



## Rhode Island Department of Health

### NOTICE OF PUBLIC HEARING

The Director of the Rhode Island Department of Health has under consideration promulgation of the *Rules and Regulations for Registration of Music Therapists [R23-20.8.1-MUS]* pursuant to the authority conferred under Chapters 23-20.8.1 and 42-35 of the Rhode Island General Laws, as amended. The purpose of the proposed regulations is to define prevailing standards for the registration of music therapists.

Concurrent with the adoption of this regulation, the Director of the Rhode Island Department of Health is also proposing to amend *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health [R23-1-17-Fee]* to add fees associated with the registration of music therapists.

Notice is hereby given in accordance with the provisions of Chapter 42-35 of the Rhode Island General Laws, as amended, that the Director will hold a public hearing on the above mentioned matters, in the **AUDITORIUM** of the Rhode Island Department of Health (on the lower level of the Cannon Building), Three Capitol Hill, Providence, Rhode Island on **MONDAY, 26 JANUARY 2015 AT 10:00 AM** at which time and place all persons interested therein will be heard. The seating capacity of the room will be enforced and therefore the number of persons participating in the hearing may be limited at any given time by the hearing officer, in order to comply with safety and fire codes.

In the development of the rules and regulations, consideration was given to the following: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions and (3) financial impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

For the sake of accuracy, it is requested that statements to be made relative to any aspect of the regulations, including alternative approaches or overlap, be submitted in writing at the time of the hearing or in electronic format prior to the hearing date to: Donna Costantino, Chief, Health Professions Regulation at [Donna.Costantino@health.ri.gov](mailto:Donna.Costantino@health.ri.gov).

Copies of the regulations are available for public inspection in the Cannon Building, Room #201, Rhode Island Department of Health, 3 Capitol Hill, Providence, Rhode Island, on the Secretary of State's website: <http://www.sos.ri.gov/ProposedRules/>, by calling 401-222-7767 or by e-mail to [Bill.Dundulis@health.ri.gov](mailto:Bill.Dundulis@health.ri.gov).

*The Department of Health is accessible to the handicapped. If communication assistance (readers/ interpreters/captioners) is needed, or any other accommodation to ensure equal participation, please call 401-222-7767 or RI Relay 711 at least three (3) business days prior to the meeting so arrangements can be made to provide such assistance at no cost to the person requesting.*

Signed this 10<sup>th</sup> day of December 2014

*Original signed by Michael Fine, MD*

Michael Fine, M.D., Director of Health

# RULES AND REGULATIONS FOR REGISTRATION OF MUSIC THERAPISTS

[R23-20.8.1-MUS]



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

**January 2015 (Proposed)**

## COMPILER'S NOTES:

Proposed Additions: The proposed regulations are new in their entirety. Therefore, changes are not specifically indicated.

***INTRODUCTION***

These *Rules and Regulations for Registration of Music Therapists* [R23-20.8.1-MUS] are promulgated pursuant to the authority set forth in Chapter 23-20.8.1 of the General Laws of Rhode Island, as amended, for the purpose of defining prevailing standards for the registration of music therapists.

Pursuant to the provisions of §42-35-3(a)(3) and §42-35.1-4 of the General Laws of Rhode Island, as amended, consideration was given to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) significant economic impact on small business. Based on the available information, no known alternative approach, duplication or overlap was identified.

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### Section 1.0 *Definitions*

Wherever used in these Regulations, the following terms shall be construed as follows:

- 1.1 **"Act"** means RIGL Chapter 23-20.8.1 entitled *"Registration of Music Therapists"*.
- 1.2 **"Board certified music therapist"** means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association; has passed the Certification Board for Music Therapists certification examination; or transitioned into board certification, and remains actively certified by the Certification Board for Music Therapists.
- 1.3 **"Department"** means the Rhode Island Department of Health.
- 1.4 **"Director"** means the means the Director of the Rhode Island Department of Health or his or her designee.
- 1.5 **"Music therapist"** means a person registered to practice music therapy pursuant to the Act and these Regulations.
- 1.6 **"Music therapy"** means the clinical and evidence based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music. Music therapy is a distinct and separate profession from other licensed, certified, or regulated professions, including speech-language pathology. This term may include:
  - (a) Accepting referrals for music therapy services from medical, developmental, mental health, or education professionals; family members; clients; or caregivers. Before providing music therapy services to a client for a medical, developmental, or mental health condition, the registrant shall collaborate, as applicable, with the client's physician, psychologist, or mental health professional to review the client's diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the registrant shall collaborate, as applicable, with the client's treatment team;
  - (b) Conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;
  - (c) Developing an individualized music therapy treatment plan for the client;
  - (d) Carrying out an individualized music therapy treatment plan that is consistent with any other medical, developmental, mental health, or educational services being provided to the client;
  - (e) Evaluating the client's response to music therapy and the individualized music therapy treatment plan and suggesting modifications, as appropriate;
  - (f) Developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician, or other provider of healthcare or education of the client, any appropriate member of the family of the client, and any other appropriate person upon whom the client relies for support;

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- (g) Minimizing any barriers so that the client may receive music therapy services in the least restrictive environment; and
- (h) Collaborating with and educating the client and the family or caregiver of the client or any other appropriate person about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs.

The practice of music therapy does not include the diagnosis of any physical, mental, or communication disorder.

- 1.7 **"RIGL"** means the General Laws of Rhode Island, as amended.
- 1.8 **"Supervision"** means that a registered music therapist is at all times responsible for supportive personnel and clients. Supervision is further defined in §2.3 of these Regulations.
- 1.9 **"These Regulations"** mean all parts of Rhode Island *Rules and Regulations for Registration of Music Therapists*.

### Section 2.0 **General Registration Requirements**

- 2.1 **Registration Required.** After January 1, 2015, a person shall not practice music therapy or represent himself or herself as being able to practice music therapy in Rhode Island unless the person is registered pursuant to the provisions of the Act and these Regulations.
- 2.2 **Exemptions.** Nothing in the Act or these Regulations may be construed to prohibit or restrict the practice, services, or activities of the following:
  - (a) Any person licensed, certified, or regulated under the laws of Rhode Island in another profession or occupation or personnel supervised by a licensed professional in Rhode Island performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a music therapist; or
  - (b) Any person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a music therapist.
  - (c) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a music therapist.
  - (d) Any person who practices music therapy under the supervision of a registered music therapist, if the person does not represent himself or herself as a music therapist.
- 2.3 **Supervision.**
  - (a) A registered music therapist shall exercise sound judgment and shall provide care within the scope of practice or guidelines in the performance of his or her duties. A registered music therapist shall be permitted to supervise the following:
    - (1) Registered music therapists;
    - (2) Music therapy interns and students;

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- (3) Care extenders and other team members as appropriate; and
- (4) Volunteers.
- (b) A registered music therapist shall not delegate to individuals under their supervision, who are not registered music therapists, any of the following tasks:
  - (1) Initiation, planning, adjustment, modification, or performance of music therapy procedures requiring the skills or judgment of a registered music therapist;
  - (2) Acting on behalf of a registered music therapist in any matter related to music therapy which requires decision making or professional judgment.

### Section 3.0 *Qualification for Registration*

3.1 **Music Therapist.** An applicant for registration as a music therapist shall:

- (a) Be at least eighteen (18) years of age;
- (b) Hold a bachelor's degree or higher in music therapy, or its equivalent, from a program approved by the American Music Therapy Association, or any successor organization within an accredited college or university;
- (c) Successfully complete a minimum of twelve hundred (1,200) hours of clinical training, with at least one hundred eighty (180) hours in pre-internship experiences and at least nine hundred (900) hours in internship experiences, provided that the internship is approved by an academic institution, the American Music Therapy Association or its successor association, or both;
- (d) Pass the examination for board certification offered by the Certification Board for Music Therapists, or any successor organization, or provides proof of being transitioned into board certification; and
- (e) Currently be a board certified music therapist.

### Section 4.0 *Application for Registration and Fee*

4.1 **Application for Registration.** Application for registration shall be made on forms furnished by the Department, which shall be completed, notarized and submitted to the Department. Such application shall be accompanied by the following documents:

- (a) Supporting official transcripts of education credentials and appropriate supervised experience;
- (b) The results of the certification examination or proof of being transitioned into board certification shall be submitted directly by the Certification Board for Music Therapists;
- (c) Verification of current board certification as a Music Therapist shall be submitted directly by the Certification Board for Music Therapists;
- (d) One (1) unmounted photograph of the applicant, head and shoulder front view, approximately 2 x 3 inches in size;
- (e) Verification that the applicant is in good standing based on a review of the applicant's music therapy practice history in other jurisdictions, including a review of any alleged

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misconduct or neglect in the practice of music therapy on the part of the applicant [if registered or licensed in another state(s)].

- 4.2 **Application for Registration by Endorsement.** Application for registration by endorsement shall be made on forms furnished by the Department, which shall be completed, notarized and submitted to the Department. Such application shall provide evidence satisfactory to the Director that the applicant is registered and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to, or greater than, those required by the Act and these Regulations at the date of application.
- 4.3 **Fee.** The application fee (not refundable and non-returnable) as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* shall accompany the application for registration. Applications received without the required application fee shall be returned to the applicant.

### Section 5.0 *Registration*

- 5.1 **Issuance of Registration.** A registration as music therapist may be issued to an applicant who meets the relevant requirements for registration as required by the Act and these Regulations.

### Section 6.0 *Expiration & Renewal of Registrations and Failure to Renew*

- 6.1 **Expiration.** The registration of every person registered pursuant to provisions of the Act and these Regulations shall expire on the thirty-first (31<sup>st</sup>) day of January of the next odd-numbered year following the issuance of his or her registration.
- 6.2 **Renewal.** Every registered person who desires to renew his or her registration shall file with the Department a renewal application, executed, together with a renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*, on or before the thirty-first (31<sup>st</sup>) day of January in each odd-numbered year. Upon receipt of a renewal application and payment of the renewal fee, the accuracy of the application shall be verified and the Department may grant a renewal registration effective on the first (1<sup>st</sup>) day of February and expiring on the thirty-first (31<sup>st</sup>) day of January in each odd-numbered year.
- 6.3 **Failure to Renew.**
- (a) Failure to renew a registration on or before the thirty-first (31<sup>st</sup>) day of January in each odd-numbered year, as required by these Regulations, shall result in forfeiture of the registration.
  - (b) Registrations that have been forfeited may be restored within one year of the expiration date upon payment of the current renewal fee, plus an additional fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health*.

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- (c) Failure to restore a forfeited registration within one year of the date of its expiration shall result in the automatic termination of the registration, and the Department may require the individual to reapply for registration as a new applicant.

### Section 7.0 *Maintenance of National Certification*

7.1 **Renewal Certification.** Each renewal application shall contain a statement signed by the registrant attesting to his or her status as a board certified music therapist, as required pursuant to § 3.1 of these Regulations, is active and not subject to any restriction, limitation or other sanction.

### 7.2 **Required Notification to the Department**

- (a) An individual registered pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of receiving notification from the Certification Board for Music Therapists that his or her status as a board certified music therapist, as required pursuant to § 3.1 of these Regulations, has been revoked and/or subject to any restriction, limitation or other sanction.
- (b) An individual registered pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of failure to renew or other lapse of his or her status as a board certified music therapist, as required pursuant to § 3.1 of these Regulations.

### Section 8.0 *Transfers to Inactive List and Reinstatement*

8.1 **Transfers to Inactive List.** A registered music therapist who does not intend to continue his or her registration may, upon written request to the Department, have his or her name transferred to an inactive list, and shall not be required to pay the renewal fee as long as he or she remains inactive.

8.2 **Reinstatement.** Should a registered music therapist wish to resume functioning, he or she must notify the Department and remit his or her renewal fee as set forth in the *Rules and Regulations Pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health* along with an application and attestation of his or her status as a board certified music therapist in accordance with § 7.1 of these Regulations.

### Section 9.0 *Standards for Responsible Professional Conduct*

9.1 **Limitation of Practice.** A registered music therapist shall limit his or her practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

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9.2 A registered music therapist shall conduct his or her professional activities in accordance with the *CBMT Code of Professional Practice*<sup>1</sup> published by the Certification Board for Music Therapists (CBMT).

### Section 10.0 *Denial, Suspension or Revocation of Registration – Violations*

10.1 **Due Process.** Upon due notice and hearing in accordance with RIGL Chapter 42-35 (the Administrative Procedures Act), and the provisions of § 11.1 of these Regulations, any violation pursuant to the provisions of the Act and these Regulations, may be cause for denial, revocation or suspension of registration or for imposing such other penalties in accordance with the Act.

10.2 **Grounds for Discipline without a Hearing.** The Director may temporarily suspend the registration of a registered music therapist without a hearing if the Director finds that evidence in his or her possession indicates that a registered music therapist continuing in practice would constitute an immediate danger to the public. In the event that the Director temporarily suspends the registration of a registered music therapist without a hearing, a hearing must be held within ten (10) days after the suspension has occurred.

### Section 11.0 *Rules Governing Practices and Procedures*

11.1 All hearings and reviews required pursuant to provisions of the Act and these Regulations shall be held in accordance with the provisions of the *Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health [R42-35-PP]*.

### Section 12.0 *Severability*

12.1 If any provisions of these Regulations or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of these Regulations which can be given effect, and to this end the provisions of these Regulations are declared to be severable.

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*Monday, December 08, 2014*

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<sup>1</sup> The current edition of the *CBMT Code of Professional Practice* may be downloaded at no charge from the Certification Board for Music Therapists website: <http://www.cbmt.org/about-certification/code-of-professional-practice/>