

By the Committee on Health Policy; and Senator Clemens

588-02319-16

2016204c1

1                   A bill to be entitled  
2           An act relating to music therapists; creating s.  
3           491.017, F.S.; providing legislative intent; providing  
4           definitions; establishing requirements for  
5           registration as a music therapist; providing  
6           responsibilities of a music therapist; requiring  
7           biennial renewal of registration; prohibiting the  
8           practice of music therapy unless the therapist is  
9           registered; providing exemptions to registration;  
10          authorizing the Department of Health to adopt rules  
11          and take disciplinary action against an applicant or  
12          registrant who violates the act; providing an  
13          effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17          Section 1. Section 491.017, Florida Statutes, is created to  
18          read:

19          491.017 Registration of music therapists.-

20          (1) LEGISLATIVE INTENT.-It is the intent of this section to  
21          recognize that music therapy affects the health, safety, and  
22          welfare of the public, and that the practice of music therapy  
23          should be subject to regulation to protect the public from the  
24          practice of music therapy by unregistered persons.

25          (2) DEFINITIONS.-As used in this section, the term:

26          (a) "Board-certified music therapist" means a person who  
27          has completed the education and clinical training requirements  
28          established by the American Music Therapy Association and who  
29          holds current board certification from the national  
30          Certification Board for Music Therapists.

31          (b) "Music therapist" means a person registered to practice  
32          music therapy pursuant to this section.

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33        (c) "Music therapy" means the clinical and evidence-based  
34 use of music interventions by a board-certified music therapist  
35 to accomplish individualized goals for people of all ages and  
36 ability levels within a therapeutic relationship. The music  
37 therapy interventions may include music improvisation, receptive  
38 music listening, song writing, lyric discussion, music and  
39 imagery, singing, music performance, learning through music,  
40 music combined with other arts, music-assisted relaxation,  
41 music-based patient education, electronic music technology,  
42 adapted music intervention, and movement to music. The practice  
43 of music therapy does not include the diagnosis or assessment of  
44 any physical, mental, or communication disorder.

45        (3) REGISTRATION.—

46        (a) The department shall register an applicant as a music  
47 therapist when the applicant submits to the department:

- 48        1. A completed application form issued by the department;  
49        2. Application and registration fees; and  
50        3. Proof of passing the examination for board certification  
51 offered by the national Certification Board for Music  
52 Therapists, or any successor organization, or proof of being  
53 transitioned into board certification, and provides proof that  
54 the applicant is currently a board-certified music therapist.

55        (b) A registration issued under this section must be  
56 renewed biennially by submitting to the department a renewal fee  
57 and proof that the applicant holds an active certificate as a  
58 board-certified music therapist.

59        (c) A registrant shall inform the department within 10 days  
60 after a change of the registrant's address or a change in the  
61 registrant's status as a board-certified music therapist.

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62 (4) RESPONSIBILITIES OF A MUSIC THERAPIST.—A music  
63 therapist is authorized to:

64 (a) Accept referrals for music therapy services from  
65 medical, developmental, mental health, or education  
66 professionals; family members; clients; caregivers; or other  
67 persons authorized to provide client services.

68 (b) Collaborate with a client's primary care provider to  
69 review the client's diagnosis, treatment needs, and treatment  
70 plan before providing services to a client with an identified  
71 clinical or developmental need or collaborate with the client's  
72 treatment team while providing music therapy services to the  
73 client.

74 (c) Conduct a music therapy assessment of a client to  
75 determine if treatment is indicated and, if treatment is  
76 indicated, collect systematic, comprehensive, and accurate  
77 information to determine the appropriateness and type of music  
78 therapy services to provide for the client.

79 (d) Develop an individualized music therapy treatment plan,  
80 including individualized goals, objectives, and specific music  
81 therapy approaches or interventions, for the client that is  
82 based on the results of the music therapy assessment and is  
83 consistent with any other developmental, rehabilitative,  
84 habilitative, medical, mental health, preventive, wellness, or  
85 educational services being provided to the client.

86 (e) Evaluate the client's response to music therapy and the  
87 music therapy treatment plan, documenting change and progress  
88 and suggesting modifications, as appropriate.

89 (f) Develop a plan for determining when music therapy  
90 services are no longer needed, in collaboration with the client

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91 and the client's physician or other provider of health care or  
92 education to the client, family members of the client, and any  
93 other appropriate person upon whom the client relies for  
94 support.

95 (g) Minimize barriers to ensure that the client receives  
96 music therapy services in the least restrictive environment.

97 (h) Collaborate with and educate the client and the  
98 client's family members, caregivers, and any other appropriate  
99 persons regarding the needs of the client that are being  
100 addressed in music therapy and the manner in which the music  
101 therapy treatment addresses those needs.

102 (i) Use appropriate knowledge and skills to inform  
103 practice, including the use of research, reasoning, and problem-  
104 solving skills to determine appropriate actions in the context  
105 of each specific clinical setting.

106 (5) PROHIBITED ACTS; EXEMPTIONS.—A person may not practice  
107 music therapy or represent himself or herself as being able to  
108 practice music therapy in this state unless the person is  
109 registered pursuant to this section. This section does not  
110 prohibit or restrict the practice, services, or activities of  
111 the following:

112 (a) A person licensed, certified, or regulated under the  
113 laws of this state in another profession or occupation, or  
114 personnel supervised by a licensed professional in this state  
115 performing work, including the use of music, incidental to the  
116 practice of his or her licensed, certified, or regulated  
117 profession or occupation, if that person does not represent  
118 himself or herself as a music therapist;

119 (b) A person whose training and national certification

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120 attests to the person's preparation and ability to practice his  
121 or her certified profession or occupation, if that person does  
122 not represent himself or herself as a music therapist;

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

127 (d) A person who practices music therapy under the  
128 supervision of a registered music therapist, if the person does  
129 not represent himself or herself as a music therapist.

130 (6) DEPARTMENT AUTHORITY.—

131 (a) The department is authorized to establish application,  
132 registration, and renewal fees estimated necessary to implement  
133 the provisions of this section, but each fee may not exceed \$50.

134 (b) The department is authorized to adopt rules to  
135 implement this section.

136 (c) The department may deny or revoke registration or  
137 renewal of registration for violations of this section.

138 Section 2. This act shall take effect July 1, 2016.

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