

SENATE BILL REPORT

SSB 5848

As Passed Senate, February 14, 2022

Title: An act relating to licensure for music therapists.

Brief Description: Concerning licensure for music therapists.

Sponsors: Senate Committee on Health & Long Term Care (originally sponsored by Senators Cleveland, Keiser, Conway, Lovick, Muzzall, Nobles, Robinson and Wilson, C.).

Brief History:

Committee Activity: Health & Long Term Care: 1/31/22, 2/02/22 [DPS].

Floor Activity: Passed Senate: 2/14/22, 46-1.

Brief Summary of First Substitute Bill

- Establishes music therapists as a new health profession certified by the Secretary of Health.
- Creates the Music Therapy Advisory Committee within the Department of Health.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: That Substitute Senate Bill No. 5848 be substituted therefor, and the substitute bill do pass.

Signed by Senators Cleveland, Chair; Frockt, Vice Chair; Muzzall, Ranking Member; Conway, Holy, Keiser, Padden, Randall, Rivers, Robinson, Sefzik and Van De Wege.

Staff: Julie Tran (786-7283)

Background: The Department of Health (DOH) certifies, licenses, and regulates health professions in Washington State. Most of these health professions are governed by a board, commission, or advisory committee which are supported by DOH. Each health profession's

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scope of practice is defined in law, and must fully cover the costs of its licensing and disciplining activities through fees for licensing, renewal, registration, certification, and examination. All health professions are subject to the Uniform Disciplinary Act (UDA). Under the UDA, DOH or a professional board or commission may take disciplinary action against an individual licensed as a health professional for unprofessional conduct. Disciplining actions include fines, license revocations, and practice restrictions.

Music therapy is the use of music within a therapeutic relationship to address an individual's physical, emotional, cognitive, or social needs. Music therapists may practice as part of an interdisciplinary team that includes medical, mental health, occupational therapy, physical therapy, or educational professionals. Music therapists may work in hospitals, clinics, rehabilitative facilities, mental health centers, residential and day facilities, substance use disorder treatment facilities, correctional facilities, schools, or in private practice. Currently in Washington State, music therapy is not a licensed health profession.

In December 2012, DOH issued a sunrise review related to a proposal to certify music therapists. In the review, DOH recognized the therapeutic benefit of music to address the cognitive, emotional, physical, social, or functional needs of clients, but found that the proposal did not meet the sunrise criteria to support certification.

Summary of First Substitute Bill: Music therapists are created as a new health profession to be regulated by the Secretary of Health (Secretary). Beginning January 1, 2024, an individual practicing music therapy must hold a license issued by the Secretary. A music therapy license must be renewed biennially. Music therapists are subject to the UDA. The Secretary has disciplining authority and must adopt rules for administering the licensure for music therapists.

To be licensed as a music therapist, an applicant must be at least 18 years old; be in good standing in another jurisdiction where the qualifications are equal to or greater than those in Washington; submit sufficient documentation of current certification with the certification board for music therapists, and completion of the certification board for music therapists examination, a successor organization, or documentation of being transitioned into board certification; and any other qualifications determined by DOH.

"Music therapy" is defined as the clinical and evidence-based use of music interventions to accomplish individualized goals of music therapy clients by employing the following strategies and tools:

- accepting referrals for music therapy services from health care or educational professionals, family members, or caregivers;
- conducting music therapy assessments of a client to determine appropriate music therapy services;
- developing and implementing individualized music therapy treatment plans that identify goals, objectives, and strategies of music therapy appropriate for clients;
- using music therapy techniques such as improvisation, performance, receptive music

- listening, song writing, lyric discussion, guided imagery with music, learning through music, and movement to music;
- during the provision of music therapy services to a client, collaborating, as applicable, with the client's treatment team, including physicians, psychologists, licensed clinical social workers, occupational therapists or other mental health professionals;
 - during the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist must collaborate and discuss the music therapy treatment plan with the client's audiologist, occupational therapist, or speech-language pathologist; and
 - when providing educational or health care services, a music therapist may not replace the services provided by an audiologist, occupational therapist, or a speech-language pathologist;
 - evaluating a client's response to music therapy techniques and the individualized music therapy treatment plan;
 - any necessary modification of the client's individualized music therapy treatment plan;
 - any necessary collaboration with other health care professionals treating a client;
 - minimizing barriers that may restrict a client's ability to receive or fully benefit from music therapy services; and
 - developing a plan for determining when the provision of music therapy services is no longer needed.

Music therapy does not include screening, diagnosis, or assessment of any physical, mental, or communication disorder.

Beginning January 1, 2024, a person may not use the title music therapist if the person is not a certified music therapist. Exemptions from certification requirements are established for: persons credentialed in another profession that uses music incidental to the practice of that profession, if not represented as a music therapist; persons whose training and certification attest to the person's preparation and ability to practice the person's certified profession, if not represented as a music therapist; and the practice of music therapy by students enrolled in a music therapy education program.

Before providing music therapy services, music therapists must review the client's diagnosis, treatment needs, and treatment with the health care providers involved in the client's care. Before providing music therapy services to a student for an identified educational need, the licensed music therapist must review the student's diagnosis, treatment needs, and treatment plan with the individualized family service plan's team or the individualized education program's team.

Music therapists may not evaluate, examine, instruct, or counsel on speech language, communication, and swallowing disorders and conditions. A licensed music therapist is prohibited from representing to the public that the individual is authorized to treat a communication disorder, but a licensed music therapist is not prohibited from working with

clients who have a communication disorder and address communication skills.

A music therapy advisory committee (advisory committee) is created within DOH consisting of five appointed members including three music therapists who practice in Washington State, a licensed health care provider who is not a music therapist, and a consumer. All members must be familiar with the practice of music therapy. The advisory committee must provide expertise and assistance to DOH to develop regulations and establish standards of practice and professional responsibility for music therapists. DOH must consult with the advisory committee for issues related to music therapy licensure and renewal. DOH must provide analysis of disciplinary actions taken, appeals, denials, or revocations of licenses at least once per year.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute: PRO: Creating a music therapy license will protect consumers in Washington by limiting the potential harm to consumers and ensuring that only those who are qualified can call themselves music therapists. Music therapist licensure will increase equitable access to services because currently, these services are paid out of pocket, which makes music therapy a health service for only some individuals.

OTHER: The proposed substitute reflects language that was agreed upon from stakeholders and there are no concerns with the current proposed substitute.

Persons Testifying: PRO: Senator Annette Cleveland, Prime Sponsor; Evelyn Stagnaro; Kimberly Sena Moore, Certification Board for Music Therapists.

OTHER: Melissa Johnson, Washington Speech-Language-Hearing Association.

Persons Signed In To Testify But Not Testifying: No one.