

**DIVISION OF PUBLIC & BEHAVIORAL HEALTH
BUREAU OF HEALTH CARE QUALITY AND COMPLIANCE
MUSIC THERAPIST LICENSING UNIT
LCB File No. R158-17**

Informational Statement per NRS 233B.066

1. A clear and concise explanation of the need for the adopted regulation;
The adopted regulations are needed to bring the music therapist regulations into compliance with Senate Bill (SB) 69 of the 2017 legislative session as it relates to issuing music therapists a license by endorsement. Senate Bill 69 requires the regulatory body, in this case the Board of Health, to adopt regulations for the issuance of a license by endorsement for any natural person who holds a corresponding valid and unrestricted license in any state or territory of the United States, possess qualifications that are substantially similar to the qualifications required for issuance of a license to engage in that occupation in Nevada and satisfies other requirements outlined in the bill.
2. 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 Workshop

Public comment was solicited via a public workshop which was held on December 20, 2017 on the proposed regulations at the Division of Public and Behavioral Health located at 727 Fairview Drive, Suite E, Carson City and video conferenced to the Division's office located at 4220 South Maryland Parkway, Suite 810 in Las Vegas.

No one signed in or provided testimony during the public workshop.

The Division did receive written testimony from the American Speech-Language-Hearing Association (ASHA) expressing opposition to the regulation of music therapists in Nevada. The following was noted: "*ASHA does not believe that music therapists are adequately trained to diagnose, assess, and treat communication disorders, which falls under the scope of practice for speech-language pathologists.*" To read the full text, please refer to the ASHA written testimony included with your informational statement. The regulation of music therapists is already established in statutes and can be found in NRS Chapter 640D. Senate Bill (SB) 69 of the 2017 Legislative Session does not establish the licensing of music therapists but instead requires the regulatory body, in this case the Board of Health, to adopt regulations providing for the issuance of a license by endorsement. The proposed regulations carry out the requirements of SB 69.

How other interested persons may obtain a copy of the summary

Any other persons interested in obtaining a copy of the summary may e-mail, call, or mail in a request to Leticia Metherell, RN, CPM, HPM III at the Division of Public and Behavioral Health at:

Division of Public and Behavioral Health
Bureau of Health Care Quality and Compliance
727 Fairview Drive, Suite E
Carson City, NV 89701
Leticia Metherell
Phone: 775-684-1045
Email: lmetherell@health.nv.gov

3. A statement indicating the number of persons who attended each hearing, testified at each hearing, and submitted written statements regarding the proposed regulation. This statement should include for each person identified pursuant to this section that testified and/or provided written statements at each hearing regarding the proposed regulation, the following information, if provided to the agency conducting the hearing:
 - (a) Name
 - (b) Telephone Number
 - (c) Business Address
 - (d) Business telephone number
 - (e) Electronic mail address; and
 - (f) Name of entity or organization represented

A public hearing was held on June 8, 2018. Although 11 individuals signed in at the Carson City location and 15 individuals signed in at the Las Vegas location, there were other items on the Board of Health agenda, for which individuals may have been attending. No members of the public testified at the public hearing. For the list of attendees, please refer to the Carson City and Las Vegas public hearing attendance sign-in sheets included with this informational statement.

One member of the Board did question why the American Speech-Language-Hearing Association (ASHA) opposed the proposed regulations. It was explained that ASHA did not feel that music therapists should be regulated due to scope of work concerns and that the proposed regulations do not establish the regulation of music therapists, as that was done by the legislature during the 2011 legislative session. It was expressed that there may have been some confusion as to what the proposed regulations do, because the proposed regulations only carry out the provisions of Senate Bill 69 of the 2017 legislative session as it relates to issuing music therapists licenses by endorsement.

4. A description of how comment was solicited (i.e., notices) from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

All licensed music therapists were sent an email notification on October 5, 2017 requesting that all interested individuals complete the small business impact questionnaire. A link to the small business impact questionnaire and proposed regulations was provided. In addition, a phone number was provided which an individual could call to obtain a copy of both documents. The proposed regulations were also posted on the Division’s website. The questions on the questionnaire were:

- 1) How many employees are currently employed by your business?
- 2) Will a specific regulation have an adverse economic effect upon your business?
- 3) Will the regulation(s) have any beneficial effect upon your business?
- 4) Do you anticipate any indirect adverse effects upon your business?
- 5) Do you anticipate any indirect beneficial effects upon your business?

Summary of Response

Summary of Comments Received (2 responses were received out of 19 small business impact questionnaires distributed)			
Will a specific regulation have an adverse economic effect upon your business?	Will the regulation (s) have any beneficial effect upon your business?	Do you anticipate any indirect adverse effects upon your business?	Do you anticipate any indirect beneficial effects upon your business?
Yes- 0 No - 2	Yes - 0 No- 2	Yes - 0 No - 2	Yes - 2 No – 0
Comments:	Comments:	Comments:	Comments: “With limited music therapists currently residing in Nevada, when I need to hire – I generally have to attract out of state. If their existing state license will help with that transition, it could increase willingness for people to relocate.” “If we were to hire an out of state music therapist who is

			licensed in another state it could help us for them to be able to start working sooner. We would not have to wait for them to be licensed here. If the employee licensed in another state must still pay the fee to be licensed here; it would not save us money but may save us time which could be used to make money.”
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5. If, after consideration of public comment, 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 American Speech-Language-Hearing Association (ASHA) recommendation to not regulate music therapists was not implemented. The legislature approved the regulation of music therapists during the 2011 legislative session. The proposed regulations only carry out the provisions of Senate Bill 69 of the 2017 legislative session as it relates to issuing music therapists licenses by endorsement. No other recommendations to change the proposed regulations were provided during the public workshop or public hearing process; therefore, the regulations were adopted by the Board of Health without changing any part of the proposed regulations.

6. 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; and
 - (b) Both immediate and long-term effects.

Anticipated effects on the businesses which NAC 640D regulates:

- A. *Adverse effects*: No adverse effects are anticipated.
- B. *Beneficial*: Cost savings for applicants who are required to be background checked as part of their out-of-state music therapy license by allowing us to accept their active out-of-state license as comparable proof of being background checked.
- C. *Immediate*: Immediate cost savings for those impacted as noted above.
- D. *Long-term*: May make it easier for current music therapy businesses to hire out-of-

state music therapists.

Anticipated effects on the public:

- A. *Adverse*: No adverse effects are anticipated.
- B. *Beneficial*: May increase the availability of music therapists in Nevada.
- C. *Immediate*: No effects on the public are anticipated.
- D. *Long-term*: No effects on the public are anticipated.

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

The cost to the agency for enforcement of the proposed regulations would be the fees currently established in regulations. Senate Bill 69 of the 2017 legislative session requires applicants for license by endorsement to pay applicable fees for the issuance of a license that are otherwise required for a person to obtain a license; therefore, the Division would collect fees based on existing fees outlined in current regulations to pay for the enforcement of the proposed regulations.

8. 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 regulating federal agency.

The proposed regulations do not overlap or duplicate any other Nevada state regulations.

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

There are no other state or federal regulations addressing the same activity.

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

The adopted regulations do not establish a new fee or increase an existing fee.