

2014 -- H 7131 SUBSTITUTE A

LC003002/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

A N A C T

RELATING TO HEALTH AND SAFETY - REGISTRATION OF MUSIC THERAPISTS

Introduced By: Representatives McNamara, Bennett, Amore, Ajello, and Cimini

Date Introduced: January 16, 2014

Referred To: House Health, Education & Welfare

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
2 amended by adding thereto the following chapter:

3 CHAPTER 20.8.1

4 REGISTRATION OF MUSIC THERAPISTS

5 **23-20.8.1-1. Definitions. --** As used in this chapter:

6 (1) "Board certified music therapist" means an individual who has completed the  
7 education and clinical training requirements established by the American music therapy  
8 association, has passed the certification board for music therapists certification examination or  
9 transitioned into board certification, and remains actively certified by the certification board for  
10 music therapists.

11 (2) "Music therapist" means a person registered to practice music therapy pursuant to this  
12 chapter.

13 (3) "Music therapy" means the clinical and evidence based use of music interventions to  
14 accomplish individualized goals within a therapeutic relationship through an individualized music  
15 therapy treatment plan for the client that identifies the goals, objectives and potential strategies of  
16 the music therapy services appropriate for the client using music therapy interventions, which  
17 may include music improvisation, receptive music listening, song writing, lyric discussion, music  
18 and imagery, music performance, learning through music, and movement to music. Music therapy  
19 is a distinct and separate profession from other licensed, certified, or regulated professions,

1 including speech-language pathology. The practice of music therapy does not include the  
2 diagnosis of any physical, mental or communication disorder. This term may include:

3 (i) Accepting referrals for music therapy services from medical, developmental, mental  
4 health, or education professionals; family members; clients; or caregivers. Before providing  
5 music therapy services to a client for a medical, developmental, or mental health condition, the  
6 registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental  
7 health professional to review the client's diagnosis, treatment needs, and treatment plan. During  
8 the provision of music therapy services to a client, the registrant shall collaborate, as applicable,  
9 with the client's treatment team;

10 (ii) Conducting a music therapy assessment of a client to collect systematic,  
11 comprehensive, and accurate information necessary to determine the appropriate type of music  
12 therapy services to provide for the client;

13 (iii) Developing an individualized music therapy treatment plan for the client;

14 (iv) Carrying out an individualized music therapy treatment plan that is consistent with  
15 any other medical, developmental, mental health, or educational services being provided to the  
16 client;

17 (v) Evaluating the client's response to music therapy and the individualized music therapy  
18 treatment plan and suggesting modifications, as appropriate;

19 (vi) Developing a plan for determining when the provision of music therapy services is  
20 no longer needed in collaboration with the client, any physician, or other provider of healthcare or  
21 education of the client, any appropriate member of the family of the client, and any other  
22 appropriate person upon whom the client relies for support;

23 (vii) Minimizing any barriers so that the client may receive music therapy services in the  
24 least restrictive environment; and

25 (viii) Collaborating with and educating the client and the family or caregiver of the client  
26 or any other appropriate person about the needs of the client that are being addressed in music  
27 therapy and the manner in which the music therapy addresses those needs.

28 (4) "Office" means the department of health.

29 (5) "Director" means the director of the department of health or his or her designee.

30 **23-20.8.1-2. Applicability and scope.** – After January 1, 2015, a person shall not  
31 practice music therapy or represent himself or herself as being able to practice music therapy in  
32 this state unless the person is registered pursuant to this chapter. Nothing in this chapter may be  
33 construed to prohibit or restrict the practice, services, or activities of the following:

34 (1) Any person licensed, certified, or regulated under the laws of this state in another

1 profession or occupation or personnel supervised by a licensed professional in this state  
2 performing work, including the use of music, incidental to the practice of his or her licensed,  
3 certified, or regulated profession or occupation, if that person does not represent himself or  
4 herself as a music therapist; or

5 (2) Any person whose training and national certification attests to the individual's  
6 preparation and ability to practice his or her certified profession or occupation, if that person does  
7 not represent himself or herself as a music therapist.

8 (3) Any practice of music therapy as an integral part of a program of study for students  
9 enrolled in an accredited music therapy program, if the student does not represent himself or  
10 herself as a music therapist.

11 (4) Any person who practices music therapy under the supervision of a registered music  
12 therapist, if the person does not represent himself or herself as a music therapist.

13 **23-20.8.1-3. Issuance of registration – Minimum qualifications.** – (a) The director  
14 shall issue a registration to an applicant for a music therapy registration when such applicant has  
15 completed and submitted an application upon a form and in such manner as the director  
16 prescribes, accompanied by applicable fees, and evidence satisfactory to the director that:

17 (1) The applicant is at least eighteen (18) years of age;

18 (2) The applicant holds a bachelor's degree or higher in music therapy, or its equivalent,  
19 from a program approved by the American music therapy association or any successor  
20 organization within an accredited college or university;

21 (3) The applicant successfully completes a minimum of twelve hundred (1,200) hours of  
22 clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at  
23 least nine hundred (900) hours in internship experiences; provided that the internship is approved  
24 by an academic institution, the American music therapy association or its successor association,  
25 or both;

26 (4) The applicant is in good standing based on a review of the applicant's music therapy  
27 practice history in other jurisdictions, including a review of any alleged misconduct or neglect in  
28 the practice of music therapy on the part of the applicant;

29 (5) The applicant provides proof of passing the examination for board certification  
30 offered by the certification board for music therapists or any successor organization or provides  
31 proof of being transitioned into board certification, and provides proof that the applicant is  
32 currently a board certified music therapist.

33 (b) The director shall issue a registration to an applicant for a music therapy registration  
34 when such applicant has completed and submitted an application upon a form and in such manner

1 as the director prescribes, accompanied by applicable fees, and evidence satisfactory to the  
2 director that the applicant is registered and in good standing as a music therapist in another  
3 jurisdiction where the qualifications required are equal to or greater than those required in this  
4 chapter at the date of application.

5 **23-20.8.1-4. Suspension and revocation of registration.** -- (a) Every registration issued  
6 under this chapter shall be renewed biennially. A registration shall be renewed upon payment of a  
7 renewal fee if the applicant is not in violation of any of the terms of this chapter at the time of  
8 application for renewal. The following shall also be required for registration renewal: proof of  
9 maintenance of the applicant's status as a board certified music therapist.

10 (b) A registrant shall inform the director of any changes to his or her address. Each  
11 registrant shall be responsible for timely renewal of his or her registration.

12 (c) Failure to renew a registration shall result in forfeiture of the registration.  
13 Registrations that have been forfeited may be restored within one year of the expiration date upon  
14 payment of renewal and restoration fees. Failure to restore a forfeited registration within one year  
15 of the date of its expiration shall result in the automatic termination of the registration, and the  
16 director may require the individual to reapply for registration as a new applicant.

17 **23-20.8.1-5. Waiver of examination.** -- The director shall waive the examination  
18 requirement for an applicant until January 1, 2015, who is:

- 19 (1) A board certified music therapist; or  
20 (2) Designated as a registered music therapist, certified music therapist, or advanced  
21 certified music therapist and in good standing with the national music therapy registry.

22 **23-20.8.1-6. Rules and Regulations.** -- The director is authorized to adopt, modify,  
23 repeal and promulgate rules and regulations in accordance with the purposes of this chapter, and  
24 only after procedures in accordance with the administrative procedures act (chapter 35 of title 42)  
25 have been followed. The director is further authorized to assess fees for registrations issued in  
26 accordance with rules and regulations promulgated pursuant to the authority conferred by this  
27 chapter, provided that those fees are assessed only after procedures in accordance with the  
28 administrative procedures act (chapter 35 of title 42) have been followed. All fees shall be  
29 deposited into the general fund as general revenue.

30 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY - REGISTRATION OF MUSIC THERAPISTS

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1           This act would provide guidelines for the registration of music therapists by the  
2 department of health.

3           This act would take effect upon passage.

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