



Board of Health Professions Regulatory Research Committee Meeting

May 14, 2019
10:00 a.m. - Board Room 4
9960 Mayland Dr, Henrico, VA 23233

In Attendance

- Lisette Carbajal, MPA, Citizen Member
- Louis R. Jones, Board of Funeral Directors & Embalmers
- Martha S. Perry, MS, Citizen Member
- Maribel Ramos, Citizen Member
- John Salay, MSW, LCSW, Board of Social Work
- James Wells, RPH, Citizen Member

Absent

All members present

DHP Staff

- Elizabeth A. Carter, PhD, Executive Director BHP
- Laura Jackson, MSHSA, Operations Manager BHP
- Yetty Shobo, PhD, Deputy Executive Director BHP

Observers

No observers signed in

Speakers

Shelby Reynolds, MT-BC Co-Chair, Virginia Music Therapist State Task Force

Emergency Egress

Dr. Carter

Call to Order

Chair Mr. Wells **Time** 10:03 a.m.

Quorum Quorum established

Public Comment

Shelby Reynolds, co-chair of the Virginia Music Therapy State Task Force, thanked the Committee for undertaking the Music Therapist study.

Approval of Minutes

Presenter Mr. Wells

Discussion

The August 23, 2018 committee meeting minutes were approved with no revisions. All members in favor, none opposed.



Music Therapist Work Plan Review

Presenter Mr. Wells

Discussion

Ms. Jackson reviewed the music therapist study work plan with the Committee. A motion was made by Mr. Jones to accept the work plan, as presented, and properly seconded by Mr. Salay. All members were in favor, none opposed.

A public hearing is scheduled for June 24, 2019 at 9:00 a.m. with a period to accept written comment until July 15, 2019 at 5:00 p.m.

New Business

Presenter Mr. Wells

Discussion

There was no new business.

June 24, 2019 Next Committee Meeting & Public Hearing

Presenter Mr. Wells

Discussion

Mr. Wells announced the next committee meeting to review the first draft version of the Music Therapist sunrise review report and public hearing will be held June 24, 2019 at 9:00 a.m.

Adjourned

Adjourned 10:18 a.m.

Chair James Wells, RPh

Signature: _____ Date: ____/____/____

Board Executive Director Elizabeth A. Carter, PhD

Signature: _____ Date: ____/____/____

STUDY WORK PLAN
Need for Regulation of the Practice of Music Therapy in Virginia
May 14, 2019

Background, Authority & Scope

Section 54.1-2510 of the *Code of Virginia* authorizes the Virginia Board of Health Professions to advise the Governor, the General Assembly, and the Department Director on matters related to the regulation and level of regulation of health care occupations and professions in the Commonwealth.

The Board is conducting this study into the need to regulate music therapists and the practice of music therapy in the Commonwealth pursuant to SB1547(2019).¹ If regulation is deemed necessary, the Board will also recommend the appropriate level of regulation.

Methodology

The Board has adopted a formal evaluative criteria and methodology to guide all such reviews as set forth in its published *Policies and Procedures for the Evaluation of the Need to Regulate Health Occupations and Professions, 1998*. (Guidance Document 75-2 accessible at <http://www.dhp.virginia.gov/bhp/guidelines/75-2.doc>). Referred to hereinafter as “the Criteria,” these policies and procedures provide a standard conceptual framework with proscribed questions and research methods that have been employed for over two decades to objectively inform key policy issues related to health professional regulation. This standard is in keeping with regulatory principles established in Virginia law and is accepted in the national community of regulators. The approach is designed to lead to consideration of the least governmental restrictions possible that is consistent with the public’s protection.

The Criteria address:

1. Risk of Harm to the Consumer
2. Specialized Skills and Training
3. Autonomous Practice
4. Scope of Practice
5. Economic Impact
6. Alternatives to Regulation
7. Least Restrictive Regulation

The Regulatory Research Committee (Committee) will prepare the report for consideration by the Full Board. The Board’s report with recommendations will be forwarded to the Department’s Director for further review and comment prior to publication.

¹ See Appendix

The following steps are recommended for this review:

1. Conduct a comprehensive review of the pertinent policy and professional literature.
2. Review and summarize available relevant empirical data as may be available from pertinent research studies, malpractice insurance carriers, and other sources.
3. Review relevant federal and state laws, regulations and governmental policies.
4. Review other states' relevant experiences with scope and practice.
5. Develop a report of research findings, to date, and solicit public comment on reports and other insights through public hearing and written comment period.
6. Publish second draft of the report with summary of public comments.
7. Develop final report with recommendations, including proposed legislative language as deemed appropriate by the Committee.
8. Present final report and recommendations to the Full Board for review and approval.
9. Board report to the Director and Secretary for review and comment.
10. Final report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions.
11. Publish final report.

Timetable and Resources

This study will be conducted with existing staff and within the budget for FY2019-20 and according to the following tentative timetable:

<u>Date</u>	<u>Meeting</u>
05/14/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Draft work plan review BHP Full Board Meeting <ul style="list-style-type: none">• Approval of work plan
6/24/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Review 1st draft report• Public Hearing and Written Comment Period (21 days)<ul style="list-style-type: none">◦ Closed July 15, 2019 at 5:00 p.m.
07/31/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Review 2nd draft report
08/20/2019	BHP Regulatory Research Committee Meeting <ul style="list-style-type: none">• Final review and recommendations BHP Full Board Meeting <ul style="list-style-type: none">• BHP Regulatory Research Committee report to Full Board for consideration
09/16/2019	Full Board report to the Director for review and comment
11/01/2019	Final report due to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions.
11/1/2019	Publish final report

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SENATE BILL NO. 1547
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on January 31, 2019)

(Patron Prior to Substitute—Senator Vogel)

A BILL to amend the Code of Virginia by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.23, relating to music therapists.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 29 of Title 54.1 a section numbered 54.1-2957.23 as follows:

§ 54.1-2957.23. Music therapy; use of title; registration.

A. No person shall use or assume the title "music therapist" unless such person is registered with the Board.

B. The Board shall register as a music therapist any applicant who presents satisfactory evidence that he has passed the examination for board certification offered by the Certification Board for Music Therapists or any successor organization or is currently certified by the Certification Board for Music Therapists or any successor organization.

2. That the provisions of the first enactment of this act shall expire on July 1, 2020.

3. That the Board of Health Professions shall, pursuant to subdivision 2 of § 54.1-2510 of the Code of Virginia, evaluate whether music therapists and the practice of music therapy should be regulated and the degree of regulation to be imposed. The Board of Health Professions shall report the results of its evaluation to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by November 1, 2019.

SENATE SUBSTITUTE

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