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SENATE BILL 6276

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Conway, Keiser, and Pridemore

Read first time 01/16/12. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to certification of music therapists; amending RCW  
2 18.130.040 and 18.120.020; and adding a new chapter to Title 18 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The definitions in this section apply  
5 throughout this chapter unless the context clearly requires otherwise.

6 (1) "Department" means the department of health.

7 (2) "Music therapist" means a person certified to practice music  
8 therapy under this chapter.

9 (3) "Music therapy" means:

10 (a) The assessment of a client's emotional well-being, physical  
11 health, social functioning, communication abilities, and cognitive  
12 skills through responses to musical stimuli;

13 (b) The development and implementation of treatment plans, based on  
14 a client's assessed needs, using music interventions including music  
15 improvisation, receptive music listening, song writing, lyric  
16 discussion, music and imagery, music performance, learning through  
17 music, and movement to music; and

18 (c) The evaluation and documentation of the client's response to  
19 treatment.

1 (4) "Secretary" means the secretary of the department or the  
2 secretary's designee.

3 NEW SECTION. **Sec. 2.** No person may practice music therapy or  
4 represent oneself as a music therapist by use of any title unless  
5 certified as provided for in this chapter.

6 NEW SECTION. **Sec. 3.** (1) An applicant applying for certification  
7 as a certified music therapist shall file a written application on a  
8 form or forms provided by the secretary setting forth under affidavit  
9 such information as the secretary may require, and proof that the  
10 candidate has met the following qualifications:

11 (a) Successful completion of a bachelor's degree or higher from an  
12 academic program in music therapy; and

13 (b) Successful completion of examination based on core competencies  
14 of music therapy administered by a public or private agency or  
15 institution recognized by the secretary as qualified to administer the  
16 examination.

17 (2) The secretary shall establish by rule what constitutes adequate  
18 proof of meeting the criteria.

19 (3) Applicants are subject to the grounds for denial of a  
20 certification under chapter 18.130 RCW.

21 NEW SECTION. **Sec. 4.** Nothing in this chapter may be construed to  
22 prohibit or restrict the practice by an individual who is:

23 (1) Licensed, certified, or registered under the laws of this state  
24 and performing services within the authorized scope of practice;

25 (2) Employed by the government of the United States while engaged  
26 in the performance of duties prescribed by the laws of the United  
27 States; or

28 (3) A regular student in an educational program approved by the  
29 secretary, and whose performance of services is pursuant to a regular  
30 course of instruction or assignments from an instructor and under the  
31 general supervision of the instructor.

32 NEW SECTION. **Sec. 5.** In addition to any other authority, the  
33 secretary has the authority to:

1 (1) Adopt rules under chapter 34.05 RCW necessary to implement this  
2 chapter;

3 (2) Establish all certification and renewal fees in accordance with  
4 RCW 43.70.250;

5 (3) Establish forms and procedures necessary to administer this  
6 chapter;

7 (4) Determine minimum education requirements and evaluate and  
8 designate those educational programs from which graduation will be  
9 accepted as proof of eligibility to take a qualifying examination for  
10 applicants for certification;

11 (5) Certify applicants who have met the requirements for  
12 certification and to deny certification to applicants who do not meet  
13 the requirements of this chapter, except that proceedings concerning  
14 the denial of certification based upon unprofessional conduct or  
15 impairment is governed by the uniform disciplinary act, chapter 18.130  
16 RCW;

17 (6) Determine which states have credentialing requirements  
18 equivalent to those of this state and issue certificates to individuals  
19 credentialed in those states without examination;

20 (7) Hire clerical, administrative, investigative, and other staff  
21 as needed to implement this chapter; and

22 (8) Maintain the official department record of all applicants and  
23 certified individuals.

24 NEW SECTION. **Sec. 6.** Applications for certification must be  
25 submitted on forms provided by the secretary. The secretary may  
26 require any information and documentation that reasonably relates to  
27 the need to determine whether the applicant meets the criteria for  
28 certification provided for in this chapter and chapter 18.130 RCW.  
29 Each applicant must pay a fee determined by the secretary under RCW  
30 43.70.250. The fee must accompany the application.

31 NEW SECTION. **Sec. 7.** The secretary must establish by rule the  
32 procedural requirements and fees for renewal of a certification.  
33 Failure to renew invalidates the certification and all privileges  
34 granted by the certification.

1        NEW SECTION.    **Sec. 8.**    The uniform disciplinary act, chapter 18.130  
2    RCW, governs unlicensed practice, the issuance and denial of a license,  
3    and the discipline of persons licensed under this chapter.    The  
4    secretary is the disciplining authority under this chapter.

5        **Sec. 9.**    RCW 18.130.040 and 2011 c 41 s 11 are each amended to read  
6    as follows:

7        (1) This chapter applies only to the secretary and the boards and  
8    commissions having jurisdiction in relation to the professions licensed  
9    under the chapters specified in this section.    This chapter does not  
10   apply to any business or profession not licensed under the chapters  
11   specified in this section.

12        (2)(a) The secretary has authority under this chapter in relation  
13   to the following professions:

14        (i) Dispensing opticians licensed and designated apprentices under  
15   chapter 18.34 RCW;

16        (ii) Midwives licensed under chapter 18.50 RCW;

17        (iii) Ocularists licensed under chapter 18.55 RCW;

18        (iv) Massage operators and businesses licensed under chapter 18.108  
19   RCW;

20        (v) Dental hygienists licensed under chapter 18.29 RCW;

21        (vi) East Asian medicine practitioners licensed under chapter 18.06  
22   RCW;

23        (vii) Radiologic technologists certified and X-ray technicians  
24   registered under chapter 18.84 RCW;

25        (viii) Respiratory care practitioners licensed under chapter 18.89  
26   RCW;

27        (ix) Hypnotherapists and agency affiliated counselors registered  
28   and advisors and counselors certified under chapter 18.19 RCW;

29        (x) Persons licensed as mental health counselors, mental health  
30   counselor associates, marriage and family therapists, marriage and  
31   family therapist associates, social workers, social work associates--  
32   advanced, and social work associates--independent clinical under  
33   chapter 18.225 RCW;

34        (xi) Persons registered as nursing pool operators under chapter  
35   18.52C RCW;

36        (xii) Nursing assistants registered or certified under chapter  
37   18.88A RCW;

1 (xiii) Health care assistants certified under chapter 18.135 RCW;  
2 (xiv) Dietitians and nutritionists certified under chapter 18.138  
3 RCW;  
4 (xv) Chemical dependency professionals and chemical dependency  
5 professional trainees certified under chapter 18.205 RCW;  
6 (xvi) Sex offender treatment providers and certified affiliate sex  
7 offender treatment providers certified under chapter 18.155 RCW;  
8 (xvii) Persons licensed and certified under chapter 18.73 RCW or  
9 RCW 18.71.205;  
10 (xviii) Denturists licensed under chapter 18.30 RCW;  
11 (xix) Orthotists and prosthetists licensed under chapter 18.200  
12 RCW;  
13 (xx) Surgical technologists registered under chapter 18.215 RCW;  
14 (xxi) Recreational therapists (~~(under chapter 18.230 RCW)~~) under  
15 chapter 18.230 RCW;  
16 (xxii) Animal massage practitioners certified under chapter 18.240  
17 RCW;  
18 (xxiii) Athletic trainers licensed under chapter 18.250 RCW;  
19 (xxiv) Home care aides certified under chapter 18.88B RCW; (~~and~~)  
20 (xxv) Genetic counselors licensed under chapter 18.290 RCW; and  
21 (xxvi) Music therapists certified under chapter 18.--- RCW (the new  
22 chapter created in section 11 of this act).  
23 (b) The boards and commissions having authority under this chapter  
24 are as follows:  
25 (i) The podiatric medical board as established in chapter 18.22  
26 RCW;  
27 (ii) The chiropractic quality assurance commission as established  
28 in chapter 18.25 RCW;  
29 (iii) The dental quality assurance commission as established in  
30 chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and  
31 licenses and registrations issued under chapter 18.260 RCW;  
32 (iv) The board of hearing and speech as established in chapter  
33 18.35 RCW;  
34 (v) The board of examiners for nursing home administrators as  
35 established in chapter 18.52 RCW;  
36 (vi) The optometry board as established in chapter 18.54 RCW  
37 governing licenses issued under chapter 18.53 RCW;

1 (vii) The board of osteopathic medicine and surgery as established  
2 in chapter 18.57 RCW governing licenses issued under chapters 18.57 and  
3 18.57A RCW;

4 (viii) The board of pharmacy as established in chapter 18.64 RCW  
5 governing licenses issued under chapters 18.64 and 18.64A RCW;

6 (ix) The medical quality assurance commission as established in  
7 chapter 18.71 RCW governing licenses and registrations issued under  
8 chapters 18.71 and 18.71A RCW;

9 (x) The board of physical therapy as established in chapter 18.74  
10 RCW;

11 (xi) The board of occupational therapy practice as established in  
12 chapter 18.59 RCW;

13 (xii) The nursing care quality assurance commission as established  
14 in chapter 18.79 RCW governing licenses and registrations issued under  
15 that chapter;

16 (xiii) The examining board of psychology and its disciplinary  
17 committee as established in chapter 18.83 RCW;

18 (xiv) The veterinary board of governors as established in chapter  
19 18.92 RCW; and

20 (xv) The board of naturopathy established in chapter 18.36A RCW.

21 (3) In addition to the authority to discipline license holders, the  
22 disciplining authority has the authority to grant or deny licenses.  
23 The disciplining authority may also grant a license subject to  
24 conditions.

25 (4) All disciplining authorities shall adopt procedures to ensure  
26 substantially consistent application of this chapter, the Uniform  
27 Disciplinary Act, among the disciplining authorities listed in  
28 subsection (2) of this section.

29 **Sec. 10.** RCW 18.120.020 and 2010 c 286 s 14 are each amended to  
30 read as follows:

31 The definitions in this section apply throughout this chapter  
32 unless the context clearly requires otherwise.

33 (1) "Applicant group" includes any health professional group or  
34 organization, any individual, or any other interested party which  
35 proposes that any health professional group not presently regulated be  
36 regulated or which proposes to substantially increase the scope of  
37 practice of the profession.

1 (2) "Certificate" and "certification" mean a voluntary process by  
2 which a statutory regulatory entity grants recognition to an individual  
3 who (a) has met certain prerequisite qualifications specified by that  
4 regulatory entity, and (b) may assume or use "certified" in the title  
5 or designation to perform prescribed health professional tasks.

6 (3) "Grandfather clause" means a provision in a regulatory statute  
7 applicable to practitioners actively engaged in the regulated health  
8 profession prior to the effective date of the regulatory statute which  
9 exempts the practitioners from meeting the prerequisite qualifications  
10 set forth in the regulatory statute to perform prescribed occupational  
11 tasks.

12 (4) "Health professions" means and includes the following health  
13 and health-related licensed or regulated professions and occupations:  
14 Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic  
15 under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW;  
16 dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW;  
17 dispensing opticians under chapter 18.34 RCW; hearing instruments under  
18 chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and  
19 funeral directing under chapter 18.39 RCW; midwifery under chapter  
20 18.50 RCW; nursing home administration under chapter 18.52 RCW;  
21 optometry under chapters 18.53 and 18.54 RCW; ocularists under chapter  
22 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and  
23 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine  
24 under chapters 18.71 and 18.71A RCW; emergency medicine under chapter  
25 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses  
26 under chapter 18.79 RCW; psychologists under chapter 18.83 RCW;  
27 registered nurses under chapter 18.79 RCW; occupational therapists  
28 licensed under chapter 18.59 RCW; respiratory care practitioners  
29 licensed under chapter 18.89 RCW; veterinarians and veterinary  
30 technicians under chapter 18.92 RCW; health care assistants under  
31 chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW;  
32 East Asian medicine practitioners licensed under chapter 18.06 RCW;  
33 persons registered under chapter 18.19 RCW; persons licensed as mental  
34 health counselors, marriage and family therapists, and social workers  
35 under chapter 18.225 RCW; dietitians and nutritionists certified by  
36 chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW;  
37 ((and)) nursing assistants registered or certified under chapter 18.88A

1 RCW; and music therapists certified under chapter 18.--- RCW (the new  
2 chapter created in section 11 of this act).

3 (5) "Inspection" means the periodic examination of practitioners by  
4 a state agency in order to ascertain whether the practitioners'  
5 occupation is being carried out in a fashion consistent with the public  
6 health, safety, and welfare.

7 (6) "Legislative committees of reference" means the standing  
8 legislative committees designated by the respective rules committees of  
9 the senate and house of representatives to consider proposed  
10 legislation to regulate health professions not previously regulated.

11 (7) "License," "licensing," and "licensure" mean permission to  
12 engage in a health profession which would otherwise be unlawful in the  
13 state in the absence of the permission. A license is granted to those  
14 individuals who meet prerequisite qualifications to perform prescribed  
15 health professional tasks and for the use of a particular title.

16 (8) "Professional license" means an individual, nontransferable  
17 authorization to carry on a health activity based on qualifications  
18 which include: (a) Graduation from an accredited or approved program,  
19 and (b) acceptable performance on a qualifying examination or series of  
20 examinations.

21 (9) "Practitioner" means an individual who (a) has achieved  
22 knowledge and skill by practice, and (b) is actively engaged in a  
23 specified health profession.

24 (10) "Public member" means an individual who is not, and never was,  
25 a member of the health profession being regulated or the spouse of a  
26 member, or an individual who does not have and never has had a material  
27 financial interest in either the rendering of the health professional  
28 service being regulated or an activity directly related to the  
29 profession being regulated.

30 (11) "Registration" means the formal notification which, prior to  
31 rendering services, a practitioner shall submit to a state agency  
32 setting forth the name and address of the practitioner; the location,  
33 nature and operation of the health activity to be practiced; and, if  
34 required by the regulatory entity, a description of the service to be  
35 provided.

36 (12) "Regulatory entity" means any board, commission, agency,  
37 division, or other unit or subunit of state government which regulates

1 one or more professions, occupations, industries, businesses, or other  
2 endeavors in this state.

3 (13) "State agency" includes every state office, department, board,  
4 commission, regulatory entity, and agency of the state, and, where  
5 provided by law, programs and activities involving less than the full  
6 responsibility of a state agency.

7 NEW SECTION. **Sec. 11.** Sections 1 through 8 of this act constitute  
8 a new chapter in Title 18 RCW.

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