) (g) Satisfies the requirements under s. 457.133 (1) to (4) and has
2 submitted an application to take the next available examination for licensure under
3 s. 457.133 (5).

4 **SECTION 28.** 457.15 (4) of the statutes is created to read:

5 457.15 (4) Upon application and payment of the fee specified in s. 440.05 (2),
6 the professional art therapist section may grant a professional art therapist license
7 to any individual who holds a similar certificate or license in another state or
8 territory of the United States and who passes an examination approved by the
9 professional art therapist section that tests knowledge of state law relating to
10 practice of professional art therapy, if the professional art therapist section
11 determines that the requirements for obtaining the certificate or license in the other
12 state or territory are substantially equivalent to the requirements under s. 457.133.

13 **SECTION 29.** 457.22 (1) (d) of the statutes is created to read:

14 457.22 (1) (d) Upon the advice of the professional art therapist section,
15 promulgate rules establishing requirements and procedures for professional art
16 therapists to complete continuing education programs or courses of study in order
17 to qualify for renewal.

18 **SECTION 30.** 457.24 (1) of the statutes is amended to read:

19 457.24 (1) Except as provided in sub. (2), a person licensed as a clinical social
20 worker, marriage and family therapist, ~~or professional counselor,~~ or professional art
21 therapist under this chapter may not practice clinical social work, marriage and
22 family therapy, ~~or professional counseling,~~ or professional art therapy unless he or
23 she has in effect professional liability insurance. The examining board shall
24 promulgate rules establishing the minimum amount of insurance required under
25 this subsection.

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1 **SECTION 31.** 457.24 (2) of the statutes is amended to read:

2 457.24 (2) Subsection (1) does not apply to a person practicing clinical social
3 work, marriage and family therapy, ~~or professional counseling,~~ or professional art
4 therapy as an employee of a federal, state, or local governmental agency, if the
5 practice is part of the duties for which he or she is employed and is solely within the
6 confines of or under the jurisdiction of the agency by which he or she is employed.

7 **SECTION 32.** 457.25 (1) of the statutes is amended to read:

8 457.25 (1) Any public or private mental health or health care agency,
9 institution or facility, or any other person or entity that employs or contracts for
10 services with a credential holder, that terminates, suspends, or restricts the
11 employment or contract of the credential holder as a result of adverse or disciplinary
12 action against the credential holder relating to his or her practice of social work,
13 advanced practice social work, independent social work, clinical social work,
14 marriage and family therapy, ~~or professional counseling,~~ or professional art therapy
15 shall submit a written report of the action to the appropriate section of the examining
16 board within 30 days after the date on which the action is taken or, if grounds for such
17 an action exist and the credential holder terminates his or her employment before
18 the action is taken, within 30 days after the date on which the credential holder
19 terminates his or her employment.

20 **SECTION 33.** 457.25 (2) of the statutes is amended to read:

21 457.25 (2) Any state or local professional society or organization of social
22 workers, marriage and family therapists, ~~or professional counselors,~~ or professional
23 art therapists that terminates, revokes, or suspends the membership of a credential
24 holder, or takes any other adverse or disciplinary action against a credential holder
25 relating to his or her practice of social work, advanced practice social work,

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1 independent social work, clinical social work, marriage and family therapy, ~~or~~
2 professional counseling, or professional art therapy, shall submit a written report of
3 the action to the appropriate section of the examining board within 30 days after the
4 date on which the action is taken or, if grounds for such an action exist and the
5 credential holder terminates his or her membership before the action is taken,
6 within 30 days after the date on which the credential holder terminates his or her
7 membership.

8 **SECTION 34.** 457.26 (2) (b) of the statutes is amended to read:

9 457.26 (2) (b) Subject to ss. 111.321, 111.322, and 111.335, been convicted of an
10 offense the circumstances of which substantially relate to the practice of social work,
11 advanced practice social work, independent social work, clinical social work,
12 marriage and family therapy, ~~or~~ professional counseling, or professional art therapy.

13 **SECTION 35.** 457.26 (2) (e) of the statutes is amended to read:

14 457.26 (2) (e) Subject to ss. 111.321, 111.322, and 111.34, practiced social work,
15 advanced practice social work, independent social work, clinical social work,
16 marriage and family therapy, ~~or~~ professional counseling, or professional art therapy
17 while his or her ability to practice was impaired by alcohol or other drugs.

18 **SECTION 36.** 457.26 (2) (g) of the statutes is amended to read:

19 457.26 (2) (g) Performed social work, advanced practice social work, or
20 independent social work services in violation of the rules promulgated under s.
21 457.03 (2) or otherwise engaged in conduct while practicing social work, advanced
22 practice social work, independent social work, clinical social work, marriage and
23 family therapy, ~~or~~ professional counseling, or professional art therapy which
24 evidences a lack of knowledge or ability to apply professional principles or skills.

25 **SECTION 37. Nonstatutory provisions.**

SENATE BILL 895**SECTION 37**

1 (1) DEFINITION. In this section, “examining board” means the marriage and
2 family therapy, professional counseling, and social work examining board.

3 (2) EXAMINING BOARD; CREDENTIALS OF INITIAL MEMBERS. Notwithstanding s.
4 15.405 (7c) (a) 3m., an individual appointed as an initial professional art therapist
5 member of the examining board under s. 15.405 (7c) (a) 3m. need not be licensed
6 under s. 457.133 but may not be appointed unless the individual holds a certificate
7 of registration as an art therapist under s. 440.03 (14) (a) 2. and has had at least 1,000
8 hours of client contact during the previous 3 years.

9 (3) TRANSITIONAL LICENSURE.

10 (a) *Professional art therapist section.* Notwithstanding s. 457.133, the
11 professional art therapist section of the examining board may grant a professional
12 art therapist license under s. 457.133 to any person who does all of the following no
13 later than the first day of the 13th month beginning after the effective date of this
14 paragraph:

15 1. Satisfies the requirements in s. 457.06.

16 2. Submits evidence satisfactory to the professional art therapist section of the
17 examining board that the person previously held a certificate as an art therapist
18 under s. 440.03 (14) (a) 2. and that he or she has received a master’s or doctorate
19 degree in professional art therapy or its equivalent from a program approved by the
20 American Art Therapy Association or its successor organization.

21 3. Holds a certification in good standing as a board certified art therapist from
22 the Art Therapy Credentials Board or its successor organization.

23 4. Submits evidence satisfactory to the professional art therapist section of the
24 examining board that he or she has engaged in the equivalent of 5 years of full-time
25 professional art therapy practice.

