



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1138 be amended to read as follows:

- 1 Page 8, between lines 38 and 39, begin a new paragraph and insert:
- 2 "SECTION 15. IC 25-27.6 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY
- 4 1, 2024]:
- 5 **ARTICLE 27.6. LICENSED PROFESSIONAL MUSIC**
- 6 **THERAPISTS**
- 7 **Chapter 1. Definitions**
- 8 **Sec. 1. "Applicant" means an individual who applies to the**
- 9 **board for a license to practice music therapy.**
- 10 **Sec. 2. "Board" refers to the medical licensing board of Indiana.**
- 11 **Sec. 3. "Board certified music therapist" means an individual**
- 12 **who holds a current board certification from the Certification**
- 13 **Board for Music Therapists.**
- 14 **Sec. 4. "Council" refers to the music therapy advisory council**
- 15 **established by IC 25-27.6-2-1.**
- 16 **Sec. 5. "Licensed professional music therapist" means a person**
- 17 **licensed to practice music therapy under this article.**
- 18 **Sec. 6. (a) "Practice of music therapy" or "practice music**
- 19 **therapy" means providing professional services that:**
- 20 **(1) are delivered by a board certified music therapist;**
- 21 **(2) use clinical and evidence based music interventions to**
- 22 **accomplish individualized goals for clients of any age or**

1 ability level within a therapeutic relationship; and
 2 (3) include:
 3 (A) developing individualized music therapy treatment
 4 plans specific to the needs and strengths of each client; and
 5 (B) establishing goals, objectives, and potential strategies
 6 of the music therapy services that are appropriate for the
 7 client and setting.
 8 (b) The term does not include the screening, diagnosis, or
 9 assessment of any physical, mental, or communication disorder.

10 Chapter 2. Music Therapy Advisory Council

11 Sec. 1. The music therapy advisory council is established as a
 12 permanent entity under the executive branch of state government.
 13 The council's purpose is to provide the board with expertise and
 14 assistance in carrying out the board's duties under this chapter.

15 Sec. 2. (a) The council consists of the following five (5) members,
 16 who are familiar with the practice of music therapy, appointed by
 17 the board:
 18 (1) Three (3) members who are licensed professional music
 19 therapists.
 20 (2) One (1) member who is a licensed health care provider
 21 who is not a music therapist.
 22 (3) One (1) member who is a consumer.
 23 (b) The board shall appoint a council member to serve as
 24 chairperson. The chairperson serves at the pleasure of the board.
 25 The chairperson serves a two (2) year term, but may be
 26 reappointed by the board.

27 Sec. 3. (a) Except as otherwise provided in this section, a
 28 member serves a term of four (4) years, ending on June 30.
 29 (b) A vacancy in the council membership must be filled in the
 30 same manner as a regular appointment. A member appointed to
 31 fill a vacancy in the membership of the council may serve only for
 32 the unexpired portion of the original, vacated term, but may be
 33 reappointed by the board.
 34 (c) A member serves without compensation.
 35 (d) The initial appointments to the council are for a term that
 36 ends June 30, 2027.

37 Sec. 4. (a) Notwithstanding section 2(a)(1) of this chapter, before
 38 July 1, 2025, a member is not required to be licensed under this
 39 article.
 40 (b) The board may reappoint a council member whose term
 41 expires.

42 Sec. 5. (a) The council shall meet at least one (1) time annually
 43 and at other times as called by the board.
 44 (b) Three (3) members must be present to constitute a quorum.

45 Sec. 6. The executive branch shall staff the council.

46 Sec. 7. The board shall consult with the council:
 47 (1) on issues related to music therapy; and

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- (2) before setting or changing fees under this article.
- Sec. 8. The council may do the following:
 - (1) Facilitate the development of materials that the board may use to educate the public concerning:
 - (A) music therapist licensure;
 - (B) the benefits of music therapy; and
 - (C) the use of music therapy:
 - (i) by individuals; and
 - (ii) in facilities or institutional settings.
 - (2) Act as a facilitator of statewide dissemination of information between:
 - (A) the board; and
 - (B) any of the following:
 - (i) Music therapists.
 - (ii) The American Music Therapy Association or any successor organization.
 - (iii) The Certification Board for Music Therapists or any successor organization.

Sec. 9. The council shall, at least annually, provide analysis of the following:

- (1) Disciplinary actions taken.
- (2) Appeals and denials.
- (3) Revocation of licenses.

Chapter 3. Licensure

Sec. 1. A license applicant must meet the following requirements:

- (1) Be at least eighteen (18) years of age on the date of application.
- (2) Furnish satisfactory evidence to the board that the applicant has received a bachelor's degree or higher in music therapy or a related area (as determined by the board) from a postsecondary educational institution that meets the requirements of section 2 of this chapter.
- (3) Furnish satisfactory evidence to the board that the applicant does not have a:
 - (A) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(21)); or
 - (B) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently.
- (4) Furnish satisfactory evidence to the board that the applicant has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a music therapist without endangering the public.
- (5) Pass an examination provided by the Certification Board for Music Therapists or its successor organization, or provide

1 proof of being transitioned into board certification.

2 (6) Hold current board certification from the Certification
3 Board for Music Therapists or its successor organization.

4 (7) Pay the fee established by the board.

5 Sec. 2. An applicant must have a bachelor's degree or higher in
6 music therapy or a related area (as determined by the board) from
7 a postsecondary educational institution that meets the following
8 requirements at the time of the applicant's graduation:

9 (1) If the institution is located in the United States or a
10 territory of the United States, the institution was accredited
11 by a regional accrediting body recognized by the Commission
12 on Recognition of Postsecondary Accreditation.

13 (2) If the institution is located in Canada, the institution was
14 a member in good standing with the Association of
15 Universities and Colleges of Canada.

16 (3) If the institution is located in a foreign country other than
17 Canada, the institution:

18 (A) was recognized by the government of the country
19 where the school was located as a program to train in the
20 practice of music therapy; and

21 (B) maintained a standard of training substantially
22 equivalent to the standards of institutions accredited by a
23 regional accrediting body recognized by the Commission
24 on Recognition of Postsecondary Accreditation.

25 Sec. 3. (a) A license issued by the board under this chapter is
26 valid for the remainder of the renewal period in effect on the date
27 the license is issued.

28 (b) An individual may renew a license by:

29 (1) paying a renewal fee on or before the expiration date of
30 the license; and

31 (2) providing evidence of the individual's maintained status as
32 a board certified music therapist.

33 (c) A license is invalid if an individual:

34 (1) fails to pay a renewal fee on or before the expiration date
35 of a license; or

36 (2) is unable to prove that the individual has maintained
37 status as a board certified music therapist.

38 Sec. 4. (a) The board may reinstate an invalid license up to three
39 (3) years after the expiration date of the license if the individual
40 holding the invalid license meets the requirements under
41 IC 25-1-8-6.

42 (b) If more than three (3) years have elapsed since the date the
43 license expired, the individual holding the license may renew the
44 license by:

45 (1) satisfying the requirements for renewal established by the
46 board; and

47 (2) meeting the requirements of IC 25-1-8-6.

1 **Sec. 5. (a) The board shall exempt an individual from the**
2 **requirements in this chapter and grant the individual a music**
3 **therapy license if the individual meets the following requirements:**

4 **(1) Holds, before July 1, 2024, a bachelor's degree or higher**
5 **in music therapy or a related discipline from a postsecondary**
6 **educational institution that meets the requirements in section**
7 **2 of this chapter.**

8 **(2) Furnishes satisfactory evidence to the board that the**
9 **individual does not have a:**

10 **(A) conviction for a crime of violence (as defined in**
11 **IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(21)); or**

12 **(B) conviction in the previous two (2) years that has a**
13 **direct bearing on the individual's ability to practice**
14 **competently.**

15 **(3) Has engaged in the practice of music therapy for at least**
16 **three (3) years.**

17 **(4) Holds current board certification from the Certification**
18 **Board for Music Therapists or its successor organization.**

19 **(5) Files an initial application to the board before July 1, 2025.**

20 **(b) This section expires January 1, 2026.**

21 **Chapter 4. Scope of Practice**

22 **Sec. 1. A licensed professional music therapist may do the**
23 **following:**

24 **(1) Accept referrals for music therapy services from medical,**
25 **developmental, mental health, or education professionals,**
26 **family members, and client caregivers or others involved and**
27 **authorized with the provision of client services. However,**
28 **before engaging in the practice of music therapy with:**

29 **(A) a client for an identified clinical or developmental**
30 **need, the music therapist shall review with the health care**
31 **provider involved in the client's care the client's diagnosis,**
32 **treatment needs, and treatment plan; and**

33 **(B) a client who is a primary or secondary school student**
34 **who is referred for an identified educational need, the**
35 **music therapist shall review with the individualized family**
36 **service plan team or individualized education program**
37 **team concerning the student's diagnosis, treatment needs,**
38 **and treatment plan.**

39 **(2) Conduct a music therapy assessment of a client to**
40 **determine if music therapy treatment is indicated. If**
41 **treatment is indicated, the music therapist shall collect**
42 **systematic, comprehensive, and accurate information to**
43 **determine the appropriateness and type of music therapy**
44 **services to provide for the client.**

45 **(3) Develop an individualized music therapy treatment plan**
46 **for the client that is based on the results of the music therapy**
47 **assessment. The music therapy treatment plan must include**

- 1 individualized goals and objectives that focus on the assessed
 2 needs and strengths of the client and specify music therapy
 3 approaches and interventions to be used to address these goals
 4 and objectives.
- 5 (4) Implement an individualized music therapy treatment plan
 6 that is consistent with any other developmental, rehabilitative,
 7 habilitative, medical, mental health, preventive, wellness care,
 8 or educational services being provided to the client. When
 9 providing educational or health care services, a music
 10 therapist may not replace the services provided by an
 11 audiologist or a speech-language pathologist.
- 12 (5) Evaluate the client's response to music therapy and the
 13 music therapy treatment plan, which includes documenting
 14 the change and progress of the client and suggesting
 15 modifications, as appropriate.
- 16 (6) Develop a plan for determining when the provision of
 17 music therapy is no longer needed in collaboration with the
 18 client, physician, or other health care or educational provider
 19 of the client, family members of the client, and any other
 20 appropriate person upon whom the client relies for support.
- 21 (7) Minimize any barriers to ensure that the client receives
 22 music therapy in the least restrictive environment.
- 23 (8) Collaborate with and educate the client, the client's family,
 24 caregiver, and any other appropriate person regarding the
 25 needs of the client that are being addressed in music therapy
 26 and the manner in which the individualized music therapy
 27 treatment addresses those needs.
- 28 (9) Use appropriate knowledge and skills to provide an
 29 informed practice, including the use of research, reasoning,
 30 and problem solving skills to determine appropriate actions
 31 in the context of each specific clinical setting.
- 32 (10) Provide music therapy to the client in an individual or a
 33 group setting.
- 34 (11) Provide music therapy that includes music improvisation,
 35 receptive music listening, song writing, lyric discussion, music
 36 and imagery, singing, music performance, learning through
 37 music, music combined with other arts, music assisted
 38 relaxation, music based patient education, electronic music
 39 technology, adapted music intervention, and movement to
 40 music.
- 41 **Sec. 2. (a) A licensed professional music therapist shall do the**
 42 **following:**
- 43 (1) When engaging in the practice of music therapy with a
 44 client, collaborate, as applicable, with the client's treatment
 45 team, including the client's physician, psychologist, licensed
 46 clinical social worker, or other mental health professional.
- 47 (2) When engaging in the practice of music therapy with a

1 client who has a communication disorder, collaborate and
 2 discuss the individualized music therapy treatment plan with
 3 the client's audiologist or speech-language pathologist so that
 4 the licensed professional music therapist may work with the
 5 client and address communication skills.

6 (3) Notify the board of a change in the licensed professional
 7 music therapist's address.

8 (b) When providing educational or health care services, a
 9 licensed professional music therapist may not replace the services
 10 provided by an audiologist or a speech-language pathologist.
 11 Unless authorized to practice speech-language pathology, licensed
 12 professional music therapists may not evaluate, examine, instruct,
 13 or counsel on speech, language, communication, and swallowing
 14 disorders and conditions. An individual licensed as a professional
 15 music therapist may not represent to the public that the individual
 16 is authorized to treat a communication disorder. This does not
 17 prohibit an individual licensed as a professional music therapist
 18 from representing to the public that the individual may work with
 19 clients who have a communication disorder and address
 20 communication skills.

21 Chapter 5. Unlawful Practices

22 Sec. 1. This chapter does not limit music therapy services
 23 performed by an individual who:

24 (1) does not use a title specified in this chapter; and

25 (2) is any of the following:

26 (A) A licensed, certified, or registered health care
 27 professional, counselor, or education professional acting
 28 within the scope of the individual's license, certificate, or
 29 registration.

30 (B) A student, an intern, or a trainee pursuing a course of
 31 study in a health care profession, counseling, education, or
 32 to gain licensure under this article.

33 (C) An individual who is not a resident of Indiana if the
 34 individual performs music therapy in Indiana for not more
 35 than:

36 (i) five (5) days in any one (1) month; or

37 (ii) fifteen (15) days in any one (1) calendar year;

38 and the individual is authorized to perform music therapy
 39 in the state in which the individual resides.

40 (D) An individual who performs music therapy under the
 41 supervision of a licensed music therapist.

42 Sec. 2. (a) Beginning July 1, 2025, an individual may not:

43 (1) profess to be a licensed music therapist;

44 (2) use the title:

45 (A) "licensed music therapist";

46 (B) "licensed professional music therapist (LPMT)"; or

47 (C) "music therapist"; or

1 (3) use any other words indicating or implying that the
2 individual is a licensed music therapist;
3 **unless the individual is licensed under this article.**

4 **(b) Beginning July 1, 2025, an individual who knowingly and**
5 **intentionally violates this section commits a Class A misdemeanor.**

6 **Sec. 3. (a) The board may issue a sanction for the following acts:**

7 **(1) Failure to pay fees when due.**

8 **(2) Failure to provide requested information in a timely**
9 **manner.**

10 **(3) Conviction of a felony.**

11 **(4) Conviction of a crime that reflects an inability to practice**
12 **music therapy with due regard for the health and safety of**
13 **clients and patients, or with due regard for the truth in filing**
14 **claims with Medicare, Medicaid, or any third party payor.**

15 **(5) Inability or failure to practice music therapy with**
16 **reasonable skill and consistent with the welfare of clients and**
17 **patients, including negligence in the practice of music therapy,**
18 **intoxication, incapacity, abuse of a client or patient, and**
19 **engaging in sexual contact with a client or patient.**

20 **(6) Disciplinary action by another jurisdiction.**

21 **(b) The board may investigate allegations of conduct described**
22 **in subsection (a).**

23 **(c) The board is authorized to impose one (1) or more of the**
24 **following sanctions for a violation of this chapter:**

25 **(1) License suspension.**

26 **(2) License revocation.**

27 **(3) License denial.**

28 **(4) Refusal to renew a license.**

29 **(5) Probation with conditions.**

30 **(6) Reprimand.**

31 **(7) A fine of not less than one hundred dollars (\$100) and not**
32 **more than one thousand dollars (\$1,000) for each violation."**

33 Page 9, after line 10, begin a new paragraph and insert:

34 "SECTION 17. IC 35-52-25-48.5 IS ADDED TO THE INDIANA
35 CODE AS A NEW SECTION TO READ AS FOLLOWS
36 [EFFECTIVE JULY 1, 2024]: **Sec. 48.5. IC 25-27.6-5-2 defines a**
37 **crime concerning unlawful practice of music therapy."**

38 ReNUMBER all SECTIONS consecutively.

(Reference is to HB 1138 as printed January 25, 2024.)

Representative Gore