
HOUSE BILL 2707

State of Washington

66th Legislature

2020 Regular Session

By Representatives Kirby, Thai, Robinson, Riccelli, Goodman, and Davis

Read first time 01/20/20. Referred to Committee on Health Care & Wellness.

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

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

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

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

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

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

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

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

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

20 (2) "Department" means the department of health.

1 (3) "Music therapist" means a person certified to practice music
2 therapy pursuant to this chapter.

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

20 (a) Accepting referrals for music therapy services from medical,
21 developmental, mental health, or education professionals, family
22 members, clients, caregivers, or others involved and authorized with
23 provision of client services. Before providing music therapy services
24 to a client for an identified clinical or developmental need, the
25 music therapist must review with the health care provider or
26 providers involved in the client's diagnosis, treatment needs, and
27 treatment plan. Before providing music therapy services to a student
28 for an identified educational need, the licensee must review the
29 student's diagnosis, treatment needs, and treatment plan with the
30 individual family service plan team or individualized education
31 program team. During the provision of music therapy services to a
32 client, the music therapist collaborates with the client's treatment
33 team, including a physician, psychologist, licensed clinical social
34 worker, or other mental health professional;

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

1 (c) Developing an individualized music therapy treatment plan for
2 the client that is based upon the results of the music therapy
3 assessment. The music therapy treatment plan includes individualized
4 goals and objectives that focus on the assessed needs and strengths
5 of the client and specifies music therapy approaches and
6 interventions to be used to address these goals and objectives;

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

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

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

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

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

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

29 (5) "Secretary" means the secretary of health or his or her
30 designee.

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

37 (2) The secretary shall appoint all members of the advisory
38 committee. All members must be familiar with the practice of music
39 therapy and able to provide the secretary with expertise and

1 assistance in carrying out his or her duties pursuant to this
2 chapter.

3 (3) Members terms are for four years.

4 (4) Members serve without compensation.

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 5.** Beginning January 1, 2022, a person
28 without a certificate as a music therapist may not use the title
29 "music therapist" or similar title or practice music therapy. Nothing
30 in this chapter may be construed to prohibit or restrict the
31 practice, services, or activities of the following, if that person
32 does not represent himself or herself as a music therapist:

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

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

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

7 (4) Any person who practices music therapy under the supervision
8 of a certified music therapist.

9 NEW SECTION. **Sec. 6.** Beginning January 1, 2022, the secretary
10 shall issue a certificate to an applicant upon his or her
11 satisfaction that the applicant has satisfied the requirements of
12 this section and paid the required certification fee. The applicant
13 must provide satisfactory evidence to the secretary that:

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

15 (b) The applicant holds a bachelor's degree or higher in music
16 therapy, or its equivalent, from a program approved by the secretary
17 based upon nationally recognized standards;

18 (c) The applicant completed a minimum of one thousand two hundred
19 hours of clinical training, with at least one hundred eighty hours in
20 preinternship experiences and at least nine hundred hours in
21 internship experiences, provided that the internship is approved by
22 an academic institution that has a program approved under (b) of this
23 subsection, the secretary using nationally recognized standards, or
24 both;

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

31 (e) The applicant passed an examination approved by the
32 secretary. The secretary may approve an examination prepared or
33 administered by a private testing agency or association of licensing
34 agencies for use by the applicant in meeting the certification
35 requirements; or

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

1 NEW SECTION. **Sec. 7.** (1) Every certificate issued under this
2 chapter must be renewed biennially. To renew a certificate, an
3 applicant must pay a renewal fee and not be in violation of any
4 requirements of this chapter. Each music therapist is responsible for
5 timely renewal of his or her certificate.

6 (2) A music therapist must inform the secretary of any changes to
7 his or her address.

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

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

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

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

30 NEW SECTION. **Sec. 9.** This chapter does not require a health
31 carrier, as defined in RCW 48.43.005, to contract with a person
32 certified as a music therapist under this chapter.

33 **Sec. 10.** RCW 18.130.040 and 2019 c 444 s 11, 2019 c 308 s 18,
34 and 2019 c 55 s 7 are each reenacted and amended to read as follows:

35 (1) This chapter applies only to the secretary and the boards and
36 commissions having jurisdiction in relation to the professions
37 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; (~~and~~)

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

16 (xxvii) Music therapists certified under chapter 18.--- RCW (the
17 new chapter created in section 12 of this act).

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

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

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

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

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

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

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

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

37 (viii) The pharmacy quality assurance commission as established
38 in chapter 18.64 RCW governing licenses issued under chapters 18.64
39 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 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 **Sec. 11.** RCW 18.120.020 and 2019 c 308 s 17 are each amended to
27 read as follows:

28 The definitions in this section apply throughout this chapter
29 unless the context clearly requires otherwise.

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

35 (2) "Certificate" and "certification" mean a voluntary process by
36 which a statutory regulatory entity grants recognition to an
37 individual who (a) has met certain prerequisite qualifications
38 specified by that regulatory entity, and (b) may assume or use

1 "certified" in the title or designation to perform prescribed health
2 professional tasks.

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

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

1 analysts, and certified behavior technicians under chapter 18.380
2 RCW; and music therapists certified under chapter 18.--- RCW (the new
3 chapter created in section 12 of this act).

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

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

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

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

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

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

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

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

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

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

7 NEW SECTION. **Sec. 12.** Sections 1 through 9 of this act
8 constitute a new chapter in Title 18 RCW.

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