

By Senator Campbell

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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 registered; providing  
9           exemptions to registration; authorizing the Department  
10          of Health to adopt rules, to establish application,  
11          registration, and renewal fees, and to take  
12          disciplinary action against an applicant or registrant  
13          who violates the act; providing an effective date.

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

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

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

60 (c) A registrant shall inform the department within 10 days  
61 after a change of the registrant's address or a change in the

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62 registrant's status as a board-certified music therapist.

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

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

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

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

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

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

90 (f) Develop a plan for determining when music therapy

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91 services are no longer needed, in collaboration with the client  
92 and the client's physician or other provider of health care or  
93 education to the client, family members of the client, and any  
94 other appropriate person upon whom the client relies for  
95 support.

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

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

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

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

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

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120 (b) A person whose training and national certification  
121 attests to the person's preparation and ability to practice his  
122 or her certified profession or occupation, if that person does  
123 not represent himself or herself as a music therapist;

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

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

131 (6) DEPARTMENT AUTHORITY.—

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

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

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

139 Section 2. This act shall take effect July 1, 2017.