

216-RICR-40-05-26

TITLE 216 – DEPARTMENT OF HEALTH

CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

SUBCHAPTER 05 – PROFESSIONAL LICENSING

PART 26 – Registration of Music Therapists

26.1 Authority and Purpose

These Rules and Regulations for Registration of Music Therapists are promulgated pursuant to the authority set forth in R.I. Gen. Laws Chapter 23-20.8.1-6, for the purpose of defining prevailing standards for the registration of music therapists.

26.2 Incorporated Materials

- A. These regulations hereby adopt and incorporate the Certification Board for Music Therapists (CBMT) "Code of Professional Practice" (2011) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate the American Music Therapy Association (AMTA) and the Certification Board for Music Therapists (CBMT) "Scope of Music Therapy Practice" (2015) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

26.3 Definitions

- A. Whenever used in these Regulations, the following terms shall be construed as follows:
 - 1. "Act" means R.I. Gen. Laws Chapter 23-20.8.1 entitled "Registration of Music Therapists."
 - 2. "Board certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association; has passed the Certification Board for Music Therapists certification examination; or transitioned into board certification, and remains actively certified by the Certification Board for Music Therapists.
 - 3. "Department" means the Rhode Island Department of Health.

4. "Director" means the means the Director of the Rhode Island Department of Health or his or her designee.
5. "Music therapist" means a person registered to practice music therapy pursuant to the Act and these Regulations
6. "Music therapy" means the clinical and evidence based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music. Music therapy is a distinct and separate profession from other licensed, certified, or regulated professions, including speech-language pathology. The practice of music therapy does not include the diagnosis of any physical, mental, or communication disorder. The term music therapy may include the services defined in R.I. Gen Laws § 23-20.8.1-1(3).
7. "R.I. Gen. Laws" means the General Laws of Rhode Island, as amended.
8. "Supervision" means that a registered music therapist is at all times responsible for supportive personnel and clients. Supervision is further defined in § 26.4(C) of this Part.
9. "These Regulations" mean all parts of Rhode Island Rules and Regulations for Registration of Music Therapists.

26.4 General Registration Requirements

- A. Registration Required. After January 1, 2015, the practice of music therapy is subject to the registration provision in R.I. Gen. Laws § 23-20.8.1-2
- B. Exemptions. Exemptions to the requirements of the Act and these Regulations are pursuant to R.I. Gen. Laws § 23-20.8.1-2.
- C. Supervision.
 1. A registered music therapist is permitted to supervise the following:
 - a. Registered music therapists;
 - b. Music therapy interns and students;
 - c. Care extenders and other team members as appropriate; and
 - d. Volunteers.

2. A registered music therapist cannot delegate any of the following tasks to individuals under their supervision, who are not registered music therapists:
 - a. Initiation, planning, adjustment, modification, or performance of music therapy procedures requiring the skills or judgment of a registered music therapist;
 - b. Acting on behalf of a registered music therapist in any matter related to music therapy which requires decision making or professional judgment.

26.5 Qualification for Registration

Applicants for registration as a music therapist must meet the requirements of R.I. Gen. Laws § 23-20.8.1-3.

26.6 Application for Registration and Fee

- A. Application for Registration. In order to apply for registration an applicant must submit the following on forms furnished by the Department:
 1. Completed application including but not limited to name, address, date of birth, social security number, telephone number and email address;
 2. Application fee as defined in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fee is non-refundable and non-returnable;
 3. Verification of current board certification as a Music Therapist submitted directly to the Department by the Certification Board for Music Therapists;
- B. Application for Registration by Endorsement. In order to apply for registration by endorsement an applicant must submit the following on forms furnished by the Department:
 1. Completed application including but not limited to name, address, date of birth, social security number, telephone number and email address;
 2. Application fee as defined in rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fee is non-refundable and non-returnable;
 3. Verification of current board certification as a Music Therapist submitted directly to the Department by the Certification Board for Music Therapists;

4. Verification that the applicant is registered and in good standing as a music therapist in all states where the applicant has a current registration as a music therapist and all states where the applicant was previously registered as a music therapist.

26.7 Registration

Issuance of Registration. A registration as music therapist may be issued to an applicant who meets the relevant requirements for registration as required by the Act and these Regulations.

26.8 Expiration & Renewal of Registrations and Failure to Renew

- A. Expiration. The registration of every person registered in accordance with the requirements of the Act and these Regulations will expire on the thirty-first (31st) day of January of the next odd-numbered year following the issuance of his or her registration.
- B. Renewal. In order to renew a registration the registrant must file a renewal application with the Department together with a renewal fee as defined in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title) on or before the thirty-first (31st) day of January in each odd-numbered year. The renewal registration is effective on the first (1st) day of February and expires on the thirty-first (31st) day of January in each odd-numbered year.
- C. Failure to Renew.
 1. A registration that has not been renewed on or before the thirty-first (31st) day of January in each odd-numbered year, is subject to the provisions of R.I. Gen. Laws § 23-20.8.1-4.
 2. In order to restore a forfeited registration the registrant must submit the following to the Department:
 - a. A renewal application together with the current renewal fee, plus an additional fee as defined in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fees are non-refundable and non-returnable.
 3. In order to reinstate a terminated registration the registrant must submit the following to the Department:
 - a. A reinstatement application together with the current renewal fee, plus an additional fee as defined in the rules and regulations pertaining to the Fee Structure for Licensing, Laboratory and

Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). The fees are non-refundable and non-returnable.

- b. Verification of current board certification as a Music Therapist submitted directly to the Department by the Certification Board of Music Therapists.

26.9 Maintenance of National Certification

- A. **Renewal Certification.** Each renewal application shall contain a statement signed by the registrant attesting to his or her status as a board certified music therapist, as required pursuant to R.I. Gen. Laws § 23-20.8.1-4(a), is active and not subject to any restriction, limitation or other sanction.
- B. **Required Notification to the Department**
 - 1. An individual registered pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of receiving notification from the Certification Board for Music Therapists that his or her status as a board certified music therapist has been revoked and/or subject to any restriction, limitation or other sanction.
 - 2. An individual registered pursuant to these Regulations shall notify the Department, in writing, within five (5) business days of failure to renew or other lapse of his or her status as a board certified music therapist.

26.10 Standards for Responsible Professional Conduct

- A. A registered music therapist must conduct his or her professional activities in accordance with the "CBMT Code of Professional Practice", incorporated above in § 26.2(A) of this Part.
- B. A registered music therapist shall practice in accordance with the AMTA and CBMT "Scope of Music Therapy Practice", incorporated above in § 26.2(B) of this Part.

26.11 Denial, Suspension or Revocation of Registration - Violations

- A. **Due Process.** Upon due notice and hearing in accordance with R.I. Gen. Laws Chapter 42-35, and the provisions of § 26.12 of this Part, any violation pursuant to the provisions of the Act and these Regulations, may be cause for denial, revocation or suspension of registration or for imposing such other penalties in accordance with the Act.
- B. **Grounds for Discipline without a Hearing.** In accordance with R.I. Gen. Laws § 42-35-14(c), the Director may temporarily suspend the registration of a registered music therapist without a hearing if the Director finds that evidence in his or her

possession indicates that a registered music therapist continuing in practice would constitute an immediate danger to the public. In the event that the Director temporarily suspends the registration of a registered music therapist without a hearing, a hearing must be held within ten (10) days after the suspension has occurred.

26.12 Rules Governing Practices and Procedures

All hearings and reviews required pursuant to provisions of the Act and these Regulations shall be held in accordance with the provisions of the Rules and Regulations Pertaining to Practices and Procedures Before the Rhode Island Department of Health.

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