

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0078.01 Christy Chase x2008

HOUSE BILL 12-1137

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HOUSE SPONSORSHIP

Todd, Kefalas, McCann, Solano

SENATE SPONSORSHIP

Boyd,

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House Committees  
State, Veterans, & Military Affairs

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING THE REGULATION OF MUSIC THERAPISTS.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill establishes the "Music Therapy Practice Act" (act), which requires music therapists to register with the division of registrations (division) in the department of regulatory agencies in order to provide music therapy services in Colorado on or after July 1, 2013. To register, a music therapist must be at least 18 years of age; have at least a bachelor's degree in music therapy and have completed a minimum number of hours of clinical training; and have passed a national

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

examination. The director of the division is authorized to discipline a music therapist who violates the act.

The regulation of music therapists is subject to sunset review and repeal on September 1, 2017.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 37.7 to  
3 title 12 as follows:

4 **ARTICLE 37.7**

5 **Music Therapists**

6 **12-37.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND  
7 MAY BE CITED AS THE "MUSIC THERAPY PRACTICE ACT".

8 **12-37.7-102. Legislative declaration.** (1) THE GENERAL  
9 ASSEMBLY HEREBY FINDS, DETERMINES, AND DECLARES THAT:

10 (a) MUSIC THERAPY SERVICES ARE PROVIDED FOR THE PURPOSE OF  
11 SYSTEMATICALLY USING MUSIC AND MUSIC EXPERIENCES TO SUPPORT  
12 PROGRESS TOWARD TREATMENT GOALS;

13 (b) MUSIC THERAPY ADDRESSES INDIVIDUALIZED GOALS WITHIN  
14 A THERAPEUTIC RELATIONSHIP, HELPING TO ADDRESS PHYSICAL,  
15 PSYCHOLOGICAL, COGNITIVE, AND SOCIAL FUNCTION IN PATIENTS OF ALL  
16 AGES AND DISABILITIES;

17 (c) THIS ARTICLE IS NECESSARY TO:

18 (I) SAFEGUARD THE PUBLIC HEALTH, SAFETY, AND WELFARE;

19 (II) PROTECT THE PUBLIC FROM BEING HARMED BY INCOMPETENT,  
20 UNETHICAL, OR UNAUTHORIZED PERSONS; AND

21 (III) ASSURE THE HIGHEST DEGREE OF PROFESSIONAL SERVICES  
22 AND CONDUCT ON THE PART OF MUSIC THERAPISTS.

23 (2) THE GENERAL ASSEMBLY FURTHER DETERMINES THAT IT IS THE

1 PURPOSE OF THIS ARTICLE TO REGULATE PERSONS WHO REPRESENT  
2 THEMSELVES AS MUSIC THERAPISTS AND WHO PERFORM SERVICES THAT  
3 CONSTITUTE MUSIC THERAPY.

4 **12-37.7-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF REGULATORY  
7 AGENCIES, CREATED IN SECTION 24-34-101, C.R.S.

8 (2) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE  
9 DIRECTOR'S DESIGNEE.

10 (3) "DIVISION" MEANS THE DIVISION OF REGISTRATIONS IN THE  
11 DEPARTMENT, CREATED IN SECTION 24-34-102, C.R.S.

12 (4) "MUSIC THERAPIST" MEANS A PERSON PRACTICING MUSIC  
13 THERAPY UNDER THIS ARTICLE.

14 (5) "MUSIC THERAPY" MEANS THE CLINICAL AND EVIDENCE-BASED  
15 USE OF MUSIC INTERVENTIONS TO ACCOMPLISH INDIVIDUALIZED GOALS,  
16 INCLUDING:

17 (a) MUSIC THERAPY ASSESSMENT OF A CLIENT'S EMOTIONAL,  
18 PHYSICAL, AND SPIRITUAL HEALTH, SOCIAL FUNCTIONING,  
19 COMMUNICATION ABILITIES, AND COGNITIVE SKILLS THROUGH THE  
20 CLIENT'S HISTORY AND THE OBSERVATION AND INTERACTION OF THE  
21 CLIENT IN MUSIC THERAPY AND NONMUSIC THERAPY SETTINGS;

22 (b) DEVELOPMENT AND IMPLEMENTATION OF MUSIC THERAPY  
23 TREATMENT PLANS, BASED ON A CLIENT'S ASSESSED NEEDS, USING MUSIC  
24 THERAPY INTERVENTIONS, INCLUDING MUSIC IMPROVISATION, RECEPTIVE  
25 MUSIC LISTENING, SONG WRITING, LYRIC DISCUSSION, MUSIC AND  
26 IMAGERY, MUSIC PERFORMANCE, LEARNING THROUGH MUSIC, AND  
27 MOVEMENT TO MUSIC; AND

1 (c) EVALUATION AND DOCUMENTATION OF THE CLIENT'S RESPONSE  
2 TO MUSIC THERAPY.

3 (6) "MUSIC THERAPY SERVICES" MEANS THE PROVISION OF  
4 SERVICES TO ACCOMPLISH MUSIC THERAPY GOALS, INCLUDING:

5 (a) CONDUCTING AN INDIVIDUALIZED MUSIC THERAPY  
6 ASSESSMENT FOR THE PURPOSE OF COLLECTING SYSTEMATIC,  
7 COMPREHENSIVE, AND ACCURATE DATA NECESSARY TO DETERMINE THE  
8 COURSE OF ACTION SUBSEQUENT TO THE INDIVIDUALIZED MUSIC THERAPY  
9 TREATMENT PLAN;

10 (b) PLANNING AND DEVELOPING THE INDIVIDUALIZED MUSIC  
11 THERAPY TREATMENT PLAN THAT IDENTIFIES AN INDIVIDUAL'S GOALS,  
12 OBJECTIVES, AND POTENTIAL MUSIC THERAPY TREATMENT INTERVENTION  
13 STRATEGIES;

14 (c) IMPLEMENTING THE INDIVIDUALIZED MUSIC THERAPY  
15 TREATMENT PLAN CONSISTENT WITH THE INDIVIDUAL'S OVERALL  
16 TREATMENT PROGRAM;

17 (d) SYSTEMATICALLY EVALUATING AND COMPARING THE  
18 INDIVIDUAL'S RESPONSE TO THE INDIVIDUALIZED MUSIC THERAPY  
19 TREATMENT PLAN, DOCUMENTING OUTCOMES, AND SUGGESTING  
20 MODIFICATIONS, AS APPROPRIATE; AND

21 (e) DEVELOPING A DISCHARGE PLAN IN COLLABORATION WITH THE  
22 INDIVIDUAL, THE INDIVIDUAL'S FAMILY, OTHER EDUCATION AND HEALTH  
23 CARE PROFESSIONALS, AND OTHER IDENTIFIED SUPPORT NETWORKS, WHEN  
24 APPROPRIATE.

25 (7) "REGISTRANT" OR "REGISTERED MUSIC THERAPIST" MEANS A  
26 MUSIC THERAPIST REGISTERED PURSUANT TO THIS ARTICLE.

27 **12-37.7-104. Use of titles restricted.** ONLY A REGISTERED MUSIC

1 THERAPIST MAY USE THE TITLES "COLORADO MUSIC THERAPIST  
2 REGISTERED", "COLORADO REGISTERED MUSIC THERAPIST", "REGISTERED  
3 MUSIC THERAPIST", OR "MUSIC THERAPIST", THE ABBREVIATION  
4 "C.M.T.R.", OR ANY OTHER GENERALLY ACCEPTED TERMS, LETTERS, OR  
5 FIGURES THAT INDICATE THAT THE PERSON IS A REGISTERED MUSIC  
6 THERAPIST.

7 **12-37.7-105. Registration required.** EXCEPT AS OTHERWISE  
8 PROVIDED IN THIS ARTICLE, ON AND AFTER JULY 1, 2013, A PERSON SHALL  
9 NOT PRACTICE MUSIC THERAPY OR REPRESENT HIMSELF OR HERSELF AS  
10 BEING ABLE TO PRACTICE MUSIC THERAPY IN THIS STATE UNLESS THE  
11 PERSON HAS REGISTERED WITH THE DIRECTOR IN ACCORDANCE WITH THIS  
12 ARTICLE AND ANY RULES ADOPTED UNDER THIS ARTICLE.

13 **12-37.7-106. Registration - application - qualifications - rules.**

14 (1) **Educational and experiential requirements.** TO QUALIFY FOR  
15 REGISTRATION AS A MUSIC THERAPIST, AN APPLICANT MUST:

16 (a) BE AT LEAST EIGHTEEN YEARS OF AGE;

17 (b) SUCCESSFULLY COMPLETE AN ACADEMIC PROGRAM APPROVED  
18 BY THE AMERICAN MUSIC THERAPY ASSOCIATION OR ITS SUCCESSOR  
19 ASSOCIATION, OR ANY OTHER ASSOCIATION APPROVED BY THE DIRECTOR,  
20 WITH AT LEAST A BACHELOR'S DEGREE IN MUSIC THERAPY FROM AN  
21 ACCREDITED COLLEGE OR UNIVERSITY;

22 (c) SUCCESSFULLY COMPLETE CLINICAL TRAINING, AS DETERMINED  
23 BY THE DIRECTOR BY RULE; AND

24 (d) PASS A NATIONAL EXAMINATION APPROVED BY THE DIRECTOR.

25 (2) **Application.** WHEN AN APPLICANT HAS FULFILLED THE  
26 REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION, THE APPLICANT MAY  
27 APPLY, IN THE MANNER REQUIRED BY THE DIRECTOR, FOR REGISTRATION

1 UPON PAYMENT OF A FEE IN AN AMOUNT DETERMINED BY THE DIRECTOR.  
2 ADDITIONALLY, IF THE APPLICANT WILL PROVIDE MUSIC THERAPY  
3 SERVICES TO PATIENTS, THE APPLICANT SHALL SUBMIT TO THE DIRECTOR  
4 PROOF THAT THE APPLICANT HAS PURCHASED AND IS MAINTAINING OR IS  
5 COVERED BY PROFESSIONAL LIABILITY INSURANCE IN AN AMOUNT  
6 DETERMINED BY THE DIRECTOR BY RULE.

7 (3) **Registration.** (a) EXCEPT AS PROVIDED IN PARAGRAPH (b) OF  
8 THIS SUBSECTION (3), WHEN AN APPLICANT HAS FULFILLED THE  
9 REQUIREMENTS OF SUBSECTIONS (1) AND (2) OF THIS SECTION, THE  
10 DIRECTOR SHALL REGISTER THE APPLICANT.

11 (b) THE DIRECTOR MAY DENY A REGISTRATION IF THE APPLICANT  
12 HAS COMMITTED ANY ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY  
13 ACTION UNDER SECTION 12-37.7-109.

14 (4) **Registration by endorsement.** (a) AN APPLICANT FOR  
15 REGISTRATION BY ENDORSEMENT SHALL FILE AN APPLICATION AND PAY A  
16 FEE AS PRESCRIBED BY THE DIRECTOR AND SHALL HOLD A CURRENT, VALID  
17 LICENSE OR REGISTRATION IN A JURISDICTION THAT REQUIRES  
18 QUALIFICATIONS SUBSTANTIALLY EQUIVALENT TO THOSE REQUIRED FOR  
19 REGISTRATION BY SUBSECTION (1) OF THIS SECTION.

20 (b) AN APPLICANT FOR REGISTRATION BY ENDORSEMENT SHALL  
21 SUBMIT WITH THE APPLICATION VERIFICATION THAT THE APPLICANT HAS  
22 ACTIVELY PRACTICED FOR A PERIOD OF TIME DETERMINED BY RULES OF  
23 THE DIRECTOR OR OTHERWISE MAINTAINED CONTINUED COMPETENCY AS  
24 DETERMINED BY THE DIRECTOR. ADDITIONALLY, IF THE APPLICANT WILL  
25 PROVIDE MUSIC THERAPY SERVICES TO PATIENTS, THE APPLICANT SHALL  
26 SUBMIT TO THE DIRECTOR PROOF THAT THE APPLICANT HAS PURCHASED  
27 AND IS MAINTAINING OR IS COVERED BY PROFESSIONAL LIABILITY

1 INSURANCE IN AN AMOUNT DETERMINED BY THE DIRECTOR BY RULE.

2 (c) UPON RECEIPT OF ALL DOCUMENTS REQUIRED BY PARAGRAPHS  
3 (a) AND (b) OF THIS SUBSECTION (4), THE DIRECTOR SHALL REVIEW THE  
4 APPLICATION AND DETERMINE THE APPLICANT'S QUALIFICATION TO BE  
5 REGISTERED BY ENDORSEMENT.

6 (d) THE DIRECTOR MAY DENY THE REGISTRATION IF THE  
7 APPLICANT HAS COMMITTED AN ACT THAT WOULD BE GROUNDS FOR  
8 DISCIPLINARY ACTION UNDER SECTION 12-37.7-109.

9 (5) **Registration renewal.** A REGISTRANT SHALL RENEW THE  
10 REGISTRATION ISSUED UNDER THIS ARTICLE ACCORDING TO A SCHEDULE  
11 OF RENEWAL DATES ESTABLISHED BY THE DIRECTOR. THE REGISTRANT  
12 SHALL SUBMIT AN APPLICATION IN THE MANNER REQUIRED BY THE  
13 DIRECTOR AND SHALL PAY A RENEWAL FEE IN AN AMOUNT DETERMINED BY  
14 THE DIRECTOR. THE DIRECTOR SHALL GRANT THE RENEWAL OR  
15 REINSTATEMENT PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE  
16 DIRECTOR MAY ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR  
17 REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A  
18 REGISTRANT FAILS TO RENEW HIS OR HER REGISTRATION PURSUANT TO THE  
19 SCHEDULE ESTABLISHED BY THE DIRECTOR, THE REGISTRATION EXPIRES.  
20 ANY PERSON WHOSE REGISTRATION EXPIRES AND WHO CONTINUES TO  
21 PRACTICE AS A MUSIC THERAPIST IS SUBJECT TO THE PENALTIES PROVIDED  
22 IN THIS ARTICLE OR SECTION 24-34-102 (8), C.R.S., FOR REINSTATEMENT.

23 (6) **Fees.** (a) THE DIRECTOR SHALL ESTABLISH AND COLLECT FEES  
24 UNDER THIS ARTICLE PURSUANT TO SECTION 24-34-105, C.R.S. ALL FEES  
25 COLLECTED UNDER THIS ARTICLE SHALL BE DETERMINED, COLLECTED, AND  
26 APPROPRIATED IN THE SAME MANNER AS SET FORTH IN SECTION 24-34-105,  
27 C.R.S., AND PERIODICALLY ADJUSTED IN ACCORDANCE WITH SECTION

1 24-75-402, C.R.S.

2 (b) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE, THE  
3 DIVISION SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO THIS  
4 ARTICLE TO THE STATE TREASURER, WHO SHALL CREDIT THE FEES TO THE  
5 DIVISION OF REGISTRATIONS CASH FUND CREATED PURSUANT TO SECTION  
6 24-34-105 (2) (b), C.R.S. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL  
7 APPROPRIATIONS FROM THE DIVISION OF REGISTRATIONS CASH FUND FOR  
8 EXPENDITURES OF THE DIVISION INCURRED IN THE PERFORMANCE OF ITS  
9 DUTIES UNDER THIS ARTICLE.

10 **12-37.7-107. Scope of article - exclusions.** (1) THIS ARTICLE  
11 DOES NOT PREVENT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES  
12 OF:

13 (a) A PERSON LICENSED OR OTHERWISE REGULATED IN THIS STATE  
14 BY ANY OTHER LAW, INCLUDING A REGISTERED PSYCHOTHERAPIST  
15 REGULATED PURSUANT TO ARTICLE 43 OF THIS TITLE, FROM ENGAGING IN  
16 HIS OR HER PROFESSION OR OCCUPATION AS DEFINED IN THE LAW UNDER  
17 WHICH HE OR SHE IS LICENSED;

18 (b) A STUDENT ENROLLED IN AN ACCREDITED MUSIC THERAPY  
19 EDUCATION PROGRAM IF MUSIC THERAPY SERVICES PERFORMED BY THE  
20 STUDENT ARE AN INTEGRAL PART OF THE STUDENT'S COURSE OF STUDY  
21 AND ARE PERFORMED UNDER THE DIRECT SUPERVISION OF A PROFESSIONAL  
22 LICENSED OR REGISTERED IN THIS STATE;

23 (c) A MUSIC THERAPIST EMPLOYED BY THE UNITED STATES  
24 GOVERNMENT WHEN PERFORMING DUTIES ASSOCIATED WITH THAT  
25 EMPLOYMENT;

26 (d) ANY LEGALLY QUALIFIED MUSIC THERAPIST FROM ANOTHER  
27 STATE OR COUNTRY WHEN PROVIDING MUSIC THERAPY SERVICES ON



1 BEHALF OF A TEMPORARILY ABSENT MUSIC THERAPIST REGISTERED IN THIS  
2 STATE, SO LONG AS THE UNREGISTERED MUSIC THERAPIST IS ACTING IN  
3 ACCORDANCE WITH RULES ESTABLISHED BY THE DIRECTOR. THE  
4 UNREGISTERED MUSIC THERAPIST SHALL NOT PRACTICE IN THIS STATE FOR  
5 MORE THAN FOUR WEEKS, AND THE UNREGISTERED PRACTICE SHALL NOT  
6 OCCUR MORE THAN ONCE IN ANY TWELVE-MONTH PERIOD.

7 (e) ANY PERSON ENGAGED IN THE PRACTICE OF RELIGIOUS  
8 MINISTRY, BUT THE PERSON SHALL NOT HOLD HIMSELF OR HERSELF OUT TO  
9 THE PUBLIC BY ANY TITLE INCORPORATING THE TERMS "REGISTERED MUSIC  
10 THERAPIST", "MUSIC THERAPIST", "COLORADO REGISTERED MUSIC  
11 THERAPIST", "COLORADO MUSIC THERAPIST REGISTERED", OR "C.M.T.R."  
12 UNLESS THE PERSON IS REGISTERED AS A MUSIC THERAPIST PURSUANT TO  
13 THIS ARTICLE; OR

14 (f) A PROFESSIONAL COACH, INCLUDING A LIFE COACH, EXECUTIVE  
15 COACH, PERSONAL COACH, OR BUSINESS COACH, WHO HAS HAD  
16 COACH-SPECIFIC TRAINING AND WHO SERVES CLIENTS EXCLUSIVELY AS A  
17 COACH, AS LONG AS THE PROFESSIONAL COACH DOES NOT ENGAGE IN THE  
18 PRACTICE OF MUSIC THERAPY AS DEFINED IN THIS ARTICLE.

19 **12-37.7-108. Limitations on authority.** NOTHING IN THIS  
20 ARTICLE AUTHORIZES A REGISTERED MUSIC THERAPIST TO ENGAGE IN THE  
21 PRACTICE OF MEDICINE, AS DEFINED IN SECTION 12-36-106, OR ANY OTHER  
22 FORM OF HEALING EXCEPT AS AUTHORIZED BY THIS ARTICLE.

23 **12-37.7-109. Grounds for discipline - disciplinary proceedings**  
24 **- judicial review.** (1) THE DIRECTOR MAY TAKE DISCIPLINARY ACTION  
25 AGAINST A REGISTRANT IF THE DIRECTOR FINDS THAT THE REGISTRANT  
26 HAS REPRESENTED HIMSELF OR HERSELF AS A REGISTERED MUSIC  
27 THERAPIST AFTER THE EXPIRATION, SUSPENSION, OR REVOCATION OF HIS

1 OR HER REGISTRATION.

2 (2) THE DIRECTOR MAY REVOKE, SUSPEND, OR DENY A  
3 REGISTRATION, PLACE A REGISTRANT ON PROBATION, ISSUE A LETTER OF  
4 ADMONITION OR A CONFIDENTIAL LETTER OF CONCERN TO A REGISTRANT,  
5 IMPOSE AN ADMINISTRATIVE FINE AGAINST A REGISTRANT, OR ISSUE A  
6 CEASE-AND-DESIST ORDER TO A REGISTRANT IN ACCORDANCE WITH THIS  
7 SECTION, UPON PROOF THAT THE REGISTRANT OR APPLICANT:

8 (a) HAS ENGAGED IN A SEXUAL ACT WITH A PERSON RECEIVING  
9 SERVICES WHILE A THERAPEUTIC RELATIONSHIP EXISTED OR WITHIN TWO  
10 YEARS IMMEDIATELY FOLLOWING WRITTEN TERMINATION OF THE  
11 THERAPEUTIC RELATIONSHIP. FOR THE PURPOSES OF THIS PARAGRAPH (a):

12 (I) "SEXUAL ACT" MEANS SEXUAL CONTACT, SEXUAL INTRUSION,  
13 OR SEXUAL PENETRATION, AS DEFINED IN SECTION 18-3-401, C.R.S.

14 (II) "THERAPEUTIC RELATIONSHIP" MEANS THE PERIOD BEGINNING  
15 WITH THE INITIAL EVALUATION AND ENDING UPON THE WRITTEN  
16 TERMINATION OF TREATMENT.

17 (b) HAS FALSIFIED INFORMATION IN AN APPLICATION OR HAS  
18 ATTEMPTED TO OBTAIN OR HAS OBTAINED A REGISTRATION BY FRAUD,  
19 DECEPTION, OR MISREPRESENTATION;

20 (c) EXCESSIVELY OR HABITUALLY USES OR ABUSES ALCOHOL OR  
21 HABIT-FORMING DRUGS OR HABITUALLY USES A CONTROLLED SUBSTANCE,  
22 AS DEFINED IN SECTION 18-18-102, C.R.S., OR OTHER DRUGS HAVING  
23 SIMILAR EFFECTS; EXCEPT THAT THE DIRECTOR HAS THE DISCRETION NOT  
24 TO DISCIPLINE THE REGISTRANT IF HE OR SHE IS PARTICIPATING IN GOOD  
25 FAITH IN A PROGRAM TO END SUCH USE OR ABUSE THAT THE DIRECTOR HAS  
26 APPROVED;

27 (d) HAS VIOLATED THIS ARTICLE OR AIDED OR ABETTED OR

1 KNOWINGLY PERMITTED ANY PERSON TO VIOLATE THIS ARTICLE, A RULE  
2 ADOPTED UNDER THIS ARTICLE, OR ANY LAWFUL ORDER OF THE DIRECTOR;

3 (e) HAD A LICENSE OR REGISTRATION SUSPENDED OR REVOKED OR  
4 HAS BEEN OTHERWISE DISCIPLINED FOR AN ACTION THAT IS A VIOLATION  
5 OF THIS ARTICLE;

6 (f) HAS BEEN CONVICTED OF OR PLED GUILTY OR NOLO  
7 CONTENDERE TO A FELONY, A CRIME INVOLVING MORAL TURPITUDE, OR A  
8 CRIME RELATED TO THE REGISTRANT'S PRACTICE OF MUSIC THERAPY. A  
9 CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT  
10 JURISDICTION OF THE CONVICTION OR PLEA IS CONCLUSIVE EVIDENCE OF  
11 THE CONVICTION OR PLEA. IN CONSIDERING THE DISCIPLINARY ACTION,  
12 THE DIRECTOR IS GOVERNED BY SECTION 24-5-101, C.R.S.

13 (g) HAS FRAUDULENTLY OBTAINED, FURNISHED, OR SOLD ANY  
14 MUSIC THERAPY DIPLOMA, CERTIFICATE, REGISTRATION, RENEWAL OF  
15 REGISTRATION, OR RECORD OR AIDED OR ABETTED SUCH ACT;

16 (h) HAS FAILED TO NOTIFY THE DIRECTOR OF THE SUSPENSION,  
17 REVOCATION, OR OTHER DISCIPLINE OF THE PERSON'S PAST OR CURRENTLY  
18 HELD LICENSE, CERTIFICATE, OR REGISTRATION REQUIRED TO PRACTICE  
19 MUSIC THERAPY IN THIS OR ANY OTHER JURISDICTION;

20 (i) HAS FAILED TO RESPOND TO A REQUEST OR ORDER OF THE  
21 DIRECTOR;

22 (j) HAS FAILED TO RESPOND IN AN HONEST, MATERIALLY  
23 RESPONSIVE, AND TIMELY MANNER TO A COMPLAINT AGAINST THE  
24 REGISTRANT;

25 (k) HAS RESORTED TO FRAUD, MISREPRESENTATION, OR DECEPTION  
26 IN APPLYING FOR, SECURING, RENEWING, OR SEEKING REINSTATEMENT OF  
27 A REGISTRATION IN THIS OR ANY OTHER STATE, IN APPLYING FOR

1 PROFESSIONAL LIABILITY COVERAGE, OR IN TAKING THE EXAMINATION  
2 REQUIRED BY THIS ARTICLE;

3 (l) (I) HAS FAILED TO NOTIFY THE DIRECTOR, AS REQUIRED BY  
4 SECTION 12-37.7-113, OF A PHYSICAL OR MENTAL ILLNESS OR CONDITION  
5 THAT IMPACTS THE MUSIC THERAPIST'S ABILITY TO PERFORM MUSIC  
6 THERAPY WITH REASONABLE SKILL AND SAFETY TO PATIENTS;

7 (II) HAS FAILED TO ACT WITHIN THE LIMITATIONS CREATED BY A  
8 PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT RENDERS THE  
9 REGISTRANT UNABLE TO PERFORM MUSIC THERAPY WITH REASONABLE  
10 SKILL AND SAFETY TO PATIENTS; OR

11 (III) HAS FAILED TO COMPLY WITH THE LIMITATIONS AGREED TO  
12 UNDER A CONFIDENTIAL AGREEMENT ENTERED PURSUANT TO SECTION  
13 12-37.7-113;

14 (m) HAS REFUSED TO SUBMIT TO A PHYSICAL OR MENTAL  
15 EXAMINATION WHEN ORDERED BY THE DIRECTOR PURSUANT TO SECTION  
16 12-37.7-112;

17 (n) HAS FAILED TO MAINTAIN PROFESSIONAL LIABILITY INSURANCE  
18 AS REQUIRED BY SECTION 12-37.7-106 (2) OR (4) IN THE AMOUNT  
19 SPECIFIED BY THE DIRECTOR BY RULE;

20 (o) HAS FAILED TO MAKE ESSENTIAL ENTRIES ON PATIENT RECORDS  
21 OR FALSIFIED OR MADE INCORRECT ENTRIES OF AN ESSENTIAL NATURE ON  
22 PATIENT RECORDS;

23 (p) HAS OTHERWISE VIOLATED THIS ARTICLE OR LAWFUL ORDER OR  
24 RULE OF THE DIRECTOR.

25 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2) OF THIS  
26 SECTION, THE DIRECTOR NEED NOT FIND THAT THE ACTION THAT IS  
27 GROUNDS FOR DISCIPLINE WAS WILLFUL BUT MAY CONSIDER WHETHER THE

1 ACTION WAS WILLFUL WHEN DETERMINING THE NATURE OF DISCIPLINARY  
2 SANCTIONS TO BE IMPOSED.

3 (4) (a) THE DIRECTOR MAY COMMENCE A PROCEEDING TO  
4 DISCIPLINE A REGISTRANT WHEN THE DIRECTOR HAS REASONABLE  
5 GROUNDS TO BELIEVE THAT THE REGISTRANT HAS COMMITTED AN ACT  
6 ENUMERATED IN THIS SECTION OR HAS VIOLATED A LAWFUL ORDER OR  
7 RULE OF THE DIRECTOR.

8 (b) IN ANY PROCEEDING UNDER THIS SECTION, THE DIRECTOR MAY  
9 ACCEPT AS EVIDENCE OF GROUNDS FOR DISCIPLINARY ACTION ANY  
10 DISCIPLINARY ACTION TAKEN AGAINST A LICENSEE OR REGISTRANT IN  
11 ANOTHER JURISDICTION IF THE VIOLATION THAT PROMPTED THE  
12 DISCIPLINARY ACTION IN THE OTHER JURISDICTION WOULD BE GROUNDS  
13 FOR DISCIPLINARY ACTION UNDER THIS ARTICLE.

14 (5) THE DIRECTOR SHALL CONDUCT DISCIPLINARY PROCEEDINGS  
15 IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND THE DIRECTOR  
16 OR AN ADMINISTRATIVE LAW JUDGE, AS DETERMINED BY THE DIRECTOR,  
17 SHALL CONDUCT THE HEARING AND OPPORTUNITY FOR REVIEW PURSUANT  
18 TO THAT ARTICLE. THE DIRECTOR MAY EXERCISE ALL POWERS AND DUTIES  
19 CONFERRED BY THIS ARTICLE DURING THE DISCIPLINARY PROCEEDINGS.

20 (6) (a) THE DIRECTOR MAY REQUEST THE ATTORNEY GENERAL TO  
21 SEEK AN INJUNCTION, IN ANY COURT OF COMPETENT JURISDICTION, TO  
22 ENJOIN A PERSON FROM COMMITTING AN ACT PROHIBITED BY THIS  
23 ARTICLE. WHEN SEEKING AN INJUNCTION UNDER THIS PARAGRAPH (a), THE  
24 ATTORNEY GENERAL IS NOT REQUIRED TO ALLEGE OR PROVE THE  
25 INADEQUACY OF ANY REMEDY AT LAW OR THAT SUBSTANTIAL OR  
26 IRREPARABLE DAMAGE IS LIKELY TO RESULT FROM A CONTINUED  
27 VIOLATION OF THIS ARTICLE.

1           (b) (I) IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., AND  
2 THIS ARTICLE, THE DIRECTOR MAY INVESTIGATE, HOLD HEARINGS, AND  
3 GATHER EVIDENCE IN ALL MATTERS RELATED TO THE EXERCISE AND  
4 PERFORMANCE OF THE POWERS AND DUTIES OF THE DIRECTOR.

5           (II) IN ORDER TO AID THE DIRECTOR IN ANY HEARING OR  
6 INVESTIGATION INSTITUTED PURSUANT TO THIS SECTION, THE DIRECTOR OR  
7 AN ADMINISTRATIVE LAW JUDGE APPOINTED PURSUANT TO PARAGRAPH (c)  
8 OF THIS SUBSECTION (6) IS AUTHORIZED TO ADMINISTER OATHS, TAKE  
9 AFFIRMATIONS OF WITNESSES, AND ISSUE SUBPOENAS COMPELLING THE  
10 ATTENDANCE OF WITNESSES AND THE PRODUCTION OF ALL RELEVANT  
11 RECORDS, PAPERS, BOOKS, DOCUMENTARY EVIDENCE, AND MATERIALS IN  
12 ANY HEARING, INVESTIGATION, ACCUSATION, OR OTHER MATTER BEFORE  
13 THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE.

14           (III) UPON FAILURE OF ANY WITNESS OR REGISTRANT TO COMPLY  
15 WITH A SUBPOENA OR PROCESS AND UPON APPLICATION BY THE DIRECTOR  
16 WITH NOTICE TO THE SUBPOENAED PERSON OR REGISTRANT, THE DISTRICT  
17 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR  
18 REGISTRANT RESIDES OR CONDUCTS BUSINESS MAY ISSUE TO THE PERSON  
19 OR REGISTRANT AN ORDER REQUIRING THAT PERSON OR REGISTRANT TO  
20 APPEAR BEFORE THE DIRECTOR; TO PRODUCE THE RELEVANT PAPERS,  
21 BOOKS, RECORDS, DOCUMENTARY EVIDENCE, OR MATERIALS IF SO  
22 ORDERED; OR TO GIVE EVIDENCE TOUCHING THE MATTER UNDER  
23 INVESTIGATION OR IN QUESTION. IF THE PERSON OR REGISTRANT FAILS TO  
24 OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD THE PERSON OR  
25 REGISTRANT IN CONTEMPT OF COURT.

26           (c) THE DIRECTOR MAY APPOINT AN ADMINISTRATIVE LAW JUDGE  
27 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, C.R.S., TO CONDUCT

1 HEARINGS, TAKE EVIDENCE, MAKE FINDINGS, AND REPORT SUCH FINDINGS  
2 TO THE DIRECTOR.

3 (7) (a) THE DIRECTOR, THE DIRECTOR'S STAFF, ANY PERSON ACTING  
4 AS A WITNESS OR CONSULTANT TO THE DIRECTOR, ANY WITNESS  
5 TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS ARTICLE, AND ANY  
6 PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS ARTICLE IS IMMUNE  
7 FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM OR HER FOR  
8 ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS DIRECTOR,  
9 STAFF, CONSULTANT, WITNESS, OR COMPLAINANT, RESPECTIVELY, IF THE  
10 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER  
11 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
12 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE  
13 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS  
14 WARRANTED BY THE FACTS.

15 (b) A PERSON PARTICIPATING IN GOOD FAITH IN MAKING A  
16 COMPLAINT OR REPORT OR IN AN INVESTIGATIVE OR ADMINISTRATIVE  
17 PROCEEDING PURSUANT TO THIS SECTION IS IMMUNE FROM ANY CIVIL OR  
18 CRIMINAL LIABILITY THAT OTHERWISE MIGHT RESULT BY REASON OF THE  
19 PARTICIPATION.

20 (8) A FINAL ACTION OF THE DIRECTOR IS SUBJECT TO JUDICIAL  
21 REVIEW BY THE COURT OF APPEALS PURSUANT TO SECTION 24-4-106 (11),  
22 C.R.S.

23 (9) WHEN A COMPLAINT OR AN INVESTIGATION DISCLOSES AN  
24 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,  
25 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE  
26 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR  
27 PROSECUTION.

1           (10) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
2 INSTANCE OF CONDUCT THAT DOES NOT WARRANT FORMAL ACTION BY THE  
3 DIRECTOR AND, IN THE OPINION OF THE DIRECTOR, THE COMPLAINT  
4 SHOULD BE DISMISSED, BUT THE DIRECTOR HAS NOTICED INDICATIONS OF  
5 POSSIBLE ERRANT CONDUCT BY THE REGISTRANT THAT COULD LEAD TO  
6 SERIOUS CONSEQUENCES IF NOT CORRECTED, THE DIRECTOR MAY SEND A  
7 CONFIDENTIAL LETTER OF CONCERN TO THE REGISTRANT.

8           (11) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
9 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
10 NOT WARRANT FORMAL ACTION BUT SHOULD NOT BE DISMISSED AS BEING  
11 WITHOUT MERIT, THE DIRECTOR MAY SEND A LETTER OF ADMONITION TO  
12 THE REGISTRANT.

13           (b) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO A  
14 REGISTRANT, THE DIRECTOR SHALL NOTIFY THE REGISTRANT OF HIS OR HER  
15 RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF  
16 THE LETTER, THAT THE DIRECTOR INITIATE FORMAL DISCIPLINARY  
17 PROCEEDINGS TO ADJUDICATE THE PROPRIETY OF THE CONDUCT  
18 DESCRIBED IN THE LETTER OF ADMONITION.

19           (c) IF THE REGISTRANT TIMELY REQUESTS ADJUDICATION, THE  
20 DIRECTOR SHALL VACATE THE LETTER OF ADMONITION AND SHALL  
21 PROCESS THE MATTER BY MEANS OF FORMAL DISCIPLINARY PROCEEDINGS.

22           (12) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
23 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
24 A REGISTRANT IS ACTING IN A MANNER THAT IS AN IMMINENT THREAT TO  
25 THE HEALTH AND SAFETY OF THE PUBLIC, OR A PERSON IS ACTING OR HAS  
26 ACTED WITHOUT THE REQUIRED REGISTRATION, THE DIRECTOR MAY ISSUE  
27 AN ORDER TO CEASE AND DESIST SUCH ACTIVITY. THE ORDER SHALL SET



1 FORTH THE STATUTES AND RULES ALLEGED TO HAVE BEEN VIOLATED, THE  
2 FACTS ALLEGED TO HAVE CONSTITUTED THE VIOLATION, AND THE  
3 REQUIREMENT THAT ALL UNLAWFUL ACTS OR UNREGISTERED PRACTICES  
4 IMMEDIATELY CEASE.

5 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
6 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (12), THE  
7 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
8 ACTS OR PRACTICES IN VIOLATION OF THIS ARTICLE HAVE OCCURRED. THE  
9 HEARING SHALL BE CONDUCTED PURSUANT TO SECTIONS 24-4-104 AND  
10 24-4-105, C.R.S.

11 (13) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
12 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
13 A PERSON HAS VIOLATED ANY OTHER PROVISION OF THIS ARTICLE, IN  
14 ADDITION TO ANY SPECIFIC POWERS GRANTED PURSUANT TO THIS ARTICLE,  
15 THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS  
16 TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE  
17 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR  
18 UNREGISTERED PRACTICE.

19 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST  
20 WHOM HE OR SHE ISSUES AN ORDER TO SHOW CAUSE PURSUANT TO  
21 PARAGRAPH (a) OF THIS SUBSECTION (13) AND SHALL INCLUDE IN THE  
22 NOTICE A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR THE  
23 ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE  
24 ORDER. THE DIRECTOR MAY SERVE THE NOTICE ON THE PERSON AGAINST  
25 WHOM THE ORDER HAS BEEN ISSUED BY PERSONAL SERVICE, BY  
26 FIRST-CLASS, POSTAGE PREPAID UNITED STATES MAIL, OR IN ANOTHER  
27 MANNER AS MAY BE PRACTICABLE. PERSONAL SERVICE OR MAILING OF AN

1 ORDER OR DOCUMENT PURSUANT TO THIS PARAGRAPH (b) CONSTITUTES  
2 NOTICE OF THE ORDER TO THE PERSON.

3 (c) (I) THE DIRECTOR SHALL HOLD THE HEARING ON AN ORDER TO  
4 SHOW CAUSE NO SOONER THAN TEN AND NO LATER THAN FORTY-FIVE  
5 CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE  
6 NOTIFICATION AS PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (13).  
7 THE DIRECTOR MAY CONTINUE THE HEARING BY AGREEMENT OF ALL  
8 PARTIES BASED UPON THE COMPLEXITY OF THE MATTER, NUMBER OF  
9 PARTIES TO THE MATTER, AND LEGAL ISSUES PRESENTED IN THE MATTER,  
10 BUT IN NO EVENT SHALL THE DIRECTOR CONDUCT THE HEARING LATER  
11 THAN SIXTY CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR  
12 SERVICE OF THE NOTIFICATION.

13 (II) IF A PERSON AGAINST WHOM AN ORDER TO SHOW CAUSE HAS  
14 BEEN ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (13) DOES  
15 NOT APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE  
16 THAT NOTIFICATION WAS PROPERLY SENT OR SERVED ON THE PERSON  
17 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (13) AND SUCH OTHER  
18 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS  
19 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS  
20 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE  
21 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER IS FINAL AS TO  
22 THAT PERSON BY OPERATION OF LAW. THE DIRECTOR SHALL CONDUCT THE  
23 HEARING PURSUANT TO SECTIONS 24-4-104 AND 24-4-105, C.R.S.

24 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
25 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
26 HAS ACTED WITHOUT THE REQUIRED REGISTRATION, OR HAS OR IS ABOUT  
27 TO ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS

1 ARTICLE, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER,  
2 DIRECTING THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL  
3 ACTS OR UNREGISTERED PRACTICES.

4 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
5 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (13), OF THE FINAL  
6 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
7 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
8 AGAINST WHOM THE FINAL ORDER HAS BEEN ISSUED. THE FINAL ORDER  
9 ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c) IS  
10 EFFECTIVE WHEN ISSUED AND IS A FINAL ORDER FOR PURPOSES OF JUDICIAL  
11 REVIEW.

12 (14) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
13 EVIDENCE PRESENTED TO THE DIRECTOR, THAT A PERSON HAS ENGAGED OR  
14 IS ABOUT TO ENGAGE IN AN UNREGISTERED ACT OR PRACTICE; AN ACT OR  
15 PRACTICE CONSTITUTING A VIOLATION OF THIS ARTICLE, A RULE  
16 PROMULGATED PURSUANT TO THIS ARTICLE, OR AN ORDER ISSUED  
17 PURSUANT TO THIS ARTICLE; OR AN ACT OR PRACTICE CONSTITUTING  
18 GROUNDS FOR DISCIPLINE PURSUANT TO THIS ARTICLE, THE DIRECTOR MAY  
19 ENTER INTO A STIPULATION WITH THE PERSON.

20 (15) IF ANY PERSON FAILS TO COMPLY WITH A FINAL  
21 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
22 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
23 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
24 AND IF SO REQUESTED SUCH ATTORNEY SHALL BRING, SUIT FOR A  
25 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
26 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

27 (16) THE DIRECTOR MAY INCLUDE IN A DISCIPLINARY ORDER THAT

1       ALLOWS THE REGISTRANT TO CONTINUE TO PRACTICE ON PROBATION ANY  
2       CONDITIONS THE DIRECTOR DEEMS APPROPRIATE TO ASSURE THAT THE  
3       REGISTRANT IS PHYSICALLY, MENTALLY, MORALLY, AND OTHERWISE  
4       QUALIFIED TO PRACTICE MUSIC THERAPY IN ACCORDANCE WITH  
5       GENERALLY ACCEPTED PROFESSIONAL STANDARDS OF PRACTICE. IF THE  
6       REGISTRANT FAILS TO COMPLY WITH ANY CONDITIONS IMPOSED BY THE  
7       DIRECTOR PURSUANT TO THIS SUBSECTION (16), AND THE FAILURE TO  
8       COMPLY IS NOT DUE TO CONDITIONS BEYOND THE REGISTRANT'S CONTROL,  
9       THE DIRECTOR MAY ORDER SUSPENSION OF THE REGISTERED MUSIC  
10      THERAPIST'S REGISTRATION TO PRACTICE MUSIC THERAPY IN THIS STATE  
11      UNTIL THE REGISTRANT COMPLIES WITH THE CONDITIONS.

12           (17) A PERSON AGGRIEVED BY THE FINAL CEASE-AND-DESIST  
13      ORDER MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION  
14      OR OF THE DIRECTOR'S FINAL ORDER AS PROVIDED IN SUBSECTION (8) OF  
15      THIS SECTION.

16           (18) ANY PERSON WHOSE REGISTRATION IS REVOKED IS INELIGIBLE  
17      TO APPLY FOR REGISTRATION UNDER THIS ARTICLE FOR AT LEAST TWO  
18      YEARS AFTER THE DATE OF REVOCATION OF THE REGISTRATION. THE  
19      DIRECTOR SHALL TREAT A SUBSEQUENT APPLICATION FOR REGISTRATION  
20      FROM A PERSON WHOSE REGISTRATION WAS REVOKED AS AN APPLICATION  
21      FOR A NEW REGISTRATION UNDER THIS ARTICLE.

22           **12-37.7-110. Unauthorized practice - penalties.** A PERSON WHO  
23      PRACTICES OR OFFERS OR ATTEMPTS TO PRACTICE MUSIC THERAPY  
24      WITHOUT AN ACTIVE REGISTRATION ISSUED UNDER THIS ARTICLE COMMITS  
25      A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN  
26      SECTION 18-1.3-501, C.R.S., FOR THE FIRST OFFENSE. FOR THE SECOND OR  
27      ANY SUBSEQUENT OFFENSE, THE PERSON COMMITS A CLASS 1

1 MISDEMEANOR AND SHALL BE PUNISHED AS PROVIDED IN SECTION  
2 18-1.3-501, C.R.S.

3 **12-37.7-111. Rule-making authority.** THE DIRECTOR SHALL  
4 PROMULGATE RULES AS NECESSARY FOR THE ADMINISTRATION OF THIS  
5 ARTICLE.

6 **12-37.7-112. Mental and physical examination of registrants.**

7 (1) IF THE DIRECTOR HAS REASONABLE CAUSE TO BELIEVE THAT A  
8 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND  
9 SAFETY, THE DIRECTOR MAY ORDER THE REGISTRANT TO TAKE A MENTAL  
10 OR PHYSICAL EXAMINATION ADMINISTERED BY A PHYSICIAN OR OTHER  
11 LICENSED HEALTH CARE PROFESSIONAL DESIGNATED BY THE DIRECTOR.  
12 EXCEPT WHERE DUE TO CIRCUMSTANCES BEYOND THE REGISTRANT'S  
13 CONTROL, IF THE REGISTRANT FAILS OR REFUSES TO UNDERGO A MENTAL  
14 OR PHYSICAL EXAMINATION, THE DIRECTOR MAY SUSPEND THE  
15 REGISTRANT'S REGISTRATION UNTIL THE DIRECTOR HAS MADE A  
16 DETERMINATION OF THE REGISTRANT'S FITNESS TO PRACTICE. THE  
17 DIRECTOR SHALL PROCEED WITH AN ORDER FOR EXAMINATION AND SHALL  
18 MAKE HIS OR HER DETERMINATION IN A TIMELY MANNER.

19 (2) THE DIRECTOR SHALL INCLUDE IN AN ORDER REQUIRING A  
20 REGISTRANT TO UNDERGO A MENTAL OR PHYSICAL EXAMINATION THE  
21 BASIS OF THE DIRECTOR'S REASONABLE CAUSE TO BELIEVE THAT THE  
22 REGISTRANT IS UNABLE TO PRACTICE WITH REASONABLE SKILL AND  
23 SAFETY. FOR PURPOSES OF A DISCIPLINARY PROCEEDING AUTHORIZED  
24 UNDER THIS ARTICLE, THE REGISTRANT IS DEEMED TO HAVE WAIVED ALL  
25 OBJECTIONS TO THE ADMISSIBILITY OF THE EXAMINING PHYSICIAN'S OR  
26 LICENSED HEALTH CARE PROFESSIONAL'S TESTIMONY OR EXAMINATION  
27 REPORTS ON THE GROUNDS THAT THEY ARE PRIVILEGED COMMUNICATION.

1           (3) THE REGISTRANT MAY SUBMIT TO THE DIRECTOR TESTIMONY  
2 OR EXAMINATION REPORTS FROM A PHYSICIAN CHOSEN BY THE  
3 REGISTRANT AND PERTAINING TO ANY CONDITION THAT THE DIRECTOR HAS  
4 ALLEGED MAY PRECLUDE THE REGISTRANT FROM PRACTICING WITH  
5 REASONABLE SKILL AND SAFETY. THE DIRECTOR MAY CONSIDER THE  
6 TESTIMONY AND REPORTS SUBMITTED BY THE REGISTRANT IN  
7 CONJUNCTION WITH, BUT NOT IN LIEU OF, TESTIMONY AND EXAMINATION  
8 REPORTS OF THE PHYSICIAN DESIGNATED BY THE DIRECTOR.

9           (4) THE RESULTS OF A MENTAL OR PHYSICAL EXAMINATION  
10 ORDERED BY THE DIRECTOR SHALL NOT BE USED AS EVIDENCE IN ANY  
11 PROCEEDING OTHER THAN ONE BEFORE THE DIRECTOR AND SHALL NOT BE  
12 DEEMED A PUBLIC RECORD OR MADE AVAILABLE TO THE PUBLIC.

13           **12-37.7-113. Confidential agreement to limit practice -**  
14 **violation grounds for discipline.** (1) IF A REGISTERED MUSIC THERAPIST  
15 SUFFERS FROM A PHYSICAL OR MENTAL ILLNESS OR CONDITION THAT  
16 RENDERS THE REGISTRANT UNABLE TO PRACTICE MUSIC THERAPY OR  
17 PRACTICE AS A REGISTERED MUSIC THERAPIST WITH REASONABLE SKILL  
18 AND PATIENT SAFETY, THE REGISTERED MUSIC THERAPIST SHALL NOTIFY  
19 THE DIRECTOR OF THE ILLNESS OR CONDITION IN A MANNER AND WITHIN  
20 A PERIOD OF TIME DETERMINED BY THE DIRECTOR. THE DIRECTOR MAY  
21 REQUIRE THE REGISTERED MUSIC THERAPIST TO SUBMIT TO AN  
22 EXAMINATION TO EVALUATE THE EXTENT OF THE ILLNESS OR CONDITION  
23 AND ITS IMPACT ON THE REGISTERED MUSIC THERAPIST'S ABILITY TO  
24 PRACTICE WITH REASONABLE SKILL AND SAFETY TO PATIENTS.

25           (2) (a) UPON DETERMINING THAT A REGISTERED MUSIC THERAPIST  
26 WITH A PHYSICAL OR MENTAL ILLNESS OR CONDITION IS ABLE TO RENDER  
27 LIMITED MUSIC THERAPY SERVICES WITH REASONABLE SKILL AND PATIENT

1 SAFETY, THE DIRECTOR MAY ENTER INTO A CONFIDENTIAL AGREEMENT  
2 WITH THE REGISTERED MUSIC THERAPIST IN WHICH THE REGISTERED MUSIC  
3 THERAPIST AGREES TO LIMIT HIS OR HER PRACTICE BASED ON THE  
4 RESTRICTIONS IMPOSED BY THE ILLNESS OR CONDITION, AS DETERMINED  
5 BY THE DIRECTOR.

6 (b) THE AGREEMENT MUST SPECIFY THAT THE REGISTERED MUSIC  
7 THERAPIST IS SUBJECT TO PERIODIC REEVALUATIONS OR MONITORING AS  
8 DETERMINED APPROPRIATE BY THE DIRECTOR.

9 (c) THE PARTIES MAY MODIFY OR DISSOLVE THE AGREEMENT AS  
10 NECESSARY BASED ON THE RESULTS OF A REEVALUATION OR OF  
11 MONITORING.

12 (d) BY ENTERING INTO AN AGREEMENT WITH THE DIRECTOR  
13 PURSUANT TO THIS SECTION TO LIMIT HIS OR HER PRACTICE, THE  
14 REGISTERED MUSIC THERAPIST IS NOT ENGAGING IN ACTIVITIES THAT  
15 CONSTITUTE GROUNDS FOR DISCIPLINE PURSUANT TO SECTION  
16 12-37.7-109. THE AGREEMENT IS AN ADMINISTRATIVE ACTION AND DOES  
17 NOT CONSTITUTE A RESTRICTION OR DISCIPLINE BY THE DIRECTOR.  
18 HOWEVER, IF THE REGISTERED MUSIC THERAPIST FAILS TO COMPLY WITH  
19 THE TERMS OF AN AGREEMENT ENTERED INTO PURSUANT TO THIS SECTION,  
20 THE FAILURE CONSTITUTES GROUNDS FOR DISCIPLINARY ACTION UNDER  
21 SECTION 12-37.7-109 (2) (1), AND THE REGISTERED MUSIC THERAPIST IS  
22 SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION 12-37.7-109.

23 (3) THIS SECTION DOES NOT APPLY TO A REGISTRANT SUBJECT TO  
24 DISCIPLINE UNDER SECTION 12-37.7-109 (2) (c).

25 **12-37.7-114. Protection of medical records - registrant's**  
26 **obligations - verification of compliance - noncompliance grounds for**  
27 **discipline - rules.** (1) EACH REGISTERED MUSIC THERAPIST RESPONSIBLE

1 FOR PATIENT RECORDS SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE  
2 SECURITY OF PATIENT MEDICAL RECORDS. THE PLAN MUST ADDRESS AT  
3 LEAST THE FOLLOWING:

4 (a) THE STORAGE AND PROPER DISPOSAL OF PATIENT MEDICAL  
5 RECORDS;

6 (b) THE DISPOSITION OF PATIENT MEDICAL RECORDS IN THE EVENT  
7 THE REGISTRANT DIES, RETIRES, OR OTHERWISE CEASES TO PRACTICE OR  
8 PROVIDE MUSIC THERAPY SERVICES TO PATIENTS; AND

9 (c) THE METHOD BY WHICH PATIENTS MAY ACCESS OR OBTAIN  
10 THEIR MEDICAL RECORDS PROMPTLY IF ANY OF THE EVENTS DESCRIBED IN  
11 PARAGRAPH (b) OF THIS SUBSECTION (1) OCCURS.

12 (2) UPON INITIAL REGISTRATION UNDER THIS ARTICLE AND UPON  
13 RENEWAL OF A REGISTRATION, THE APPLICANT OR REGISTRANT SHALL  
14 ATTEST TO THE DIRECTOR THAT HE OR SHE HAS DEVELOPED A PLAN IN  
15 COMPLIANCE WITH THIS SECTION.

16 (3) A REGISTERED MUSIC THERAPIST SHALL INFORM EACH PATIENT  
17 IN WRITING OF THE METHOD BY WHICH THE PATIENT MAY ACCESS OR  
18 OBTAIN HIS OR HER MEDICAL RECORDS IF AN EVENT DESCRIBED IN  
19 PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION OCCURS.

20 (4) A REGISTERED MUSIC THERAPIST WHO FAILS TO COMPLY WITH  
21 THIS SECTION IS SUBJECT TO DISCIPLINE IN ACCORDANCE WITH SECTION  
22 12-37.7-109.

23 (5) THE DIRECTOR MAY ADOPT RULES REASONABLY NECESSARY TO  
24 IMPLEMENT THIS SECTION.

25 **12-37.7-115. Repeal of article - review of functions.** THIS  
26 ARTICLE IS REPEALED, EFFECTIVE SEPTEMBER 1, 2017. PRIOR TO THIS  
27 REPEAL, THE DEPARTMENT SHALL REVIEW THE DIRECTOR'S POWERS,



1 DUTIES, AND FUNCTIONS UNDER THIS ARTICLE AS PROVIDED IN SECTION  
2 24-34-104, C.R.S.

3 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**  
4 (48.5) as follows:

5 **24-34-104. General assembly review of regulatory agencies**  
6 **and functions for termination, continuation, or reestablishment.**

7 (48.5) The following agencies, functions, or both, ~~shall~~ terminate on  
8 September 1, 2017:

9 (a) The domestic violence offender management board created in  
10 section 16-11.8-103, C.R.S.;

11 (b) THE REGULATION OF MUSIC THERAPISTS BY THE DIRECTOR OF  
12 THE DIVISION OF REGISTRATIONS PURSUANT TO ARTICLE 37.7 OF TITLE 12,  
13 C.R.S.

14 **SECTION 3.** In Colorado Revised Statutes, 24-34-110, **amend**  
15 (3) (a) (XVIII) and (3) (a) (XIX); and **add** (3) (a) (XX) as follows:

16 **24-34-110. Medical transparency act of 2010 - disclosure of**  
17 **information about health care licensees - fines - rules - short title -**  
18 **legislative declaration.** (3) (a) As used in this section, "applicant" means  
19 a person applying for a new, active license, certification, or registration  
20 or to renew, reinstate, or reactivate an active license, certification, or  
21 registration to practice:

22 (XVIII) Psychotherapy pursuant to part 7 of article 43 of title 12,  
23 C.R.S.; and

24 (XIX) Addiction counseling pursuant to part 8 of article 43 of title  
25 12, C.R.S.; AND

26 (XX) MUSIC THERAPY PURSUANT TO ARTICLE 37.7 OF TITLE 12,  
27 C.R.S.

1           **SECTION 4. Act subject to petition - effective date.** This act  
2 takes effect at 12:01 a.m. on the day following the expiration of the  
3 ninety-day period after final adjournment of the general assembly (August  
4 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
5 referendum petition is filed pursuant to section 1 (3) of article V of the  
6 state constitution against this act or an item, section, or part of this act  
7 within such period, then the act, item, section, or part will not take effect  
8 unless approved by the people at the general election to be held in  
9 November 2012 and, in such case, will take effect on the date of the  
10 official declaration of the vote thereon by the governor.