

1 A bill to be entitled
 2 An act relating to music therapists; creating part
 3 XVII of ch. 468, F.S.; creating s. 468.85, F.S.;
 4 providing legislative intent; providing definitions;
 5 establishing requirements for registration as a music
 6 therapist; providing responsibilities of a music
 7 therapist; requiring biennial renewal of registration;
 8 prohibiting the practice of music therapy unless
 9 registered; providing exemptions to registration;
 10 authorizing the Department of Health to adopt rules,
 11 to establish application, registration, and renewal
 12 fees, and to take disciplinary action against an
 13 applicant or registrant who violates the act;
 14 providing an effective date.

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

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

20 PART XVII

21 MUSIC THERAPISTS

22 468.85 Registration of music therapists.—

23 (1) LEGISLATIVE INTENT.—It is the intent of this section
 24 to recognize that music therapy affects the health, safety, and
 25 welfare of the public and that the practice of music therapy

26 | should be subject to regulation to protect the public from the
27 | practice of music therapy by unregistered persons.

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

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

34 | (b) "Music therapist" means a person registered to
35 | practice 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 on a form issued by the
52 department;

53 2. Application and registration fees; and

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

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

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

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

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

73 (b) Collaborate with a client's primary care provider to
74 review the client's diagnosis, treatment needs, and treatment
75 plan before providing services to a client with an identified

76 clinical or developmental need or collaborate with the client's
77 treatment team while providing music therapy services to the
78 client.

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

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

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

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

100 (g) Minimize barriers to ensure that the client receives

101 music therapy services in the least restrictive environment.

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

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

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

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

124 (b) A person whose training and national certification
125 attests to the person's preparation and ability to practice his

126 or her certified profession or occupation, if that person does
127 not represent himself or herself as a music therapist;

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

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

135 (6) DEPARTMENT AUTHORITY.—

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

139 (b) The department is authorized to adopt rules to
140 implement this section.

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

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

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