



Call to Order	Mr. Wells
▪ Emergency Egress	Dr. Carter
▪ Public Comment	Mr. Wells
▪ Approval of Minutes - page 2 ▪ August 23, 2018	Mr. Wells
▪ Music Therapist Draft Work Plan - page 6 ▪ Review and Approval	Ms. Jackson
▪ New Business	Mr. Wells
▪ Next Committee Meeting ▪ June 24, 2019	Mr. Wells
▪ Adjournment	

Board of Health Professions
Regulatory Research Committee
Meeting

August 23, 2018
9:00 a.m. - Board Room 4
9960 Mayland Dr., Henrico, VA
23233

In Attendance Martha S. Perry, MS, Citizen Member
James Wells, RPH, Citizen Member
Jacquelyn M. Tyler, RN, Citizen Member

Absent Vacant seat
Vacant seat

DHP Staff Elizabeth A. Carter, PhD, Executive Director BHP
Laura J. Jackson, MSHSA, Operations Manager BHP
Jaime Hoyle, Executive Director, Behavioral Sciences Boards
Diane Powers, Director of Communications DHP

Observers Carol Olson, VATA
Sarah Deaver, AATA
Spencer Powers, Hanover CSB, VATA
Terri Giller, VATA
Gioia Chitton, Potomac Art Therapy Assoc.
Gretchen Graves, VATA
Laura Tuomisto, Shenandoah Art Therapy, LLC
Monika Burkholder, Shenandoah Art Therapy, LLC
Darlene Green, Hospice of The Piedmont Art Therapy
Leila Saadeh, VATA
Marcia DuBois, VA Dept. for Aging & Rehabilitative Services (DARS)

Emergency Egress Dr. Carter

Call to Order

Chair Mr. Wells **Time** 9:01 a.m.
Quorum Quorum established

Public Comment

There was no public.

Approval of Minutes

Presenter Mr. Wells

Discussion

The June 26, 2018 committee meeting minutes were approved with no revisions. All members in favor, none opposed.

Art Therapist Study Review

Presenter Ms. Jackson

Discussion

Ms. Jackson presented the final report on the Art Therapist study.

Review of Criteria for Evaluating the Need for Regulation – Art Therapists

Presenter Mr. Wells

Criterion One: Risk for Harm to the Consumer

The Committee deemed that the unregulated practice of the profession poses the potential for significant harm to the public especially in consideration of the vulnerability of the patients the profession serves.

Criterion Two: Specialized Skills and Training

The Committee determined that specialized skills and training exist to distinguish the profession. The profession now requires master's degree level education and training through accredited programs, such as those existing at Eastern Virginia Medical School and George Washington University in Virginia. The required coursework includes diagnosis as well as treatment aspects of care. Additionally, the profession has developed a national, psychometrically sound competency examination.

Criterion Three: Autonomous Practice

Art therapists practice autonomously as well as within teams.

Criterion Four: Scope of Practice

The Committee concluded that the profession's scope of practice is defined with sufficient specificity even though other behavioral health professions employ some of the same tools and modalities. Licensure statutes and regulations would serve to better assure the public of professional practice standards and a clearer understanding of what "art therapy" constitutes.

Criterion Five: Economic Impact

The Committee considered the economic impact to the public of licensure costs to be small. The increase in Virginia's supply of art therapist practitioners would likely result from removal of the current barrier to practice which *also* requires licensure as a Licensed Professional Counselor, Licensed Marriage and Family Therapist, or similar profession. Lack of standalone licensure has restricted the potential supply of these mental health professionals in Virginia. This situation has driven students and graduates of George Washington University and Eastern Virginia Medical School art therapy programs to look to other states where art therapist licensure without the additional burden of obtaining licensure as another profession exists.

Criterion Six: Alternatives to Regulation

The Committee determined that no alternatives to licensure were considered to be commensurate with the public's protection.

Criterion Seven: Least Restrictive Regulation

The Committee concluded that all criteria were met and, as such, licensure is the least restrictive level.

Motion

After Committee discussion and review of The Criteria, a motion was made by Ms. Rackets to adopt a separate license for Art Therapists to practice in Virginia. The motion was properly seconded by Ms. Tyler. All members were in favor, none opposed.

Mr. Wells will present the findings and recommendation of licensure to the Full Board at the scheduled 10:00 a.m. Full Board meeting.

Policies and Procedures Update

Presenter Dr. Carter

Discussion

Dr. Carter reviewed the changes made to the Departments Policies and Procedures and advised that it will be taken to the Full Board at the December 4, 2018 meeting for approval.

New Business

Presenter Mr. Wells

Discussion

There was no new business.

December 4, 2018 Next Committee Meeting

Presenter Mr. Wells

Discussion

Mr. Wells announced the next committee meeting will be held December 4, 2018.

Adjourned

Adjourned 9:51 a.m.

Chair James Wells, RPh

Signature: _____ Date: ____/____/____

Board Executive Director Elizabeth A. Carter, Ph.D.

Signature: _____ Date: ____/____/____

STUDY WORK PLAN
Need for Regulation of the Practice of Music Therapy in Virginia
May 14, 2019

Background, Authority & Scope

Section 54.1-2510 of the *Code of Virginia* authorizes the Virginia Board of Health Professions to advise the Governor, the General Assembly, and the Department Director on matters related to the regulation and level of regulation of health care occupations and professions in the Commonwealth.

The Board is conducting this study into the need to regulate music therapists and the practice of music therapy in the Commonwealth pursuant to SB1547(2019).¹ If regulation is deemed necessary, the Board will also recommend the appropriate level of regulation.

Methodology

The Board has adopted a formal evaluative criteria and methodology to guide all such reviews as set forth in its published *Policies and Procedures for the Evaluation of the Need to Regulate Health Occupations and Professions, 1998*. (Guidance Document 75-2 accessible at <http://www.dhp.virginia.gov/bhp/guidelines/75-2.doc>). Referred to hereinafter as “the Criteria,” these policies and procedures provide a standard conceptual framework with proscribed questions and research methods that have been employed for over two decades to objectively inform key policy issues related to health professional regulation. This standard is in keeping with regulatory principles established in Virginia law and is accepted in the national community of regulators. The approach is designed to lead to consideration of the least governmental restrictions possible that is consistent with the public’s protection.

The Criteria address:

1. Risk of Harm to the Consumer
2. Specialized Skills and Training
3. Autonomous Practice
4. Scope of Practice
5. Economic Impact
6. Alternatives to Regulation
7. Least Restrictive Regulation

The Regulatory Research Committee (Committee) will prepare the report for consideration by the Full Board. The Board’s report with recommendations will be forwarded to the Department’s Director for further review and comment prior to publication.

¹ See Appendix

The following steps are recommended for this review:

1. Conduct a comprehensive review of the pertinent policy and professional literature.
2. Review and summarize available relevant empirical data as may be available from pertinent research studies, malpractice insurance carriers, and other sources.
3. Review relevant federal and state laws, regulations and governmental policies.
4. Review other states' relevant experiences with scope and practice.
5. Develop a report of research findings, to date, and solicit public comment on reports and other insights through public hearing and written comment period.
6. Publish second draft of the report with summary of public comments.
7. Develop final report with recommendations, including proposed legislative language as deemed appropriate by the Committee.
8. Present final report and recommendations to the Full Board for review and approval.
9. Board report to the Director and Secretary for review and comment.
10. Final report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions.
11. Publish final report.

Timetable and Resources

This study will be conducted with existing staff and within the budget for FY2019-20 and according to the following tentative timetable:

<u>Date</u>	<u>Meeting</u>
05/14/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Draft work plan review BHP Full Board Meeting <ul style="list-style-type: none">• Approval of work plan
6/24/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Review 1st draft report• Public Hearing and Written Comment Period (21 days)<ul style="list-style-type: none">◦ Closed July 15, 2019 at 5:00 p.m.
07/31/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Review 2nd draft report
08/20/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Final review and recommendations BHP Full Board Meeting <ul style="list-style-type: none">• BHP Regulatory Research Committee report to Full Board for consideration
09/16/2019	Full Board report to the Director for review and comment
11/01/2019	Final report due to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions.
11/1/2019	Publish final report

19106234D

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

SENATE BILL NO. 1547
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2019)

(Patron Prior to Substitute—Senator Vogel)

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.23, relating to music therapists.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.23 as follows:

§ 54.1-2957.23. Music therapy; use of title; registration.

A. No person shall use or assume the title "music therapist" unless such person is registered with the Board.

B. The Board shall register as a music therapist any applicant who presents satisfactory evidence that he has passed the examination for board certification offered by the Certification Board for Music Therapists or any successor organization or is currently certified by the Certification Board for Music Therapists or any successor organization.

2. That the provisions of the first enactment of this act shall expire on July 1, 2020.

3. That the Board of Health Professions shall, pursuant to subdivision 2 of § 54.1-2510 of the Code of Virginia, evaluate whether music therapists and the practice of music therapy should be regulated and the degree of regulation to be imposed. The Board of Health Professions shall report the results of its evaluation to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2019.

**SENATE
SUBSTITUTE**

SB1547S1

1/31/19 18:41