

Amendment to HB 1394-FN-A

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Chapter; Music Therapists. Amend RSA by inserting after chapter 326-M the following  
4 new chapter:

5

CHAPTER 326-N

6

MUSIC THERAPISTS

7

326-N:1 Definitions. In this chapter:

8

I. "Board" means the music therapists governing board established in RSA 328-F.

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10 II. "Board certified music therapist" means an individual who holds current board  
certification from the Certification Board for Music Therapists.

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12 III. "Executive director" means the executive director of the office of professional licensure  
and certification.

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14 IV. "Individualized music therapy treatment plan" means a music therapy treatment plan  
for a client that identifies the goals, objectives, and potential strategies for the music therapy  
15 services appropriate for the client using music therapy interventions, including:

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(a) Music improvisation;

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(b) Receptive music listening;

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(c) Songwriting;

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(d) Lyric discussion;

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(e) Music and imagery;

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(f) Music performance;

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(g) Learning through music; and

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(h) Movement to music.

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25 V. "Music therapist" or "licensed professional music therapist" means a person licensed to  
practice music therapy pursuant to this chapter.

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27 VI.(a) "Practice of music therapy" means the clinical and evidence-based use of music  
therapy interventions to accomplish individualized goals for individuals of all ages and ability levels  
28 within a therapeutic relationship.

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(b) "Practice of music therapy" includes:

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(1) Accepting referrals for music therapy services from:

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(A) Medical, developmental, mental health, or education professionals;

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(B) Family members;

**Amendment to HB 1394-FN-A**  
**- Page 2 -**

1                   (C) Clients;  
2                   (D) Caregivers; or  
3                   (E) Others involved with the provision of and authorized to provide client  
4 services;

5                   (2) Collaborating with a client's treatment team to review the client's diagnosis,  
6 treatment needs, and treatment plan before providing music therapy services to a client for an  
7 identified clinical or developmental need;

8                   (3) Collaborating with the individualized family service plan team or individualized  
9 education program team to review the student's diagnosis, treatment needs, and treatment plan  
10 before providing music therapy services to a student for an identified educational need in a special  
11 education setting;

12                   (4) Collaborating with a client's treatment team, including the client's physician,  
13 psychologist, licensed clinical social worker, or other mental health professional, during the  
14 provision of music therapy services to the client;

15                   (5) Collaborating with and discussing the music therapy treatment plan with the  
16 audiologist or speech-language pathologist of a client with a communication disorder during the  
17 provision of music therapy services so that a music therapist may work with the client and address  
18 communication skills;

19                   (6) Conducting a music therapy assessment of a client to collect systematic,  
20 comprehensive, and accurate information necessary to determine the appropriate type of music  
21 therapy services to provide for the client;

22                   (7) Developing an individualized music therapy treatment plan for a client that is  
23 based on the music therapy assessment;

24                   (8) Implementing an individualized music therapy treatment plan that:

25                   (A) Is consistent with any other developmental, rehabilitative, habilitative,  
26 medical, mental health, preventive, or wellness care or educational services being provided to a  
27 client; and

28                   (B) Does not replace the services provided by an audiologist or a speech-  
29 language pathologist;

30                   (9) Evaluating a client's response to music therapy and the individualized music  
31 therapy treatment plan, documenting change and progress, and suggesting modifications, as  
32 appropriate;

33                   (10) Developing a plan for determining when the provision of music therapy services  
34 is no longer needed in collaboration with a client, the client's physician or another provider of health  
35 care or education for the client, an appropriate member of the client's family, and any other  
36 appropriate individual on whom the client relies for support;

**Amendment to HB 1394-FN-A**  
**- Page 3 -**

1           (11) Minimizing any barriers to ensure that a client receives music therapy services  
2 in the least restrictive environment;

3           (12) Collaborating with and educating a client, the family or caregiver of the client,  
4 or any other appropriate individual about the needs of the client that are being addressed in music  
5 therapy and the manner in which the music therapy addresses those needs; and

6           (13) Using appropriate knowledge and skills, including research, reasoning, and  
7 problem-solving skills, to inform practice and determine appropriate actions in the context of each  
8 specific clinical setting.

9           326-N:2 Prohibition on Unlicensed Practice; Professional Identification.

10           I. No person without a license as a music therapist shall use the title "music therapist" or  
11 similar title or practice music therapy.

12           II. Nothing in this chapter shall be construed to prohibit or restrict the practice, services, or  
13 activities of the following:

14           (a) Any person licensed, certified, or regulated under the laws of this state in another  
15 profession or occupation or personnel supervised by a licensed professional in this state performing  
16 work, including the use of music, incidental to the practice of his or her licensed, certified, or  
17 regulated profession or occupation, if that person does not represent himself or herself as a music  
18 therapist; or

19           (b) Any person whose training and national certification attests to the individual's  
20 preparation and ability to practice his or her certified profession or occupation, if that person does  
21 not represent himself or herself as a music therapist; or

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

25           (d) Any person who practices music therapy under the supervision of a licensed music  
26 therapist, if the person does not represent himself or herself as a music therapist.

27           III. An individual licensed under this chapter may not represent to the public that the  
28 individual is authorized to treat a communication disorder. Unless authorized to practice speech-  
29 language pathology, music therapists may not evaluate, examine, instruct, or counsel on speech  
30 language, communication, and swallowing disorders and conditions. Nothing in the section may be  
31 construed to prohibit an individual licensed under this chapter as a music therapist from  
32 representing to the public that the individual may work with a client who has a communication  
33 disorder and address communication skills.

34           326-N:3 Music Therapists Governing Board; Duties. In addition to the duties of a governing  
35 board under RSA 328-F:

**Amendment to HB 1394-FN-A**

**- Page 4 -**

1 I. The board may facilitate the development of materials to educate the public concerning  
2 music therapist licensure, the benefits of music therapy, and utilization of music therapy by  
3 individuals and in facilities or institutional settings.

4 II. The board may act as a facilitator of statewide dissemination of information between  
5 music therapists, the American Music Therapy Association or any successor organization, the  
6 Certification Board for Music Therapists or any successor organization, and the executive director.

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8 Amend the bill by inserting after section 3 the following and renumbering the original section 4 and  
9 5 to read as 5 and 6, respectively:

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11 4 New Subparagraph; Office of Professional Licensure and Certification; Definitions;  
12 Establishment. Amend RSA 310:2, II by inserting after subparagraph (bbb) the following new  
13 subparagraph:

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(ccc) Governing board of music therapists established under RSA 328-F and 326-N.