

Significant Legislative Rule Analysis

New Chapter 246-837 WAC
rules concerning Music
Therapists

April 2024

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SECTION 1

A brief description of the proposed rule including the current situation/rule, followed by the history of the issue and why the proposed rule is needed.

The proposed rules implement Substitute House Bill (SHB) 1247 (chapter 175, Laws of 2023) and create a new profession in the State of Washington, known as Music Therapists. The proposed new chapter of rules establish the new profession's education, training, examination, and licensure requirements, as well as requirements for waiver of these requirements for out of state applicants based on Second Substitute House Bill (2SHB) 1724 (chapter 425, Laws of 2023). These rules also address continuing education for licensees.

Background

Music therapy is the clinical and evidence-based use of music interventions to accomplish individualized goals. Music therapy can include accepting referrals, conducting assessments, developing and implementing individualized treatment plans, and using music therapist techniques that include improvisation, performance, receptive music listening, song writing, lyric discussion, guided imagery with music, learning through music, and movement to music.

The American Music Therapy Association (AMTA) was formed in 1998 as a merger between the National Association for Music Therapy (NAMT) and the American Association for Music Therapy (AAMT). AMTA is the single largest music therapy association in the United States, representing music therapists in the United States and in over 30 countries¹. An agreement between the two the former organizations established the National Music Therapy Registry existed from 1998-2019 offering the designations of Registered Music Therapist, Certified Music Therapist, and Advanced Certified Music Therapist. The agreement allowed for the sunset of the registry on December 31, 2019 and those designations are no longer recognized.

In Washington State, the legislature first considered licensure for music therapists in 2012. This led to a sunrise review with the Department of Health (department). The department recognized the therapeutic benefit of music to address the cognitive, emotional, physical, social, and functional needs of clients, but found that the proposal did not meet the criteria to support a credential. Subsequent legislation was introduced in 2019, 2020, 2022 and again in 2023 when SHB 1247 passed and was signed into law. Organizations in favor of licensure testified that licensure was needed to provide access to the most vulnerable who are unable to afford care. The intent of the legislation is to assure the highest degree of professional conduct, guarantee the availability of music therapy services, and to protect the public from the practice of music therapy by unqualified individuals.

SHB 1247 requires the department to issue a license to practice music therapy and requires a person who practices music therapy to hold a license beginning January 1, 2025. Rules are needed to establish the regulatory framework for music therapists. The proposed rules establish education, training, examination, and licensure requirements, as well as

¹ <https://www.musictherapy.org/about/history/> visited on 5/1/2024

requirements for waiver of these requirements based on 2SHB 1724. These rules also address continuing education for licensees.

SECTION 2

Significant Analysis Requirement

As defined in RCW 34.05.328, portions of the rule require significant analysis because the proposed rules adopt substantive provisions of law that may result in a penalty or sanction if violated.

The following SA Table 1. identifies rule sections that have been determined exempt from significant analysis based on the exemptions provided in RCW 34.05.328(5) (b) and (c).

SA Table 1. Summary of Sections not requiring Significant Analysis

WAC Section and Title	Description of Proposed Changes	Rationale for Exemption Determination
WAC 246-837-010 Music Therapist - Definitions	Defines terms used through the rule set.	The proposed rule is exempt from analysis under RCW 34.05.328(5)(b)(iv). Definitions clarify language of the rule without changing its effect.
WAC 246-837-080 Inactive Status	This section references without change, the administrative procedures and requirements for an inactive credential.	This section is exempt under RCW 34.05.328(5)(b)(iii). It incorporates Washington state rules by reference, without material change
WAC 246-837-100 Mandatory reporting	This section references without change, the mandatory reporting rules in chapter 246-16 WAC.	This section is exempt under RCW 34.05.328(5)(b)(iii). It incorporates Washington state rules by reference, without material change.
WAC 246-837-110 Sexual misconduct	This section references, without change, the sexual misconduct rules in chapter 246-16.	This section is exempt under RCW 34.05.328(5)(b)(iii). It incorporates Washington state rules by reference, without material change.
WAC 246-837-990 Music Therapist fees and renewal cycle	This section sets licensing fees and a two year renewal cycle for music therapist licenses	This section is exempt under RCW 34.05.328(5)(b)(iv). It sets licensing fees.

SECTION 3

Goals and objectives of the statute that the rule implements.

The general goal of chapter 18.233 RCW is to provide the people of this state protection by credentialing only appropriately educated and trained music therapists.

WASHINGTON STATE DEPARTMENT OF HEALTH

Significant Analysis

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The statute's objectives are to:

- 1) Establish criteria for academic and clinical training for music therapists.
- 2) Establish approved examination criteria.
- 3) Establish a process for issuing a music therapist license.
- 4) Establish standards of practice and professional responsibility for music therapists.
- 5) Establish criteria for implementing a continuing education program.
- 6) Determine license and renewal fees.

The proposed rules also implement 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.

SECTION 4

Explanation of why the rule is needed to achieve the goals and objectives of the statute, including alternatives to rulemaking and consequences of not adopting the proposed rule.

The department assessed and determined that there are no feasible alternatives to rulemaking because the statute requires the Secretary of Health to establish education and training requirements, licensure, and renewal fees, administrative procedures, continuing education, administrative requirements, and forms necessary to implement this chapter. To be enforceable, these standards must be established in rule.

If these rules are not adopted, individuals could not be licensed as a music therapist, and there would be no criteria on which licensure could be based.

SECTION 5

Analysis of the probable costs and benefits (both qualitative and quantitative) of the proposed rule being implemented, including the determination that the probable benefits are greater than the probable costs.

New Section WAC 246-837-020 Music therapist –Approved courses of instruction.

Description: The proposed section establishes the education and training requirements for music therapist licensure. The department approves courses of instruction in music therapy by schools that have obtained accreditation of the program from the American Music Therapist Association (AMTA) or from another organization that meets requirements in section (2).

Cost(s): According to Data USA's² 2021 information relating to Music Therapy, the median in-state public tuition cost for a music therapist degree is \$7,716, while the median out-of-state cost and private school tuition is \$35,890.

Benefit(s): The benefit of approving the AMTA and any other department approved organization that meets the requirement is that this assures licensees are qualified to practice. The rule allows for other organizations, current or future, to be approved, but at this time the department is not aware of other organizations that approve music therapist education.

New Section WAC 246-837-030 Music therapist – Approved examination.

Description: The proposed section establishes the examination for music therapist licensure. The department approves the examination offered by the Certification Board for Music Therapists (CBMT) or from another department approved organization that meets requirements of section (2).

Cost(s): The cost of the CBMT examination for first time exam takers is \$325, which includes a \$275 examination fee and a \$50 processing fee. Those retaking the exam pay only the examination fee of \$275.

Benefit(s): The benefit of requiring successful passage of an examination is it provides evidence of a minimum level of competence through an objective evaluation of the individual's knowledge.

New Section WAC 246-837-050 Music therapist – Application.

Description: No significant analysis is required for most of this section because this section references without change the administrative procedures and requirements for how to obtain

²https://datausa.io/profile/cip/music-therapy#tuition_costs visited on 5/2/2024

an initial credential and licensure requirement waivers for out-of-state and nationally certified applicants in RCW 18.130.077. However, subsection (3) of this section allowing for waiver of education, training, and examination requirements for an applicant who meets the requirements of RCW 18.130.077 specifies that the Music Therapy Board Certification (MT-BC) certification is approved for the waiver.

Cost(s): The cost for waiver of education, training and examination is required for the CBMT credential. There are no additional costs for applicants who apply for licensure through this exemption.

Benefit(s): Providing for an exemption to the education and training for those who hold a CBMT credential will make obtaining a license easier for those applicants.

New Section WAC 246-837-060 Continuing education requirements for a music therapist.

Description: The proposed section establishes continuing education requirements for music therapist licensure. This requires a music therapist to have a current certification as a music therapist issued by the CBMT or to meet 40 hours of continuing education every two years on their renewal. The CBMT requires 100 continuing education hours every five years. Both paths average out to 20 hours of continuing education per year. The licensee must also include two hours of health equity education every four years for both routes. The rule lists 12 types of acceptable continuing education for licensees who do not have a current certification from the CBMT. It also includes acceptable proof in case of audit for each type.

Cost(s): Music therapists can obtain continuing education through a variety of venues, including association conferences, schools, in person and on line education approved by the certification board and other venues.

The lowest cost for continuing education is likely to be through online education classes approved by the CBMT. These classes vary, costing anywhere from \$9.50 per credit hour to \$40 credit hour³. The average is around \$25 which making the low cost to be approximately \$1,000 per each 2-year renewal period, or a yearly cost of \$500.

The AMTA also has approved training. AMTA members pay \$150 to \$250 per year depending on their income status⁴. Members then pay \$20 per credit for CE, making the range for 40 CE credits every 2 years through the AMTA for those members to cost \$1,100 to \$1,300 with the yearly amount at \$550 to \$650 per year. A non-member would pay \$35 a credit for AMTA training which would cost \$1,400 every two years with the yearly amount at \$700.

For licensees who choose to use a current CBMT certification for renewal of their continuing education, the first certification is issued when they pass the examination. After that, they must

³<https://www.cbmt.org/certificants/cmte-opportunities/> visited on 5/3/2024

pay an annual fee of \$80 per year to maintain the credential. Given that they are required to have 100 hours of continuing education every five years, the average amount of continuing education per year is 20 hours. The lower yearly cost for a member based on the CE costs above would be \$580 or, for AMTA classes, \$630 to \$730 for members or at \$780 for an individual not a member of AMTA⁵.

Table 2. CE Costs

Where Training can be Found	Cost per Hour	Cost per Year	Cost for CBMT Members (only the CBMT certificate is needed for renewal)
CBMT Approved Continuing Education – Virtual	\$9.50 to \$40. The average is \$49.	\$500	\$580
AMTA approved training for members of AMTA – (Cost to be a member ranges from \$150 to \$250 per year)	\$20	\$550 to \$650	\$630 - \$730
AMTA approved training for non-members.	\$35	\$700	\$780

The requirement for health equity continuing education can be found at no cost to the licensee at the department of health web-site⁶.

Benefit(s): CE can help music therapists keep up with the continuously evolving healthcare landscape. CE can expand knowledge and skills, giving them the ability to continue providing high-quality patient care that may lead to improved health outcomes and may address health disparities. Providing a variety of categories to obtain CE hours provides the opportunity for music therapists to receive a well-rounded CE experience that could increase their knowledge of best practices at price points they can choose.

⁵<https://amta-u.thinkific.com/> visited on 5/6/2024

⁶<https://doh.wa.gov/public-health-provider-resources/healthcare-professions-and-facilities/health-equity-continuing-education> visited on 5/3/2024

New Section WAC 246-837-070 Expired license – Return to active status.

Description: No significant analysis is required for most of this section because this section references without change the administrative procedures and requirements for how to return to active status when a credential has expired. However, subsection (3) and (4) describe the competency requirements required if the license is expired for more than three years. The proposed rules would put the competency requirements in place only after five years. This time frame corresponds to requirements already in place by the CBMT. The proposal requires that if a license has been expired for five years or more, the licensee may provide verification of a current MT-BC certification or that they have a current unrestricted license in another state that has substantially equivalent requirement. If they can not provide documentation to that effect, they would need to successfully pass the licensure examination within the six months prior to reapplying for licensure.

Cost(s): There is no additional cost for applicants who already have a current MT-BC or current license in a state that has requirements that are substantially equivalent to Washington. For applicants who do not meet either of those requirements, the cost of the CBMT examination⁷ for first-time exam takers is \$325, which includes a \$275 examination fee and a \$50 processing fee. Those retaking the exam pay only the examination fee of \$275.

Benefit(s): Showing that the licensee has a current license or certification verifies that the individual has been practicing and/or has continued to keep up on knowledge of the profession through continuing education. The benefit of requiring successful passage of an examination for applicants who do not possess a current MT-BC certification or have a current license is to provide evidence of a minimum level of competence through an objective evaluation of the individual’s knowledge.

Summary of all Cost(s) and Benefit(s)

SA Table 3. Summary of Section 5 probable cost(s) and benefit(s)

WAC Section and Title	Probable Cost(s)	Probable Benefit(s)
WAC 246-837-020 Music therapist – Approved courses of instruction.	Between \$7,716 and \$35,890.	Assures the licensee is qualified to practice as a music therapist. The rule allows for future organizations to meet requirements for school approval.
WAC 246-837-030 Music therapist – Approved examination.	\$325 for first time test takers. \$275 for retaking the exam.	Provides evidence of a minimum level of competence.

⁷ <https://www.cbmt.org/candidates/examination/> visited on 5/3/2024

WAC 246-837-050 Music therapist - application	\$0	Will make obtaining a license easier for certain applicants.
WAC 246-837-060 Continuing education requirements for music therapists.	Yearly costs of between \$500 and \$700 for the low cost. For individual who have the CBMT, the cost is between \$580 and \$780. Costs can be higher depending on the licensee's personal choices.	Allows licensees to keep up with evolving health care landscape, expands knowledge and skills. This leads to high-quality health care and improved health outcomes & may address health disparities.
WAC 246-837-070 Expired license - Return to active status.	The requirements for licensees whose license has expired more than five years are likely to cost either \$0 or \$325. This can be higher for licensees who fail the examination on the first try.	Shows current competence through potential practice, continuing education or passage of the licensure examination.

Determination

Probable Benefits greater than Probable Costs

The probable benefits to the proposed rules include protecting the public by assuring an individual licensed to practice as a music therapist has education that assures the licensee is qualified to practice, an examination that provides evidence of a minimum level of competence, and continuing education to assure the licensee keeps up on current information related to the profession.

Based on this analysis, the total probable benefits of the proposed rules exceed the probable costs listed above.

SECTION 6

List of alternative versions of the rule that were considered including the reason why the proposed rule is the least burdensome alternative for those that are required to comply and that will achieve the goals and objectives of the proposed rule.

Staff worked closely with the Music Therapist Advisory Committee and interested parties to minimize the burden of these rules. Seven meetings that included rules workshops were held between November 2023 and February 2024. The workshops provided an opportunity for the public to provide comment on the proposed rule language. Mutual interests were identified and considered.

Lease Burdensome Determination

The department's process encouraged interested parties to:

- Identify burdensome areas of the draft rules;
- Propose initial or draft rule changes; and
- Refine those changes.

The result of this process are the draft proposed rules that provide clear guidance, compliance with statutory requirements, and will achieve the statutorily identified general goals and specific objectives described in chapter 18.47 RCW.

Alternatives Considered

- **WAC 246-837-020 Music therapist-Approved courses of instruction.**

The department considered requiring all applicants to have a current MT-BC from the CBMT. Another proposal would have approved only the educational programs approved by the AMTA. This would assure that music therapists are qualified to practice, but did not allow for other organizations that exist currently or will in the future to also provide qualified education programs to be accepted toward a Washington State license.

The department chose to add qualifications for other organizations to be recognized in order to allow approval of other educational programs that assure music therapists are qualified to practice. While we are not aware of any other organizations that currently do this, this is in place to assure the easiest route to licensure is available, now and in the future.

- **WAC 246-837-030 Music therapist - Approved examination.**

The department considered requiring all applicants to have a current MT-BC from the CBMT. Another alternative was to allow only the examination offered by the CBMT. This would assure that the examination provides evidence of a minimum level of competence through an objective evaluation of the individuals knowledge. However, this did not allow for other organizations that exist currently or will in the future to also

provide an examination that would evaluate an individual's knowledge of music therapy practice.

The department chose to add qualifications for other organizations to be recognized and provide approval of other examinations that assure music therapists are qualified to practice, but chose not to allow an exemption of licensure for individuals.

- **WAC 246-837-050 Music Therapist – Application**

The proposed rule allows individuals with a CB-MT certification to waive the requirements for education and examination.

During discussion, the department also considered whether to waive the requirements for individuals who had been issued music therapist designations on the National Music Therapy Registry. It was found that these designations were issued only through 1998, but that individuals were allowed to keep them until 2019. Individuals can no longer hold this designation. In addition, one of the designations never required continuing education. These individuals would have been allowed to obtain the MT-BC through 2019, allowing them to apply for waiver based on that designation. The department is not aware of anyone in Washington who is still using this designation to practice as a music therapist.

- **WAC 246-837-060 Continuing education requirements for a music therapist.**

The department considered requiring all applicants to have a current MT-BC from the CBMT. This would assure that all music therapists are current with continuing education as the CBMT requires an individual have 100 hours of appropriate continuing education every five years.

In order to allow music therapists the choice to decide whether they want a current CBMT credential, the department's draft allows for proof of forty hours of continuing education or a current CBMT to be accepted as proof of meeting continuing education requirements. The continuing education rules allow for a variety of categories to be used toward the forty hours of continuing education, but is limited to those that the department can easily verify. Proof of completion for each category is included in the rules. The department acknowledges that the CBMT allows for additional categories because they have resources to review those additional categories that the department does not have access to.

- **WAC 246-837-070 Expired license - Return to active status.**

This rule allows for two possibilities which allows individuals who want to reactivate a license that has been expired five years or more to submit proof of a current CBMT credential or a current license in a state with substantially equivalent requirements. Individuals who cannot provide this must successfully retake the licensure examination. Since the rule has provisions that would allow individuals not to retake the examination, no other possibilities were considered.

SECTION 7

Determination that the rule does not require those to whom it applies to take an action that violates requirements of another federal or state law.

The rule does not require those to whom it applies to take action that violates the requirements of federal or state law.

SECTION 8

Determination that the rule does not impose more stringent performance requirements on private entities than on public entities unless required to do so by federal or state law.

The rule does not impose more stringent performance requirements on private entities than on public entities.

SECTION 9

Determination if the rule differs from any federal regulation or statute applicable to the same activity or subject matter and, if so, determine that the difference is justified by an explicit state statute or by substantial evidence that the difference is necessary.

The rule does not differ from any applicable federal regulation or statute.

SECTION 10

Demonstration that the rule has been coordinated, to the maximum extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter.

There are no other applicable laws.