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Final Regulation Agency Background Document

Agency name	Board of Social Work, Department of Health Professions
Virginia Administrative Code (VAC) Chapter citation(s)	18VAC140-30
VAC Chapter title(s)	Regulations Governing the Licensure of Music Therapists
Action title	Initial regulations for licensure of music therapists
Date this document prepared	March 7, 2025

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19, the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapters [103](#) and [223](#) of the 2020 Acts of Assembly required the Board of Social Work to promulgate regulations governing the practice of music therapy. Along with requirements provided in Code for such licensure, the Board adopted additional requirements similar to other licensed professions for fee structure, renewal, reinstatement, continuing competency, supervision of trainees, and standards of practice for the profession.

Acronyms and Definitions

Define all acronyms used in this form, and any technical terms that are not also defined in the "Definitions" section of the regulation.

CBMT = Certification Board for Music Therapists

MT-BC = Music Therapist-Board Certified

NPDB = U.S. Department of Health and Human Services National Practitioner Data Bank

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.

On March 7, 2025, the Board of Social Work adopted final regulations governing the licensure of music therapists, amending 18VAC140-30, Regulations Governing the Licensure of Music Therapists.

Mandate and Impetus

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding the mandate for this regulatory change, and any other impetus that specifically prompted its initiation. If there are no changes to previously reported information, include a specific statement to that effect.

The mandate for this action comes from Chapters [103](#) and [223](#) of the 2020 Acts of Assembly, which directed the Board to promulgate regulations for the licensure of music therapists.

Legal Basis

Identify (1) the promulgating agency, and (2) the state and/or federal legal authority for the regulatory change, including the most relevant citations to the Code of Virginia and Acts of Assembly chapter number(s), if applicable. Your citation must include a specific provision, if any, authorizing the promulgating agency to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

Regulations of the Board of Social Work are promulgated under the general authority of Chapter 24 of Title 54.1 of the Code of Virginia. Virginia Code § 54.1-2400(6) specifically states that the general powers and duties of health regulatory boards shall be “[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) that are reasonable and necessary to administer effectively the regulatory system.”

Virginia Code § 54.1-3709.2 states that the Board “shall adopt regulations governing the practice of music therapy” and provides the parameters of those regulations.

Purpose

Explain the need for the regulatory change, including a description of: (1) the rationale or justification, (2) the specific reasons the regulatory change is essential to protect the health, safety, or welfare of citizens, and (3) the goals of the regulatory change and the problems it is intended to solve.

The rationale for this change is that the Board is mandated to regulate the licensure of music therapists pursuant to Chapters [103](#) and [223](#) of the 2020 Acts of Assembly and Virginia Code § 54.1-3709.2. The General Assembly determined that the licensure of music therapists was necessary to protect the health,

safety, or welfare of citizens and ordered the Board to issue licenses and regulate the practice. The regulatory action is intended to solve the problem of being mandated by the General Assembly to regulate the licensure of music therapists.

Substance

Briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of Changes" section below.

The regulations in the action provide necessary definitions for the chapter; provide fees for licensure, renewal, reinstatement, and other actions; provide requirements for licensure and renewal; provide continuing education requirements; provide for late renewal and reinstatement; and provide standards of practice and grounds for disciplinary action in addition to statutory grounds.

Of note, the Board has made changes to the regulatory language from the proposed stage, as noted below. These changes are intended to license music therapists while complying with the Governor's Executive Order 39 by ensuring safety of the public while reducing regulatory requirements.

Issues

Identify the issues associated with the regulatory change, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, include a specific statement to that effect.

- 1) The primary advantages to the public are increased availability of licensed behavioral health practitioners in the Commonwealth. There are no disadvantages to the public.
- 2) There are no primary advantages or disadvantages to the agency or the Commonwealth.
- 3) The Director of the Department of Health Professions has reviewed the proposal and performed a competitive impact analysis. Any restraint on competition as a result of promulgating these regulations is a foreseeable, inherent, and ordinary result of the statutory obligation of the Board to protect the safety and health of citizens of the Commonwealth and the statutory obligation to license and regulate music therapists. The Board is authorized under § 54.1-2400 "[t]o promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which are reasonable and necessary to administer effectively the regulatory system . . . Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) of this title." The promulgated regulations do not conflict with the purpose or intent of Chapters 1 or 25 of Title 54.1.

Requirements More Restrictive than Federal

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any requirement of the regulatory change which is more restrictive than applicable federal requirements. If there are no changes to previously reported information, include a specific statement to that effect.

There are no applicable federal requirements.

Agencies, Localities, and Other Entities Particularly Affected

List all changes to the information reported on the Agency Background Document submitted for the previous stage regarding any other state agencies, localities, or other entities that are particularly affected by the regulatory change. If there are no changes to previously reported information, include a specific statement to that effect.

Other State Agencies Particularly Affected – none

Localities Particularly Affected – none

Other Entities Particularly Affected – none

Public Comment

Summarize all comments received during the public comment period following the publication of the previous stage, and provide the agency's response. Include all comments submitted: including those received on Town Hall, in a public hearing, or submitted directly to the agency. If no comment was received, enter a specific statement to that effect.

Commenter	Comment	Agency response
18 comments received via Town Hall	These comments supported the licensure of music therapists generally.	The Board appreciates the comments and will do its best to move the regulatory process along.
Shelby Shrader, Virginia State Taskforce for Music Therapy. Via Town Hall and via email to the Board	Did not detail any requested changes to the proposed regulations although the comment linked to a Google document. Did discuss desire to align continuing education requirements with the requirements for credential as an MT-BC.	The Board has amended the regulations at the final stage to require continued active credentialing as an MT-BC. The Board, in the final stage, has promulgated requirements which accept current certification as an MT-BC as evidence continuing education has been completed rather than imposing separate requirements.
Judy Simpson, American Music Therapy Association, via Town Hall	Linked to a drop box document with style and grammar recommendations. Comment also included a request that the Board align renewal with the five-year certification cycle.	The Board runs on annual renewal cycles and will not change to five-year renewal cycles due to operational concerns. The Board has recognized the continued certification as an MT-BC for annual renewal, however, which eliminates some requirements that are duplicative with national certification. The style and grammar recommendations have not been adopted. First, the Board has significantly changed these regulations, so many of the suggestions are moot. Second, the Board must follow the style and grammar guidelines of the Virginia Registrar.

Detail of Changes Made Since the Previous Stage

List all changes made to the text since the previous stage was published in the Virginia Register of Regulations and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. ** Put an asterisk next to any substantive changes.*

New chapter-section number, if applicable	New requirement from previous stage	Updated new requirement since previous stage	Change, intent, rationale, and likely impact of updated requirements
30-30; 30-40	Listing of “prerequisites” for licensure in 30-30, with additional requirements for licensure listed in 30-40. Requirements in 30-40 included active certification as a MT-BC granted by the CMBT and an attestation of having read and understood regulations and laws governing music therapy practice in Virginia.	All requirements for licensure are moved to 30-30. The requirement to attest to having read and understood laws pertaining to practice is deleted. 30-40 is deleted.	Having requirements for licensure spread across two sections was confusing and unnecessarily duplicative. Additionally, the requirement to attest to having read and understood laws pertaining to practice in Virginia does not provide any benefit to public safety or licensure. Licensees are required to know and abide by such laws regardless of providing an attestation at the time of licensure. Other boards have removed similar requirements in regulatory reduction actions. 30-40 is deleted as it is no longer necessary with one section (30-30) governing requirements for licensure.
30-50*	Requirements for annual renewal of licensure.	A requirement that the licensee, on renewal, attest to holding a current, active credential in good standing as a MT-BC is added. This is incorporated from the requirements of 30-60, which is deleted as addressed in the next row. New subsection E is moved up from 30-70 B.	The Advisory Board on Music Therapy provided information that maintenance of national certification as a MT-BC with the national organization is standard in the profession. This is similar to APRNs, who maintain professional certification with national certifying agencies. (See 18VAC90-30-105(B)(1).) The reference to potential audits of licensees to verify renewal requirement compliance is moved from 30-70 because that section is deleted (as described below). Additionally, the reference to audit of renewal requirements should be with the renewal requirements for readability and comprehension.

30-60*; 30-70*	30-60 contains detailed continuing education requirements. 30-70 contains detailed documentation requirements for continuing education compliance.	30-60 is amended to state that continuing education required for maintenance of a current credential as a MT-BC shall satisfy board requirements for continuing education. 30-70 is deleted.	In the proposed stage regulations, the Board allowed a current national certification to suffice for continuing education requirements, but then detailed those same continuing education requirements in the section. Additionally, 30-70 required maintenance of documentation of continuing education, regardless of whether the licensee relied on national certification continuing education for renewal purposes. Given the prevalence of national certification, the Advisory Board recommended, and the Board adopted, amended final regulations to eliminate the listing of continuing education requirements in 30-60 and the requirements for documentation in 30-70. The Board feels this streamlined requirement for renewal is easier for the public and licensees to understand. The Board maintains the ability to audit compliance with renewal requirements and can rely on the CBMT certification for continuing education requirements. 30-70 D, which is common in Department of Health Professions regulations and stated that continuing education hours required by a disciplinary order cannot be used to satisfy renewal requirements, is not necessary. Board orders that impose such continuing education as part of discipline state this directly on the order, which is the controlling document for a disciplinary case. Other boards have removed this provision in regulatory reduction actions for this reason.
30-80	Includes requirements for late renewal or reinstatement of licensure.	Subsections A, B, and C are amended to remove references to required continuing education. The references in subsections A and B	The references to continuing education are removed due to deletion of the requirements to report specific continuing education to the Board. Where necessary in subsections A and B, a reference to current and active certification in good standing as an

		are replaced with evidence of current and active certification in good standing as a MT-BC.	MT-BC is added since national certification will provide evidence of having taken sufficient continuing education for renewal of licensure.
30-90	Lists standards of practice for licensed music therapists.	Subsection B 13 is deleted.	Virginia Code § 54.1-2409.5 prohibits performing conversion therapy on a patient under 18 years of age. The statute applies to all practitioners regulated under the Department of Health Professions. The inclusion of the prohibition in regulation is duplicative and unnecessary.

Detail of All Changes Proposed in this Regulatory Action

List all changes proposed in this action and the rationale for the changes. For example, describe the intent of the language and the expected impact. Describe the difference between existing requirement(s) and/or agency practice(s) and what is being proposed in this regulatory change. Explain the new requirements and what they mean rather than merely quoting the text of the regulation. * Put an asterisk next to any substantive changes.

New chapter-section number, if applicable	Current requirements in VAC	Change, intent, rationale, and likely impact of updated requirements
30-10	No current requirements as this is a new chapter for licensure.	This section contains definitions for use with the new licensure category of music therapists.
30-20	No current requirements as this is a new chapter for licensure.	This section sets forth the fees the Board must collect from the licensure of music therapists to fund Board operations as specified in Virginia Code § 54.1-113.
30-30	No current requirements as this is a new chapter for licensure.	This section, amended (see table above), lists requirements for licensure as a music therapist. The requirements include a completed application, provision of the required fee, evidence of a current, active certification in good standing as an MT-BC, verification of any other mental health or professional license, certification, or registration, and a report from the NPDB. Subsection B states that the applicant cannot have any unresolved disciplinary action in another jurisdiction.
30-40	No current requirements as this is a new chapter for licensure.	Deleted; see description in table above.

30-50	No current requirements as this is a new chapter for licensure.	Provides requirements for the renewal of licensure as a music therapist. Applicants must renew annually and provide an applicable form and fee as well as evidence of continued active certification as an MT-BC. Subsection B permits use of inactive licensure status and directs practitioners to reactivation requirements. Subsection C requires licensees to notify the Board of any change in the practitioner's address of record within 60 days. Subsection D states that practice on an expired license constitutes a disciplinary matter. Subsection E, which was formerly subsection 70 B, states that the Board may audit compliance with renewal requirements.
30-60	No current requirements as this is a new chapter for licensure.	Section 60 includes continuing education requirements for renewal. As described in the table above, this section now states that continuing education completed for maintenance of a credential as an MT-BC satisfies the Board's requirement for continuing education for renewal.
30-70	No current requirements as this is a new chapter for licensure.	Deleted; see description in table above.
30-80	No current requirements as this is a new chapter for licensure.	Includes requirements for late renewal, reactivation, and reinstatement. Subsection A allows a practitioner to renew a license with a late fee within one year of the due date of renewal. Subsection B states that, after one year has passed, a licensee who failed to renew their license must apply for reinstatement. Subsection C lays out requirements for reactivation of an inactive license.
30-90	No current requirements as this is a new chapter for licensure.	Section 90 sets forth standards of practice for the protection of the public. These standards, with the deletion of subsection B 13 as described in the table above, are similar to those which apply to other licensed professions under the Board of Social Work. See 18VAC150-20-150.
30-100	No current requirements as this is a new chapter for licensure.	Section 100 includes the grounds for disciplinary action or denial of licensure. These are similar to those which apply to other licensed professions under the Board of Social Work. See 18VAC150-20-160.

30-110	No current requirements as this is a new chapter for licensure.	Subsection 110 sets forth requirements for reinstatement following disciplinary action. These requirements are the same as those which apply to other licensed professions under the Board of Social Work. See 18VAC150-20-170.
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