

**REPORT OF RECOMMENDATIONS AND FINDINGS  
ON THE PROPOSAL TO CREATE A CERTIFICATION UNDER LMHP  
FOR ART THERAPISTS**

By the Nebraska  
State Board of Health

To the Director of the Division of Public Health of the Department of Health  
and Human Services, and the Members of the Health and Human  
Services Committee of the Legislature

April 15, 2020

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## **Part One: Preliminary Information**

### **Introduction**

The Credentialing Review Program is a review process advisory to the Legislature which is designed to assess the need for state regulation of health professionals. The credentialing review statute requires that review bodies assess the need for credentialing proposals by examining whether such proposals are in the public interest.

The law directs those health occupations and professions seeking credentialing or a change in scope of practice to submit an application for review to the Department of Health and Human Services, Division of Public Health. The Director of this Division will then appoint an appropriate technical review committee to review the application and make recommendations regarding whether or not the application in question should be approved. These recommendations are made in accordance with statutory criteria contained in Section 71-6221 of the Nebraska Revised Statutes. These criteria focus the attention of committee members on the public health, safety, and welfare.

The recommendations of technical review committees take the form of written reports that are submitted to the State Board of Health and the Director of the Division along with any other materials requested by these review bodies. These two review bodies formulate their own independent written reports on the same credentialing proposals. All reports that are generated by the program are submitted to the Legislature to assist state senators in their review of proposed legislation pertinent to the credentialing of health care professions.

## **The Members of the Nebraska State Board of Health, 2019**

Kevin Borchert, PharmD, RP

Shane Fleming, BSN, MSN, RN

Michael Hansen, (Hospital Administrator)

Diane Jackson, APRN

John Kuehn, DVM

Kevin Low, DDS

Joel Bessmer, MD

Debra Parsow (Public Member)

Daniel Rosenthal, PE

Wayne Stuberger, PhD, PT (Vice Chair)

Travis Teeter, MD (Chair)

Joshua Vest, DPM

Douglas Vander Broek, DC

Jeromy Warner, PsyD, LP

### **Board of Health Meetings held to discuss the Art Therapy proposal**

Meeting of the Credentialing Review Committee of the Board: March 16, 2020

The Meeting of the Full Board of Health: April 15, 2020

## **Part Two: Summary of Board of Health Recommendations on the Art Therapy Proposal**

### **Summary of the Board's Credentialing Review Committee Recommendations**

The Board's Credentialing Review Committee deferred taking action on the Art Therapy proposal because of last minute concerns raised by members of the Board of Licensed Mental Health Practice during this Committee's meeting to review this proposal.

### **Summary of the Recommendations of the full Board of Health**

The Board members approved the Art Therapy proposal by an up/down vote of nine ayes, one nay vote, and one abstention.

## **Part Three: Summary of the Art Therapy Proposal**

The Nebraska Art Therapy Licensure Coalition is proposing to amend the Uniform Credentialing Act and the Mental Health Practice Act to provide for licensing of qualified art therapists as Licensed Mental Health Practitioners and Licensed Independent Mental Health Practitioners with a credential as a Certified Art Therapist to be administered by the Board of Mental Health Practice. The resulting credential would be placed within the framework of LMHP under the LMHP umbrella board.

The applicants stated that they are not asking for independent licensure, rather, they are asking for the creation of a specialty certification within the LMHP licensure category for Art Therapists. Under this concept anyone who seeks to provide Art Therapy services would not only have to qualify as an Art Therapist, they would need to qualify as an LIMHP, as well. This way Art Therapy providers would have all of the necessary skills and abilities to diagnose and treat mental health or mental health related conditions of their patients. These requirements would include a Masters' degree in Art Therapy and qualifying as an LIMHP. The applicants added that adding Art Therapy as a new subspecialty under LIMHP would make it necessary to add an Art Therapist as an additional member of the LMHP Board.

**The full text of the applicants' proposal can be found under the Art Therapy subject area on the credentialing review program link at <http://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>**

## **Part Four: Recommendations of the Credentialing Review Committee of the Board on the Art Therapy Proposal during its March 16, 2020 Bimonthly Meeting**

### **Actions taken on the Art Therapy proposal by the members of the Board's Credentialing Review Committee:**

The Board's Credentialing Review Committee deferred taking action on this proposal because of last minute concerns raised by members of the Board of Licensed Mental Health Practice during their meeting to review this proposal. These concerns pertained to comments made during the review by members of the applicant group that seemed to indicate that no other mental health practitioners would be allowed to provide the services associated with art therapy unless they satisfied the standards defined in the applicants' proposal. Later, during the April 15 Board of Health teleconference, applicant group representatives clarified that their proposal would not require that other mental health providers satisfy the educational and training standards defined in their proposal in order to provide art therapy services. The only restriction on other mental health providers that would pertain if the proposal were to become law would be that other mental health providers would not be allowed to call themselves art therapists.

## **Part Five: Recommendations of the Full Board of Health on the Art Therapy Proposal**

### **Discussion on the Art Therapy proposal by the members of the full Board of Health:**

Dr. Low began this discussion by commenting on the work of the Art Therapy Technical Review Committee, a committee of which he was the chairperson. Dr. Low informed the Board members that the members of this committee were unanimous in their support of the proposal. Dr. Low commented that as chairperson he was not allowed to vote unless there was a need to break a tie vote. He added that if he had been allowed to vote he too would have voted to support of the proposal.

At this juncture Janelle Hallaert spoke on behalf of the applicant group to address concerns raised about the proposal by members of the Board of Mental Health Practice. Ms. Hallaert stated that her group has no intention of excluding other mental health professionals from providing art therapy services, whether such professionals be fellow LMHPs, Psychologists, or Psychiatrists. Ms. Hallaert added that the only restriction would be that only those providers who complete the entire educational and training program to become Art Therapists would be allowed to call themselves “Art Therapists.” Ms. Hallaert hastened to clarify that this restriction would under no circumstances disallow other mental health providers from providing art therapy services.

At this juncture Dr. Warner asked the applicants whether or not Ms. Hallaert’s comments constituted an amendment to the original proposal, and, if so, whether it is too late in the review process to amend this proposal. Ms. Hallaert responded that her comments represent a clarification of the proposal, not an amendment to it. Dr. Warner responded by expressing concerns about apparent inconsistencies in the way the applicant group has characterized their proposal during the course of the review process. He continued his remarks by stating that he continues to be concerned about the potential of the proposal to be unduly restrictive.

### **Actions taken on the Art Therapy proposal by the members of the full Board of Health:**

Voting to recommend approval of the proposal were Borchert, Fleming, Hansen, Jackson, Kuehn, Low, Parsow, Rosenthal, Teetor, and Vander Broek. Voting not to recommend approval of the proposal was Stuberger. Abstaining from voting was Warner.