

CERTIFICATE

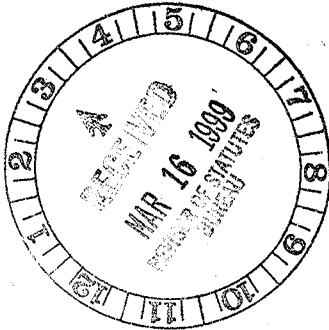
**STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING**

TO ALL WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Marlene A. Cummings, Secretary, Wisconsin Department of Regulation and Licensing and custodian of the official records of the Department of Regulation and Licensing, hereby certify that the annexed rules were duly approved and adopted by the Department of Regulation and Licensing on the 16th day of March, 1999.

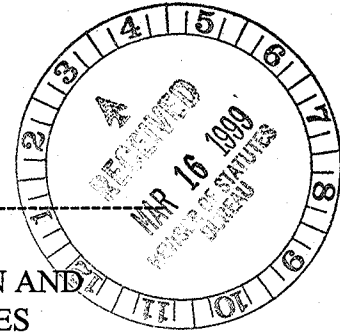
I further certify that said copy has been compared by me with the original on file in this office and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 1400 East Washington Avenue, Madison, Wisconsin this 16th day of March, 1999.



Marlene A. Cummings
**Marlene A. Cummings, Secretary
Department of Regulation and
Licensing**

STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING



IN THE MATTER OF RULE-MAKING : ORDER OF THE
PROCEEDINGS BEFORE THE : DEPARTMENT OF REGULATION AND
DEPARTMENT OF REGULATION : LICENSING ADOPTING RULES
AND LICENSING : (CLEARINGHOUSE RULE 98-173)

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 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 "art therapy," "dance therapy" and "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.

TEXT OF RULE

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

Chapter RL 140

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) "Art therapy" means the specialized, professional and psychotherapeutic 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" 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. "Art therapy" may include the use of elements of other art forms.

(2) "Dance therapy" means the specialized, professional and psychotherapeutic use of movement and dance. This is a process which furthers the emotional, cognitive, social and physical integration of the individual. It uses psychotherapeutic models for assessment and intervention and is practiced in a wide variety of settings. "Dance therapy" may be appropriate for groups and individuals of all ages and conditions of need. "Dance therapy" may include the use of elements of other art forms.

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

(4) "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. "Music therapy" may include the use of elements of other art forms.

(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 the registrant shall submit on or before the renewal date 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. Music therapy practice shall be performed in accordance with the generally accepted standards recognized by the profession including, but not limited to, the following:

(1) **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.

(2) **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.

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

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

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

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

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

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

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

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

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

- (1) Practicing beyond the scope of practice of music, art or dance therapy as provided in this chapter.
- (2) Failing to practice music, art or dance therapy within the scope of the registrant's competence, education, training or experience.
- (3) Knowingly permitting any professional staff to provide music, art or dance therapy that exceeds that person's competence, education, training or experience.
- (4) Failing when indicated to refer a client to a health care practitioner for treatment beyond the qualifications or scope of practice of the music, art or dance therapist.
- (5) Misrepresenting the scope of practice of music, art or dance therapy to a client or to the public.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(21) Knowingly providing false information to the department.

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

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

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

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

(END OF TEXT OF RULE)

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

3/16/99

Agency

Marlene A. Cummings

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.

FINAL REGULATORY FLEXIBILITY ANALYSIS

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

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State of Wisconsin

DEPARTMENT OF REGULATION AND LICENSING

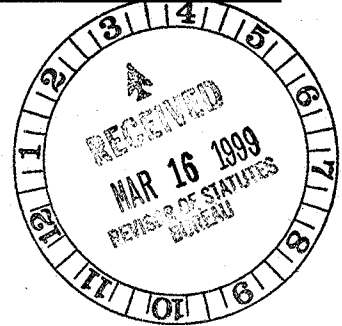
CORRESPONDENCE/MEMORANDUM

DATE: March 16, 1999

TO: Gary Poulson
Assistant Revisor of Statutes

FROM: Pamela A. Haack, Administrative Rules Coordinator
Department of Regulation and Licensing
Office of Administrative Rules

SUBJECT: Final Order Adopting Rules



Agency: DEPARTMENT OF REGULATION AND LICENSING
Clearinghouse Rule 98-173

Attached is a copy and a certified copy of a final order adopting rules relating to dentists and dental hygienists. Would you please publish these rules in the register.

Please stamp or sign a copy of this letter to acknowledge receipt.

Thank you.