

Descriptions of State Recognition Options

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Background: The AMTA/CBMT State Recognition Operational Plan seeks to establish formal state recognition of the music therapy profession and the MT-BC required for competent practice. “Formal recognition” of a profession can take many forms. In general, options are either legislative or regulatory. Legislative forms of recognition can result in the creation of a music therapy license, music therapy registry, music therapy state certification, or title protection for music therapy. Regulatory options are state agency-specific.

Licensure

Considered the highest level of occupation regulation, a license offers title protection (e.g. an individual cannot claim to be a music therapist or offer music therapy services unless licensed in the state) and scope of practice protection (e.g. an individual cannot perform the functions outlined in a music therapist’s scope unless licensed in the state). The primary purpose of a license is to protect the public by outlining the specific education, clinical training, and continuing education requirements needed to practice competently as a music therapist. The general purpose of music therapy licensure legislation is:

to require licensure of music therapists (by a state agency/department); to provide for definitions (of music therapy); to provide for establishment, appointment, and membership of the music therapy advisory group/board; to provide for licensure application and qualifications; to provide for license renewal; to provide for waiver of examination; to provide for disciplinary actions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

This is a mandatory form of recognition, making it illegal for an individual to practice or claim to practice music therapy unless he or she holds a music therapy license.

Registration

A registry is a state-maintained roster of professionals who have met predetermined education, clinical training, and certification requirements. It serves to protect the public by maintaining a list of individuals who have met minimum requirements needed to practice music therapy and typically includes title protection for titles listed in the bill (e.g. “music therapy,” “music therapist,” “board certified music therapist,” and/or “state registered music therapist”). The general purpose of music therapy registry legislation is:

to require registration of music therapists by (a state agency/department); to provide for definitions (of music therapy); to provide for registration application and qualifications; to provide for registration renewal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

A significant difference between licensure and registration is that the level of enforcement for licensure is stricter and non-compliance can result in fines and legal action.

State Certification

This form of recognition is granted to individuals who have met certain education, clinical training, and certification requirements determined by the state. It typically provides title protection only for the state-designated title—commonly “state certified music therapist”—and not for other titles associated with the profession, such as “music therapy,” “music therapist,” or “board certified music therapist.” As such, it protects the public by maintaining a roster of individuals who have met predetermined requirements, but does not regulate the profession in its entirety.

Title Protection

This option provides definitions for and protects the titles of “music therapy,” “music therapist,” and associated references indicated in the bill (e.g. “board certified music therapist”). Title protection makes it illegal for an individual to claim to be a music therapist or offer music therapy services unless he or she meets the requirements outlined by the state. Unlike a license, state certification, or registration program, the state does not maintain a roster of practitioners who have met these requirements.

In theory, title protection legislation should only regulate how individuals hold themselves out to the public (title protection) and does not regulate practice. That is, only those credentialed individuals that meet the requirements for “music therapists”, as defined by the act, may advertise themselves as being music therapists, but nothing would prevent non-credentialed persons from providing music therapy services or otherwise practicing music therapy so long as they do not hold themselves out to the public as being music therapists.

The primary purpose of title act legislation is to promote the competent practice of a profession by encouraging individuals to obtain those credentials recognized by the act and to protect the value of a professional title by preventing non-credentialed individuals from diluting the title’s value by prohibiting those individuals from holding themselves out as professionals in a given field.

Title act legislation should be viewed as an acceptable alternative to licensure only in jurisdictions where available resources are too scarce to permit a regime that includes the regulation or enforcement components inherent to registry or licensure schemes.

Regulatory Inclusion

Regulatory options lead to the inclusion of music therapy-specific language in state government divisions or departments (e.g. Department of Early Intervention, Department of Aging, Department of Mental Health, Department of Health). This typically involves adding a definition of music therapy and including the music therapist in a list of eligible service providers within the regulations. Unlike legislative options, which provide blanket recognition of a profession across the state, regulatory inclusion is specific to a particular state agency and does not transfer across agencies.