

HB 209-FN - AS INTRODUCED

2021 SESSION

21-0293

10/08

HOUSE BILL ***209-FN***

AN ACT relative to the licensure and regulation of music therapists.

SPONSORS: Rep. McGhee, Hills. 27

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes the music therapy governing board in the office of allied health professionals for the licensure and regulation of practitioners of music therapy.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~in brackets and struckthrough.~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the licensure and regulation of music therapists.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Chapter; Music Therapists. Amend RSA by inserting after chapter 326-L the following
2 new chapter:

3 CHAPTER 326-M

4 MUSIC THERAPISTS

5 326-M:1 Definitions. In this chapter and RSA 328-F:

6 I. "Board" means the music therapists governing board established in RSA 328-F.

7 II. "Board certified music therapist" means an individual who holds current board
8 certification from the Certification Board for Music Therapists.

9 III. "Executive director" means the executive director of the office of professional licensure
10 and certification.

11 IV. "Music therapist" means a person licensed to practice music therapy pursuant to this
12 chapter.

13 V. "Music therapy" means the clinical and evidence based use of music interventions to
14 accomplish individualized goals for people of all ages and ability levels within a therapeutic
15 relationship by a board certified music therapist. The music therapy interventions may include,
16 music improvisation, receptive music listening, song writing, lyric discussion, music and imagery,
17 singing, music performance, learning through music, music combined with other arts, music-assisted
18 relaxation, music-based patient education, electronic music technology, adapted music intervention
19 and movement to music. The practice of music therapy does not include the screening, diagnosis, or
20 assessment of any physical, mental, or communication disorder. This term may include:

21 (a) Acceptance of clients referred for music therapy by other health care or educational
22 professionals, family members, or caregivers.

23 (b) Assessment of clients to determine appropriate music therapy services.

24 (c) Development and implementation of individualized music therapy treatment plans
25 that identify goals, objectives, and strategies of music therapy that are appropriate for clients.

26 (d) Use of music therapy techniques such as improvisation, performance, receptive
27 music listening, song writing, lyric discussion, guided imagery with music, learning through music,
28 and movement to music.

29 (e) Evaluation of a client's response to music therapy techniques and to the client's
30 individualized music therapy treatment plan.

1 (f) Any necessary modification of the client's individualized music therapy treatment
2 plan.

3 (g) Any necessary collaboration with the other health care professionals treating a client.

4 (h) Minimizing of barriers that may restrict a client's ability to receive or fully benefit
5 from music therapy services.

6 326-M:2 Prohibition on Unlicensed Practice; Professional Identification.

7 I. No person without a license as a music therapist shall use the title "music therapist" or
8 similar title or practice music therapy.

9 II. Nothing in this chapter shall be construed to prohibit or restrict the practice, services, or
10 activities of the following:

11 (a) Any person licensed, certified, or regulated under the laws of this state in another
12 profession or occupation or personnel supervised by a licensed professional in this state performing
13 work, including the use of music, incidental to the practice of his or her licensed, certified, or
14 regulated profession or occupation, if that person does not represent himself or herself as a music
15 therapist; or

16 (b) Any person whose training and national certification attests to the individual's
17 preparation and ability to practice his or her certified profession or occupation, if that person does
18 not represent himself or herself as a music therapist; or

19 (c) Any practice of music therapy as an integral part of a program of study for students
20 enrolled in an accredited music therapy program, if the student does not represent himself or herself
21 as a music therapist; or

22 (d) Any person who practices music therapy under the supervision of a licensed music
23 therapist, if the person does not represent himself or herself as a music therapist.

24 326-M:3 Licensure of Music Therapists. In addition to requirements under RSA 328-F:

25 I. The board shall issue a license to an applicant for a music therapy license when such
26 applicant has completed and submitted an application upon a form and in such manner as the
27 executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board
28 that:

29 (a) The applicant is in good standing based on a review of the applicant's music therapy
30 licensure history in other jurisdictions, including a review of any alleged misconduct or neglect in the
31 practice of music therapy on the part of the applicant, and a review of the criminal background check
32 required under RSA 328-F:18-a.

33 (b) The applicant provides proof of passing the examination for board certification
34 offered by the Certification Board for Music Therapists or any successor organization or provides
35 proof that the applicant is currently a board certified music therapist.

36 II. The board shall issue a license to an applicant for a music therapist license when such
37 applicant has completed and submitted an application upon a form and in such manner as the

1 executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board
2 that the applicant is licensed and in good standing as a music therapist in another jurisdiction where
3 the qualifications required are equal to or greater than those required in this chapter at the date of
4 application.

5 326-M:4 Music Therapists Governing Board; Duties. In addition to the duties of a governing
6 board under RSA 328-F:

7 I. The board may facilitate the development of materials that the office of professional
8 licensure and certification may utilize to educate the public concerning music therapist licensure, the
9 benefits of music therapy, and utilization of music therapy by individuals and in facilities or
10 institutional settings.

11 II. The board may act as a facilitator of statewide dissemination of information between
12 music therapists, the American Music Therapy Association or any successor organization, the
13 Certification Board for Music Therapists or any successor organization, and the executive director.

14 III. The executive director shall seek the advice of the board for issues related to the
15 regulation of music therapists.

16 2 Allied Health Professionals; Definition; Governing Board. Amend RSA 328-F:2, II to read as
17 follows:

18 II. "Governing boards" means individual licensing boards of athletic trainers, occupational
19 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical
20 therapist assistants, respiratory care practitioners, speech-language pathologists, [~~and~~] genetic
21 counselors, **and music therapists**.

22 3 New Paragraph; Allied Health Professionals; Music Therapists. Amend RSA 328-F:2 by
23 inserting after paragraph X the following new paragraph:

24 XI. "Music therapist" means music therapist as defined in RSA 326-M:1.

25 4 Governing Board; Establishment. Amend RSA 328-F:3, I to read as follows:

26 I. There shall be established governing boards of athletic trainers, occupational therapists,
27 recreational therapists, respiratory care practitioners, physical therapists, speech-language
28 pathologists, [~~and~~] genetic counselors, **and music therapists**.

29 5 New Paragraph; Music Therapists Governing Board; Appointment. Amend RSA 328-F:4 by
30 inserting after paragraph X the following new paragraph:

31 XI. The music therapists governing board shall consist of 3 licensed music therapists, who
32 have actively engaged in the practice of music therapy in this state for at least 2 years, one member
33 who is a licensed health care provider who is not a music therapist, and one public member. Initial
34 appointment of professional members by the governor and council shall be qualified persons
35 practicing music therapy in this state. All subsequent appointments or reappointments shall require
36 licensure.

37 6 Renewals; Reference to Music Therapists Added. Amend RSA 328-F:19, I to read as follows:

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1 I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete
2 application for license renewal by eligible applicants shall continue the validity of the licenses being
3 renewed until the governing board has acted on the renewal application. Licenses issued pursuant
4 to RSA 328-A, RSA 326-G, [~~and~~] RSA 326-J, **and RSA 326-M** shall expire in even-numbered years
5 and licenses issued pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in
6 odd-numbered years.

7 7 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

8 I. One program assistant II position, labor grade 15, is hereby established as a classified
9 position in the office of professional licensure and certification.

10 II. The amount necessary to pay for the position established in paragraph I and for the per
11 diem and travel reimbursement as required under RSA 328-F:6 for the music therapy governing
12 board established in this act is hereby appropriated to the executive director of the office of
13 professional licensure and certification. Salaries and necessary expenses shall be a charge against
14 the office of professional licensure and certification fund established in RSA 310-A:1-e.

15 8 Effective Date. This act shall take effect July 1, 2021.

HB 209-FN- FISCAL NOTE
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AN ACT relative to the licensure and regulation of music therapists.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$65,460	\$68,460	\$71,460
Revenue	\$0	\$24,500	\$2,500	\$22,000
Expenditures	\$0	\$65,460	\$68,460	\$71,460
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification Fund (RSA 310-A:1-e,I(b)) and Criminal Records Check Fund (RSA 106-B:7,II)			

METHODOLOGY:

This bill requires the licensure of individuals engaged in music therapy beginning July 1, 2021 and establishes a 5 member governing board within the office of allied health professionals. The bill establishes a new classified position of program assistant II (labor grade 15) to assist the board in its duties. The bill appropriates funds for the salary and benefits of the position and for the per diem and mileage expenses of board members from the Office of Professional Licensure and Certification Fund (OPLC) established in RSA 310-A:1-e.

The OPLC estimates the salary and benefits for the new full-time position to cost \$60,000 in FY22, \$63,000 in FY23 and \$66,000 in FY24.

The OPLC estimates the 5 member board would meet 12 times per year, with expenses for annual per diem and mileage totaling \$5,460 per year, as shown below:

$$5 \text{ members} \times 12 \text{ meetings} \times \$50 \text{ per diem} = \$3,000$$

$$5 \text{ members} \times 12 \text{ meetings} \times \$41 \text{ average mileage reimbursement} = \$2,460$$

The OPLC estimates that approximately 200 licenses would be granted. Such licenses would be renewed every 2 years and all allied health initial licenses are currently set at \$110 payable biennially. This amount would generate \$22,000 in license revenue every 2 years (\$110 x 200 = \$22,000).

The bill prohibits the practice of music therapy without a license but there is no penalty. The addition of this license category also subjects licensees to the allied health criminal records check provision pursuant to RSA 328-F:18-a and performed by the Department of Safety. The \$25 fee associated with such checks is payable by the license applicant. Based on the OPLC estimate of 200 applicants, potential initial revenue of \$5,000 would be generated for the Criminal Records Check Fund pursuant to RSA 106-B:7, II, with an indeterminable amount thereafter based on an unknown number of new applicants.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification