


# THE REPORT OF THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH ON THE PROPOSAL TO LICENSE MUSIC THERAPISTS

**Date:**

**To: The Speaker of the Nebraska Legislature  
The Chairperson of the Executive Board of the Legislature  
The Chairperson and Members of the Legislative Health and Human Services  
Committee**

**From: Gary J. Anthonie, MD**   
**Chief Medical Officer  
Director, Division of Public Health  
Department of Health and Human Services**

## **Introduction**

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers this Act. As Chief Medical Officer I am presenting this report under the authority of this Act.

## **Summary of the Music Therapy Proposal**

Nebraska music therapists are proposing the creation of a music therapy license. Specifically, they propose that any professional who claims to be a “music therapist” or “board certified music therapist” must hold the Music Therapist-Board Certified (MT-BC) credential administered by the Certification Board for Music Therapists (CBMT) and be licensed by the state of Nebraska. Board certified music therapists possess the required education, clinical training, scope of practice, and professional competencies necessary to provide ethical and effective therapeutic services. In order to protect recipients of music therapy from potential harm or contra-indicated responses associated with inadequate assessment, treatment planning, service delivery, and documentation, licensure is determined as the most appropriate level of regulation. Given increasing patient involvement, acuity, and risk, music therapy, as delivered by a board certified music therapist, should require state licensure to protect the public from harm due to misuse of terms and techniques, ensure competent practice, and protect Nebraska citizens’ access to music therapy services.

State licensure of music therapists would:

- Recognize music therapy as a valid, research-based health care service, on par with other therapy disciplines serving an equally wide range of clinical populations (e.g. speech-language pathology, occupational therapy).
- Validate the prominence of music therapy in work settings for serving consumers of health- and education-related services.

- Establish educational and clinical training requirements for music therapists.
- Establish examination and continuing education requirements for music therapists.
- Establish music therapy scope of practice.
- Establish an ethics review procedure for complaints and potential ethical violations.

Through establishing a music therapy license the applicants seek to gain:

- The inclusion of music therapy in state-wide legislation that protects consumers of music therapy;
- The ability for Nebraska residents and businesses to easily determine qualified music therapy practitioners;
- The ability for facilities interested in providing music therapy services to comply with state regulations in contracting with or employing licensed music therapists.

The proposed licensing of music therapists will protect the general public by creating a minimum standard for music therapists to practice in Nebraska. The licensing process will ensure that only qualified, trained individuals who have met the education, clinical training, and examination requirements will be able to practice music therapy. Furthermore, Nebraska residents and potential employers will have a state-established system for verifying competent music therapy practice as well as a disciplinary system to address issues of unethical behavior and practice.

Facilities interested in providing music therapy services would be able to utilize the state system to locate qualified professionals.

Licensure will prevent the incidence of unqualified individuals having access to clients' confidential information and potentially compromising clients' health and wellness issues. Licensing music therapists will ensure that those who have not been adequately trained as music therapists would not be able to step into or attempt to perform the duties of a music therapist, therefore increasing the safety and quality of music therapy services provided to Nebraska citizens. This maintains a high standard of care in the state of Nebraska by establishing a level of competence for a practitioner to abide by to provide music therapy services.

The Scope of Music Therapy Practice would define the range of responsibilities of a fully qualified music therapy professional with requisite education, clinical training, and board certification.

**The full text of the applicants' proposal can be found under the Music Therapy topic area on the credentialing review program link at**

**<https://dhhs.ne.gov/Licensure/Pages/Credentialing-Review.aspx>**

## Summary of Technical Committee and Board of Health Recommendations

The technical review committee members recommended against approving the music therapy proposal. The Board of Health members recommended against approval this proposal, as well. My recommendations on this proposal are included in the following section of this report:

### The Director's Recommendations on the Music Therapy Proposal

#### Discussion on the four statutory criteria of the Credentialing Review Program as they relate to the APRN proposal:

Criterion one: Unregulated practice can clearly harm or endanger the health, safety, or welfare of the public.

The applicants have shown that inappropriately or incompetently utilizing music to treat the mental illnesses or conditions of vulnerable persons could, potentially, create at least a minimal amount of harm for such patients. However, the applicants provided very little information to indicate that such harm has actually occurred, or that it is necessary to license music therapists to address this potential for harm.

Criterion two: Regulation of the profession does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.

Nothing in the information generated during the review, to date, indicates that passing the music therapy proposal would impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.

Criterion three: The public needs assurance from the state of initial and continuing professional ability.

The information provided by the applicant group shows that providing music therapy services involves a significant amount of education, training, and skill. However, it is unclear to me whether current music therapy education and training requirements, which are at the Bachelor's Degree level, are sufficient to merit the establishment of licensure for music therapists. Most licensure programs for mental health professionals in Nebraska require education and training at the Master's Degree level, at least. Education and training beyond the level of a Bachelor's Degree is considered important for providing assurance that the providers in question can safely and effectively diagnose and treat mental illnesses and conditions.

Criterion four: The public cannot be protected by a more effective alternative.

Nothing provided during the review of this proposal, to date, convinces me that passing this proposal would improve public access to music therapy services or provide meaningful protection for the public.

**I recommend against approval of this proposal for the following reasons:**

The information provided during the review does not clarify that music therapists have the ability to safely and effectively diagnose and treat mental health disorders. The proposal, if passed, would license music therapists at a Bachelor's Degree level of education and training. In Nebraska most other licensed mental health providers are licensed at, or above, the Master's Degree level of education and training, a level of education and training that provides reasonable assurance that providers of mental health services with such education and training possess sufficient clinical and didactic training to provide such services safely and effectively. It is unclear to me whether the current Bachelor's level of education and training of music therapists is sufficient to ensure clinical competency or safe and effective practice.