

Chapter SPS 142

SCOPE OF PRACTICE

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Note: Chapter RL 142 was created as an emergency rule effective December 1, 1998. **Chapter RL 142 was renumbered chapter SPS 142 under s. 13.92 (4) (b) 1., Stats., Register November 2011 No. 671.**

SPS 142.01 Music therapy. Music therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** Music therapy is the specialized use of music and the materials of music to restore, maintain, and improve the following areas of functioning:

- (a) Cognitive.
- (b) Psychological.
- (c) Social or emotional.
- (d) Affective.
- (e) Physical.
- (f) Sensory or sensorimotor.
- (g) Motor.
- (h) Communicative.
- (i) Physiological functioning.

(2) **TECHNIQUES.** Techniques used in the practice of music therapy include, but are not limited to, the following:

- (a) The use of music to provide participatory individual and group experiences.
- (b) Musical improvisation.
- (c) Therapeutic development of verbal skills and nonverbal behavior.
- (d) Receptive music learning.
- (e) Lyric discussions.
- (f) Memory recall.
- (g) Music and imagery.
- (h) Self-expression through composition and song writing.
- (i) Socialization and enhancement of self-esteem through music performance.
- (j) Relaxation to music, including stress and pain management.
- (k) Learning through music.
- (L) Cultural and spiritual expression.
- (m) Development of fine and gross motor skills through responses to rhythm.
- (n) Respiratory and speech improvements through sound production.
- (o) Sensory integration and stimulation.
- (p) Increased awareness of music for development of recreation and leisure interests.
- (q) Interactive verbal techniques to help facilitate, elicit or summarize the above techniques and build the therapeutic relationship.

(3) **SCOPE OF PRACTICE.** Any music therapist who has attained registration pursuant to s. SPS 141.01 and who limits his or her

practice to the specific techniques in sub. (2) shall be deemed not to be practicing psychotherapy.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99; CR 02–125: r. and recr. Register July 2003 No. 571, eff. 8–1–03; **correction in (3) made under s. 13.92 (4) (b) 7., Stats., Register November 2011 No. 671.**

SPS 142.02 Art therapy. Art therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** Art therapy alleviates distress and reduces physical, emotional, behavioral, and social impairment while supporting and promoting positive development through the use of art media.

(2) **TECHNIQUE.** The practice of art therapy includes, but is not limited to, the use of art media to assess, treat and rehabilitate patients with mental, emotional, physical, or developmental disorders.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99.

SPS 142.03 Dance therapy. Dance therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **OBJECTIVES.** The goal of dance therapy includes, but is not limited to, the therapeutic use of dance and movement in order to enhance and promote psychological growth, contribute to assessment information, and aid creative, cognitive, emotional and motor development.

(2) **TECHNIQUES.** The practice of dance therapy includes, but is not limited to, the use of movement, nonverbal, and verbal modalities.

Note: Dance therapy is also known as dance/movement therapy.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99; CR 02–125: am. (1), Register July 2003 No. 571, eff. 8–1–03.

SPS 142.04 General procedures. In the delivery of music, art and dance therapy services, registrants shall follow general procedures that include all of the following:

- (1) Referral and acceptance.
- (2) Assessment.
- (3) Development of treatment plans.
- (4) Therapeutic intervention and treatment.
- (5) Documentation.
- (6) Termination of services.

History: Cr. Register, April, 1999, No. 520, eff. 5–1–99.

SPS 142.05 Prohibited practices. In the practice of music, art and dance therapy, prohibited practices include, but are not limited to, the following:

(1) Practicing beyond the scope of practice of music, art or dance therapy as provided in this chapter.

(2) Failing to practice music, art or dance therapy within the scope of the registrant's competence, education, training or experience.

(3) Knowingly permitting any professional staff to provide music, art or dance therapy that exceeds that person's competence, education, training or experience.

(4) Failing when indicated to refer a client to a health care practitioner for treatment beyond the qualifications or scope of practice of the music, art or dance therapist.

(5) Misrepresenting the scope of practice of music, art or dance therapy to a client or to the public.

(6) Misrepresenting qualifications, education, credentials or professional affiliations to a client or to the public.

(7) Failing to inform a client, or the client's authorized representative, about contraindications of music, art or dance therapy.

(8) Providing music, art or dance therapy when benefits cannot reasonably be expected.

(9) Guaranteeing the results of services offered, except that reasonable statements relating to prognosis and progress may be made.

(10) Failing to inform a client, or the client's authorized representative, of the purpose, nature and effects of assessment and treatment.

(11) Failing to avoid dual relationships, sexual misconduct and relationships with clients that may impair one's objectivity or create a conflict of interest. Dual relationships include, but are not limited to, treating employees, supervisees, students, friends or relatives.

(12) Using an individual in research or as the subject of a teaching demonstration without obtaining the individual's informed consent.

(13) Failing to assign credit to an individual who contributed to clinical services, publications, or presentations in proportion to the individual's contribution.

(14) Engaging in conduct likely to deceive, defraud, or harm an individual or the public in the course of the practice of music, art or dance therapy.

(15) Advertising in a manner which is false, deceptive or misleading.

(16) Subject to ss. 111.321, 111.322 and 111.34, Stats., practicing music, art or dance therapy while the registrant's ability to practice is impaired by a mental or physical disorder, alcohol or drugs.

(17) Subject to ss. 111.321, 111.322 and 111.335, Stats., being convicted of an offense the circumstances of which substantially relate to the practice of music, art or dance therapy.

(18) Failing to maintain the confidentiality of all client information, unless consent is given by the client or disclosure is required by law or court order.

(19) Knowingly placing false information in a client's records.

(20) Failing to provide appropriate access to client records when requested by the department or its representative.

(21) Knowingly providing false information to the department.

(22) Knowingly making a material misstatement on an application for registration or for renewal of a registration.

(23) Violating any rule adopted by the department relating to the practice of music, art or dance therapy.

(24) Violating any term, provision or condition of any order issued by the department relating to the practice of music, art or dance therapy.

(25) After a request by the department, failing to cooperate in a timely manner with the department's investigation of complaints filed against the applicant or registrant. There is a rebuttable presumption that a registrant or applicant who takes longer than 30 days to respond to a request made by the department has not acted in a timely manner under this paragraph.

(26) Practicing psychotherapy, unless the registrant has been granted a license to practice psychotherapy.

History: Cr. Register, April, 1999, No. 520, eff. 5-1-99; CR 02-125: cr. (26) Register July 2003 No. 571, eff. 8-1-03.

SPS 142.06 Required reporting. Any person registered as a music therapist, art therapist, dance therapist, registered music therapist with psychotherapy license, registered art therapist with psychotherapy license, or registered dance therapist with psychotherapy license shall notify the department in writing within 30 days if an organization specified in s. 440.03 (14) (a) 1. a., 2. a., or 3. a., Stats., revokes the registrant's certification, registration or accreditation. Upon receiving a verified report of the revocation, the department shall revoke any registration, certificate of registration, or registration with psychotherapy license issued to the person.

History: CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03.

SPS 142.07 Professional liability insurance.

(1) Except as provided in sub. (2), a person registered as a music, art or dance therapist with a license to practice psychotherapy may not practice psychotherapy unless the person has in effect professional liability insurance in the amount of at least \$1,000,000 for each occurrence and \$3,000,000 for all occurrences in one year.

(2) Subsection (1) does not apply to a person practicing psychotherapy as an employee of a federal, state or local governmental agency, if the practice is part of the duties for which the person is employed and is solely within the confines of or under the jurisdiction of the agency by which the person is employed.

History: CR 02-125: cr. Register July 2003 No. 571, eff. 8-1-03.