

By the Committees on Fiscal Policy; and Health Policy; and
Senator Clemens

594-03747-16

2016204c2

A bill to be entitled

An act relating to music therapists; creating part XVII of ch. 468, F.S.; creating s. 468.85, F.S.; providing legislative intent; providing definitions; establishing requirements for registration as a music therapist; providing responsibilities of a music therapist; requiring biennial renewal of registration; prohibiting the practice of music therapy unless the therapist is registered; providing exemptions to registration; authorizing the Department of Health to adopt rules and take disciplinary action against an applicant or registrant who violates the act; providing an effective date.

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

Section 1. Part XVII of chapter 468, Florida Statutes, consisting of section 468.85, Florida Statutes, is created to read:

PART XVII

MUSIC THERAPISTS

468.85 Registration of music therapists.—

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

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

(a) "Board-certified music therapist" means a person who has completed the education and clinical training requirements established by the American Music Therapy Association and who

594-03747-16

2016204c2

32 holds current board certification from the national
33 Certification Board for Music Therapists.

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

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

48 (3) REGISTRATION.—

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

- 51 1. A completed application form issued by the department;
- 52 2. Application and registration fees; and
- 53 3. Proof of passing the examination for board certification

54 offered by the national Certification Board for Music
55 Therapists, or any successor organization, or proof of being
56 transitioned into board certification, and provides proof that
57 the applicant is currently a board-certified music therapist.

58 (b) A registration issued under this section must be
59 renewed biennially by submitting to the department a renewal fee
60 and proof that the applicant holds an active certificate as a

594-03747-16

2016204c2

61 board-certified music therapist.

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

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

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

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

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

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

89 (e) Evaluate the client's response to music therapy and the

594-03747-16

2016204c2

90 music therapy treatment plan, documenting change and progress
91 and suggesting modifications, as appropriate.

92 (f) Develop a plan for determining when music therapy
93 services are no longer needed, in collaboration with the client
94 and the client's physician or other provider of health care or
95 education to the client, family members of the client, and any
96 other appropriate person upon whom the client relies for
97 support.

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

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

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

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

115 (a) A person licensed, certified, or regulated under the
116 laws of this state in another profession or occupation, or
117 personnel supervised by a licensed professional in this state
118 performing work, including the use of music, incidental to the

594-03747-16

2016204c2

119 practice of his or her licensed, certified, or regulated
120 profession or occupation, if that person does not represent
121 himself or herself as a music therapist;

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

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

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

133 (6) DEPARTMENT AUTHORITY.—

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

137 (b) The department is authorized to adopt rules to
138 implement this section.

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

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