

HB 532-FN - AS AMENDED BY THE SENATE

22Mar2023... 0480h  
05/18/2023 1919s

2023 SESSION

23-0771  
09/10

HOUSE BILL

***532-FN***

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

SPONSORS:            Rep. McGhee, Hills. 35

COMMITTEE:          Executive Departments and Administration

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AMENDED ANALYSIS

This bill:

I. Establishes the licensure and regulation of music therapists under the allied health professionals.

II. Provides a licensing exemption for some physicians licensed out of state to treat existing patients in New Hampshire.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

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

*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:

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. "Individualized music therapy treatment plan" means a music therapy treatment plan  
12 for a client that identifies the goals, objectives, and potential strategies for the music therapy  
13 services appropriate for the client using music therapy interventions, including:

14                              (a) Music improvisation;

15                              (b) Receptive music listening;

16                              (c) Songwriting;

17                              (d) Lyric discussion;

18                              (e) Music and imagery;

19                              (f) Music performance;

20                              (g) Learning through music; and

21                              (h) Movement to music.

22                      V. "Music therapist" or "licensed professional music therapist" means a person licensed to  
23 practice music therapy pursuant to this chapter.

24                      VI.(a) "Practice of music therapy" means the clinical and evidence-based use of music  
25 therapy interventions to accomplish individualized goals for individuals of all ages and ability levels  
26 within a therapeutic relationship.

27                              (b) "Practice of music therapy" includes:

28                                      (1) Accepting referrals for music therapy services from:

29    (A) Medical, developmental, mental health, or education professionals;

- 1 (B) Family members;
- 2 (C) Clients;
- 3 (D) Caregivers; or
- 4 (E) Others involved with the provision of and authorized to provide client
- 5 services;
- 6 (2) Collaborating with a client's treatment team to review the client's diagnosis,
- 7 treatment needs, and treatment plan before providing music therapy services to a client for an
- 8 identified clinical or developmental need;
- 9 (3) Collaborating with the individualized family service plan team or individualized
- 10 education program team to review the student's diagnosis, treatment needs, and treatment plan
- 11 before providing music therapy services to a student for an identified educational need in a special
- 12 education setting.
- 13 (4) Collaborating with a client's treatment team, including the client's physician,
- 14 psychologist, licensed clinical social worker, or other mental health professional, during the
- 15 provision of music therapy services to the client;
- 16 (5) Collaborating with and discussing the music therapy treatment plan with the
- 17 audiologist or speech-language pathologist of a client with a communication disorder during the
- 18 provision of music therapy services so that a music therapist may work with the client and address
- 19 communication skills;
- 20 (6) Conducting a music therapy assessment of a client to collect systematic,
- 21 comprehensive, and accurate information necessary to determine the appropriate type of music
- 22 therapy services to provide for the client;
- 23 (7) Developing an individualized music therapy treatment plan for a client that is
- 24 based on the music therapy assessment;
- 25 (8) Implementing an individualized music therapy treatment plan that:
- 26 (A) Is consistent with any other developmental, rehabilitative, habilitative,
- 27 medical, mental health, preventive, or wellness care or educational services being provided to a
- 28 client; and
- 29 (B) Does not replace the services provided by an audiologist or a speech-
- 30 language pathologist;
- 31 (9) Evaluating a client's response to music therapy and the individualized music
- 32 therapy treatment plan, documenting change and progress, and suggesting modifications, as
- 33 appropriate;
- 34 (10) Developing a plan for determining when the provision of music therapy services
- 35 is no longer needed in collaboration with a client, the client's physician or another provider of health
- 36 care or education for the client, an appropriate member of the client's family, and any other
- 37 appropriate individual on whom the client relies for support;

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1                   (11) Minimizing any barriers to ensure that a client receives music therapy services  
2 in the least restrictive environment;

3                   (12) Collaborating with and educating a client, the family or caregiver of the client,  
4 or any other appropriate individual about the needs of the client that are being addressed in music  
5 therapy and the manner in which the music therapy addresses those needs; and

6                   (13) Using appropriate knowledge and skills, including research, reasoning, and  
7 problem-solving skills, to inform practice and determine appropriate actions in the context of each  
8 specific clinical setting.

9           326-M:2 Prohibition on Unlicensed Practice; Professional Identification.

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

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

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

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

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

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

27           III. An individual licensed under this chapter may not represent to the public that the  
28 individual is authorized to treat a communication disorder. Unless authorized to practice speech-  
29 language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech  
30 language, communication, and swallowing disorders and conditions. Nothing in the section may be  
31 construed to prohibit an individual licensed under this chapter as a music therapist from  
32 representing to the public that the individual may work with a client who has a communication  
33 disorder and address communication skills.

34           326-M:3 Licensure of Music Therapists. In addition to requirements under RSA 328-F:

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

executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:

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

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

II. The board shall issue a license to an applicant for a music therapist license when such applicant has completed and submitted an application upon a form and in such manner as the executive director prescribes, accompanied by applicable fees, and evidence satisfactory to the board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this chapter at the date of application.

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

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

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

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

II. "Governing boards" means individual licensing boards of athletic trainers, occupational therapy assistants, occupational therapists, physical therapists, physical therapist assistants, speech-language pathologists and hearing care providers, ~~and~~ genetic counselors, **and music therapists**.

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

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

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

I. There shall be established governing boards of athletic trainers, occupational therapists, physical therapists, speech-language pathologists and hearing care providers, ~~and~~ genetic counselors, **and music therapists**.

1       5 New Paragraph; Music Therapists Governing Board; Appointment. Amend RSA 328-F:4 by  
2 inserting after paragraph X the following new paragraph:

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

9       6 Renewals; Reference to Music Therapists Added. Amend RSA 328-F:19, I to read as follows:

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

16       7 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

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

19           II. The amount necessary to pay for the position established in paragraph I and for the per  
20 diem and travel reimbursement as required under RSA 328-F:6 for the music therapy governing  
21 board established in this act is hereby appropriated to the executive director of the office of  
22 professional licensure and certification. Salaries and necessary expenses shall be a charge against  
23 the office of professional licensure and certification fund.

24       8 New Paragraph; Physicians and Surgeons; Limitations Upon Operation of Chapter; Persons  
25 Excepted. Amend RSA 329:21 by inserting after paragraph IV the following new paragraph:

26           IV-a. To a physician licensed in another state providing care to a patient in New Hampshire  
27 when there is a physician-patient relationship in the physician's home state of licensing with in-  
28 person exams conducted by the physician at intervals appropriate for the patient and the patient's  
29 medical condition, but not less than annually; or

30       9 Effective Date. This act shall take effect July 1, 2023.

**HB 532-FN- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2023-1919s)

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

**FISCAL IMPACT:**    ☒ State                      ☐ County                      ☐ Local                      ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
<b>Appropriation</b>	\$0	In excess of \$63,625	In excess of \$66,854	In excess of \$68,634
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	In excess of \$63,625	In excess of \$66,854	In excess of \$68,634
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General OPLC Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -			

**METHODOLOGY:**

The Office of Professional Licensure and Certification (OPLC) states this bill would establish the licensure and regulation of music therapists under the allied health professionals. The proposal would establish a Program Assistant II position, labor grade 15, classified position starting at \$63,625 a year in OPLC for the purposes of this program, and any costs (personnel and other administrative costs) would be a charge against the OPLC Fund established under RSA 310-A:1-e. In addition, any license revenue generated would also be deposited into this fund. The Office is unable to estimate the amount of license revenue that will be generated, however, any revenue received for license fees will be attributable to the rules.

**AGENCIES CONTACTED:**

Office of Professional Licensure and Certification