



PROPOSED RULE MAKING

CR-102 (June 2024) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: June 04, 2024

TIME: 2:48 PM

WSR 24-12-077

Agency: Department of Health

Original Notice

Supplemental Notice to WSR

Continuance of WSR

Preproposal Statement of Inquiry was filed as WSR 23-22-034 ; or

Expedited Rule Making--Proposed notice was filed as WSR ____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW ____.

Title of rule and other identifying information: (describe subject) Music Therapists. The Department of Health (department) is proposing a new chapter of rule, chapter 246-837 WAC, Music Therapists, to implement Substitute House Bill (SHB) 1247 (chapter 175, Laws of 2023), which created the music therapist profession. The department is proposing to establish the education and training, examination and licensure requirements, continuing education, and fees. The proposed rules also implement other recently enacted legislation.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 11, 2024	11:00 am	Physical Location: Department of Health 111 Israel Road, Room 163 Tumwater, WA 98501 Virtual: Register in advance for this webinar: https://us02web.zoom.us/webinar/register/WN_Uw3QJ57RSXCXi6O05QYihg After registering, you will receive a confirmation email containing information about joining the webinar.	The hearing will be held virtually and in-person.

Date of intended adoption: July 18, 2024 (Note: This is **NOT** the effective date)

Submit written comments to:

Name Kendra Pitzler
Address PO Box 47852, Olympia, WA, 98504-7852
Email music.therapist@doh.wa.gov
Fax 360-236-290
Other <https://fortress.wa/doh/policyreview>

Beginning (date and time) The date and time of this filing.

By (date and time) Midnight on July 11, 2024

Assistance for persons with disabilities:

Contact Kendra Pitzler
Phone 360-236-4723
Fax 360-236-2901
TTY 360-833-6388 or 711
Email music.therapist@doh.wa.gov

Other

By (date) July 1, 2024

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules implement SHB 1247 which created music therapists as a new profession in the state of Washington. The department is

proposing rules to establish the new profession's education and training, examination, and licensure requirements. The proposed rules also establish practice standards and fees to regulate this license. The proposed rules also implement other recently enacted legislation.

Reasons supporting proposal: The department proposes these rules to align with the legislative intent of SHB 1247, Engrossed Substitute Senate Bill (ESSB) 5229 (chapter 276, Laws of 2021) that requires health equity continuing education, and Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023) that waives requirements for certain out of state applicants. The proposed rules also align with chapter 18.130 RCW, the Uniform Disciplinary Act for regulation of health professionals. The proposed rules establish enforceable credentialing requirements that will enhance and protect safety by having qualified music therapists licensed in Washington State.

Statutory authority for adoption: RCW 18.122.050, 18.130.077, 18.233.060, 18.233.070, 43.70.250, and 43.70.613

Statute being implemented: SHB 1247 (chapter 175, Laws of 2023) codified as chapter 18.233 RCW; ESSB 5229 (chapter 276, Laws of 2021); 2SHB 1724 (chapter 425, Laws of 2023); and chapter 18.130 RCW.

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Health
Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	360-236-4723
Implementation	Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	360-236-4723
Enforcement	Kendra Pitzler	111 Israel Rd SE, Tumwater, WA 98501	360-236-4723

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No
 If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name Kendra Pitzler
 Address PO Box 47852, Olympia, WA 98504-7852
 Phone 360-236-4723
 Fax 360-236-2901
 TTY 711
 Email music.therapist@doh.wa.gov
 Other

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 Name
 Address
 Phone
 Fax
 TTY
 Email
 Other

No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
(i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#). (Does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.


(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name
- Address
- Phone
- Fax
- TTY
- Email
- Other

Date: 6/4/2024	Signature:
Name: Kristin Peterson, JD for Umair A. Shah, MD, MPH	
Title: Chief of Policy for Secretary of Health	

**Chapter 246-837 WAC
MUSIC THERAPIST**

NEW SECTION

WAC 246-837-010 Music therapist—Definitions. The definitions in this section apply throughout this chapter unless the context clearly states otherwise.

- (1) "AMTA" means American Music Therapy Association.
- (2) "CBMT" means the Certification Board for Music Therapists.
- (3) "Department" means the Washington state department of health.
- (4) "MT-BC" means Music Therapy Board Certification.
- (5) "Music therapist" means a person licensed to practice music therapy under chapter 18.233 RCW.
- (6) "Music therapy" has the same meaning as provided in RCW 18.233.010.
- (7) "Secretary" means the secretary of the Washington state department of health.

NEW SECTION

WAC 246-837-020 Music therapist—Approved courses of instruction. (1) The department recognizes and approves courses of instruction in music therapy by schools that have obtained accreditation of the program in music therapy from the AMTA.

(2) The department may approve other academic and clinical training programs for music therapy that are approved by other organizations that meet the following criteria:

(a) Is an organization whose business is specific to music therapy;

(b) Requires schools and universities that offer music therapy programs to be accredited by an accrediting agency that is recognized by the United States Department of Education or the Council for Higher Education Accreditation;

(c) Requires music therapy programs to be based on a bachelor's degree or above;

(d) Requires music therapy programs to be based on relevant competencies for music therapy; and

(e) Requires music therapy programs to have a clinical training component that includes a minimum of 1,200 hours with at least 900 hours in internship experiences approved by the institution, the AMTA, or any department-approved organization.

NEW SECTION

WAC 246-837-030 Music therapist—Approved examination. (1) The department recognizes and approves the examination offered by the CBMT.

(2) The department may approve other examinations for music therapy that are approved by an organization that meet the following criteria:

(a) Is an organization based in the United States whose business is specific to music therapy and who issues certifications in music therapy;

(b) Has current accreditation by the American National Standards Institute (ANSI) or the National Commission for Certifying Agencies (NCCA); and

(c) Bases the examination on relevant competencies for music therapy.

NEW SECTION

WAC 246-837-050 Music therapist—Application. (1) An applicant for a music therapist license shall meet the requirements in WAC 246-12-020.

(2) Applicants must submit the following supporting documentation:

(a) An official transcript provided as evidence of successful completion of education and training requirements in WAC 246-837-020;

(b) Verification of successful completion of the examination required in WAC 246-837-030 sent directly to the department by the CBMT or other approved organization;

(c) Fingerprint cards for national fingerprint-based background check pursuant to RCW 18.130.064(2), if requested by the department;

(d) Verification of licenses held in other states; and

(e) Any additional documentation or information requested by the department.

(3) Verification of the education, training, and examination requirements in subsection (2)(a) and (b) of this section are waived for an applicant who meets the requirements of RCW 18.130.077. The MT-BC certification issued by the CBMT is approved for this waiver. An applicant for waiver must submit proof directly from any state where the license holds a health care credential that the applicant has not been subject to disciplinary action or impairment in the two years preceding application and is not under investigation or subject to charges. In addition, the applicant must submit:

(a) Verification sent to the department from a state with substantially equivalent requirements that the applicant has held an active credential in that state for at least two years immediately preceding this application with no interruption in licensure that lasted longer than 90 days; or

(b) Verification that the applicant holds a current MT-BC certification issued by the CBMT.

NEW SECTION

WAC 246-837-060 Continuing education requirements for a music therapist. Every two years upon renewal, a music therapist must attest to completing the continuing education (CE) requirements in subsection (1) or (2) of this section.

(1) The department will accept the following as proof of meeting continuing education:

(a) A current MT-BC certification issued by the CBMT or another national certification board approved by the secretary that requires CE as part of certification; and

(b) Two hours of health equity continuing education credits as described in subsection (4) of this section.

(2) A music therapist who does not hold a current certification as described in subsection (1) of this section shall complete a minimum of 40 hours of CE related to the practice of music therapy.

(a) A minimum of 33 hours of activities must directly address music therapist skill development or music therapist clinical practice, as described in subsection (3) of this section.

(b) At least one hour must pertain to professional ethics and boundaries of a music therapist.

(c) At least two hours must be in health equity as described in subsection (4) of this section.

(d) No more than six hours may be in professional development activities that enhance the licensee's business practice as a music therapist. If audited, the credential holder must submit a certificate of completion or other proof of completion and documentation showing how this relates to their music therapy practice.

(e) Fifty minutes of CE contact time or direct instruction is equivalent to one CE hour.

(3) CE hours may be obtained through one or more of the following:

(a) Courses from a college or university accredited by the United States Department of Education may meet all the required CE hours.

(i) One academic semester credit is equivalent to 15 CE hours.

(ii) One academic quarter credit is equivalent to 10 CE hours.

(iii) Audit requirement is a course syllabus and transcript from the college or university.

(b) Courses from a CE provider.

(i) Courses from providers approved by the CBMT or a national certification board affiliated with music therapy approved by the secretary may meet all of the required CE hours.

(ii) Courses from providers not approved by a national certification board affiliated with music therapy may meet no more than six CE hours.

(iii) Audit requirement is a certificate of completion or letter from a CE provider that includes the course topic and CE hours completed.

(c) Licensee-led instruction of a CE course.

(i) College or university instruction may meet no more than 16 CE hours.

(ii) Any other type of instruction may meet no more than eight CE hours.

(iii) Repeated instruction in the same course may only qualify for CE credit one time in a single CE reporting period.

(iv) Instruction must be related to music therapy.

(v) Audit requirement is the title, description, and dates of course of instruction on a letter from the academic institution or education provider.

(d) Attendance at AMTA National and Regional Conference.

(i) Audit requirement for a full conference is the Certificate of Attendance.

(ii) Audit requirement for individual sessions is signed verification of attendance.

(e) Supervision of practicum student for five hours credit per student or an intern for 10 hours credit per student. Audit requirement is written verification from the music therapy university or facility coordinator.

(f) Develop a new AMTA Academic Program for 100 hours credit per academic program. Audit requirement is a letter of program approval from the AMTA.

(g) Establish a music therapy internship for 30 hours credit per university affiliated program or 50 hours credit per program that is on the AMTA national roster of internship programs. Audit requirement is written verification from the university or AMTA approval letter.

(4) A music therapist must complete two hours of health equity continuing education training every four years as described in WAC 246-12-800 through 246-12-830.

(5) A music therapist shall comply with the requirements of WAC 246-12-170 through 246-12-240.

NEW SECTION

WAC 246-837-070 Expired license—Return to active status. (1) A person holding an expired music therapist license may not practice until the license is returned to active status.

(2) If the music therapist license has expired for less than five years, they shall meet the requirements of WAC 246-12-040.

(3) If the music therapist license has been expired for five years or more, and they have a current MT-BC certification or currently practice as a licensed music therapist in another state that has substantially equivalent requirements, the applicant shall meet the requirements of WAC 246-12-040 and:

(a) Provide verification of a current MT-BC certification issued by the CBMT; or

(b) Provide verification of a current unrestricted active music therapist license in another state or U.S. jurisdiction which is substantially equivalent to the qualifications for the credential in the state of Washington.

(4) If a music therapist license has been expired for five years or more and the person does not meet the requirements of subsection (3) of this section, the applicant shall comply with WAC 246-12-040 and demonstrate competence by successfully passing an examination as identified in WAC 246-837-030 within six months prior to reapplying for the license.

NEW SECTION

WAC 246-837-080 Inactive status. A music therapist may obtain an inactive credential as described in WAC 246-12-090 through 246-12-110.

NEW SECTION

WAC 246-837-100 Mandatory reporting. All individuals credentialed under this chapter must comply with the mandatory reporting rules in chapter 246-16 WAC.

NEW SECTION

WAC 246-837-110 Sexual misconduct. All individuals credentialed under this chapter must comply with the sexual misconduct rule in chapter 246-16 WAC.

NEW SECTION

WAC 246-837-990 Music therapist fees and renewal cycle. (1) Licenses must be renewed every two years on the practitioner's birthday as provided in chapter 246-12 WAC.

(2) The following nonrefundable fees will be charged:

Title of Fee	Fee
Application-Original license	\$300.00
License renewal	
Renewal	680.00
Late renewal penalty	170.00
Expired license reissuance	170.00
Duplicate license	10.00
Verification of license	25.00