

1997-98 SESSION  
COMMITTEE HEARING  
RECORDS

Committee Name:

*Joint Committee for  
Review of  
Administrative Rules  
(JCR-AR)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR\_RCP\_pt01a
- 97hrAC-EdR\_RCP\_pt01b
- 97hrAC-EdR\_RCP\_pt02

- Appointments ... Appt
- 
- Clearinghouse Rules ... CRule
- 97hr\_JCR-AR\_CRule\_98-173
- 
- Committee Hearings ... CH
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- Committee Reports ... CR
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- Executive Sessions ... ES
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- Hearing Records ... HR
- 
- Miscellaneous ... Misc
- 
- Record of Comm. Proceedings ... RCP
-

R&K 140-142 MUSIC, DANCE, ART  
98-173 THERAPIST

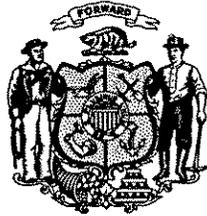
WISCONSIN LEGISLATIVE COUNCIL STAFF

LCRC  
FORM 2

***RULES CLEARINGHOUSE***

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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 98-173**

AN ORDER to create chapters RL 140 to 142, relating to the registration of music, art and dance therapists.

Submitted by **DEPARTMENT OF REGULATION AND LICENSING**

11-02-98 RECEIVED BY LEGISLATIVE COUNCIL.

11-30-98 REPORT SENT TO AGENCY.

RS:DD:jal;wu

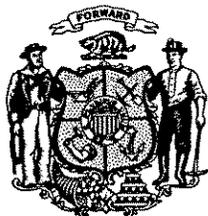


# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 98-173

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

#### 1. Statutory Authority

a. Paragraphs (a), (b) and (c) of s. RL 141.01 fail to indicate that "another national organization that certifies, registers or accredits" therapists must be approved by the department. Should the rule contain criteria for departmental approval of other national organizations? See s. 440.03 (14) (a) 1. b., 2. b. and 3. b., Stats.

b. Section RL 142.04 arguably exceeds the authority granted by s. 440.03 (14) (d), Stats. The latter requires the department to promulgate rules specifying the services within the scope of practice that a registered therapist "is qualified to perform." A strict interpretation of the statutory provision arguably would limit the rule-making authority to a delineation of services that a registered therapist is qualified to perform and a prohibition against practicing beyond the defined scope of practice. Under that interpretation, the authority for prohibited practice rules that relate more to unprofessional conduct or misconduct may be questioned. A more expansive interpretation of the statutory provision might support more of the prohibited practices delineated in the rule as essentially defining the scope of practice. The department should consider the statutory authority for s. RL 142.04, both generally and as it relates to each prohibited practice.

#### 2. Form, Style and Placement in Administrative Code

a. It is suggested that the rule create only one chapter with three subchapters.

b. The style of s. RL 140.02 (2) is inconsistent with subs. (3) and (4) of that section which delineate elements of the respective practice. More importantly, however, all the

definitions contain substantive provisions that are more appropriately placed in provisions relating to scope of practice. Consideration should be given to whether it is necessary at all to define the practice of art therapy, dance therapy and music therapy; it appears, as indicated, that most of each definition can be stated within the rules relating to the scope of practice (if a definition is considered necessary, perhaps the first sentence of each definition will suffice).

c. In s. RL 141.02 (1) (intro.), it is suggested that "on or before the renewal date" be relocated to follow "submit." Also, sub. (1) (a) refers to a form. The requirements of s. 227.14 (3), Stats., should be met.

d. In s. RL 142.01 (1) (intro.), "Practice" should be modified by "Musical therapy."

e. In s. RL 142.02 (1) (intro.), "Practice" should be modified by "Art therapy."

f. In s. RL 142.03 (1) (intro.), "Practice" should be modified by "Dance therapy."

g. In s. RL 142.04 (intro.), "without limitation because of enumeration" should be deleted. Generally, it is not a favored drafting technique and its import in the context of the prohibited practices section is unclear.

##### 5. Clarity, Grammar, Punctuation and Use of Plain Language

a. Each of the sections defining the scope of practice of the respective therapies addressed by the rule refers to "generally accepted standards recognized by the profession," followed by a noninclusive listing of standards. Consequently, generally accepted standards recognized by each profession apparently exist that are not recognized within the rule but of which a reasonable practitioner would be aware and that can be established by the department by introduction of evidence. Is that the intent of the wording of the scope of practice provisions?

b. In s. RL 140.02, why does sub. (4) refer to "termination of services," but subs. (2) and (3) do not? [See also ss. RL 142.01, 142.02 and 142.03.]

c. In s. RL 142.01 (1) (b), it appears that a semicolon should be placed after "needed." Is the reference to "infection control procedures" correct?

d. In s. RL 142.03 (1) (b), does "modalities" refer back to "movement" in addition to "nonverbal" and "verbal"? Consideration should be given to clarifying the sentence.

e. In s. RL 142.04 (4), consideration should be given to placing "when indicated" following "failing."

f. Section RL 142.04 (10) makes reference to a client's "authorized representative." Should reference to an authorized representative be made elsewhere in the rule?

g. In s. RL 142.04 (11), "conduct" should replace "misconduct." Consideration should be given to giving further specificity to the term "dual relationships."

h. In s. RL 142.04 (16), "other" should be deleted.

- i. In s. RL 142.04 (20), use of “appropriate” is vague; can more guidance be provided?
- j. In s. RL 142.04 (22), should “knowingly” modify “Making”?
- k. In s. RL 142.04 (24), should “relating to the practice of music, art or dance therapy” follow “department”?

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING : PROPOSED ORDER OF THE  
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND  
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES  
AND LICENSING : (CLEARINGHOUSE RULE 98- )

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PROPOSED ORDER

An order of the Department of Regulation and Licensing to *create* chapters RL 140 to 142, relating to the registration of music, art and dance therapists.

Analysis prepared by the Department of Regulation and Licensing.

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ANALYSIS

Statutes authorizing promulgation: s. 227.11 (2), Stats., and s. 440.03 (14) (d), Stats.,  
as created by 1997 Wisconsin Act 261. ✓

Statutes interpreted: s. 440.03 (14), Stats.

In this proposed rule-making order the Department of Regulation and Licensing creates chs. RL 140 to 142, which establish requirements for the registration of music, art and dance therapists.

Chapter RL 140 sets forth the authority of the department to promulgate the proposed rules. The proposed rules also include definitions for the terms “practice of art therapy,” “practice of dance therapy” and “practice of music therapy.”

Chapter RL 141 sets forth the requirements for obtaining a registration as a music, art or dance therapist. In addition, the rules contain the requirements for renewal of a registration.

Chapter RL 142 establishes the scope of practice for music, art and dance therapists. The rules identify appropriate practice, including techniques and general procedures, which music, art and dance therapists must follow, as well as prohibited practices.

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TEXT OF RULE

SECTION 1. Chapters RL 140 to 142 are created to read:

Chapter RL 140

*combine  
into one ch.,  
w/ 3 subch.*

AUTHORITY, INTENT AND DEFINITIONS

**RL 140.01 Authority and purpose.** The rules in chs. RL 140 to 142 are adopted by the department pursuant to ss. 227.11 (2) and 440.03 (14) (d), Stats., to govern the registration of music, art and dance therapists.

**RL 140.02 Definitions.** As used in chs. RL 140 to 142, unless the context otherwise requires:

(1) "Department" means the department of regulation and licensing.

(2) "Practice of art therapy" means the specialized, professional and therapeutic use of art media, images, the creative art process, and client responses to the created art productions as reflections of an individual's development, abilities, personality, interests, concerns, and conflicts. Art therapy practice is based on knowledge of human development and theories which are implemented in the full spectrum of models of assessment and treatment including educational, cognitive, transpersonal, and other therapeutic means of reconciling emotional conflicts, fostering self-awareness, developing social skills, managing behavior, solving problems, reducing anxiety, aiding reality orientation, and increasing self-esteem. Art therapists serve individuals, couples, families and groups. The practice may include elements of other art forms.

(3) "Practice of dance therapy" means the specialized, professional and therapeutic use of movement and dance. This is a process which furthers the emotional, cognitive, social and physical integration of the individual. The practice may include elements of other art forms. The practice includes, but is not limited to, the following:

- (a) Consultation with clients to determine the nature of a client's problem.
- (b) Assessment of clients to determine their suitability for dance therapy.
- (c) Explanation to clients of the nature of dance therapy.
- (d) Facilitation of dance therapy sessions using methods and techniques in accordance with goals determined by the client and therapist.
- (e) Discussion with clients regarding the process and results of dance therapy.

(f) Documentation..

*why not term of services*

(4) "Practice of music therapy" means the specialized, professional, therapeutic use of music in the service to individuals with needs in mental health, physical health, habilitation, rehabilitation, special education, self-care or personal growth. The purpose of music therapy is to assist and empower individuals to attain or maintain their maximum level of functioning and highest quality of life. The practice may include elements of other art forms. In the delivery of music therapy services, music therapists are required to follow general procedures that include all of the following:

- (a) Referral and acceptance.
- (b) Assessment of current functioning level and condition.
- (c) Professional program planning.
- (d) Therapeutic implementation and intervention.
- (e) Documentation.
- (f) Termination of services.

(5) "Registrant" means a person who is granted a registration as a music, art or dance therapist by the department.

## Chapter RL 141

### APPLICATION

**RL 141.01 Application for registration.** An individual applying for registration as a music, art or dance therapist shall submit all of the following to the department:

- (1) An application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

- (2) The fee required under s. 440.05 (1), Stats.
- (3) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the department that he or she does not have an arrest or conviction record.

(4) Written verification transmitted directly to the department by the appropriate organization stating that the applicant:

? Dept Approval  
- 10-20-98

(a) If applying for registration as a music therapist, is certified, registered or accredited as a music therapist by the certification board for music therapists, national music therapy registry, American music therapy association or by another national organization that certifies, registers or accredits music therapists.

(b) If applying for registration as an art therapist, is certified, registered or accredited as an art therapist by the art therapy credentials board or by another national organization that certifies, registers or accredits art therapists.

(c) If applying for registration as a dance therapist, is certified, registered or accredited as a dance therapist by the American dance therapy association or by another national organization that certifies, registers or accredits dance therapists.

**RL 141.02 Renewal of registration.** (1) Registrations for music, art and dance therapists expire on October 1 of each odd-numbered year. In order to renew a registration on or before the renewal date, the registrant shall submit all of the following to the department:

(a) A renewal application on a form provided by the department.

form

(b) The renewal fee required under s. 440.08 (2) (a), Stats.

(c) A signed statement contained on the renewal application certifying that the certification, registration or accreditation as a music, art or dance therapist, as appropriate, granted to him or her by the appropriate organization identified under s. RL 141.01 (4), has not been revoked.

10-30-98 (c)

(2) A registrant who fails to renew his or her registration by the renewal date may renew the registration by satisfying the requirements under sub. (1) and paying the late renewal fee required under s. 440.08 (3), Stats.

Note: The first registration renewal date for music, art and dance therapists will be October 1, 2001.

**RL 141.03 Accommodations relating to a disability.** A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration or renewal of a registration as a music, art or dance therapist.

Chapter RL 142

SCOPE OF PRACTICE

440.03(14)(d)

**RL 142.01 Music therapy.** (1) PRACTICE. Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

X

(a) *Techniques.* Techniques used in the practice of music therapy include, but are not limited to, music improvisation techniques, receptive music listening, use of rhythm to assist with and enhance motor planning, song writing, lyric discussions and memory recall, music and imagery, music performances, learning through music, fine motor manipulation of instruments, active participation in the music making process and sensory stimulation.

(b) *Treatment plans.* Treatment plans may be designed to help clients attain and maintain the maximum level of functioning; comply with federal, state, facility and agency regulations; delineate the type, frequency and duration of music therapy involvement; identify objectives and goals and specify procedures for attaining the objectives and goals; provide for periodic evaluation and appropriate modifications as needed or comply with infection control procedures.

(2) **GENERAL PROCEDURES.** In the delivery of music therapy services, music therapists shall follow general procedures that include all of the following:

- (a) Referral and acceptance.
- (b) Assessment.
- (c) Program planning.
- (d) Implementation.
- (e) Documentation.
- (f) Termination of services.

**RL 142.02 Art therapy. (1) PRACTICE.** Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(a) *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.

(b) *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.

(2) **GENERAL PROCEDURES.** In the delivery of art therapy services, art therapists shall follow general procedures that include all of the following:

- (a) Assessment.

- (b) Development of patient treatment plans, goals and objectives.
- (c) Case management services.
- (d) Therapeutic interventions and treatment.
- (e) Documentation.
- (f) Termination of services.

**RL 142.03 Dance therapy.** (1) PRACTICE. Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

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

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

(2) GENERAL PROCEDURES. In the delivery of dance therapy services, dance therapists shall follow general procedures that include all of the following:

- (a) Consultation with clients to determine their suitability for therapy.
- (b) Assessment.
- (c) Explanation to clients of the nature of therapy.
- (d) Facilitation of dance therapy sessions.
- (e) Discussion with clients regarding the process and results of therapy.
- (f) Documentation.

**RL 142.04 Prohibited practices.** In the practice of music, art and dance therapy, the following without limitation because of enumeration, are prohibited practices:

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

*Authenticity?*

- (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 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, when indicated. ✓
- (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 about <sup>?</sup>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. *inclusion of consent* ✓
- (11) Failing to avoid dual relationships, sexual misconduct or relationships with clients that may impair one's objectivity or create a conflict of interest. <sup>?</sup>Dual relationships include, but are not limited to, treating employees, supervisees, students, friends or relatives. *add in*  
*add in*
- (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. *add in*
- (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 other 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) <sup>Knowingly?</sup> 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. <sup>violating to...</sup>

(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.

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(END OF TEXT OF RULE)  
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The rules adopted in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22 (2) (intro.), Stats.

Dated \_\_\_\_\_

Agency \_\_\_\_\_

Marlene A. Cummings, Secretary  
Department of Regulation and Licensing

## FISCAL ESTIMATE

These rules implement 1997 Wisconsin Act 261, relating to the registration of music, art and dance therapists. The costs associated with this legislation have been enumerated in the agency's biennial budget request.

The department is estimating that there will be 200 registrants. Annual revenues from these registrants are estimated to be \$4,100. Costs associated with the regulation include the expenses of two meetings of the Secretary's Advisory Committee per year at \$1,488 annually, postage costs of \$1,200 and printing costs of \$420.

The department is not aware of any local government costs.

## INITIAL REGULATORY FLEXIBILITY ANALYSIS

These proposed rules will be reviewed by the department through its Small Business Review Advisory Committee to determine whether there will be an economic impact on a substantial number of small businesses, as defined in s. 227.114 (1) (a), Stats.

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11/2/98



State of Wisconsin \ DEPARTMENT OF REGULATION & LICENSING

Tommy G. Thompson  
Governor

Marlene A. Cummings  
Secretary

1400 E. WASHINGTON AVENUE  
P O BOX 8935  
MADISON, WISCONSIN 53708-8935  
(608) 266-2112

November 5, 1998

Senator Robert Welch, Co-Chairperson  
Joint Committee for Review of Administrative Rules  
1 East Main Street, Room 201  
Madison, Wisconsin 53702

Representative Glenn Grothman, Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 125 West, State Capitol  
Madison, Wisconsin 53702

Re: Emergency Rules for Music, Art and Dance Therapists

Dear Senator Welch and Representative Grothman:

I am writing to inform you that the Department of Regulation and Licensing has prepared rules to implement registration requirements for music, art and dance therapists in accordance with the requirements set forth in s. 440.03 (14), Stats., as created by 1997 Wisconsin Act 261. The Act, which was enacted on June 8, 1998 and published on June 22, 1998, will become effective on December 1, 1998. The proposed rules establish procedures relating to applications for registration, define the scope of practice of music, art and dance therapists and identify the grounds for discipline. The Music, Art and Dance Therapists Advisory Committee, which was created by the department, provided assistance with the preparation of the rules.

The department will promulgate these rules as emergency rules in accordance with s. 227.24, Stats. The proposed rules were sent to the Legislative Council's Administrative Rules Clearinghouse on November 2, 1998, and will be reviewed by the department's Small Business Review Advisory Committee on November 19, 1998. A public hearing will be held on December 8, 1998.

A draft of the Order Adopting Emergency Rules is enclosed. If you have any questions, please call me at (608) 266-8609 or Ruby Jefferson-Moore, Legal Counsel at (608) 266-3679.

With respect,

  
Marlene A. Cummings  
Secretary

Regulatory Boards

Accounting; Architects; Landscape Architects; Professional Geologists; Professional Engineers; Designers and Land Surveyors; Auctioneer; Barbering and Cosmetology; Chiropractic; Dentistry; Dietitians; Funeral Directors; Hearing and Speech; Medical; Nursing; Nursing Home Administrator; Optometry; Pharmacy; Physical Therapists; Psychology; Real Estate; Real Estate Appraisers; Social Workers; Marriage and Family Therapists and Professional Counselors; and Veterinary

STATE OF WISCONSIN  
DEPARTMENT OF REGULATION AND LICENSING

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IN THE MATTER OF RULE-MAKING	:	
PROCEEDINGS BEFORE THE	:	ORDER ADOPTING
DEPARTMENT OF REGULATION	:	EMERGENCY RULES
AND LICENSING	:	

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ORDER

An order of the Department of Regulation and Licensing to *create* chapters RL 140 to 142, relating to the registration of music, art and dance therapists.

Analysis prepared by the Department of Regulation and Licensing.

---

ANALYSIS

Statutes authorizing promulgation: s. 227.11 (2), Stats., and s. 440.03 (14 ) (d), Stats.,  
as created by 1997 Wisconsin Act 261.

Statutes interpreted: s. 440.03 (14), Stats.

In this order the Department of Regulation and Licensing creates chs. RL 140 to 142, which establish requirements for the registration of music, art and dance therapists.

Chapter RL 140 sets forth the authority of the department to promulgate the proposed rules. The proposed rules also include definitions for the terms "practice of art therapy," "practice of dance therapy" and "practice of music therapy."

Chapter RL 141 sets forth the requirements for obtaining a registration as a music, art or dance therapist. In addition, the rules contain the requirements for renewal of a registration.

Chapter RL 142 establishes the scope of practice for music, art and dance therapists. The rules identify appropriate practice, including techniques and general procedures, which music, art and dance therapists must follow, as well as prohibited practices.

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TEXT OF RULE

SECTION 1. Chapters RL 140 to 142 are created to read:

Chapter RL 140

AUTHORITY, INTENT AND DEFINITIONS

DRAFT OF NOVEMBER 6, 1998

Page 1

**RL 140.01 Authority and purpose.** The rules in chs. RL 140 to 142 are adopted by the department pursuant to ss. 227.11 (2) and 440.03 (14) (d), Stats., to govern the registration of music, art and dance therapists.

**RL 140.02 Definitions.** As used in chs. RL 140 to 142, unless the context otherwise requires:

(1) "Department" means the department of regulation and licensing.

(2) "Practice of art therapy" means the specialized, professional and therapeutic use of art media, images, the creative art process, and client responses to the created art productions as reflections of an individual's development, abilities, personality, interests, concerns, and conflicts. Art therapy practice is based on knowledge of human development and theories which are implemented in the full spectrum of models of assessment and treatment including educational, cognitive, transpersonal, and other therapeutic means of reconciling emotional conflicts, fostering self-awareness, developing social skills, managing behavior, solving problems, reducing anxiety, aiding reality orientation, and increasing self-esteem. Art therapists serve individuals, couples, families and groups. The practice may include elements of other art forms.

(3) "Practice of dance therapy" means the specialized, professional and therapeutic use of movement and dance. This is a process which furthers the emotional, cognitive, social and physical integration of the individual. The practice may include elements of other art forms. The practice includes, but is not limited to, the following:

(a) Consultation with clients to determine the nature of a client's problem.

(b) Assessment of clients to determine their suitability for dance therapy.

(c) Explanation to clients of the nature of dance therapy.

(d) Facilitation of dance therapy sessions using methods and techniques in accordance with goals determined by the client and therapist.

(e) Discussion with clients regarding the process and results of dance therapy.

(f) Documentation..

(4) "Practice of music therapy" means the specialized, professional, therapeutic use of music in the service to individuals with needs in mental health, physical health, habilitation, rehabilitation, special education, self-care or personal growth. The purpose of music therapy is to assist and empower individuals to attain or maintain their maximum level of functioning and highest quality of life. The practice may include elements of other art forms. In

the delivery of music therapy services, music therapists are required to follow general procedures that include all of the following:

- (a) Referral and acceptance.
- (b) Assessment of current functioning level and condition.
- (c) Professional program planning.
- (d) Therapeutic implementation and intervention.
- (e) Documentation.
- (f) Termination of services.

(5) "Registrant" means a person who is granted a registration as a music, art or dance therapist by the department.

#### Chapter RL 141

#### APPLICATION

**RL 141.01 Application for registration.** An individual applying for registration as a music, art or dance therapist shall submit all of the following to the department:

- (1) An application on a form provided by the department.

Note: Application forms are available upon request to the department at 1400 East Washington Avenue, P.O. Box 8935, Madison, Wisconsin 53708-8935.

- (2) The fee required under s. 440.05 (1), Stats.
- (3) Subject to ss. 111.321, 111.322 and 111.335, Stats., evidence satisfactory to the department that he or she does not have an arrest or conviction record.
- (4) Written verification transmitted directly to the department by the appropriate organization stating that the applicant:

- (a) If applying for registration as a music therapist, is certified, registered or accredited as a music therapist by the certification board for music therapists, national music therapy registry, American music therapy association or by another national organization that certifies, registers or accredits music therapists.

(b) If applying for registration as an art therapist, is certified, registered or accredited as an art therapist by the art therapy credentials board or by another national organization that certifies, registers or accredits art therapists.

(c) If applying for registration as a dance therapist, is certified, registered or accredited as a dance therapist by the American dance therapy association or by another national organization that certifies, registers or accredits dance therapists.

**RL 141.02 Renewal of registration.** (1) Registrations for music, art and dance therapists expire on October 1 of each odd-numbered year. In order to renew a registration on or before the renewal date, the registrant shall submit all of the following to the department:

(a) A renewal application on a form provided by the department.

(b) The renewal fee required under s. 440.08 (2) (a), Stats.

(c) A signed statement contained on the renewal application certifying that the certification, registration or accreditation as a music, art or dance therapist, as appropriate, granted to him or her by the appropriate organization identified under s. RL 141.01 (4), has not been revoked.

(2) A registrant who fails to renew his or her registration by the renewal date may renew the registration by satisfying the requirements under sub. (1) and paying the late renewal fee required under s. 440.08 (3), Stats.

Note: The first registration renewal date for music, art and dance therapists will be October 1, 2001.

**RL 141.03 Accommodations relating to a disability.** A qualified applicant with a disability shall be provided with reasonable accommodations requested in connection with the completion of an application for registration or renewal of a registration as a music, art or dance therapist.

## Chapter RL 142

### SCOPE OF PRACTICE

**RL 142.01 Music therapy.** (1) PRACTICE. Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(a) *Techniques.* Techniques used in the practice of music therapy include, but are not limited to, music improvisation techniques, receptive music listening, use of rhythm to assist with and enhance motor planning, song writing, lyric discussions and memory recall,

music and imagery, music performances, learning through music, fine motor manipulation of instruments, active participation in the music making process and sensory stimulation.

(b) *Treatment plans.* Treatment plans may be designed to help clients attain and maintain the maximum level of functioning; comply with federal, state, facility and agency regulations; delineate the type, frequency and duration of music therapy involvement; identify objectives and goals and specify procedures for attaining the objectives and goals; provide for periodic evaluation and appropriate modifications as needed or comply with infection control procedures.

(2) **GENERAL PROCEDURES.** In the delivery of music therapy services, music therapists shall follow general procedures that include all of the following:

- (a) Referral and acceptance.
- (b) Assessment.
- (c) Program planning.
- (d) Implementation.
- (e) Documentation.
- (f) Termination of services.

**RL 142.02 Art therapy.** (1) **PRACTICE.** Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(a) *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.

(b) *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.

(2) **GENERAL PROCEDURES.** In the delivery of art therapy services, art therapists shall follow general procedures that include all of the following:

- (a) Assessment.
- (b) Development of patient treatment plans, goals and objectives.
- (c) Case management services.

- (d) Therapeutic interventions and treatment.
- (e) Documentation.
- (f) Termination of services.

**RL 142.03 Dance therapy.** (1) PRACTICE. Practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

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

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

(2) GENERAL PROCEDURES. In the delivery of dance therapy services, dance therapists shall follow general procedures that include all of the following:

- (a) Consultation with clients to determine their suitability for therapy.
- (b) Assessment.
- (c) Explanation to clients of the nature of therapy.
- (d) Facilitation of dance therapy sessions.
- (e) Discussion with clients regarding the process and results of therapy.
- (f) Documentation.

**RL 142.04 Prohibited practices.** In the practice of music, art and dance therapy, the following without limitation because of enumeration, are prohibited practices:

- (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 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, when indicated.

(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 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 or 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 other 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) 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.

(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.

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#### FINDING OF EMERGENCY

The proposed rules interpret the provisions contained in s. 440.03 (14), Stats., as created by 1997 Wisconsin Act 261, which governs the registration of music, art and dance therapists. Section 440.03 (14) (d), Stats., states that the department shall promulgate rules that specify the services within the scope of practice of music, art and dance therapy that a registrant is qualified to perform. Section 440.03 (14) (d), Stats., gives authority to the department to make investigations and conduct hearings to determine whether a violation of that subsection or any rule promulgated under s. 440.03 (14) (d), Stats., has occurred and to reprimand a person who is registered under par. (a) or deny, limit, suspend or revoke a certification of registration if it finds that an applicant or certificate holder has violated that subsection or any rule promulgated under par. (d). These provisions will become effective on December 1, 1998.

Under the normal rule-making process, the proposed rules would not take effect until the spring of 1999. The department is requesting that this rule be put into effect before 1999 for the following reasons:

(1) The emergency rules will enable the department to adopt application which would be implemented on December 1, 1998.

(2) The emergency rules will enable the department to provide immediate guidance to the various professions regarding their scope of practice.

(3) Without the adoption of the emergency rules, the department will not be able to discipline registrants until the spring of 1999. The emergency rules will enable the department to immediately determine what constitutes grounds for discipline and to take appropriate action based upon that determination.

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