



2023 ASSEMBLY BILL 1054

February 2, 2024 - Introduced by Representatives DITTRICH, DUCHOW and SUBECK.
Referred to Committee on Regulatory Licensing Reform.

1 **AN ACT** *to repeal* 440.03 (14) (a) 1. b. and 440.03 (14) (b); *to renumber* 440.01
2 (2) (cv); *to renumber and amend* 440.03 (14) (a) 1. (intro.), a. and c., 440.03
3 (14) (a) 2., 440.03 (14) (a) 3., 440.03 (14) (am), 440.03 (14) (c), 440.03 (14) (d),
4 440.03 (14) (e) and 440.03 (14) (f); *to amend* 457.02 (6) (b) 1.; and *to create*
5 15.407 (3m), subchapter X of chapter 440 [precedes 440.960], 440.968 (title) and
6 (2) and 440.9685 of the statutes; **relating to:** music therapists, the practice of
7 music therapy, granting rule-making authority, and providing a penalty.

Analysis by the Legislative Reference Bureau

Current law provides for the registration of music therapists by the Department of Safety and Professional Services, as well as dance and art therapists. This bill does all of the following with respect to the practice of music therapy and music therapists:

1. The bill eliminates the music therapist registration credential in favor of a music therapist license. The bill specifically requires proof of current board certification as a music therapist by the Certification Board for Music Therapists as a license qualification and also requires a bachelor's degree or higher in music therapy, or its equivalent.

2. The bill defines the practice of music therapy and prohibits the practice of music therapy, or the use of music therapist titles, without a music therapy license.

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3. The bill establishes a number of practice requirements and prohibitions for music therapists, including ones that address the involvement of health care professionals.

4. The bill creates a Music Therapy Examining Council to advise DSPS on the regulation of music therapists.

5. Current law allows DSPS to grant an additional license to practice psychotherapy to an individual registered as a music, dance, or art therapist. The bill, which does not include the practice of psychotherapy within the defined scope practice for music therapy, eliminates the ability for music therapists to obtain this separate psychotherapy license.

The bill also raises the criminal penalty provision for music, art, or dance therapists from \$200 or imprisonment for not more than six months to \$10,000 or imprisonment for not more than nine months. The bill otherwise does not affect the current law provisions regarding registration as a dance or art therapist.

Because this bill creates a new crime or revises a penalty for an existing crime, the Joint Review Committee on Criminal Penalties may be requested to prepare a report.

For further information see the state fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.407 (3m) of the statutes is created to read:

2 15.407 **(3m)** MUSIC THERAPY EXAMINING COUNCIL. There is created a music
3 therapy examining council in the department of safety and professional services and
4 serving the department in an advisory capacity in the formulating of rules to be
5 promulgated by the department for the regulation of music therapists. The music
6 therapy examining council shall consist of 2 licensed music therapists and one public
7 member appointed by the governor. The members of the examining council shall
8 serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply to the music
9 therapy examining council, except that members of the examining council may serve
10 more than 2 consecutive terms.

11 **SECTION 2.** 440.01 (2) (cv) of the statutes is renumbered 440.960 (8).

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1 **SECTION 3.** 440.03 (14) (a) 1. (intro.), a. and c. of the statutes are renumbered
2 440.962 (1) (intro.), (a) and (c) and amended to read:

3 440.962 (1) (intro.) The department shall grant a ~~certificate of registration as~~
4 a- music therapist license to a person if all of the following apply:

5 (a) The person is ~~certified, registered, or accredited~~ provides proof of passing
6 the examination for board certification offered by the Certification Board for Music
7 Therapists or any successor organization, or of having been transitioned into board
8 certification, and holds current board certification as a music therapist by the
9 Certification Board for Music Therapists, ~~National Music Therapy Registry,~~
10 ~~American Music Therapy Association or by another national~~ or a successor
11 organization that ~~certifies, registers, or accredits~~ music therapists.

12 (c) The person pays the initial credential fee determined by the department
13 under s. 440.03 (9) (a) and files with the department evidence satisfactory to the
14 department that he or she is certified, registered, or accredited as required under
15 subd. 1. a. par. (a).

16 **SECTION 4.** 440.03 (14) (a) 1. b. of the statutes is repealed.

17 **SECTION 5.** 440.03 (14) (a) 2. of the statutes is renumbered 440.963 (1), and
18 440.963 (1) (a) to (c), as renumbered, are amended to read:

19 440.963 (1) (a) The person is certified, registered, or accredited as an art
20 therapist by the Art Therapy Credentials Board or by another national organization
21 that certifies, registers, or accredits art therapists.

22 (b) The organization that certified, registered, or accredited the person under
23 subd. 2. a. par. (a) is approved by the department.

24 (c) The person pays the initial credential fee determined by the department
25 under s. 440.03 (9) (a) and files with the department evidence satisfactory to the

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1 department that he or she is certified, registered, or accredited as required under
2 ~~subd. 2. a. par. (a).~~

3 **SECTION 6.** 440.03 (14) (a) 3. of the statutes is renumbered 440.964 (1), and
4 440.964 (1) (a) to (c), as renumbered, are amended to read:

5 440.964 (1) (a) The person is certified, registered, or accredited as a dance
6 therapist by the American Dance Therapy Association or by another national
7 organization that certifies, registers, or accredits dance therapists.

8 (b) The organization that certified, registered, or accredited the person under
9 ~~subd. 3. a. par. (a)~~ is approved by the department.

10 (c) The person pays the initial credential fee determined by the department
11 under s. 440.03 (9) (a) and files with the department evidence satisfactory to the
12 department that he or she is certified, registered, or accredited as required under
13 ~~subd. 3. a. par. (a).~~

14 **SECTION 7.** 440.03 (14) (am) of the statutes, as affected by 2023 Wisconsin Act
15 55, is renumbered 440.966 and amended to read:

16 **440.966 Psychotherapy license.** The department may promulgate rules
17 that establish requirements for granting a license to practice psychotherapy to a
18 person who is registered ~~under par. (a) as an art therapist or dance therapist under~~
19 ~~this chapter.~~ Rules promulgated under this ~~paragraph~~ section shall establish
20 requirements for obtaining such a license that are comparable to the requirements
21 for obtaining a clinical social worker, marriage and family therapist, or professional
22 counselor license under subch. I of ch. 457. If the department promulgates rules
23 under this ~~paragraph~~ section, the department shall grant a license under this
24 ~~paragraph~~ section to a person registered under ~~par. (a) s. 440.963 or 440.964~~ who
25 pays the initial credential fee determined by the department under s. 440.03 (9) (a)

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1 and provides evidence satisfactory to the department that he or she satisfies the
2 requirements established in the rules.

3 **SECTION 8.** 440.03 (14) (b) of the statutes is repealed.

4 **SECTION 9.** 440.03 (14) (c) of the statutes is renumbered 440.965 (1) and
5 amended to read:

6 440.965 (1) The renewal dates for certificates credentials granted under par.
7 ~~(a) and licenses granted under par. (am)~~ this subchapter are specified in s. 440.08 (2)
8 (a).

9 **(2) (a)** Renewal applications shall be submitted to the department on a form
10 provided by the department and shall include the renewal fee determined by the
11 department under s. 440.03 (9) (a) and.

12 **(b)** For renewal of a license granted under s. 440.962 or a certificate granted
13 under s. 440.963 or 440.964, the renewal application shall include evidence
14 satisfactory to the department that the person's certification, registration, or
15 accreditation specified in par. (a) 1. a., 2. a., or 3. a. s. 440.962 (1) (a), 440.963 (1) (a),
16 or 440.964 (1) (a) is current and has not been revoked.

17 **SECTION 10.** 440.03 (14) (d) of the statutes is renumbered 440.968 (1) and
18 amended to read:

19 440.968 (1) The department shall promulgate rules that specify the services
20 within the scope of practice of music, art, or dance therapy that a person who is
21 registered under ~~par. (a)~~ s. 440.963 or 440.964 is qualified to perform. The rules may
22 not allow a person registered under ~~par. (a)~~ s. 440.963 or 440.964 to perform
23 psychotherapy unless the person is granted a license under ~~the rules promulgated~~
24 ~~under par. (am)~~ s. 440.966.

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1 **SECTION 11.** 440.03 (14) (e) of the statutes is renumbered 440.967 (1) and
2 amended to read:

3 **440.967 (1)** Subject to the rules promulgated under ~~sub. (1) s. 440.03 (1)~~, the
4 department may make investigations and conduct hearings to determine whether a
5 violation of this subsection subchapter or any rule promulgated under ~~par. (d)~~ this
6 subchapter has occurred and may reprimand a person who is licensed or registered
7 under ~~par. (a) or holds a license granted under the rules promulgated under par. (am)~~
8 this subchapter or may deny, limit, suspend, or revoke a license or certificate of
9 registration granted under ~~par. (a) or a license granted under the rules promulgated~~
10 under par. (am) this subchapter if the department finds that the applicant or
11 certificate or license holder has violated this subsection subchapter or any rule
12 promulgated under ~~par. (d)~~ this subchapter.

13 **SECTION 12.** 440.03 (14) (f) of the statutes is renumbered 440.969 and amended
14 to read:

15 **440.969 Penalty.** A person who is ~~registered under par. (a) or holds a license~~
16 ~~granted under the rules promulgated under par. (am)~~ who violates this subsection
17 subchapter or any rule promulgated under ~~par. (d)~~ this subchapter may be fined not
18 more than \$200 \$10,000 or imprisoned for not more than ~~6~~ 9 months or both.

19 **SECTION 13.** Subchapter X of chapter 440 [precedes 440.960] of the statutes is
20 created to read:

CHAPTER 440**SUBCHAPTER X****MUSIC, ART, AND DANCE THERAPY**

24 **440.960 Definitions.** In this subchapter:

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1 (4) “Music therapist” means a person licensed as a music therapist under this
2 subchapter.

3 (5) (a) 1. “Music therapy” means, subject to par. (b), the clinical and
4 evidence-based use of music interventions to accomplish individualized goals for
5 persons of all ages and ability levels within a therapeutic relationship by a
6 board-certified music therapist.

7 2. “Music therapy” includes, subject to par. (b), all of the following:

8 a. Accepting referrals for music therapy services from medical, developmental,
9 mental health, or education professionals; family members; clients; caregivers; or
10 others involved and authorized with provision of client services.

11 b. Conducting a music therapy assessment of a client to determine if treatment
12 is indicated. If treatment is indicated, “music therapy” includes collecting
13 systematic, comprehensive, and accurate information to determine the
14 appropriateness and type of music therapy services to provide for the client.

15 c. Developing an individualized music therapy treatment plan for the client
16 that is based on the results of the music therapy assessment and that is consistent
17 with any other developmental, rehabilitative, habilitative, medical, mental health,
18 preventive, wellness care, or educational services being provided to the client.

19 d. Evaluating the client’s response to music therapy and the individualized
20 music therapy treatment plan, documenting change and progress, and suggesting
21 modifications, as appropriate.

22 e. Developing a plan for determining when the provision of music therapy
23 services is no longer needed in collaboration with the client, physician, or other
24 provider of health care or education for the client, family members of the client, and
25 any other appropriate person upon whom the client relies for support.

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1 (b) “Music therapy” does not include the screening, diagnosis, or assessment
2 of any physical, mental, or communication disorder, except to the extent permitted
3 by a license to practice psychotherapy granted under s. 440.966.

4 **440.961 License required. (1)** (a) Except as provided in par. (b), no person
5 may engage in the practice of music therapy, or attempt to do so or make a
6 representation as authorized to do so, without a license issued by the department
7 under this subchapter.

8 (b) No license is required under this subchapter for any of the following,
9 provided that the person does not violate sub. (2):

10 1. A person lawfully practicing within the scope of a license, permit,
11 registration, certificate, or certification granted by this state, including the use of
12 music incidental to the person’s practice.

13 2. A person whose training and national certification attests to the person’s
14 preparation and ability to practice his or her certified profession or occupation.

15 3. A person practicing music therapy as an integral part of a program of study
16 for students enrolled in a music therapy program within an accredited college or
17 university.

18 4. A person who practices music therapy under the supervision of a music
19 therapist.

20 (2) No person may use the title “music therapist,” “licensed professional music
21 therapist,” or any similar title, append to the person’s name the letters “LPMT,” or
22 state or imply that he or she is licensed to practice music therapy without a license
23 issued by the department under this subchapter.

24 **440.962 Licensure of music therapists. (1)** (d) The person does not have
25 an arrest or conviction record, subject to ss. 111.321, 111.322, and 111.335.

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1 (e) The person holds a bachelor's degree or higher in music therapy, or its
2 equivalent, including clinical training hours, from a music therapy program within
3 an accredited college or university.

4 **(1m)** Notwithstanding sub. (1), a person who, on the effective date of this
5 subsection [LRB inserts date], was registered by the department as a music
6 therapist under s. 440.03 (14) (a) 1., 2021 stats., and provides proof of current board
7 certification as a music therapist by the Certification Board for Music Therapists
8 shall be considered to have been licensed under sub. (1) for purposes of this
9 subchapter.

10 **(2)** A person who is licensed under sub. (1) shall notify the department in
11 writing within 30 days if an organization specified in sub. (1) (a) revokes the person's
12 board certification specified in sub. (1) (a).

13 **440.963 Registration of art therapists. (2)** A person who is registered
14 under sub. (1) shall notify the department in writing within 30 days if an
15 organization specified in sub. (1) (a) revokes the person's certification, registration,
16 or accreditation specified in sub. (1) (a).

17 **440.964 Registration of dance therapists. (2)** A person who is registered
18 under sub. (1) shall notify the department in writing within 30 days if an
19 organization specified in sub. (1) (a) revokes the person's certification, registration,
20 or accreditation specified in sub. (1) (a).

21 **440.965 (title) Renewal.**

22 **440.966 Practice. (1)** In this section:

23 (a) "Audiologist" has the meaning given in s. 459.20 (1).

24 (b) "Clinical social worker" has the meaning given in s. 457.01 (1r).

25 (d) "Speech-language pathologist" has the meaning given in s. 459.20 (4).

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1 **(2)** Before a music therapist provides music therapy services to a client for an
2 identified clinical or developmental need, the music therapist shall review the
3 client's diagnosis, treatment needs, and treatment plan with the health care
4 providers involved in the client's care.

5 **(3)** Before a music therapist provides music therapy services to a student for
6 an identified educational need in a special education setting, the music therapist
7 shall review with the student's individualized education program team the student's
8 individualized family service plan or individualized education plan, including the
9 student's diagnosis, treatment needs, and treatment plan.

10 **(4)** During the provision of music therapy services to a client, a music therapist
11 shall collaborate, as applicable, with the client's treatment team, including the
12 client's physician, psychologist, clinical social worker, or other mental health
13 professional. During the provision of music therapy services to a client with a
14 communication disorder, a music therapist shall collaborate and discuss the client's
15 music therapy treatment plan with the client's audiologist or speech-language
16 pathologist so that a music therapist may work with the client and address
17 communication skills.

18 **(5)** (a) When providing educational or health care services, a music therapist
19 may not replace the services provided by an audiologist or a speech-language
20 pathologist. Unless authorized to practice speech-language pathology under ch. 459,
21 a music therapist may not evaluate, examine, instruct, or counsel on speech,
22 language, communication, or swallowing disorders or conditions.

23 (b) 1. A music therapist may not represent to the public that the individual is
24 authorized to treat a communication disorder.

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1 2. Subdivision 1. does not prohibit a music therapist from representing to the
2 public that he or she may work with clients who have a communication disorder and
3 address communication skills.

4 **440.967 Disciplinary actions. (2)** (a) The department shall revoke a license
5 granted under s. 440.962 if an organization specified in s. 440.962 (1) (a) revokes the
6 licensee's certification specified in s. 440.962 (1) (a).

7 (b) The department shall revoke a certificate of registration granted under s.
8 440.963 or 440.964 if an organization specified in s. 440.963 (1) (a) or 440.964 (1) (a)
9 revokes the registration holder's certification, registration, or accreditation specified
10 in s. 440.963 (1) (a) or 440.964 (1) (a).

11 **(3)** If the department revokes a person's license granted under s. 440.962 or
12 certificate of registration granted under s. 440.963 (1) (a) or 440.964 (1) (a) and the
13 person also holds a license granted under s. 440.966, the department shall also
14 revoke that license.

15 **SECTION 14.** 440.968 (title) and (2) of the statutes are created to read:

16 **440.968 (title) Rules.**

17 **(2)** The department may, with the advice of the music therapy examining
18 council, promulgate any rules governing music therapists and the practice of music
19 therapy that are necessary to implement this chapter.

20 **SECTION 15.** 440.9685 of the statutes is created to read:

21 **440.9685 Music therapy examining council.** The music therapy examining
22 council shall guide, advise, and make recommendations to the department regarding
23 the licensure of music therapists, the practice of music therapy, and the
24 promulgation of rules under s. 440.968 (2).

25 **SECTION 16.** 457.02 (6) (b) 1. of the statutes is amended to read:

