

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 and take disciplinary action
 11 against an applicant or registrant who violates the
 12 act; providing an effective date.

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

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

18 491.017 Registration of music therapists.-

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

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

25 (a) "Board-certified music therapist" means a person who
 26 has completed the education and clinical training requirements

27 established by the American Music Therapy Association and who
28 holds current board certification from the national
29 Certification Board for Music Therapists.

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

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

44 (3) REGISTRATION.—

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

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

53 that the applicant is currently a board-certified music
54 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
60 days after a change of the registrant's address or a change in
61 the registrant's status as a board-certified music therapist.

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
80 plan, including individualized goals, objectives, and specific
81 music therapy approaches or interventions, for the client that
82 is 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
87 the music therapy treatment plan, documenting change and
88 progress 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
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
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.