
ENGROSSED SUBSTITUTE SENATE BILL 5485

State of Washington

66th Legislature

2019 Regular Session

By Senate Health & Long Term Care (originally sponsored by Senators Darneille, Cleveland, and Conway)

READ FIRST TIME 02/07/19.

1 AN ACT Relating to licensure 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 legislature intends to:

5 (1) Recognize that music therapy affects public health, safety,
6 and welfare and that the practice of music therapy should be subject
7 to regulation;

8 (2) Assure the highest degree of professional conduct on the part
9 of music therapists;

10 (3) Guarantee the availability of music therapy services provided
11 by a qualified professional to persons in need of those services; and

12 (4) Protect the public from the practice of music therapy by
13 unqualified individuals.

14 NEW SECTION. **Sec. 2.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires
16 otherwise.

17 (1) "Advisory committee" means the music therapy advisory
18 committee.

19 (2) "Board certified music therapist" means an individual who has
20 completed the education and clinical training requirements

1 established by the American music therapy association, and who holds
2 current board certification from the certification board for music
3 therapists.

4 (3) "Department" means the department of health.

5 (4) "Music therapist" means a person licensed to practice music
6 therapy pursuant to this chapter.

7 (5) "Music therapy" means the clinical and evidence-based use of
8 music interventions to accomplish individualized goals for people of
9 all ages and ability levels within a therapeutic relationship by a
10 board certified music therapist. Music therapists develop music
11 therapy treatment plans specific to the needs and strengths of the
12 client who may be seen individually or in groups. Music therapy
13 treatment plans are individualized for each client. The goals,
14 objectives, and potential strategies of the music therapy services
15 are appropriate for the client and setting. The music therapy
16 interventions may include music improvisation, receptive music
17 listening, song writing, lyric discussion, music and imagery,
18 singing, music performance, learning through music, music combined
19 with other arts, music-assisted relaxation, music-based patient
20 education, electronic music technology, adapted music intervention
21 and movement to music. The practice of music therapy does not include
22 the diagnosis or assessment of any physical, mental, or communication
23 disorder. Music therapy may include:

24 (a) Accepting referrals for music therapy services from medical,
25 developmental, mental health, or education professionals, family
26 members, clients, caregivers, or others involved and authorized with
27 provision of client services. Before providing music therapy services
28 to a client for an identified clinical or developmental need, the
29 licensee collaborates, as applicable, with the primary care
30 provider(s) to review the client's diagnosis, treatment needs, and
31 treatment plan. During the provision of music therapy services to a
32 client, the licensee collaborates, as applicable, with the client's
33 treatment team;

34 (b) Conducting a music therapy assessment of a client to
35 determine if treatment is indicated. If treatment is indicated, the
36 licensee collects systematic, comprehensive, and accurate information
37 to determine the appropriateness and type of music therapy services
38 to provide for the client;

39 (c) Developing an individualized music therapy treatment plan for
40 the client that is based upon the results of the music therapy

1 assessment. The music therapy treatment plan includes individualized
2 goals and objectives that focus on the assessed needs and strengths
3 of the client and specifies music therapy approaches and
4 interventions to be used to address these goals and objectives;

5 (d) Implementing an individualized music therapy treatment plan
6 that is consistent with any other developmental, rehabilitative,
7 habilitative, medical, mental health, preventive, wellness care, or
8 educational services being provided to the client;

9 (e) Evaluating the client's response to music therapy and the
10 music therapy treatment plan, documenting change and progress and
11 suggesting modifications, as appropriate;

12 (f) Developing a plan for determining when the provision of music
13 therapy services is no longer needed in collaboration with the
14 client, physician, or other provider of health care or education of
15 the client, family members of the client, or any other appropriate
16 person upon whom the client relies for support;

17 (g) Minimizing any barriers to ensure that the client receives
18 music therapy services in the least restrictive environment;

19 (h) Collaborating with and educating the client and the family,
20 caregiver of the client, or any other appropriate person regarding
21 the needs of the client that are being addressed in music therapy and
22 the manner in which the music therapy treatment addresses those
23 needs; and

24 (i) Using appropriate knowledge and skills, such as research,
25 reasoning, and problem solving to determine appropriate actions in
26 the context of each specific clinical setting.

27 (6) "Secretary" means the secretary of health or his or her
28 designee.

29 NEW SECTION. **Sec. 3.** (1) A music therapy advisory committee is
30 created within the department. The committee consists of five members
31 as follows: Three who practice as music therapists in Washington
32 state, one member who is a licensed health care provider but not a
33 music therapist, and one member who is or has been in a therapeutic
34 relationship with a music therapist.

35 (2) The secretary shall appoint all members of the advisory
36 committee. All members must be familiar with the practice of music
37 therapy and able to provide the secretary with expertise and
38 assistance in carrying out his or her duties pursuant to this
39 chapter.

1 (3) Members terms are for four years.

2 (4) Members serve without compensation.

3 (5) Members may serve consecutive terms at the will of the
4 secretary. The director must fill vacancies in the same manner as the
5 regular appointments.

6 NEW SECTION. **Sec. 4.** (1) The advisory committee shall meet at
7 least once per year or as otherwise called by the secretary.

8 (2) The secretary shall consult with the advisory committee prior
9 to setting or changing fees under this chapter.

10 (3) The advisory committee may facilitate the development of
11 materials that the secretary may use to educate the public concerning
12 music therapist licensure, the benefits of music therapy, and use of
13 music therapy by individuals and in facilities or institutional
14 settings.

15 (4) The advisory committee may act as a facilitator of state-wide
16 dissemination of information between music therapists, the American
17 music therapy association or any successor organization, the
18 certification board for music therapists or any successor
19 organization, and the secretary.

20 (5) The advisory committee shall provide analysis of disciplinary
21 actions taken, appeals and denials, or revocation of licenses at
22 least once per year.

23 (6) The secretary shall seek the advice of the advisory committee
24 for issues related to music therapy.

25 NEW SECTION. **Sec. 5.** Beginning January 1, 2021, a person
26 without a license as a music therapist may not use the title "music
27 therapist" or similar title or practice music therapy. Nothing in
28 this chapter may be construed to prohibit or restrict the practice,
29 services, or activities of the following, if that person does not
30 represent himself or herself as a music therapist:

31 (1) Any person licensed, certified, or regulated under the laws
32 of Washington state in another profession or occupation or personnel
33 supervised by a licensed professional in this state performing work,
34 including the use of music, incidental to the practice of his or her
35 licensed, certified, or regulated profession or occupation;

36 (2) Any person whose training and national certification attests
37 to the individual's preparation and ability to practice his or her
38 certified profession or occupation;

1 (3) Any practice of music therapy as an integral part of a
2 program of study for students enrolled in an accredited music therapy
3 program; or

4 (4) Any person who practices music therapy under the supervision
5 of a licensed music therapist.

6 NEW SECTION. **Sec. 6.** Beginning January 1, 2021, the secretary
7 shall issue a license to an applicant upon his or her satisfaction
8 that the applicant has satisfied the requirements of this section and
9 paid the required license fee. The applicant must provide
10 satisfactory evidence to the secretary that:

11 (1) (a) The applicant is at least eighteen years of age;

12 (b) The applicant holds a bachelor's degree or higher in music
13 therapy, or its equivalent, from a program approved by the American
14 music therapy association or any successor organization within an
15 accredited college or university;

16 (c) The applicant completed a minimum of one thousand two hundred
17 hours of clinical training, with at least one hundred eighty hours in
18 preinternship experiences and at least nine hundred hours in
19 internship experiences, provided that the internship is approved by
20 an academic institution, the American music therapy association, or
21 any successor organization, or both;

22 (d) If the applicant is licensed as a music therapist in another
23 state or jurisdiction, the applicant is in good standing based on a
24 review of the applicant's music therapy licensure history in other
25 jurisdictions, including a review of any alleged misconduct or
26 neglect in the practice of music therapy on the part of the
27 applicant; and

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

33 (2) The applicant is licensed and in good standing as a music
34 therapist in another jurisdiction where the qualifications required
35 are equal to or greater than those required in this chapter at the
36 date of application.

37 NEW SECTION. **Sec. 7.** (1) Every license issued under this
38 chapter must be renewed biennially. To renew a license, an applicant

1 must: (a) Pay a renewal fee; (b) provide proof of the applicant's
2 current status as a board certified music therapist; and (c) not be
3 in violation of any requirements of this chapter. Each licensee is
4 responsible for timely renewal of his or her license.

5 (2) A licensee must inform the secretary of any changes to his or
6 her address.

7 (3) Failure to renew a license results in forfeiture of the
8 license. Licenses that have been forfeited may be restored within one
9 year of the expiration date upon payment of renewal and restoration
10 fees. Failure to restore a forfeited license within one year of the
11 date of its expiration results in the automatic termination of the
12 license, and the secretary may require the individual to reapply for
13 licensure as a new applicant.

14 (4) Upon written request of a licensee, the secretary may make a
15 license inactive subject to an inactive status fee established by the
16 secretary. The licensee, upon request and payment of the inactive
17 license fee, may continue on inactive status for a period up to two
18 years. An inactive license may be reactivated by making a written
19 request to the secretary and by fulfilling requirements established
20 by the secretary.

21 NEW SECTION. **Sec. 8.** (1) The secretary shall establish and
22 adopt rules governing the administration of this chapter in
23 accordance with chapter 34.05 RCW. The rules must include procedures
24 for expediting the issuance of a license to military personnel.

25 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
26 unlicensed practice, the issuance and denial of a license, and the
27 discipline of persons licensed under this chapter. The secretary is
28 the disciplining authority under this chapter.

29 **Sec. 9.** RCW 18.130.040 and 2017 c 336 s 18 are each amended to
30 read as follows:

31 (1) This chapter applies only to the secretary and the boards and
32 commissions having jurisdiction in relation to the professions
33 licensed under the chapters specified in this section. This chapter
34 does not apply to any business or profession not licensed under the
35 chapters specified in this section.

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

- 1 (i) Dispensing opticians licensed and designated apprentices
2 under chapter 18.34 RCW;
- 3 (ii) Midwives licensed under chapter 18.50 RCW;
- 4 (iii) Ocularists licensed under chapter 18.55 RCW;
- 5 (iv) Massage therapists and businesses licensed under chapter
6 18.108 RCW;
- 7 (v) Dental hygienists licensed under chapter 18.29 RCW;
- 8 (vi) East Asian medicine practitioners licensed under chapter
9 18.06 RCW;
- 10 (vii) Radiologic technologists certified and X-ray technicians
11 registered under chapter 18.84 RCW;
- 12 (viii) Respiratory care practitioners licensed under chapter
13 18.89 RCW;
- 14 (ix) Hypnotherapists and agency affiliated counselors registered
15 and advisors and counselors certified under chapter 18.19 RCW;
- 16 (x) Persons licensed as mental health counselors, mental health
17 counselor associates, marriage and family therapists, marriage and
18 family therapist associates, social workers, social work associates—
19 advanced, and social work associates—independent clinical under
20 chapter 18.225 RCW;
- 21 (xi) Persons registered as nursing pool operators under chapter
22 18.52C RCW;
- 23 (xii) Nursing assistants registered or certified or medication
24 assistants endorsed under chapter 18.88A RCW;
- 25 (xiii) Dietitians and nutritionists certified under chapter
26 18.138 RCW;
- 27 (xiv) Chemical dependency professionals and chemical dependency
28 professional trainees certified under chapter 18.205 RCW;
- 29 (xv) Sex offender treatment providers and certified affiliate sex
30 offender treatment providers certified under chapter 18.155 RCW;
- 31 (xvi) Persons licensed and certified under chapter 18.73 RCW or
32 RCW 18.71.205;
- 33 (xvii) Orthotists and prosthetists licensed under chapter 18.200
34 RCW;
- 35 (xviii) Surgical technologists registered under chapter 18.215
36 RCW;
- 37 (xix) Recreational therapists under chapter 18.230 RCW;
- 38 (xx) Animal massage therapists certified under chapter 18.240
39 RCW;
- 40 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

1 (xxii) Home care aides certified under chapter 18.88B RCW;
2 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;
3 (xxiv) Reflexologists certified under chapter 18.108 RCW;
4 (xxv) Medical assistants-certified, medical assistants-
5 hemodialysis technician, medical assistants-phlebotomist, forensic
6 phlebotomist, and medical assistants-registered certified and
7 registered under chapter 18.360 RCW; (~~and~~)
8 (xxvi) Behavior analysts, assistant behavior analysts, and
9 behavior technicians under chapter 18.380 RCW; and
10 (xxvii) Music therapists certified under chapter 18.--- RCW (the
11 new chapter created in section 11 of this act).

12 (b) The boards and commissions having authority under this
13 chapter are as follows:

14 (i) The podiatric medical board as established in chapter 18.22
15 RCW;

16 (ii) The chiropractic quality assurance commission as established
17 in chapter 18.25 RCW;

18 (iii) The dental quality assurance commission as established in
19 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
20 licenses and registrations issued under chapter 18.260 RCW, and
21 certifications issued under chapter 18.350 RCW;

22 (iv) The board of hearing and speech as established in chapter
23 18.35 RCW;

24 (v) The board of examiners for nursing home administrators as
25 established in chapter 18.52 RCW;

26 (vi) The optometry board as established in chapter 18.54 RCW
27 governing licenses issued under chapter 18.53 RCW;

28 (vii) The board of osteopathic medicine and surgery as
29 established in chapter 18.57 RCW governing licenses issued under
30 chapters 18.57 and 18.57A RCW;

31 (viii) The pharmacy quality assurance commission as established
32 in chapter 18.64 RCW governing licenses issued under chapters 18.64
33 and 18.64A RCW;

34 (ix) The medical quality assurance commission as established in
35 chapter 18.71 RCW governing licenses and registrations issued under
36 chapters 18.71 and 18.71A RCW;

37 (x) The board of physical therapy as established in chapter 18.74
38 RCW;

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

1 (xii) The nursing care quality assurance commission as
2 established in chapter 18.79 RCW governing licenses and registrations
3 issued under that chapter;

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

6 (xiv) The veterinary board of governors as established in chapter
7 18.92 RCW;

8 (xv) The board of naturopathy established in chapter 18.36A RCW;
9 and

10 (xvi) The board of denturists established in chapter 18.30 RCW.

11 (3) In addition to the authority to discipline license holders,
12 the disciplining authority has the authority to grant or deny
13 licenses. The disciplining authority may also grant a license subject
14 to conditions.

15 (4) All disciplining authorities shall adopt procedures to ensure
16 substantially consistent application of this chapter, the uniform
17 disciplinary act, among the disciplining authorities listed in
18 subsection (2) of this section.

19 **Sec. 10.** RCW 18.120.020 and 2017 c 336 s 19 are each amended to
20 read as follows:

21 The definitions in this section apply throughout this chapter
22 unless the context clearly requires otherwise.

23 (1) "Applicant group" includes any health professional group or
24 organization, any individual, or any other interested party which
25 proposes that any health professional group not presently regulated
26 be regulated or which proposes to substantially increase the scope of
27 practice of the profession.

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

34 (3) "Grandfather clause" means a provision in a regulatory
35 statute applicable to practitioners actively engaged in the regulated
36 health profession prior to the effective date of the regulatory
37 statute which exempts the practitioners from meeting the prerequisite
38 qualifications set forth in the regulatory statute to perform
39 prescribed occupational tasks.

1 (4) "Health professions" means and includes the following health
2 and health-related licensed or regulated professions and occupations:
3 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic
4 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;
5 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;
6 dental anesthesia assistants under chapter 18.350 RCW; dispensing
7 opticians under chapter 18.34 RCW; hearing instruments under chapter
8 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and
9 funeral directing under chapter 18.39 RCW; midwifery under chapter
10 18.50 RCW; nursing home administration under chapter 18.52 RCW;
11 optometry under chapters 18.53 and 18.54 RCW; ocularists under
12 chapter 18.55 RCW; osteopathic medicine and surgery under chapters
13 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW;
14 medicine under chapters 18.71 and 18.71A RCW; emergency medicine
15 under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW;
16 practical nurses under chapter 18.79 RCW; psychologists under chapter
17 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational
18 therapists licensed under chapter 18.59 RCW; respiratory care
19 practitioners licensed under chapter 18.89 RCW; veterinarians and
20 veterinary technicians under chapter 18.92 RCW; massage therapists
21 under chapter 18.108 RCW; East Asian medicine practitioners licensed
22 under chapter 18.06 RCW; persons registered under chapter 18.19 RCW;
23 persons licensed as mental health counselors, marriage and family
24 therapists, and social workers under chapter 18.225 RCW; dietitians
25 and nutritionists certified by chapter 18.138 RCW; radiologic
26 technicians under chapter 18.84 RCW; nursing assistants registered or
27 certified under chapter 18.88A RCW; reflexologists certified under
28 chapter 18.108 RCW; medical assistants-certified, medical assistants-
29 hemodialysis technician, medical assistants-phlebotomist, forensic
30 phlebotomist, and medical assistants-registered certified and
31 registered under chapter 18.360 RCW; and licensed behavior analysts,
32 licensed assistant behavior analysts, (~~and~~) certified behavior
33 technicians under chapter 18.380 RCW; and music therapists certified
34 under chapter 18.--- RCW (the new chapter created in section 11 of
35 this act).

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

1 (6) "Legislative committees of reference" means the standing
2 legislative committees designated by the respective rules committees
3 of the senate and house of representatives to consider proposed
4 legislation to regulate health professions not previously regulated.

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

11 (8) "Practitioner" means an individual who (a) has achieved
12 knowledge and skill by practice, and (b) is actively engaged in a
13 specified health profession.

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

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

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

31 (12) "Regulatory entity" means any board, commission, agency,
32 division, or other unit or subunit of state government which
33 regulates one or more professions, occupations, industries,
34 businesses, or other endeavors in this state.

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

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

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