

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **Senate Bill 680**

BY SENATOR UNGER

[Introduced February 20, 2016;

Referred to the Committee on Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6 and §30-41-7,  
 3 all relating to providing for the establishment, appointment and membership of the Board  
 4 of Music Therapy; requiring licensure of music therapists by the Board of Music Therapy;  
 5 providing for definitions; providing for licensure application and qualifications; providing  
 6 for license renewal; providing for waiver of examination; providing for disciplinary actions;  
 7 and providing for related matters.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 article, designated §30-41-1, §30-41-2, §30-41-3, §30-41-4, §30-41-5, §30-41-6 and §30-41-7, all  
 3 to read as follows:

**ARTICLE 41. BOARD OF MUSIC THERAPY.**

**§30-41-1. Legislative findings and declarations.**

1 To protect the health, safety, and welfare of the public and to ensure standards of  
 2 competency, it is necessary to require licensure of those engaged in the practice of music therapy.  
 3 After June 13, 2017, it shall be unlawful for any person not licensed under the provisions of this  
 4 article to practice music therapy in this state, to use the words “licensed music therapist” or any  
 5 other words or titles which imply or represent that the person, corporation, or association is  
 6 engaging in the practice of music therapy, or to employ any person, not duly licensed, who is  
 7 engaging in the practice of music therapy or who is using such words or titles to imply or represent  
 8 that he or she is engaging in the practice of music therapy.

**§30-41-2. Definitions.**

1 (a) “Board” means the Board of Music Therapy.  
 2 (b) “Music therapist” means a person licensed to practice the service of music therapy  
 3 under this article who practices or administers music therapy to a client for compensation.

4           (c) “Music therapy” means the clinical and evidence based use of music interventions to  
5 accomplish individualized goals for people of all ages and ability levels within a therapeutic  
6 relationship by a board certified music therapist. Music therapists develop music therapy  
7 treatment plans specific to the needs and strengths of the client who may be seen individually or  
8 in groups. The goals, objectives and potential strategies of the music therapy services are  
9 appropriate for the client and setting. The music therapy interventions may include: Music  
10 improvisation, receptive music listening, song writing, lyric discussion, music and imagery,  
11 singing, music performance, learning through music, music combined with other arts, music-  
12 assisted relaxation, music-based patient education, electronic music technology, adapted music  
13 intervention and movement to music. The practice of music therapy does not include the  
14 diagnosis or assessment of any physical, mental, or communication disorder.

15           This term may include:

16           (1) Accepting referrals for music therapy services from medical, developmental, mental  
17 health, or education professionals; family members; clients, caregivers; or others involved and  
18 authorized with a provision of client services. Before providing music therapy services to a client  
19 for an identified clinical or developmental need, the licensee collaborates, as applicable, with the  
20 primary care provider(s) to review the client’s diagnosis, treatment needs, and treatment plan.  
21 During the provision of music therapy services to a client, the licensee collaborates, as applicable,  
22 with the client’s treatment team;

23           (2) Conducting a music therapy assessment of a client to determine if treatment is  
24 indicated. If treatment is indicated, the licensee collects systematic, comprehensive and accurate  
25 information to determine the appropriateness and type of music therapy services to provide for  
26 the client;

27           (3) Developing an individualized music therapy treatment plan for the client that is based  
28 upon the results of the music therapy assessment. The music therapy treatment plan includes  
29 individualized goals and objectives that focus on the assessed needs and strengths of the client

30 and specify music therapy approaches and interventions to be used to address these goals and  
31 objectives;

32 (4) Implementing an individualized music therapy treatment plan that is consistent with  
33 any other developmental, rehabilitative, medical, mental health, preventive, wellness care, or  
34 educational services being provided to the client;

35 (5) Evaluating the client's response to music therapy and the music therapy treatment  
36 plan, documenting change and progress as well as suggesting modifications, as appropriate;

37 (6) Developing a plan for determining when the provision of music therapy services is no  
38 longer needed in collaboration with the client, physician, or other provider of health care or  
39 education of the client, family members of the client, and any other appropriate person upon whom  
40 the client relies for support;

41 (7) Minimizing any barriers to ensure that the client receives music therapy services in the  
42 least restrictive environment;

43 (8) Collaborating with and educating the client and the family, caregiver of the client, or  
44 any other appropriate person regarding the needs of the client that are being addressed in music  
45 therapy and the manner in which the music therapy treatment addresses those needs; and

46 (9) Utilizing appropriate knowledge and skills to inform practice including use of research,  
47 reasoning, and problem solving skills to determine appropriate actions in the context of each  
48 specific clinical setting.

**§30-41-3. Board established; membership; terms.**

1 (a) The Board of Music Therapy consists of five members appointed by the Governor with  
2 the advice and consent of the Senate. Four members of the board shall be music therapists and  
3 one member of the board shall be a lay person who is not a music therapist.

4 (b) The terms of the board members shall be staggered initially from July 1, 2017. The  
5 Governor shall appoint initially three members for a term of one year and two members for a term  
6 of two years. Subsequent appointments shall be for a term of two years. Each member shall

7 serve until that member’s successor is appointed and qualified, unless the board member is no  
 8 longer competently performing the duties of office. Any vacancy on the board shall be filled by  
 9 the Governor for the balance of the unexpired term. The Governor may remove members of the  
 10 board from office for cause.

**§30-41-4. Quorum meetings; officers; reimbursement; staff.**

- 1 (a) A majority of the full authorized membership of the board constitutes a quorum.
- 2 (b) The board shall meet at least twice a year, at the times and places that it determines.
- 3 (c) The board shall annually elect a chairperson and a secretary/treasurer.
- 4 (d) Each member of the board is entitled to reimbursement of travel and other necessary  
 5 expenses actually incurred while engaging in board activities. All reimbursement of expenses  
 6 shall be paid out of the music therapy board fund created by the provisions of this article.
- 7 (e) The board may employ staff as necessary to perform the functions of the board,  
 8 including an administrative secretary, and pay all personnel out of the Music Therapy Board Fund  
 9 created by the provisions of this article.
- 10 (f) The board may contract with other state boards or state agencies to share offices,  
 11 personnel, and other administrative functions as authorized under this article.

**§30-41-5. Board of Music Therapy Fund; fees; expenses; disposition of funds.**

- 1 (a) There is hereby created a Board of Music Therapy Fund in the State Treasurer’s office.
- 2 (b) The board may set, by legislative rule, reasonable fees for the issuance or renewal  
 3 and its other services. All funds to cover the compensation and expenses of the board members  
 4 shall be generated by the fees that are established under this subsection by legislative rule.
- 5 (c) The disposition of all funds received by the board shall be governed by the provisions  
 6 of section ten, article one, chapter thirty of this code.

**§30-41-6. Duties of board; authorization to propose rules and fees.**

1           The board shall propose rules for legislative approval in accordance with the provisions of  
 2 article three, chapter twenty-nine-a of this code as are necessary to implement the provisions of  
 3 this article, which shall include provisions regarding:

4           (a) Licensure and continuing education requirements, standards of practice, professional  
 5 ethics, disciplinary actions, and other issues of concern;

6           (b) All fees for licensure, renewal of licensure, and all other related matters.

**§30-41-7. Requirements for licensure; renewal of licenses; reinstatement; penalties.**

1           The board shall propose rules for legislative approval in accordance with article three,  
 2 chapter twenty-nine-a of this code, establishing a procedure for licensing of music therapists.  
 3 License requirements shall include the following:

4           (1) Completion of a program of music therapy at a school approved by the West Virginia  
 5 Council for Community and Technical College Education pursuant to section nine, article two-b,  
 6 chapter eighteen-b of this code or by a state agency in another state, the District of Columbia, or  
 7 a United States territory which approves educational programs and which meets qualifications for  
 8 the National Certification Exam administered through the Certification Board for Music Therapists.

9           This school shall require a diploma from an accredited high school, or the equivalent:

10           (2) Successful completion of a minimum of 1,200 hours of clinical training, with at least  
 11 180 hours in preinternship experiences and at least 900 hours in internship experiences, provided  
 12 that the internship is approved by an academic institution,

13           (3) Successful completion of the National Certification by the Certification Board for Music  
 14 Therapists or other board approved examination;

15           (4) Currently in good standing based on a review of the applicant’s music therapy licensure  
 16 history in other jurisdiction, including, but not limited to, a review of any alleged misconduct or  
 17 neglect in the practice of music therapy by the applicant;

18           (5) Payment of a reasonable fee every two years required by the board which shall  
 19 compensate and be retained by the board for the costs of administration.

NOTE: The purpose of this bill is to provide for the establishment, appointment, and membership of the Board of Music Therapy. Components of the bill include the following: (1) Requiring licensure of music therapists by the Board of Music Therapy; (2) providing for definitions; (3) providing for licensure application and qualifications; (4) providing for license renewal; (5) providing for waiver of examination; and (6) providing for disciplinary actions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.