



Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Robert R. Neall, Secretary

Board of Professional Counselors and Therapists
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**2020 SESSION
POSITION PAPER**

BILL NO: SB 766

COMMITTEE: Education, Health, and Environmental Affairs Committee

POSITION: Oppose

TITLE: State Board of Professional Counselors and Therapists – Maryland Music Therapists Act

BILL ANALYSIS: Senate Bill 766 (SB 766) requires the Board of Professional Counselors and Therapists (Board) to license, regulate, conduct disciplinary proceedings, and other related functions pertaining to music therapists in the State of Maryland.

POSITION AND RATIONALE: The Board respectfully opposes SB 766 for the reasons set forth below.

The Department of Legislative Services (DLS) recommended that the Board not regulate additional license groups for at least the next year.

The sunset evaluation progress report (Report) dated November 25, 2019, recommended that the Board not accept new license groups for at least one year. As stated in the Report, the Board has made significant progress in its licensing and disciplinary operations since the sunset evaluation of December 2017. However, more time is needed to fully implement the improvements in licensing and disciplinary operations.

Under the terms of the Bill, the Board would be required to recruit and appoint five individuals to comprise the Music Therapy Advisory Committee (the “MTAC”). The MTAC would, in essence, constitute another board under the Board. The MTAC would be subject to the Open Meetings Act, and thus required to hold public meetings and publish agenda and minutes. Members of the MTAC would not hold seats on the Board, but would be subject to term limits that would be managed by the Board.

The MTAC would be responsible for drafting regulations regarding the practice of music therapy in Maryland. Drafting regulations for a new profession is a comprehensive and time consuming endeavor that would require extensive use of the Board's resources. The promulgation and adoption of new regulations requires the participation of the Board's executive director, the Board's legislative and regulations coordinator, the Board's counsel, and members of the Board's legislation and regulations committee. The establishment and regulation of the MTAC would unduly burden Board administration at a time when it should be focused on the implementation of the recommendations of DLS.

The addition of another license group under the Board would be detrimental to the five professions currently regulated by the Board. Each of the professions would be affected in terms of license application processing and issuance, customer service, and complaint resolution in order to accommodate the increased workload. The addition of music therapists would require the Board to hire an additional administrative staff person and to secure additional office space. The fiscal note reflects the anticipated revenue and expenses related to the addition of music therapists to the Board.

Under SB 766, the Board would be responsible for conducting disciplinary investigations and administrative hearings regarding music therapists. As none of the Board members are music therapists, the Board does not possess the requisite knowledge or experience to determine if a music therapist violated applicable statutes or regulations. Further, disciplinary matters require Board resources such as Board investigators, Board counsel, court reporters, disciplinary review committee members of the Board, experts, and administrative prosecutors. As set forth in the Report, DLS recommends the Board continue to focus on reducing its current complaint backlog. The addition of disciplinary matters regarding music therapists would adversely affect the Board's efforts to reduce its current backlog of complaints and would prohibit the timely disposition of a complaint filed against a music therapist.

Music therapists should not be regulated by the Board because music therapists do not have the same scope of practice as the other counseling and therapy professions regulated by the Board.

Music therapists, despite their title, do not share the same scope of practice as the four counseling and therapy professions under the Board: Alcohol and Drug Counselors, Professional Counselors, Marriage and Family Therapists, and Professional Art Therapists. That is, music therapists do not provide services pertaining to the diagnosis and treatment of emotional or mental disorders.

Each of the four professions represented on the Board share a similar scope of practice under Title 17 of the Health Occupations Article of the Code of Maryland:

“... to engage professionally and for compensation in [counseling/therapy] appraisal activities by providing services involving the application of [counseling/therapy] principles

and methods in the *diagnosis, prevention, treatment, and amelioration of psychological problems and emotional or mental conditions* of individuals or groups”. (*Emphasis added*).

By contrast, Page 5, Lines 24-26 of the Bill provides:

(3) “Practice of music therapy” does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder” (*Emphasis added*).

The following information appears on the website of the American Music Therapy Association (AMTA) as examples what credentialed music therapists do:

- Work with Congresswoman Gifford to regain her speech after surviving a bullet wound to her brain.
- Work with older adults to lessen the effects of dementia.
- Work with children and adults to reduce asthma episodes.
- Work with hospitalized patients to reduce pain.
- Work with children who have autism to improve communication capabilities.
- Work with premature infants to improve sleep patterns and increase weight gain.
- Work with people who have Parkinson’s disease to improve motor function.

<https://www.musictherapy.org/>

Under the provisions of SB 766 and according to AMTA, music therapists do not perform counseling or therapy services as defined under Title 17 of the Health Occupations Article of the Maryland Code. Accordingly, the Board is not the appropriate body to license, regulate, or discipline a profession that does not share the same scope of practice as the counselors and therapists under the Board.

The Bill references music therapists’ collaboration with audiologists and speech language pathologists as members of a client’s treatment team. Given the nature of the services provided by music therapists and the practical relationship between music therapists and other health professionals such as audiologists, speech language pathologists, and occupational therapists, the Board respectfully suggests that another health occupation board may be a more appropriate body to regulate music therapists. It is the Board’s understanding that neither the Board of Occupational Therapy Practice nor the Audiology, Hearing Aid Dispensers, Speech Language Pathologist Board have been contacted by music therapists regarding licensure.

The Board should not regulate music therapists because the educational requirements to become a music therapist are not equivalent to the educational requirements of the counseling and therapy professions under the Board.

Each of the four counseling and therapy professions regulated by the Board require that a licensee hold a minimum of a master’s degree in counseling or therapy and obtain supervised

clinical experience in counseling or therapy. Under SB 766, to qualify as a licensed professional music therapist, one must hold only a bachelor's degree in music therapy. Not only are no graduate credits required to become a music therapist, the academic programs of study are not comparable to those of the counselors and therapists licensed by the Board. It is the Board's understanding that a bachelor's level music therapy program curriculum is not comprised of courses in behavioral health counseling or therapy.

The inclusion of licensed professional music therapists with other clinical counseling and therapy professions under the Board may create confusion for members of the public. By grouping music therapists with the behavioral health providers under this Board, the public may not be aware that music therapists are not required to hold a graduate degree or that their services are not related to the diagnosis and treatment of mental and emotional disorders.

If the Board is required to license, regulate, and discipline music therapists, the Bill should be amended to properly reflect the duties and responsibilities of the MTAC and the Board.

Under SB 766, the MTAC “may facilitate the development of materials that the Board may use to educate the public concerning music therapist licensure, the benefits of music therapy, and the use of music therapy...” and “...may act as a facilitator of statewide dissemination of information ...”. See Page 9, Lines 25-28 and Page 10, Lines 1-4. Both of the referenced sections must be deleted from SB 766, as both sections impose duties on the MTAC and the Board that are inconsistent with the Board's mission. The mission of the Board is to protect the citizens of Maryland, not to facilitate the development and dissemination of materials to educate the public about the benefits of music therapy. Professional education and advocacy are the roles of professional associations or other private organizations, not the Board.

For the reasons stated above, the Board respectfully requests an unfavorable vote on SB 766.

If more information is requested, please contact Kimberly B. Link, Executive Director, at (410)764-4734 or Kimberly.link@maryland.gov.

The opinion of the Board expressed in this document does not necessarily reflect that of the Department of Health or the Administration.