

# SENATE BILL REPORT

## SB 5214

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As of January 26, 2023

**Title:** An act relating to licensure for music therapists.

**Brief Description:** Licensing music therapists.

**Sponsors:** Senators Frame, Cleveland, Conway, Hasegawa, Lovelett, Nobles and Wilson, C..

**Brief History:**

**Committee Activity:** Health & Long Term Care: 1/26/23.

**Brief Summary of Bill**

- Establishes music therapists as a new health profession requiring licensure to practice in Washington.
- Creates the Music Therapy Advisory Committee within the Department of Health.

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### SENATE COMMITTEE ON HEALTH & LONG TERM CARE

**Staff:** Andie Parnell (786-7439)

**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 scope of practice is defined in law and each profession 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 a licensed health professional for unprofessional conduct. Disciplining actions include fines, license revocations, and practice restrictions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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. 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 Bill:** Music therapy is created as a new health profession to be regulated by the Secretary of Health (Secretary). Beginning January 1, 2025, an individual may not practice music therapy or use the title music therapist without holding a license issued by the Secretary. A music therapy license must be renewed biennially. The Secretary has disciplining authority in accordance with the UDA and must adopt rules for administering the licensure for music therapists.

"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;
- 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.

To be licensed as a music therapist, an applicant must be at least 18 years old; be in good standing in any other jurisdiction where the applicant is licensed or certified as a music therapist; 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.

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.

This act does not prohibit or restrict the practices, services, or activities of the following: 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.

A music therapy 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:** PRO: Music therapists that are certified and trained can do a lot of good for their patients, but those who are uncertified and untrained could do harm. Music therapy may seem simple but being able to respond to music in the moment to meet the therapeutic needs of each client is a complex skill. Access to music therapy services are currently limited, and patients have to pay out of pocket. Licensed music therapists have the educational and clinical skills, backed by research, to offer music therapy services. Licensure will make a difference for families to have access to music therapists, protect Washington residents, and insure that only clinicians with nationally credentialed training and education can offer music therapy services. Music therapy helps with lung function, speech, movement, memory, and working through emotions in a safe place. It is very important to receive care from a qualified music therapists as it is not just about the music, but also about taking the whole person and the psychological implications of treatment into consideration. Music is an effective and meaningful form of therapy. This bill would forge greater access to music therapy and create job opportunities across Washington.

OTHER: To confer with other health care providers involved in the care of a client, communications through electronic medical records among HIPPA protected entities may be necessary. But these communications may not be possible in the music therapy context.

**Persons Testifying:** PRO: Senator Noel Frame, Prime Sponsor; Diana Stadden, The Arc of WA State; Michael Moran, Music Therapy Task Force-facilitator for virtual panel; Megumi Azekawa, TF Co-chair, Puget Sound Music Therapy/Ted Brown Music Outreach; Carlene Brown, SPU Prof. of Music, Chair, Music Dept. Director of Music Therapy Program; Dorian Delagrang, Swedish Multiple Sclerosis Center patient; Eva Marczinko, Swedish Cancer Institute patient; Melissa Johnson, Washington Speech-Language-Hearing Association; Jessi Wasson, Inspire Washington.

OTHER: Sean Graham, Washington State Medical Association (WSMA).

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