Virginia Department of Health Professions
Board of Social Work

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Advisory Board on Music Therapy
Meeting Minutes
Friday, February 21, 2025, at 2:00p.m.
9960 Mayland Drive, Henrico, VA 23233
Training Room 1

PRESIDING OFFICER: Miriam Smith, MT-BC, Advisory Board Chair

ADVISORY BOARD MEMBERS PRESENT:
Anna McChesney, MS, LPC, MT-BC, Advisory Board Vice-Chair
Nikki Rattray Baldwin, Citizen Member
Gary Verhagen, MM, MT-BC, LCAT
Michelle Westfall, MS, MT-BC

BOARD STAFF PRESENT:
Jennifer Lang, Deputy Executive Director- Discipline
Charlotte Lenart, Deputy Executive Director- Licensing
Sharniece Vaughan, Licensing Supervisor
Rebecca Walker, Licensing Specialist

DHP STAFF PRESENT:
Erin Barrett, JD, Director of Legislative and Regulatory Affairs, Department of Health Professions
Matt Novak, Policy & Economic Analyst, Department of Health Professions

PUBLIC ATTENDEES: None

CALL TO ORDER: Ms. Smith called the Advisory Board on Music Therapy meeting to order at 2:05pm.

ROLL CALL/ESTABLISHMENT OF A QUORUM: An introduction of all Advisory Board members and staff was conducted, and with five members present, a quorum was established.

MISSION STATEMENT: Ms. Smith read the mission statement of the Department of Health Professions, which was also the mission statement of the Advisory Board.

ADOPTIONS OF AGENDA: The agenda was approved as presented.

APPROVAL OF MINUTES: The Advisory Board reviewed the minutes from the last meeting held on July 11, 2024.

Motion: Mr. Verhagen made a motion, which Ms. Westfall properly seconded, to approve the minutes from the July 11, 2024, meeting as presented. The motion passed unanimously.

PUBLIC COMMENT: No public comment was provided.

LEGISLATIVE & REGULATORY REPORT: Ms. Barrett acknowledged the lengthy regulatory process involved in the establishment and enactment of the Music Therapy regulations. Ms. Barrett provided an overview of the regulations and reviewed the proposed changes discussed at the August 18, 2023 meeting.

The Board engaged in a discussion regarding the proposed regulatory changes and made minor revisions to the suggestions presented in 2023. (See Attachment

A)

Motion: Ms. Westfall made a motion, which Mr. Verhagen properly seconded, to amend the Music Therapy regulations as discussed for consideration by the full Board. The motion passed unanimously.

NEXT MEETING DATES: The proposed next meeting of the Advisory Board on Music Therapy will be determined at a later date.

ADJOURNMENT: Ms. Smith adjourned the meeting at 2:44 p.m.

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Miriam Smith, MT-BC, Chair

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Jaime Hoyle, J.D., Executive Director

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Project 6888 - Final

Board of Social Work

Initial regulations for licensure of music therapists

Chapter 30

Regulations Governing the Practice of Music Therapy (under development)

18VAC140-30-10. Definitions.

A. The following words and terms when used in this chapter shall have the meaning ascribed to them in §§ 54.1-3700 and 54.1-3709.1 of the Code of Virginia:

"Board"

"Music therapist"

"Music therapy"

B. The following words and terms when used in this chapter shall have the following meanings, unless the context clearly indicates otherwise:

"Applicant" means any individual who has submitted an official application and paid the application fee for licensure as a music therapist.

"CBMT" means the Certification Board for Music Therapists.

"MT-BC" means a Music Therapist-Board Certified, a credential issued by the CBMT after completing the academic and clinical training requirements of the American Music Therapy Association and passing a national examination.

18VAC140-30-20. Fees required by the board.

A. The board has established the following fees applicable to licensure as a music therapist:

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Initial licensure: Application processing and initial licensure	$100
Active annual license renewal	$55
Inactive annual license renewal	$30
Late renewal	$20
Duplicate license	$15
Verification of licensure to another jurisdiction	$25
Reinstatement of a lapsed license	$120
Replacement of or additional wall certificate	$25
Returned check or dishonored credit card or debit card	$50
Reinstatement following revocation or suspension	$500

B. All fees are nonrefundable.

18VAC140-30-30. ~~Prerequisites~~ Requirements for licensure as a music therapist.

A. Every applicant for licensure shall submit to the board:

1. A completed application;

2. The application processing fee and initial licensure fee as prescribed in 18VAC140-30-20;

3. Evidence of current, active certification in good standing as a MT-BC granted by the CBMT or its successor organization, as approved by the board;

~~3.~~ 4. Verification of any other mental health or health professional license, registration, or certificate ever held in Virginia or another jurisdiction; and

~~4.~~ 5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB).

B. An applicant shall have no unresolved disciplinary action against a mental health or health professional license, certificate, or registration held in Virginia or in another U. S. jurisdiction. The board will consider history of disciplinary action on a case-by-case basis.

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~~**18VAC140-30-40. Requirements for licensure.**~~

~~In addition to prerequisites as set forth in 18VAC140-30-30, every applicant for licensure shall submit to the board:~~

~~1. Evidence of the current certification as a MT-BC granted by the CBMT or its successor organization, as approved by the board; and~~

~~2. An attestation of having read and understood the regulations and laws governing the practice of music therapy in Virginia.~~

18VAC140-30-50. Annual renewal of licensure.

A. Every licensed music therapist who intends to continue active practice shall submit to the board on or before June 30 of each year:

1. A completed form for renewal of the license on which the licensee attests to compliance with the continuing education requirements prescribed in this chapter;

2. Attestation that the licensee holds a current, active credential in good standing as a MT-BC; and

~~2.~~ 3. The renewal fee prescribed in 18VAC140-30-20.

B. A licensed music therapist who wishes to place his license in an inactive status may do so upon payment of the inactive renewal fee as established in 18VAC140-30-20. No person shall practice music therapy in Virginia unless he holds a current active license. A licensee who has selected an inactive status may become active by fulfilling the reactivation requirements set forth in subsection C of 18VAC140-30-80.

C. Licensees shall notify the board of a change in the address of record or the public address, if different from the address of record within 60 days. Failure to receive a renewal notice from the board shall not relieve the license holder from the renewal requirement.

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D. Practice with an expired license is prohibited and may constitute grounds for disciplinary action.

E. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.

18VAC140-30-60. Continuing education requirements for renewal of a license.

Continuing education required for maintenance of a current credential as a MT-BC shall satisfy board requirements for continuing education.

~~A. For annual licensure renewal, a music therapist shall either hold a current credential as a MT-BC or be required to have completed a minimum of 20 hours of continuing education within the past 12 months. A minimum of three of these hours every five years shall be in courses that emphasize the ethics, standards of practice, or laws governing behavioral science professions in Virginia.~~

~~B. Approved hours of continuing education activity for a music therapist shall be approved if they meet the continued education requirements for recertification as an MT-BC.~~

~~C. The board may grant an extension for good cause of up to one year for the completion of continuing education requirements upon written request from the licensee prior to the renewal date. Such extension shall not relieve the licensee of the continuing education requirement.~~

~~D. The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee such as temporary disability, mandatory military service, or officially declared disasters.~~

~~E. A music therapist who holds another license, certification, or registration issued by a Virginia health regulatory board may use up to 10 continuing education hours earned to satisfy the renewal requirements of that profession to satisfy the 20 total continuing education hours required to renew a music therapy license.~~

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~~F. Up to two hours of the 20 hours required for annual renewal may be satisfied through delivery of music therapy services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those services. One hour of continuing education may be credited for three hours of providing such volunteer services, as documented by the health department or free clinic.~~

~~G. A licensed music therapist is exempt from meeting continuing education requirements for the first renewal following initial licensure in Virginia.~~

~~18VAC140-30-70. Documenting compliance with continuing education requirements.~~

~~A. All licensees are required to maintain original documentation for a period of two years following renewal.~~

~~B. After the end of each renewal period, the board may conduct a random audit of licensees to verify compliance with the requirement for that renewal period.~~

~~C. Upon request, a licensee shall provide documentation as follows:~~

~~1. Official transcripts showing credit hours earned; or~~

~~2. Certificates of participation.~~

~~D. Continuing education hours required by a disciplinary order shall not be used to satisfy renewal requirements.~~

18VAC140-30-80. Late renewal; reactivation or reinstatement.

A. A person whose license has expired may renew it within one year after its expiration date by paying the late fee prescribed in 18VAC140-30-20 as well as the license renewal fee prescribed for the year the license was not renewed and providing evidence of ~~having met all applicable continuing education requirements~~ current and active certification in good standing as a MT-BC.

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B. A person who fails to renew a license after one year or more and wishes to resume practice shall apply for reinstatement, pay the reinstatement fee for a lapsed license, submit verification of any mental health or health professional license he holds or has held in another jurisdiction, if applicable, and provide evidence of ~~having met all applicable continuing education requirements to satisfy the hours necessary for the number of years the license has been lapsed, not to exceed a maximum of 80 hours, or evidence of current certification as a MT-BC~~ current and active certification in good standing as a MT-BC. The board may require the applicant for reinstatement to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

C. A person wishing to reactivate an inactive license shall submit (i) the renewal fee for active licensure minus any fee already paid for inactive licensure renewal; (ii) ~~documentation of continued education hours to satisfy the hours necessary for the number of years the license has been inactive, not to exceed a maximum of 80 hours, or~~ evidence of current certification as a MT-BC; and (iii) verification of any mental health or health professional license he holds or has held in another jurisdiction, if applicable. The board may require the applicant for reactivation to submit evidence regarding the continued ability to perform the functions within the scope of practice of the license.

18VAC140-30-90. Standards of practice.

A. The protection of the public health, safety, and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of all persons whose activities are regulated by the board. Regardless of the delivery method, whether in person, by phone or electronically, these standards shall apply to the practice of music therapy.

B. Persons licensed as music therapists shall:

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1. Be able to justify all services rendered to or on behalf of clients as necessary for therapeutic purposes.

2. Provide for continuation of care when services must be interrupted or terminated.

3. Practice only within the competency areas for which they are qualified by education and experience.

4. Report to the board known or suspected violations of the laws and regulations governing the practice of music therapy.

5. Neither accept nor give commissions, rebates, or other forms of remuneration for referral of clients for professional services.

6. Ensure that clients are aware of fees and billing arrangements before rendering services.

7. Inform clients of potential risks and benefits of services and the limitations on confidentiality and ensure that clients have provided informed written consent to treatment.

8. Keep confidential their therapeutic relationships with clients and disclose client records to others only with written consent of the client, with the following exceptions: (i) when the client is a danger to self or others; or (ii) as required by law.

9. When advertising their services to the public, ensure that such advertising is neither fraudulent nor misleading.

10. As treatment requires and with the written consent of the client, collaborate with other health or mental health providers concurrently providing services to the client.

11. Refrain from undertaking any activity in which one's personal problems are likely to lead to inadequate or harmful services.

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12. Recognize conflicts of interest and inform all parties of the nature and directions of loyalties and responsibilities involved.

~~13. Not engage in conversion therapy with any person younger than 18 years of age.~~

C. In regard to client records, music therapists shall comply with provisions of § 32.1-127.1:03 of the Code of Virginia on health records privacy and shall:

1. Maintain written or electronic clinical records for each client to include identifying information and assessment that substantiates treatment plans. Each record shall include a treatment plan, progress notes for each case activity, information received from all collaborative contacts and the treatment implications of that information, and the termination process and summary.

2. Maintain client records securely, inform all employees of the requirements of confidentiality, and provide for the destruction of records that are no longer useful in a manner that ensures client confidentiality.

3. Disclose or release records to others only with clients' expressed written consent or that of their legally authorized representative or as mandated or permitted by law.

4. Ensure confidentiality in the usage of client records and clinical materials by obtaining written consent from clients or their legally authorized representative before (i) video-recording, (ii) audio recording, (iii) permitting third-party observation, or (iv) using identifiable client records and clinical materials in teaching, writing or public presentations.

5. For a music therapist practicing in an institution or school setting, follow the recordkeeping policies of the institution or school. For a music therapist practicing in a non-institutional setting, maintain records for a minimum of six years or as otherwise

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required by law from the date of termination of the therapeutic relationship with the following exceptions:

a. At minimum, records of a minor child shall be maintained for six years after attaining the age of majority or 10 years following termination, whichever comes later.

b. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.

c. Records that have been transferred to another mental health professional or have been given to the client or his legally authorized representative.

D. In regard to dual relationships, music therapists shall:

1. Not engage in a dual relationship with a client or a supervisee that could impair professional judgment or increase the risk of exploitation or harm to the client or supervisee. (Examples of such a relationship include familial, social, financial, business, bartering, or a close personal relationship with a client or supervisee.) Music therapists shall take appropriate professional precautions when a dual relationship cannot be avoided, such as informed consent, consultation, supervision, and documentation to ensure that judgment is not impaired and no exploitation occurs.

2. Not have any type of romantic relationship or sexual intimacies with a client or those included in collateral therapeutic services, and not provide services to those persons with whom they have had a romantic or sexual relationship. Music therapists shall not engage in romantic relationship or sexual intimacies with a former client within a minimum of five years after terminating the professional relationship. Music therapists who engage in such a relationship after five years following termination shall have the responsibility to examine and document thoroughly that such a relationship did not have an exploitative nature, based on factors such as duration of therapy, amount of time since therapy, termination

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circumstances, client's personal history and mental status, or an adverse impact on the client. A client's consent to, initiation of or participation in sexual behavior or involvement with a music therapist does not change the nature of the conduct nor lift the regulatory prohibition.

3. Not engage in any romantic or sexual relationship or establish a therapeutic relationship with a current supervisee or student. Music therapists shall avoid any nonsexual dual relationship with a supervisee or student in which there is a risk of exploitation or potential harm to the supervisee or student, or the potential for interference with the supervisor's professional judgment.

4. Not engage in a personal relationship with a former client in which there is a risk of exploitation or potential harm or if the former client continues to relate to the music therapist in his professional capacity.

E. Upon learning of evidence that indicates a reasonable probability that another mental health provider is or may be guilty of a violation of standards of conduct as defined in statute or regulation, persons licensed by the board shall advise their clients of their right to report such misconduct to the Department of Health Professions in accordance with § 54.1-2400.4 of the Code of Virginia.

18VAC140-30-100. Grounds for disciplinary action or denial of issuance of a license.

The board may refuse to issue a license to an applicant; or reprimand, impose a monetary penalty, place on probation, impose such terms as it may designate, suspend for a stated period of time or indefinitely, or revoke a license for one or more of the following grounds:

1. Conviction of a felony or of a misdemeanor involving moral turpitude;

2. Procuring, attempting to procure, or maintaining a license by fraud or misrepresentation;

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3. Conducting one's practice in such a manner so as to make the practice a danger to the health and welfare of one's clients or to the public. In the event a question arises concerning the continued competence of a licensee, the board will consider evidence of continuing education.

4. Being unable to practice music therapy with reasonable skill and safety to clients by reason of illness, excessive use of alcohol, drugs, narcotics, chemicals or any other type of material or as a result of any mental or physical condition;

5. Conducting one's practice in a manner contrary to the standards of ethics of music therapy or in violation of 18VAC140-30-90, standards of practice;

6. Performing functions outside the board-licensed area of competency;

7. Failure to comply with the continued education requirements set forth in 18VAC140-30-60 ~~or maintaining documentation as set forth in 18VAC140-30-70~~; and

8. Violating or aiding and abetting another to violate any statute applicable to the practice of music therapy or any provision of this chapter.

18VAC140-30-110. Reinstatement following disciplinary action.

Any person whose license has been suspended, revoked, or denied renewal by the board under the provisions of 18VAC140-30-100 shall, in order to be eligible for reinstatement, (i) submit a new application to the board for a license, (ii) pay the appropriate reinstatement fee, and (iii) submit any other credentials as prescribed by the board. After a hearing, the board may, at its discretion, grant the reinstatement.

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