

HB 1394-FN-A - AS AMENDED BY THE HOUSE

22Feb2024... 0399h

11Apr2024... 1141h

2024 SESSION

24-2656

09/05

HOUSE BILL

1394-FN-A

AN ACT relative to licensure and regulation of music therapists.

SPONSORS: Rep. McGhee, Hills. 35; Rep. Grote, Rock. 24; Rep. Roy, Rock. 31; Sen. Perkins
Kwoka, Dist 21

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill establishes the licensure and regulation of music therapists under the office of professional licensure and certification. This bill further directs the office of professional licensure and certification, for the biennium ending June 30, 2027, to increase their annual budget by \$3,000 for the purpose of hiring temporary or part-time staff, or overtime costs, to help with licensing and administration of the music therapists governing board.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

- (b) "Practice of music therapy" includes:
 - (1) Accepting referrals for music therapy services from:
 - (A) Medical, developmental, mental health, or education professionals;
 - (B) Family members;

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

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-N: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-N:3 Music Therapists Governing Board; Duties. In addition to the duties of a governing
35 board under RSA 328-F:

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1 I. The board may facilitate the development of materials to educate the public concerning
2 music therapist licensure, the benefits of music therapy, and utilization of music therapy by
3 individuals and in facilities or institutional settings.

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

7 2 Governing Board; Establishment. Amend RSA 328-F:3 to read as follows:

8 328-F:3 Governing Boards Established. – There shall be established governing boards of
9 athletic trainers, occupational therapists, physical therapists, speech-language pathologists and
10 hearing care providers, ~~and~~ genetic counselors, **and music therapists**. In order to eliminate a
11 redundant regulatory framework and promote efficiency and economy, and as set forth in RSA 310,
12 the responsibility for administration of the governing boards shall be with the office of professional
13 licensure and certification, and the authority of the board of directors of allied health professionals is
14 repealed.

15 3 New Paragraph; Music Therapists Governing Board; Appointment. Amend RSA 328-F:4 by
16 inserting after paragraph X the following new paragraph:

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

23 4 New Subparagraph; Office of Professional Licensure and Certification; Definitions;
24 Establishment. Amend RSA 310:2, II by inserting after subparagraph (bbb) the following new
25 subparagraph:

26 (ccc) Governing board of music therapists established under RSA 328-F and 326-N.

27 5 Office of Professional Licensure and Certification; Directive. For the biennium ending June
28 30, 2027, the office of professional licensure and certification shall increase their annual budget by
29 \$3,000 for the purpose of hiring temporary or part-time staff or for overtime to help with licensing
30 and administration of the music therapists governing board.

31 6 Effective Date. This act shall take effect 60 days after its passage.

HB 1394-FN-A- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2024-1141h)

AN ACT relative to licensure and regulation of music therapists.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Revenue Fund(s)	Office of Professional Licensure and Certification Fund			
Expenditures	\$0	\$0	\$3,000	\$3,000
Funding Source(s)	Office of Professional Licensure and Certification Fund			
Appropriations	\$0	\$0	\$0	\$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ See Below
- Does this bill authorize new positions to implement this bill? ☒ No

METHODOLOGY:

This bill establishes the licensure and regulation of music therapists, creates a Music Therapists Governing Board under the Office of Professional Licensure and Certification (OPLC), and requires the OPLC to add \$3,000 annually to their budget for the biennium ending June 30, 2027 for the purpose of hiring temporary or part-time staff or for overtime to help with licensing and administration of the music therapists governing board.

The OPLC states although this bill requires the OPLC to add an additional \$3,000 annually to their budget for the biennium ending June 30, 2027 to hire temporary or part-time staff or for overtime for administration and licensing pertaining to this bill, they are unable to determine if this amount is sufficient to cover personnel costs, administrative expenditures, Board member per diem, travel, promulgation of rules, and legal support, as they are uncertain about the volume of licenses expected.

Along with the indeterminable amount of expenditures, there will be an increase in OPLC revenue due to the new licensing fee, which would be attributable to the rules, however, the Office is unable to estimate the amount of license revenue that will be generated.

It is assumed any fiscal impact will not occur until FY 2025.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification