

**ADOPTED REGULATION OF THE  
STATE BOARD OF HEALTH**

**LCB File No. R077-12**

Effective December 20, 2012

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-4, 6-12 and 14-17, NRS 640D.090; §5, NRS 640D.090, 640D.110, 640D.130 and 640D.140; §13, NRS 640D.090 and 640D.150; §18, NRS 640D.090 and 640D.100.

A REGULATION relating to music therapy; providing for the licensing of persons who provide music therapy services; providing that all applications for a license to practice music therapy must be filed with the Executive Officer of the State Board of Health; prescribing additional requirements for applications for a license or for the renewal or reinstatement of such a license; establishing certain fees relating to licensure; establishing procedures governing complaints against applicants, licensees and persons who provide music therapy services without a license; providing for the discipline of licensees for certain violations; establishing procedures for the suspension or revocation of a license; establishing the procedure for appeals to the Board of decisions by the Executive Officer imposing discipline on a licensee; establishing the Music Therapy Advisory Group and providing its duties; and providing other matters properly relating thereto.

**Section 1.** Chapter 640D of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 18, inclusive, of this regulation.

**Sec. 2.** *As used in this chapter, unless the context otherwise requires, “Executive Officer” means the Executive Officer of the Board.*

**Sec. 3.** *Except as otherwise provided in NRS 640D.080, all persons who practice music therapy in this State must be licensed pursuant to this chapter and chapter 640D of NRS.*

**Sec. 4. 1.** *All applications submitted pursuant to this chapter must be filed with the Executive Officer.*

*2. In addition to any applicable statutory requirements, an application for the issuance of a license to practice music therapy, the renewal of such a license or the reinstatement of such a license must include:*

*(a) The applicant's full name, including his or her first name, middle name if applicable and last name.*

*(b) Any other name that has been used by the applicant.*

*(c) The applicant's date of birth.*

*(d) The applicant's physical address and the applicant's mailing address if different than the physical address.*

*(e) A telephone number at which the applicant can be reached.*

*(f) A method of electronic communication, including, without limitation, an electronic mail address, a telephone number that will accept electronic mail or any other method by which the Executive Officer may communicate with the applicant other than by telephone or United States mail. The Executive Officer may exempt an applicant from the requirements of this paragraph if the applicant attests that the methods set forth in this paragraph are not feasible for him or her and acknowledges that the United States mail is the only means by which to communicate with the applicant.*

*(g) The certification number issued to the applicant by the Certification Board for Music Therapists or its successor organization.*

*(h) The status of any disciplinary action against the applicant by the Certification Board for Music Therapists or its successor organization.*

*(i) A statement by the applicant acknowledging the mandatory reporting requirements concerning the abuse, neglect, exploitation or isolation of an older person set forth in NRS*

*200.5093, the abuse, neglect, exploitation or isolation of a vulnerable person set forth in NRS 200.50935 and the abuse or neglect of a child set forth in NRS 432B.220.*

*(j) Any other information required by the Executive Officer to determine the applicant's identity or eligibility for licensure.*

*3. An application which is not complete or which does not include payment of all applicable fees must be returned to the applicant within 10 working days after receipt of the application.*

*4. The Executive Officer shall determine what constitutes satisfactory proof that an applicant satisfies the requirements for licensure.*

*5. An applicant who is certified by the Certification Board for Music Therapists or its successor organization shall be deemed to have satisfied the requirements for licensure set forth in subparagraphs (2) and (5) of paragraph (c) of subsection 1 of NRS 640D.110.*

*6. The Executive Officer shall determine what constitutes satisfactory proof required by paragraphs (b) and (c) of subsection 1 of NRS 640D.130 to be included with an application for renewal.*

*7. An applicant shall notify the Executive Officer of any change to the information contained in his or her application within 15 days after the change. The notification may be made in writing, by electronic mail or by any other method authorized by the Executive Officer. The failure of an applicant to comply with the requirements of this subsection constitutes grounds for the denial of the application or the suspension or revocation of the applicant's license.*

*Sec. 5. 1. The following nonrefundable fees must be paid by a licensee or an applicant for a license to practice music therapy, as applicable:*

- (a) *For the issuance of a license*.....\$200
- (b) *For the renewal of a license* .....150
- (c) *For the late renewal of a license* .....20
- (d) *For the reinstatement of a license*.....200
- (e) *For the issuance of a duplicate license*.....20

*2. The amount of the fees charged by the Central Repository for Nevada Records of Criminal History and the Federal Bureau of Investigation for the handling of the fingerprint cards and issuance of the reports of criminal histories must be paid by an applicant for a license to practice music therapy.*

**Sec. 6. 1.** *If the Central Repository for Nevada Records of Criminal History determines that a background investigation of a licensee or an applicant for a license to practice music therapy cannot be completed because pertinent information is missing, the Executive Officer shall send a notice to the licensee or applicant which specifies the missing information and provides that the licensee or applicant must:*

*(a) Submit the missing information to the Central Repository for Nevada Records of Criminal History within 30 days after receipt of the notice; or*

*(b) Submit satisfactory evidence to the Executive Officer that the missing information cannot be obtained.*

*2. If a background investigation cannot be completed because the licensee or applicant has been arrested or issued a citation, or has been the subject of a warrant for alleged criminal conduct, and there has been no disposition of the matter, the licensee or applicant shall:*

*(a) Notify the Executive Officer immediately upon the scheduling of any judicial proceeding concerning the matter; and*

*(b) Notify the Executive Officer immediately upon the disposition of the matter and forward to the Central Repository for Nevada Records of Criminal History evidence of the disposition of the matter as soon as it is available.*

*3. As used in this section, “disposition” has the meaning ascribed to it in NRS 179A.050.*

*Sec. 7. If a licensee or an applicant for a license to practice music therapy wishes to challenge the accuracy of the information provided by the Central Repository for Nevada Records of Criminal History, the licensee or applicant must notify the Executive Officer within 10 working days after being notified of the results of the background investigation that the licensee or applicant is challenging the accuracy of the information. Except as otherwise provided in subsection 2 of section 8 of this regulation, the Executive Officer shall give the licensee or applicant not less than 30 days after the Executive Officer receives notice of the challenge to provide satisfactory evidence to the Executive Officer that the information is incorrect before suspending the license or denying the application.*

*Sec. 8. The Executive Officer, upon determining that a licensee or an applicant for a license to practice music therapy has been convicted of a crime set forth in paragraph (a) of subsection 1 of NRS 449.174:*

- 1. May revoke, suspend or refuse to renew the license or deny the application; or*
- 2. If the licensee or applicant has notified the Executive Officer pursuant to section 7 of this regulation that the licensee or applicant is challenging the accuracy of information provided by the Central Repository for Nevada Records of Criminal History, may suspend the license or deny the application pending the resolution of the challenge.*

**Sec. 9.** *A licensee whose license expires must reapply for a license in the manner prescribed by NRS 640D.110 and section 3 of this regulation.*

**Sec. 10.** *Any notice that is required by the provisions of this chapter or chapter 640D of NRS to be delivered by mail or electronically to a licensee or an applicant for a license to practice music therapy shall be deemed to be validly given if the notice is sent to the last address or electronic mail address that was provided to the Executive Officer by the licensee or applicant.*

**Sec. 11. 1.** *Upon receipt of a complaint that a person is engaging in the practice of music therapy without a license, the Executive Officer shall send a certified letter to the person about whom the complaint was made which:*

*(a) Directs the person immediately to cease and desist from the practice of music therapy; and*

*(b) Requires the person to submit to the Executive Officer within 10 days an application for a license to engage in the practice of music therapy or satisfactory evidence that the person is not engaged in the practice of music therapy.*

*2. If the person fails to submit the application or evidence required pursuant to subsection 1 timely the matter must be referred to the Office of the Attorney General and the district attorney of the county in which the alleged violation occurred for investigation and possible prosecution.*

**Sec. 12. 1.** *The Executive Officer shall receive a complaint against a licensee or an applicant for a license to practice music therapy from any person.*

*2. The Executive Officer shall forward each complaint to the Certification Board for Music Therapists or its successor organization for investigation of the complaint. If the*

*Certification Board for Music Therapists or its successor organization refuses to investigate the complaint, the Executive Officer may conduct an investigation.*

*3. If, after reviewing the findings of an investigation conducted pursuant to subsection 2, the Executive Officer finds grounds for taking disciplinary action, the Executive Officer shall, after notice and hearing, issue a decision in the matter in the manner provided in section 13 of this regulation.*

*4. The failure of a licensee to cooperate with an investigation conducted pursuant to subsection 2 constitutes grounds for disciplinary action against the licensee.*

**Sec. 13.** *If the Executive Officer finds grounds for taking disciplinary action against a licensee for:*

*1. Habitual drunkenness or addiction to the use of a controlled substance while practicing as a music therapist, the Executive Officer shall:*

*(a) For a first violation, issue a decision suspending the license of the licensee for a period of 30 days.*

*(b) For a second or subsequent violation, issue a decision revoking the license of the licensee.*

*2. Allowing another person to use the license of the licensee, the Executive Officer shall:*

*(a) For a first violation, issue a decision imposing an administrative fine of \$500.*

*(b) For a second violation, issue a decision imposing an administrative fine of \$500 and suspending the license of the licensee for a period of 30 days.*

*(c) For a third or subsequent violation, issue a decision imposing an administrative fine of \$500 and revoking the license of the licensee.*

3. *A violation of any provision of this chapter or chapter 640D of NRS, the commission of any unethical act which is contrary to the public interest or a failure to comply with the Code of Professional Practice of the Certification Board for Music Therapists or its successor organization which is not likely to and does not result in harm to or have a negative effect on a client and which is not likely to and does not compromise the ability of a client to achieve his or her highest practicable physical, mental or psychosocial well-being, the Executive Officer shall:*

*(a) For a first or second violation, issue a decision imposing an administrative fine of \$25.*

*(b) For a third or subsequent violation, issue a decision imposing an administrative fine of \$50.*

4. *A violation of any provision of this chapter or chapter 640D of NRS, the commission of any unethical act which is contrary to the public interest or a failure to comply with the Code of Professional Practice of the Certification Board for Music Therapists or its successor organization which results in not more than minimal discomfort to a client or which has the potential to compromise the physical or psychological status of a client if intervention is not provided, the Executive Officer shall:*

*(a) For a first violation, issue a decision imposing an administrative fine of \$100.*

*(b) For a second violation, issue a decision imposing an administrative fine of \$250.*

*(c) For a third or subsequent violation, issue a decision imposing an administrative fine of \$300.*

5. *A violation of any provision of this chapter or chapter 640D of NRS, the commission of any unethical act which is contrary to the public interest or a failure to comply with the Code of Professional Practice of the Certification Board for Music Therapists or its successor*

*organization which causes actual harm to a client and results in a decline in the clinical status of the client, a physical injury that severely impacts the functional ability of the client or a psychological injury that limits substantially the major life activities of the client, or which can be predicted with substantial probability to result in the death of or serious harm to the client, the Executive Officer shall:*

*(a) For a first violation, issue a decision imposing an administrative fine of \$500, except that if the Executive Officer determines that the harm was intentional the Executive Officer shall issue a decision imposing an administrative fine of \$500 and revoking the license of the licensee.*

*(b) For a second violation, issue a decision imposing an administrative fine of \$500 and suspending the license of the licensee for a period of 30 days, except that if the Executive Officer determines that the harm was intentional the Executive Officer shall issue a decision imposing an administrative fine of \$500 and revoking the license of the licensee.*

*(c) For a third or subsequent violation, issue a decision imposing an administrative fine of \$500 and revoking the license of the licensee.*

*6. Negligence, fraud or deception in connection with the music therapy services a licensee is authorized to provide, the Executive Officer shall:*

*(a) For a first violation, issue a decision imposing an administrative fine of \$500, except that if, but for the fraud or deception of the licensee, the application for a license by the licensee would have been denied, the license of the licensee would have been suspended or revoked or the licensee would have been subject to disciplinary action, the Executive Officer shall issue a decision imposing such denial, suspension, revocation or disciplinary action as would otherwise have been imposed.*

*(b) For a second violation, issue a decision imposing an administrative fine of \$500 and suspending the license of the licensee for a period of 30 days, except that if, but for the fraud or deception of the licensee, the application for a license by the licensee would have been denied, the license of the licensee would have been suspended or revoked or the licensee would have been subject to disciplinary action, the Executive Officer shall issue a decision imposing such denial, suspension, revocation or disciplinary action as would otherwise have been imposed.*

*(c) For a third or subsequent violation, issue a decision imposing an administrative fine of \$500 and revoking the license of the licensee.*

**Sec. 14.** *A licensee shall pay all costs incurred in connection with any disciplinary action taken against the licensee.*

**Sec. 15. 1.** *A person whose license is suspended shall comply with the terms of the suspension that are specified by the Executive Officer, including, without limitation:*

*(a) Informing the Executive Officer of the name and address of his or her employer or, if self-employed, the name and address of his or her business.*

*(b) Submitting to the Executive Officer copies of evaluations of his or her performance by his or her employer.*

*(c) Undergoing counseling with a qualified professional counselor.*

*(d) Undergoing treatment for addiction, if the suspension was related to the abuse of alcohol or a controlled substance or some other condition that may be assisted with treatment, by a qualified health care provider.*

*(e) Entering into a contract to obtain alcohol or drug rehabilitation services if the suspension was related to the abuse of alcohol or a controlled substance.*

- (f) Submitting to the Executive Officer copies of reports prepared by a qualified professional counselor or qualified health care provider.*
- (g) Submitting to the Executive Officer self-evaluation reports.*
- (h) Submitting to the Executive Officer copies of the results of random screenings for alcohol or controlled substances.*
- (i) Meeting with the Executive Officer or a designated representative of the Executive Officer at specified intervals.*
- (j) Working under supervision as approved by the Executive Officer or a designated representative of the Executive Officer.*
- (k) Completing successfully any educational courses required by the Executive Officer.*
- (l) Submitting to the Executive Officer a report from a qualified professional counselor or qualified health care provider which sets forth that, in the opinion of the professional counselor or health care provider, the music therapist presents no risk of harm to his or her clients or the general public.*
- (m) Completing successfully a rehabilitation program specified by the Executive Officer.*
- 2. The Executive Officer may terminate the suspension of the license at any time.*
  - 3. If at any time the Executive Officer determines that the licensee has violated the terms of the suspension or that the progress and performance of the licensee under the suspension are unsatisfactory, the Executive Officer may extend the period of the suspension, modify the terms of the suspension or revoke the license of the licensee.*
  - 4. The licensee shall pay all costs incurred by the licensee to comply with the terms of the suspension of his or her license which are specified by the Executive Officer pursuant to this section.*

**Sec. 16. 1.** *The Executive Officer shall, in each order of revocation, prescribe a period during which a licensee may not apply for the reinstatement of his or her license. The period must not be less than 1 year or more than 10 years.*

*2. An applicant for the reinstatement of a license must:*

- (a) Submit an application for reinstatement on a form prescribed by the Executive Officer;*
- (b) Satisfy all the requirements for renewal of a license;*
- (c) Attest that he or she has not, during the period of revocation of his or her license, violated any state or federal statute or regulation governing the practice of music therapy; and*
- (d) Attest that there is no disciplinary action pending against the licensee before the Certification Board for Music Therapists or its successor organization.*

*3. The Executive Officer may designate requirements in addition to the requirements of subsection 2 that must be satisfied before an applicant will be considered for reinstatement of his or her license, including, without limitation, completion of additional courses or programs if the applicant's license has been revoked for more than 2 years.*

*4. The Executive Officer:*

- (a) Shall review an application for the reinstatement of a license to determine whether the application satisfies the requirements of this section; and*
- (b) May deny an application for the reinstatement of a license which the Executive Officer determines does not satisfy those requirements.*

*5. In considering an application for the reinstatement of a license which has been revoked, the Executive Officer shall evaluate:*

- (a) The severity of the act which resulted in the revocation of the license;*
- (b) The conduct of the applicant after the revocation of the license;*

*(c) The lapse of time since the revocation of the license;*

*(d) The degree of compliance by the applicant with any conditions the Executive Officer specified as a prerequisite for the reinstatement of the license;*

*(e) The degree of rehabilitation attained by the applicant as evidenced by statements to the Executive Officer from qualified people who have professional knowledge of the applicant;  
and*

*(f) The truthfulness of the attestations made by the applicant pursuant to subsection 2.*

*6. After completing his or her evaluation, the Executive Officer shall deny or grant the reinstatement of the license.*

*7. If the Executive Officer takes any disciplinary action against a licensee after the reinstatement of his or her license, the first such disciplinary action shall be deemed to be the licensee's first offense.*

**Sec. 17. 1.** *If a person is aggrieved by a decision of the Executive Officer pursuant to this chapter or chapter 640D of NRS relating to the denial, suspension, refusal to renew or revocation of a license, the imposition of an administrative sanction or any other disciplinary action, the aggrieved person may file an appeal of the decision with the Board.*

*2. In any appeal filed with the Board pursuant to subsection 1, unless otherwise provided by the Board:*

*(a) The procedures set forth in NAC 439.300 to 439.395, inclusive, apply; and*

*(b) For the purposes of NAC 439.300 to 439.395, the decision of the Executive Officer that is the basis of the appeal shall be deemed to be the decision of the Health Division of the Department of Health and Human Services.*

3. *As used in this section “disciplinary action” has the meaning ascribed to it in NAC 439.304.*

**Sec. 18. 1.** *The Music Therapy Advisory Group authorized pursuant to NRS 640D.100 is hereby established.*

2. *The Advisory Group consists of the following five members appointed by the Board:*

(a) *Three members who are licensees;*

(b) *One member who is a representative of the American Music Therapy Association or its successor organization; and*

(c) *One member who is a representative of the Certification Board for Music Therapists or its successor organization.*

3. *The term of each member of the Advisory Group is 4 years. A member may be reappointed.*

4. *If a vacancy occurs in the membership of the Advisory Group, the Board will appoint a qualified person to fill the vacancy.*

5. *The Advisory Group shall meet at least once per year or as otherwise called by the Chair or at the direction of the Board or the Executive Officer.*

6. *To the extent practicable and allowed by law, the Advisory Group shall conduct its meetings by telephone, videoconference or other electronic means.*

7. *At the first meeting each year, the members of the Advisory Group shall select a Chair from among the members. The Chair serves as the liaison to the Board and the Executive Officer.*

8. *The Executive Officer shall provide administrative assistance to the Advisory Group.*

*9. A majority of the members of the Advisory Group constitutes a quorum for the transaction of business. A member is deemed present at a meeting if the member is available to participate at the meeting by telephone, videoconference or other electronic means.*

*10. The Advisory Group may:*

*(a) Facilitate the development of materials which may be used to educate the public concerning music therapy;*

*(b) Facilitate the exchange of information between licensees, the American Music Therapy Organization or its successor organization, the Certification Board for Music Therapists or its successor organization, the Board and the Executive Officer; and*

*(c) To provide recommendations to the Board and the Executive Officer concerning regulations or practices that affect licensees, review disciplinary actions, appeals, denials or revocations of licenses and terms of the suspension or reinstatement of licenses.*

*11. The Advisory Group shall advise the Board and the Executive Officer on issues relating to music therapy if requested.*

HEALTH DIVISION  
Bureau of Healthcare Quality and Compliance  
December 14, 2012

LCB File # R077-12

Information Statement per NRS 233B.066

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Public comment was solicited by the Notice of Public Hearing posted at Health Division locations, State Library and Archives, county libraries and mailed notification of the Notice of Public Hearing to affected stakeholders. In addition, in 2011 an informal workgroup was established to work on the proposed regulations. The workgroup included Health Division program staff, Health Division administration, a representative of the Certification Board for Music Therapists, a representative of the American Music Therapy Association and music therapists. A public workshop was held in Carson City and Las Vegas via videoconference on November 2, 2012. The following is a summary of the testimony provided during the State Board of Health Public Hearing on December 14, 2012:

One person testified in support of the proposed regulations and no changes were proposed.

A summary of the Hearing for Amendment of Nevada Administrative Code (NAC) 640D, "Music Therapists," LCB File No. R077-12, can be obtained by contacting the Bureau of Health Care Quality and Compliance, 727 Fairview Drive, Suite E, Carson City, Nevada, 89701.

2. The number of persons who:

- (a) Attended the hearing;
- (b) Testified at each hearing; and
- (c) Submitted to the agency written statements.

Fifty people attended the hearing. Leticia Metherell, Health Facilities Inspection Manager for the Bureau of Health Care Quality and Compliance presented the proposal to amend Nevada Administrative Code, (NAC) 640D, "Music Therapists." One individual provided testimony in support of the proposed regulations. No one testified in opposition. A summary of the testimony can be found in number 1 above. No one submitted written testimony at the public hearing.

3. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

A small business impact questionnaire and workshop notice which included information on how to obtain a copy of the proposed regulations and proposed changes to the proposed regulations were sent to music therapists in Nevada. The workshop notice and draft regulations were also posted on the Health Division's website, distributed through the Health Division's List Serv and posted in accordance with open meeting law. Out of 11 small business impact questionnaires distributed, only 1 response was received. The following is a summary of the 1 response:

**Summary of Response**

<b>Summary Of Comments Received</b> <b>(1 response was received out of 11 small business impact questionnaires distributed)</b>			
<b>Will a specific regulation have an adverse economic effect upon your business?</b>	<b>Will the regulation (s) have any beneficial effect upon your business?</b>	<b>Do you anticipate any indirect adverse effects upon your business?</b>	<b>Do you anticipate any indirect beneficial effects upon your business?</b>
No – 0 responses Yes – 1 response	No – 0 responses Yes – 1 response	No – 1 response Yes – 0 responses	No – 0 responses Yes – 1 response
<u>Comments:</u>  While \$200 is a customary amount for a new license; \$150 for a renewal each 2 years is a hardship for a solo or part-time practitioner who is also carrying many of the expenses of a full-time business and of course, full-time continuing education expenses. Many of us, including myself are maintaining more than one license and/or other population specific training. I am anticipating moving to NV within 3-5 years, and plan to get a NV LCSW in the near future, for instance. This in addition to a GA MT lic. Possibly coming before the move and GA LCSW until I move. It is also important to consider reciprocity with other states in our	<u>Comments:</u>  Licensure is well received by the public and is widely recognized as recognition of a “real” profession. We also will benefit from the protection of the “Music Therapy” designation as defined in the regulations. It is very easy for other musicians to co-opt our hard-earned job classification using in some cases, the benefit of our growing research body. Certification alone did not work for me UNTIL I had a SW lic. (other states), to go with it.		<u>Comments:</u>  Improved status as a “real” health and wellness professional. Ability to practice MEE for Life™, a NV based online practice, as a distance contractor after my training. Ability to give Music Therapy workshops or practice while on visits to NV.

mobile world. I know many qualified therapists and social workers either forced out of the profession or forced to downgrade their license because of an interstate move. There are not enough Music Therapists in the country to lose qualified and experienced MT-BC's to this reason. NV can only benefit from those MT-BC's moving in and starting a business or benefiting clients/students/patients as employees in our cost effective way.			
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<b>Number of Respondents out 11</b>	<b>Adverse economic effect?</b>	<b>Beneficial effect?</b>	<b>Indirect adverse effects?</b>	<b>Indirect beneficial effects?</b>
1	1	1	0	1

A summary of the Hearing for Amendment of Nevada Administrative Code (NAC) 640D, "Music Therapists," LCB File No. R077-12, can be obtained by contacting the Bureau of Health Care Quality and Compliance, 727 Fairview Drive, Suite E, Carson City, Nevada, 89701.

4. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change. The statement should also explain the reasons for making any changes to the regulation as proposed.

The proposed regulation was adopted without changing any part of it. At both the public workshop and public hearing one person testified in support of the regulations. No one else testified or offered any changes to the proposed regulations. A summary of the small impact questionnaire revealed that only one person felt that a \$150 renewal every 2 years would be a hardship but it really is a \$150 renewal every 3 years which equates to \$50 per year which is about \$4.17 per month. After an analysis of what other licensing boards charge for renewals and the costs associated with operating a music therapists licensing and regulation program it was determined that the fees set in the proposed regulations did not need to be changed. Review of the proposed regulations did not identify any other areas that required a change.

**These proposed regulations were approved by the State Board of Health on December 14, 2012.**

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

a. Both adverse and beneficial effects:

- Beneficial effects: Protection of integrity of individual profession through regulation and licensing. Allows the public to more easily identify qualified individuals that provide the types of services provided by a music therapist by looking for licensed music therapist. Non-licensed individuals would not be allowed to practice music therapy in Nevada except as otherwise provided in law.
- Adverse effects: Increased costs associated with licensing fees, potential complaints and potential disciplinary action which may impact an applicant or licensee as applicable.
- There is no significant economic effect of the regulations on the public.

b. Both immediate and long term effects.

- Immediate effects: Increased costs associated with licensing fees.
- Long term effects: Costs associated with licensing continues.
- There is no significant economic effect of the regulations on the public.

**NOTE:** NRS Chapter 640D added in the 2011 legislative session requires the licensing and regulation of music therapists. Therefore, statutes and not regulations are directly related to any adverse economic effects.

6. The estimated cost to the agency for enforcement of the proposed regulation.

Estimated cost to the Health Division for enforcement of the proposed regulation is the cost associated with licensing and regulating music therapists including costs to license music therapists, regulate music therapists, develop regulations, process and investigate complaints, and provide technical assistance to the public relating to the licensing of music therapists and other associated costs. The proposed regulations establish a fee schedule to cover the daily operating costs of a music therapy licensing and regulatory program.

7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, name the regulatory federal agency.

There is no known overlap or duplication of the proposed regulations with other state, federal, or other government agencies regulations.

8. The regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

Not applicable, as there are no known federal regulations that require the same activity.

9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

It is estimated, assuming the approximately 11 certified music therapists in Nevada apply for licensure that the initial amount collected would be \$2,200 in the first 3 years which equates to \$733 per year. After the first 3 years if they all renewed their license at \$150 every 3 years the Health Division would collect approximately \$1,650 in the next 3 years which equates to \$550 per year (this may change as the number of music therapists' increases or decreases through the years). This does not include other miscellaneous fees that may be collected such as those collected for a late renewal as there is no way to estimate how many the Health Division will receive of these, if any. These fees would be used to carry out the daily operating costs of a music therapy licensing and regulatory program.

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restrict the formulation, operation or expansion of a small business. What methods did the agency use in determining the impact of the regulation on a small business?

It is not anticipated that these proposed regulations would impose a significant economic burden upon a small business.

It is not anticipated that these proposed regulations would impose a significant economic burden upon a small business. As noted on page 4, paragraph 4, statutes directed the development of fees, and based on collaboration with the music therapist industry and the testimony in support by representatives of that industry, the economic impact is minimal.