
SENATE BILL 5214

State of Washington

68th Legislature

2023 Regular Session

By Senators Frame, Cleveland, Conway, Hasegawa, Lovelett, Nobles, and C. Wilson

Read first time 01/10/23. Referred to Committee on Health & Long Term Care.

1 AN ACT Relating to licensure for music therapists; amending RCW
2 18.120.020, 18.130.040, and 18.130.040; adding a new chapter to Title
3 18 RCW; providing an effective date; and providing an expiration
4 date.

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

6 NEW SECTION. **Sec. 1.** The legislature intends to:

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

10 (2) Assure the highest degree of professional conduct on the part
11 of music therapists;

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

14 (4) Protect the public from the practice of music therapy by
15 unqualified individuals.

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

19 (1) "Advisory committee" means the music therapy advisory
20 committee.

1 (2) "Board certified music therapist" means an individual who has
2 completed the education and clinical training requirements
3 established by the American music therapy association, and who holds
4 current board certification from the certification board for music
5 therapists.

6 (3) "Commission" means the Washington medical commission.

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

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

10 (6)(a) "Music therapy" means the clinical and evidence-based use
11 of music interventions to accomplish individualized goals of music
12 therapy clients by employing strategies and tools that include but
13 are not limited to:

14 (i) Accepting referrals for music therapy services from health
15 care or educational professionals, family members, or caregivers;

16 (ii) Conducting music therapy assessments of a client to
17 determine appropriate music therapy services;

18 (iii) Developing and implementing individualized music therapy
19 treatment plans that identify goals, objectives, and strategies of
20 music therapy that are appropriate for clients;

21 (iv) Using music therapy techniques such as improvisation,
22 performance, receptive music listening, song writing, lyric
23 discussion, guided imagery with music, learning through music, and
24 movement to music;

25 (v) During the provision of music therapy services to a client,
26 collaborating, as applicable, with the client's treatment team,
27 including physicians, psychologists, occupational therapists,
28 licensed clinical social workers, or other mental health
29 professionals. During the provision of music therapy services to a
30 client with a communication disorder, the licensed professional music
31 therapist shall collaborate and discuss the music therapy treatment
32 plan with the client's audiologist, occupational therapist, or
33 speech-language pathologist. When providing educational or health
34 care services, a music therapist may not replace the services
35 provided by an audiologist, occupational therapist, or speech-
36 language pathologist;

37 (vi) Evaluating a client's response to music therapy techniques
38 and the individualized music therapy treatment plan;

39 (vii) Any necessary modification of the client's individualized
40 music therapy treatment plan;

1 (viii) Any necessary collaboration with other health care
2 professionals treating a client;

3 (ix) Minimizing barriers that may restrict a client's ability to
4 receive or fully benefit from music therapy services; and

5 (x) Developing a plan for determining when the provision of music
6 therapy services is no longer needed.

7 (b) "Music therapy" does not include the screening, diagnosis, or
8 assessment of any physical, mental, or communication disorder.

9 (7) "Secretary" means the secretary of health or his or her
10 designee.

11 NEW SECTION. **Sec. 3.** (1) A music therapy advisory committee is
12 created within the department. The committee consists of five members
13 as follows: Three who practice as music therapists in Washington
14 state, one member who is a licensed health care provider but not a
15 music therapist, and one member who is a consumer.

16 (2) The secretary shall appoint all members of the advisory
17 committee. All members must be familiar with the practice of music
18 therapy and able to provide the department with expertise and
19 assistance in carrying out the following duties pursuant to this
20 chapter:

21 (a) Developing regulations; and

22 (b) Establishing standards of practice and professional
23 responsibility for music therapists.

24 (3) Members shall serve a term of four years without
25 compensation.

26 (4) Members may serve consecutive terms at the direction of the
27 department. Any vacancy shall be filled in the same manner as regular
28 appointments.

29 (5) The advisory committee shall meet at least once per year or
30 as otherwise called by the department.

31 (6) The department shall consult with the advisory committee for
32 issues related to music therapy licensure and renewal. The department
33 shall provide analysis of disciplinary actions taken, appeals,
34 denials, or revocations of licenses at least once per year.

35 NEW SECTION. **Sec. 4.** The department shall issue a license to
36 practice music therapy to an applicant who meets the following
37 requirements:

38 (1) Is at least 18 years of age;

1 (2) Is in good standing in any other states where the applicant
2 is licensed or certified to practice music therapy;

3 (3) Submits sufficient documentation as determined by the
4 department in rule and includes the following requirements:

5 (a) A current certification with the certification board for
6 music therapists; and

7 (b) Completion of the certification board for music therapists
8 examination, any successor organization, or documentation of being
9 transitioned into board certification; and

10 (4) Meets any other qualifications as determined by the
11 department in rule.

12 NEW SECTION. **Sec. 5.** Every license issued under this chapter
13 must be renewed biennially. Each licensee is responsible for timely
14 renewal of the licensee's license. To renew a license, a licensee
15 must follow the rules adopted under RCW 43.70.280.

16 NEW SECTION. **Sec. 6.** (1) Beginning January 1, 2025, a person
17 may not practice music therapy or use any title or designation of
18 "music therapist" that indicates that the person is authorized to
19 practice music therapy unless the person is licensed under this act.

20 (2) Nothing in this chapter may be construed to prohibit or
21 restrict the practices, services, or activities of the following:

22 (a) Any person licensed, certified, or regulated under the laws
23 of Washington state in another profession or occupation or personnel
24 supervised by a licensed professional in this state performing work,
25 including the use of music, incidental to the practice of the
26 licensed, certified, or regulated profession or occupation, if the
27 person does not represent that the person is a music therapist;

28 (b) Any person whose training and national certification attests
29 to the individual's preparation and ability to practice the certified
30 profession or occupation, if the person does not represent that the
31 person is a music therapist; and

32 (c) Any use and practice of music therapy as an integral part of
33 a program of study for students enrolled in a music therapy education
34 program.

35 (3) Unless authorized to practice speech-language pathology,
36 music therapists may not evaluate, examine, instruct, or counsel on
37 speech, language, communication, or swallowing disorders or
38 conditions. An individual licensed as a professional music therapist

1 may not represent to the public that the individual is authorized to
2 treat a communication disorder. This does not prohibit an individual
3 licensed as a professional music therapist from representing to the
4 public that the individual may work with clients who have a
5 communication disorder and address communication skills.

6 (4) Before providing music therapy services to a client for an
7 identified clinical or developmental need, the licensee shall review
8 the client's diagnosis, treatment needs, and treatment with the
9 health care providers involved in the client's care.

10 (5) Before providing music therapy services to a student for an
11 identified educational need, the licensee shall review the student's
12 diagnosis, treatment needs, and treatment plan with the
13 individualized family service plan's team or the individualized
14 education program's team.

15 NEW SECTION. **Sec. 7.** (1) The department shall establish and
16 adopt rules governing the administration of this chapter in
17 accordance with chapter 34.05 RCW.

18 (2) The uniform disciplinary act, chapter 18.130 RCW, governs
19 unlicensed practice, the issuance and denial of a license, and the
20 discipline of persons licensed under this chapter. The secretary is
21 the disciplining authority under this chapter.

22 **Sec. 8.** RCW 18.120.020 and 2020 c 80 s 22 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

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

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

37 (3) "Grandfather clause" means a provision in a regulatory
38 statute applicable to practitioners actively engaged in the regulated

1 health profession prior to the effective date of the regulatory
2 statute which exempts the practitioners from meeting the prerequisite
3 qualifications set forth in the regulatory statute to perform
4 prescribed occupational tasks.

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

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

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

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

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

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

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

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

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

39 (13) "State agency" includes every state office, department,
40 board, commission, regulatory entity, and agency of the state, and,

1 where provided by law, programs and activities involving less than
2 the full responsibility of a state agency.

3 **Sec. 9.** RCW 18.130.040 and 2021 c 179 s 7 are each amended to
4 read as follows:

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

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

12 (i) Dispensing opticians licensed and designated apprentices
13 under chapter 18.34 RCW;

14 (ii) Midwives licensed under chapter 18.50 RCW;

15 (iii) Ocularists licensed under chapter 18.55 RCW;

16 (iv) Massage therapists and businesses licensed under chapter
17 18.108 RCW;

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

19 (vi) Acupuncturists or acupuncture and Eastern medicine
20 practitioners licensed under chapter 18.06 RCW;

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

23 (viii) Respiratory care practitioners licensed under chapter
24 18.89 RCW;

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

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

32 (xi) Persons registered as nursing pool operators under chapter
33 18.52C RCW;

34 (xii) Nursing assistants registered or certified or medication
35 assistants endorsed under chapter 18.88A RCW;

36 (xiii) Dietitians and nutritionists certified under chapter
37 18.138 RCW;

1 (xiv) Substance use disorder professionals, substance use
2 disorder professional trainees, or co-occurring disorder specialists
3 certified under chapter 18.205 RCW;

4 (xv) Sex offender treatment providers and certified affiliate sex
5 offender treatment providers certified under chapter 18.155 RCW;

6 (xvi) Persons licensed and certified under chapter 18.73 RCW or
7 RCW 18.71.205;

8 (xvii) Orthotists and prosthetists licensed under chapter 18.200
9 RCW;

10 (xviii) Surgical technologists registered under chapter 18.215
11 RCW;

12 (xix) Recreational therapists under chapter 18.230 RCW;

13 (xx) Animal massage therapists certified under chapter 18.240
14 RCW;

15 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

16 (xxii) Home care aides certified under chapter 18.88B RCW;

17 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

18 (xxiv) Reflexologists certified under chapter 18.108 RCW;

19 (xxv) Medical assistants-certified, medical assistants-
20 hemodialysis technician, medical assistants-phlebotomist, forensic
21 phlebotomist, and medical assistants-registered certified and
22 registered under chapter 18.360 RCW; (~~and~~)

23 (xxvi) Behavior analysts, assistant behavior analysts, and
24 behavior technicians under chapter 18.380 RCW; and

25 (xxvii) Music therapists licensed under chapter 18.--- RCW (the
26 new chapter created in section 11 of this act).

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

29 (i) The podiatric medical board as established in chapter 18.22
30 RCW;

31 (ii) The chiropractic quality assurance commission as established
32 in chapter 18.25 RCW;

33 (iii) The dental quality assurance commission as established in
34 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
35 licenses and registrations issued under chapter 18.260 RCW, and
36 certifications issued under chapter 18.350 RCW;

37 (iv) The board of hearing and speech as established in chapter
38 18.35 RCW;

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

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

3 (vii) The board of osteopathic medicine and surgery as
4 established in chapter 18.57 RCW governing licenses issued under
5 chapter 18.57 RCW;

6 (viii) The pharmacy quality assurance commission as established
7 in chapter 18.64 RCW governing licenses issued under chapters 18.64
8 and 18.64A RCW;

9 (ix) The Washington medical commission as established in chapter
10 18.71 RCW governing licenses and registrations issued under chapters
11 18.71 and 18.71A RCW;

12 (x) The board of physical therapy as established in chapter 18.74
13 RCW;

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

16 (xii) The nursing care quality assurance commission as
17 established in chapter 18.79 RCW governing licenses and registrations
18 issued under that chapter;

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

21 (xiv) The veterinary board of governors as established in chapter
22 18.92 RCW;

23 (xv) The board of naturopathy established in chapter 18.36A RCW,
24 governing licenses and certifications issued under that chapter; and

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

26 (3) In addition to the authority to discipline license holders,
27 the disciplining authority has the authority to grant or deny
28 licenses. The disciplining authority may also grant a license subject
29 to conditions.

30 (4) All disciplining authorities shall adopt procedures to ensure
31 substantially consistent application of this chapter, the uniform
32 disciplinary act, among the disciplining authorities listed in
33 subsection (2) of this section.

34 **Sec. 10.** RCW 18.130.040 and 2022 c 217 s 5 are each amended to
35 read as follows:

36 (1) This chapter applies only to the secretary and the boards and
37 commissions having jurisdiction in relation to the professions
38 licensed under the chapters specified in this section. This chapter

1 does not apply to any business or profession not licensed under the
2 chapters specified in this section.

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

5 (i) Dispensing opticians licensed and designated apprentices
6 under chapter 18.34 RCW;

7 (ii) Midwives licensed under chapter 18.50 RCW;

8 (iii) Ocularists licensed under chapter 18.55 RCW;

9 (iv) Massage therapists and businesses licensed under chapter
10 18.108 RCW;

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

12 (vi) Acupuncturists or acupuncture and Eastern medicine
13 practitioners licensed under chapter 18.06 RCW;

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

16 (viii) Respiratory care practitioners licensed under chapter
17 18.89 RCW;

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

20 (x) Persons licensed as mental health counselors, mental health
21 counselor associates, marriage and family therapists, marriage and
22 family therapist associates, social workers, social work associates—
23 advanced, and social work associates—independent clinical under
24 chapter 18.225 RCW;

25 (xi) Persons registered as nursing pool operators under chapter
26 18.52C RCW;

27 (xii) Nursing assistants registered or certified or medication
28 assistants endorsed under chapter 18.88A RCW;

29 (xiii) Dietitians and nutritionists certified under chapter
30 18.138 RCW;

31 (xiv) Substance use disorder professionals, substance use
32 disorder professional trainees, or co-occurring disorder specialists
33 certified under chapter 18.205 RCW;

34 (xv) Sex offender treatment providers and certified affiliate sex
35 offender treatment providers certified under chapter 18.155 RCW;

36 (xvi) Persons licensed and certified under chapter 18.73 RCW or
37 RCW 18.71.205;

38 (xvii) Orthotists and prosthetists licensed under chapter 18.200
39 RCW;

1 (xviii) Surgical technologists registered under chapter 18.215
2 RCW;

3 (xix) Recreational therapists under chapter 18.230 RCW;

4 (xx) Animal massage therapists certified under chapter 18.240
5 RCW;

6 (xxi) Athletic trainers licensed under chapter 18.250 RCW;

7 (xxii) Home care aides certified under chapter 18.88B RCW;

8 (xxiii) Genetic counselors licensed under chapter 18.290 RCW;

9 (xxiv) Reflexologists certified under chapter 18.108 RCW;

10 (xxv) Medical assistants-certified, medical assistants-
11 hemodialysis technician, medical assistants-phlebotomist, forensic
12 phlebotomist, and medical assistants-registered certified and
13 registered under chapter 18.360 RCW;

14 (xxvi) Behavior analysts, assistant behavior analysts, and
15 behavior technicians under chapter 18.380 RCW; (~~and~~)

16 (xxvii) Birth doulas certified under chapter 18.47 RCW; and
17 (xxviii) Music therapists licensed under chapter 18.--- RCW (the
18 new chapter created in section 11 of this act).

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

21 (i) The podiatric medical board as established in chapter 18.22
22 RCW;

23 (ii) The chiropractic quality assurance commission as established
24 in chapter 18.25 RCW;

25 (iii) The dental quality assurance commission as established in
26 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW,
27 licenses and registrations issued under chapter 18.260 RCW, and
28 certifications issued under chapter 18.350 RCW;

29 (iv) The board of hearing and speech as established in chapter
30 18.35 RCW;

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

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

35 (vii) The board of osteopathic medicine and surgery as
36 established in chapter 18.57 RCW governing licenses issued under
37 chapter 18.57 RCW;

38 (viii) The pharmacy quality assurance commission as established
39 in chapter 18.64 RCW governing licenses issued under chapters 18.64
40 and 18.64A RCW;

1 (ix) The Washington medical commission as established in chapter
2 18.71 RCW governing licenses and registrations issued under chapters
3 18.71 and 18.71A RCW;

4 (x) The board of physical therapy as established in chapter 18.74
5 RCW;

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

8 (xii) The nursing care quality assurance commission as
9 established in chapter 18.79 RCW governing licenses and registrations
10 issued under that chapter;

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

13 (xiv) The veterinary board of governors as established in chapter
14 18.92 RCW;

15 (xv) The board of naturopathy established in chapter 18.36A RCW,
16 governing licenses and certifications issued under that chapter; and

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

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

22 (4) All disciplining authorities shall adopt procedures to ensure
23 substantially consistent application of this chapter, the uniform
24 disciplinary act, among the disciplining authorities listed in
25 subsection (2) of this section.

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

28 NEW SECTION. **Sec. 12.** Section 9 of this act expires October 1,
29 2023.

30 NEW SECTION. **Sec. 13.** Section 10 of this act takes effect
31 October 1, 2023.

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