
HOUSE BILL 2522

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Darneille, Van De Wege, and Goodman

Read first time 01/17/12. Referred to Committee on Health Care & Wellness.

1 AN ACT Relating to certification of music therapists; amending RCW
2 18.130.040 and 18.120.020; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of health.

7 (2) "Music therapist" means a person certified to practice music
8 therapy under this chapter.

9 (3) "Music therapy" means:

10 (a) The assessment of a client's emotional well-being, physical
11 health, social functioning, communication abilities, and cognitive
12 skills through responses to musical stimuli;

13 (b) The development and implementation of treatment plans, based on
14 a client's assessed needs, using music interventions including music
15 improvisation, receptive music listening, song writing, lyric
16 discussion, music and imagery, music performance, learning through
17 music, and movement to music; and

18 (c) The evaluation and documentation of the client's response to
19 treatment.

1 (4) "Secretary" means the secretary of the department or the
2 secretary's designee.

3 NEW SECTION. **Sec. 2.** No person may practice music therapy or
4 represent oneself as a music therapist by use of any title unless
5 certified as provided for in this chapter.

6 NEW SECTION. **Sec. 3.** (1) An applicant applying for certification
7 as a certified music therapist shall file a written application on a
8 form or forms provided by the secretary setting forth under affidavit
9 such information as the secretary may require, and proof that the
10 candidate has met the following qualifications:

11 (a) Successful completion of a bachelor's degree or higher from an
12 academic program in music therapy; and

13 (b) Successful completion of examination based on core competencies
14 of music therapy administered by a public or private agency or
15 institution recognized by the secretary as qualified to administer the
16 examination.

17 (2) The secretary shall establish by rule what constitutes adequate
18 proof of meeting the criteria.

19 (3) Applicants are subject to the grounds for denial of a
20 certification under chapter 18.130 RCW.

21 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed to
22 prohibit or restrict the practice by an individual who is:

23 (1) Licensed, certified, or registered under the laws of this state
24 and performing services within the authorized scope of practice;

25 (2) Employed by the government of the United States while engaged
26 in the performance of duties prescribed by the laws of the United
27 States; or

28 (3) A regular student in an educational program approved by the
29 secretary, and whose performance of services is pursuant to a regular
30 course of instruction or assignments from an instructor and under the
31 general supervision of the instructor.

32 NEW SECTION. **Sec. 5.** In addition to any other authority, the
33 secretary has the authority to:

1 (1) Adopt rules under chapter 34.05 RCW necessary to implement this
2 chapter;

3 (2) Establish all certification and renewal fees in accordance with
4 RCW 43.70.250;

5 (3) Establish forms and procedures necessary to administer this
6 chapter;

7 (4) Determine minimum education requirements and evaluate and
8 designate those educational programs from which graduation will be
9 accepted as proof of eligibility to take a qualifying examination for
10 applicants for certification;

11 (5) Certify applicants who have met the requirements for
12 certification and to deny certification to applicants who do not meet
13 the requirements of this chapter, except that proceedings concerning
14 the denial of certification based upon unprofessional conduct or
15 impairment is governed by the uniform disciplinary act, chapter 18.130
16 RCW;

17 (6) Determine which states have credentialing requirements
18 equivalent to those of this state and issue certificates to individuals
19 credentialed in those states without examination;

20 (7) Hire clerical, administrative, investigative, and other staff
21 as needed to implement this chapter; and

22 (8) Maintain the official department record of all applicants and
23 certified individuals.

24 NEW SECTION. **Sec. 6.** Applications for certification must be
25 submitted on forms provided by the secretary. The secretary may
26 require any information and documentation that reasonably relates to
27 the need to determine whether the applicant meets the criteria for
28 certification provided for in this chapter and chapter 18.130 RCW.
29 Each applicant must pay a fee determined by the secretary under RCW
30 43.70.250. The fee must accompany the application.

31 NEW SECTION. **Sec. 7.** The secretary must establish by rule the
32 procedural requirements and fees for renewal of a certification.
33 Failure to renew invalidates the certification and all privileges
34 granted by the certification.

1 NEW SECTION. **Sec. 8.** The uniform disciplinary act, chapter 18.130
2 RCW, governs unlicensed practice, the issuance and denial of a license,
3 and the discipline of persons licensed under this chapter. The
4 secretary is the disciplining authority under this chapter.

5 **Sec. 9.** RCW 18.130.040 and 2011 c 41 s 11 are each amended to read
6 as follows:

7 (1) This chapter applies only to the secretary and the boards and
8 commissions having jurisdiction in relation to the professions licensed
9 under the chapters specified in this section. This chapter does not
10 apply to any business or profession not licensed under the chapters
11 specified in this section.

12 (2)(a) The secretary has authority under this chapter in relation
13 to the following professions:

14 (i) Dispensing opticians licensed and designated apprentices under
15 chapter 18.34 RCW;

16 (ii) Midwives licensed under chapter 18.50 RCW;

17 (iii) Ocularists licensed under chapter 18.55 RCW;

18 (iv) Massage operators and businesses licensed under chapter 18.108
19 RCW;

20 (v) Dental hygienists licensed under chapter 18.29 RCW;

21 (vi) East Asian medicine practitioners licensed under chapter 18.06
22 RCW;

23 (vii) Radiologic technologists certified and X-ray technicians
24 registered under chapter 18.84 RCW;

25 (viii) Respiratory care practitioners licensed under chapter 18.89
26 RCW;

27 (ix) Hypnotherapists and agency affiliated counselors registered
28 and advisors and counselors certified under chapter 18.19 RCW;

29 (x) Persons licensed as mental health counselors, mental health
30 counselor associates, marriage and family therapists, marriage and
31 family therapist associates, social workers, social work associates--
32 advanced, and social work associates--independent clinical under
33 chapter 18.225 RCW;

34 (xi) Persons registered as nursing pool operators under chapter
35 18.52C RCW;

36 (xii) Nursing assistants registered or certified under chapter
37 18.88A RCW;

1 (xiii) Health care assistants certified under chapter 18.135 RCW;
2 (xiv) Dietitians and nutritionists certified under chapter 18.138
3 RCW;
4 (xv) Chemical dependency professionals and chemical dependency
5 professional trainees certified under chapter 18.205 RCW;
6 (xvi) Sex offender treatment providers and certified affiliate sex
7 offender treatment providers certified under chapter 18.155 RCW;
8 (xvii) Persons licensed and certified under chapter 18.73 RCW or
9 RCW 18.71.205;
10 (xviii) Denturists licensed under chapter 18.30 RCW;
11 (xix) Orthotists and prosthetists licensed under chapter 18.200
12 RCW;
13 (xx) Surgical technologists registered under chapter 18.215 RCW;
14 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under
15 chapter 18.230 RCW;
16 (xxii) Animal massage practitioners certified under chapter 18.240
17 RCW;
18 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;
19 (xxiv) Home care aides certified under chapter 18.88B RCW; ~~(and)~~
20 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and
21 (xxvi) Music therapists certified under chapter 18.--- RCW (the new
22 chapter created in section 11 of this act).
23 (b) The boards and commissions having authority under this chapter
24 are as follows:
25 (i) The podiatric medical board as established in chapter 18.22
26 RCW;
27 (ii) The chiropractic quality assurance commission as established
28 in chapter 18.25 RCW;
29 (iii) The dental quality assurance commission as established in
30 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and
31 licenses and registrations issued under chapter 18.260 RCW;
32 (iv) The board of hearing and speech as established in chapter
33 18.35 RCW;
34 (v) The board of examiners for nursing home administrators as
35 established in chapter 18.52 RCW;
36 (vi) The optometry board as established in chapter 18.54 RCW
37 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in
7 chapter 18.71 RCW governing licenses and registrations issued under
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74
10 RCW;

11 (xi) The board of occupational therapy practice as established in
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established
14 in chapter 18.79 RCW governing licenses and registrations issued under
15 that chapter;

16 (xiii) The examining board of psychology and its disciplinary
17 committee as established in chapter 18.83 RCW;

18 (xiv) The veterinary board of governors as established in chapter
19 18.92 RCW; and

20 (xv) The board of naturopathy established in chapter 18.36A RCW.

21 (3) In addition to the authority to discipline license holders, the
22 disciplining authority has the authority to grant or deny licenses.
23 The disciplining authority may also grant a license subject to
24 conditions.

25 (4) All disciplining authorities shall adopt procedures to ensure
26 substantially consistent application of this chapter, the Uniform
27 Disciplinary Act, among the disciplining authorities listed in
28 subsection (2) of this section.

29 **Sec. 10.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to
30 read as follows:

31 The definitions in this section apply throughout this chapter
32 unless the context clearly requires otherwise.

33 (1) "Applicant group" includes any health professional group or
34 organization, any individual, or any other interested party which
35 proposes that any health professional group not presently regulated be
36 regulated or which proposes to substantially increase the scope of
37 practice of the profession.

1 (2) "Certificate" and "certification" mean a voluntary process by
2 which a statutory regulatory entity grants recognition to an individual
3 who (a) has met certain prerequisite qualifications specified by that
4 regulatory entity, and (b) may assume or use "certified" in the title
5 or designation to perform prescribed health professional tasks.

6 (3) "Grandfather clause" means a provision in a regulatory statute
7 applicable to practitioners actively engaged in the regulated health
8 profession prior to the effective date of the regulatory statute which
9 exempts the practitioners from meeting the prerequisite qualifications
10 set forth in the regulatory statute to perform prescribed occupational
11 tasks.

12 (4) "Health professions" means and includes the following health
13 and health-related licensed or regulated professions and occupations:
14 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
15 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
16 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
17 dispensing opticians under chapter 18.34 RCW; hearing instruments under
18 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
19 funeral directing under chapter 18.39 RCW; midwifery under chapter
20 18.50 RCW; nursing home administration under chapter 18.52 RCW;
21 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter
22 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and
23 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine
24 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter
25 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses
26 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;
27 registered nurses under chapter 18.79 RCW; occupational therapists
28 licensed under chapter 18.59 RCW; respiratory care practitioners
29 licensed under chapter 18.89 RCW; veterinarians and veterinary
30 technicians under chapter 18.92 RCW; health care assistants under
31 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;
32 East Asian medicine practitioners licensed under chapter 18.06 RCW;
33 persons registered under chapter 18.19 RCW; persons licensed as mental
34 health counselors, marriage and family therapists, and social workers
35 under chapter 18.225 RCW; dietitians and nutritionists certified by
36 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;
37 ((and)) nursing assistants registered or certified under chapter 18.88A

1 RCW; and music therapists certified under chapter 18.--- RCW (the new
2 chapter created in section 11 of this act).

3 (5) "Inspection" means the periodic examination of practitioners by
4 a state agency in order to ascertain whether the practitioners'
5 occupation is being carried out in a fashion consistent with the public
6 health, safety, and welfare.

7 (6) "Legislative committees of reference" means the standing
8 legislative committees designated by the respective rules committees of
9 the senate and house of representatives to consider proposed
10 legislation to regulate health professions not previously regulated.

11 (7) "License," "licensing," and "licensure" mean permission to
12 engage in a health profession which would otherwise be unlawful in the
13 state in the absence of the permission. A license is granted to those
14 individuals who meet prerequisite qualifications to perform prescribed
15 health professional tasks and for the use of a particular title.

16 (8) "Professional license" means an individual, nontransferable
17 authorization to carry on a health activity based on qualifications
18 which include: (a) Graduation from an accredited or approved program,
19 and (b) acceptable performance on a qualifying examination or series of
20 examinations.

21 (9) "Practitioner" means an individual who (a) has achieved
22 knowledge and skill by practice, and (b) is actively engaged in a
23 specified health profession.

24 (10) "Public member" means an individual who is not, and never was,
25 a member of the health profession being regulated or the spouse of a
26 member, or an individual who does not have and never has had a material
27 financial interest in either the rendering of the health professional
28 service being regulated or an activity directly related to the
29 profession being regulated.

30 (11) "Registration" means the formal notification which, prior to
31 rendering services, a practitioner shall submit to a state agency
32 setting forth the name and address of the practitioner; the location,
33 nature and operation of the health activity to be practiced; and, if
34 required by the regulatory entity, a description of the service to be
35 provided.

36 (12) "Regulatory entity" means any board, commission, agency,
37 division, or other unit or subunit of state government which regulates

1 one or more professions, occupations, industries, businesses, or other
2 endeavors in this state.

3 (13) "State agency" includes every state office, department, board,
4 commission, regulatory entity, and agency of the state, and, where
5 provided by law, programs and activities involving less than the full
6 responsibility of a state agency.

7 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute
8 a new chapter in Title 18 RCW.

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