

## OCCUPATIONAL LICENSURE WILL NOT ENSURE THE PROVISION OF CAPABLE AND COMPETENT MUSIC THERAPY SERVICES

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New Hampshire House of Representatives, Executive Departments and Administration Committee

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I am thankful for the opportunity to submit comments to the Executive Departments and Administration Committee of the New Hampshire House of Representatives regarding HB 1286-FN, concerning the licensure and regulation of music therapists. I am a New Hampshire resident, a health policy instructor at The Dartmouth Institute for Health Policy & Clinical Practice, and a visiting research fellow at the Mercatus Center at George Mason University.

As members of the House deliberate over HB 1286-FN, I urge them to consider not just the immediate and allegedly positive effects that HB 1286-FN would have, but also the effects that are long term, less visible, and negative.

The typical argument put forth in favor of occupational licensure is that bringing the activity under the aegis of the state is necessary to ensure the health and safety of the public. Without such oversight, the argument goes, the public would be exposed to incompetent practitioners and unqualified individuals and the alleged harms that go with that exposure. This is in essence the stated intent of HB 1286-FN.

However, there is no evidence of widespread harm or danger occurring from unlicensed music therapists at present in New Hampshire; neither is there any reason to believe that meaningful harm or danger associated with this activity will arise anytime soon. Moreover, HB 1286-FN would have negative effects that are real.

If New Hampshire passes HB 1286-FN, the most significant effect will be to create a regulatory barrier to new entrants in the field.<sup>1</sup> Music therapists who already meet the criteria listed in the bill—the holding of a bachelor’s degree or higher in music therapy, completion of 1,200 hours of clinical training, and more—will not be adversely affected, but new individuals who wish to help people through music therapy will incur substantial new costs in terms of time and money.

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1. Morris M. Kleiner and Evgeny S. Vorotnikov, *At What Cost? State and National Estimates of the Economic Costs of Occupational Licensing* (Arlington, VA: Institute for Justice, 2018).

If HB 1286-FN passes, the primary beneficiaries will not be consumers. The primary beneficiaries will be the American Music Therapy Association (AMTA), the Certification Board for Music Therapists (CBMT), and current music therapists who already meet the proposed standards.<sup>2</sup> By restricting employment opportunities for people who might otherwise seek to open a music therapy practice, licensure will result in less competition for existing music therapists, allowing them potentially to charge higher rates for their services.<sup>3</sup> In the name of helping consumers, licensure therefore is likely to do a net *disservice* to consumers, as it would result in fewer choices in music therapy services.

Without occupational licensing, music therapists who wish to advertise their training credentials are still free to do so. Concerned associations could support various forms of voluntary certification, and individuals could use specific private titling, such as “AMTA-Certified Music Therapist,” without excluding others from using more generic terms, such as “music therapist.”<sup>4</sup>

Music therapy is a valid and beneficial field that, like all interpersonal occupations, ought to be practiced by capable, competent people. However, licensure does not necessarily achieve this goal. Safe, high-quality music therapy services can thrive in New Hampshire by subjecting the field to the normal market mechanisms of consumer reviews, provider reputations, and professional referrals. Until or unless some radically new set of circumstances arises, these less onerous, less restrictive alternatives are better than state-based occupational licensing in music therapy.

Sincerely,

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2. Kleiner and Vortnikov, *At What Cost?*

3. Matthew D. Mitchell, “Occupational Licensing and the Poor and Disadvantaged” (Mercatus Policy Spotlight, Mercatus Center at George Mason University, Arlington, VA, September 2017).

4. Moiz Bhai and Conor Norris, “Private Certification as an Alternative to Occupational Licensing: Evidence from Teacher Quality in North Carolina” (Mercatus Policy Brief, Mercatus Center at George Mason University, Arlington, VA, May 2018).