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**SENATE BILL 5485**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senators Darneille, Cleveland, and Conway

Read first time 01/23/19. Referred to Committee on Health & Long Term Care.

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.** A person without a license as a music  
26 therapist may not use the title "music therapist" or similar title or  
27 practice music therapy. Nothing in this chapter may be construed to  
28 prohibit or restrict the practice, services, or activities of the  
29 following, if that person does not represent himself or herself as a  
30 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.** (1) The secretary shall issue a license to  
7 an applicant upon his or her satisfaction that the applicant has  
8 satisfied the requirements of this section and paid the required  
9 license fee. The applicant must provide satisfactory evidence to the  
10 secretary that:

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

12 (ii) 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 (iii) The applicant completed a minimum of one thousand two  
17 hundred hours of clinical training, with at least one hundred eighty  
18 hours in 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 (iv) The applicant is in good standing based on a review of the  
23 applicant's music therapy licensure history in other jurisdictions,  
24 including a review of any alleged misconduct or neglect in the  
25 practice of music therapy on the part of the applicant; and

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

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

35 (2) The secretary shall waive the examination requirement for any  
36 applicant who: (a) Applies before January 1, 2020; and (b) who is  
37 designated as a registered music therapist, certified music  
38 therapist, or advanced certified music therapist and in good standing  
39 with the national music therapy registry.

1        NEW SECTION.        **Sec. 7.**        (1) Every license issued under this  
2 chapter must be renewed biennially. To renew a license, an applicant  
3 must: (a) Pay a renewal fee; (b) provide proof of the applicant's  
4 current status as a board certified music therapist; and (c) not be  
5 in violation of any requirements of this chapter. Each licensee is  
6 responsible for timely renewal of his or her license.

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

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

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

23        NEW SECTION.        **Sec. 8.**        (1) The secretary shall establish and  
24 adopt rules governing the administration of this chapter in  
25 accordance with chapter 34.05 RCW.

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

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

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

37        (2) (a) The secretary has authority under this chapter in relation  
38 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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