

HOUSE BILL No. 1103

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-27.6; IC 35-52-25-48.5.

Synopsis: Licensed professional music therapists. Provides for the licensure of professional music therapists by the medical licensing board. Establishes a music therapy advisory council to advise the medical licensing board. Establishes requirements and procedures for an individual to be licensed as a professional music therapist. Prohibits a person who is not licensed as a music therapist from using certain titles or certain words in a title.

Effective: July 1, 2024.

Gore

January 8, 2024, read first time and referred to Committee on Public Health.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1103

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-27.6 IS ADDED TO THE INDIANA CODE AS
 2 A **NEW** ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 3 2024]:
 4 **ARTICLE 27.6. LICENSED PROFESSIONAL MUSIC**
 5 **THERAPISTS**
 6 **Chapter 1. Definitions**
 7 **Sec. 1. "Applicant" means an individual who applies to the**
 8 **board for a license to practice music therapy.**
 9 **Sec. 2. "Board" refers to the medical licensing board of Indiana.**
 10 **Sec. 3. "Board certified music therapist" means an individual**
 11 **who holds a current board certification from the Certification**
 12 **Board for Music Therapists.**
 13 **Sec. 4. "Council" refers to the music therapy advisory council**
 14 **established by IC 25-27.6-2-1.**
 15 **Sec. 5. "Licensed professional music therapist" means a person**
 16 **licensed to practice music therapy under this article.**
 17 **Sec. 6. (a) "Practice of music therapy" or "practice music**



1 **therapy" means providing professional services that:**

- 2 (1) are delivered by a board certified music therapist;
- 3 (2) use clinical and evidence based music interventions to
- 4 accomplish individualized goals for clients of any age or
- 5 ability level within a therapeutic relationship; and
- 6 (3) include:
- 7 (A) developing individualized music therapy treatment
- 8 plans specific to the needs and strengths of each client; and
- 9 (B) establishing goals, objectives, and potential strategies
- 10 of the music therapy services that are appropriate for the
- 11 client and setting.

12 (b) The term does not include the screening, diagnosis, or

13 assessment of any physical, mental, or communication disorder.

14 **Chapter 2. Music Therapy Advisory Council**

15 **Sec. 1. The music therapy advisory council is established as a**

16 **permanent entity under the executive branch of state government.**

17 **The council's purpose is to provide the board with expertise and**

18 **assistance in carrying out the board's duties under this chapter.**

19 **Sec. 2. (a) The council consists of the following five (5) members,**

20 **who are familiar with the practice of music therapy, appointed by**

21 **the board:**

- 22 (1) Three (3) members who are licensed professional music
- 23 therapists.
- 24 (2) One (1) member who is a licensed health care provider
- 25 who is not a music therapist.
- 26 (3) One (1) member who is a consumer.

27 (b) The board shall appoint a council member to serve as

28 chairperson. The chairperson serves at the pleasure of the board.

29 The chairperson serves a two (2) year term, but may be

30 reappointed by the board.

31 **Sec. 3. (a) Except as otherwise provided in this section, a**

32 **member serves a term of four (4) years, ending on June 30.**

33 (b) A vacancy in the council membership must be filled in the

34 same manner as a regular appointment. A member appointed to

35 fill a vacancy in the membership of the council may serve only for

36 the unexpired portion of the original, vacated term, but may be

37 reappointed by the board.

38 (c) A member serves without compensation.

39 (d) The initial appointments to the council are for a term that

40 ends June 30, 2027.

41 **Sec. 4. (a) Notwithstanding section 2(a)(1) of this chapter, before**

42 **July 1, 2025, a member is not required to be licensed under this**



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article.

(b) The board may reappoint a council member whose term expires.

Sec. 5. (a) The council shall meet at least one (1) time annually and at other times as called by the board.

(b) Three (3) members must be present to constitute a quorum.

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

Sec. 7. The board shall consult with the council:

(1) on issues related to music therapy; and

(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.



1 **(3) Furnish satisfactory evidence to the board that the**
 2 **applicant does not have a:**

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

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

8 **(4) Furnish satisfactory evidence to the board that the**
 9 **applicant has not been the subject of a disciplinary action by**
 10 **a licensing or certification agency of another state or**
 11 **jurisdiction on the grounds that the individual was not able to**
 12 **practice as a music therapist without endangering the public.**

13 **(5) Pass an examination provided by the Certification Board**
 14 **for Music Therapists or its successor organization, or provide**
 15 **proof of being transitioned into board certification.**

16 **(6) Hold current board certification from the Certification**
 17 **Board for Music Therapists or its successor organization.**

18 **(7) Pay the fee established by the board.**

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

23 **(1) If the institution is located in the United States or a**
 24 **territory of the United States, the institution was accredited**
 25 **by a regional accrediting body recognized by the Commission**
 26 **on Recognition of Postsecondary Accreditation.**

27 **(2) If the institution is located in Canada, the institution was**
 28 **a member in good standing with the Association of**
 29 **Universities and Colleges of Canada.**

30 **(3) If the institution is located in a foreign country other than**
 31 **Canada, the institution:**

32 **(A) was recognized by the government of the country**
 33 **where the school was located as a program to train in the**
 34 **practice of music therapy; and**

35 **(B) maintained a standard of training substantially**
 36 **equivalent to the standards of institutions accredited by a**
 37 **regional accrediting body recognized by the Commission**
 38 **on Recognition of Postsecondary Accreditation.**

39 **Sec. 3. (a) A license issued by the board under this chapter is**
 40 **valid for the remainder of the renewal period in effect on the date**
 41 **the license is issued.**

42 **(b) An individual may renew a license by:**



- 1 (1) paying a renewal fee on or before the expiration date of
- 2 the license; and
- 3 (2) providing evidence of the individual's maintained status as
- 4 a board certified music therapist.

- 5 (c) A license is invalid if an individual:
- 6 (1) fails to pay a renewal fee on or before the expiration date
- 7 of a license; or
- 8 (2) is unable to prove that the individual has maintained
- 9 status as a board certified music therapist.

10 Sec. 4. (a) The board may reinstate an invalid license up to three

11 (3) years after the expiration date of the license if the individual

12 holding the invalid license meets the requirements under

13 IC 25-1-8-6.

14 (b) If more than three (3) years have elapsed since the date the

15 license expired, the individual holding the license may renew the

16 license by:

- 17 (1) satisfying the requirements for renewal established by the
- 18 board; and
- 19 (2) meeting the requirements of IC 25-1-8-6.

20 Sec. 5. (a) The board shall exempt an individual from the

21 requirements in this chapter and grant the individual a music

22 therapy license if the individual meets the following requirements:

- 23 (1) Holds, before July 1, 2024, a bachelor's degree or higher
- 24 in music therapy or a related discipline from a postsecondary
- 25 educational institution that meets the requirements in section
- 26 2 of this chapter.
- 27 (2) Furnishes satisfactory evidence to the board that the
- 28 individual does not have a:
 - 29 (A) conviction for a crime of violence (as defined in
 - 30 IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(21)); or
 - 31 (B) conviction in the previous two (2) years that has a
 - 32 direct bearing on the individual's ability to practice
 - 33 competently.
- 34 (3) Has engaged in the practice of music therapy for at least
- 35 three (3) years.
- 36 (4) Holds current board certification from the Certification
- 37 Board for Music Therapists or its successor organization.
- 38 (5) Files an initial application to the board before July 1, 2025.

39 (b) This section expires January 1, 2026.

40 Chapter 4. Scope of Practice

41 Sec. 1. A licensed professional music therapist may do the

42 following:



- 1 **(1) Accept referrals for music therapy services from medical,**
2 **developmental, mental health, or education professionals,**
3 **family members, and client caregivers or others involved and**
4 **authorized with the provision of client services. However,**
5 **before engaging in the practice of music therapy with:**
6 **(A) a client for an identified clinical or developmental**
7 **need, the music therapist shall review with the health care**
8 **provider involved in the client's care the client's diagnosis,**
9 **treatment needs, and treatment plan; and**
10 **(B) a client who is a primary or secondary school student**
11 **who is referred for an identified educational need, the**
12 **music therapist shall review with the individualized family**
13 **service plan team or individualized education program**
14 **team concerning the student's diagnosis, treatment needs,**
15 **and treatment plan.**
16 **(2) Conduct a music therapy assessment of a client to**
17 **determine if music therapy treatment is indicated. If**
18 **treatment is indicated, the music therapist shall collect**
19 **systematic, comprehensive, and accurate information to**
20 **determine the appropriateness and type of music therapy**
21 **services to provide for the client.**
22 **(3) Develop an individualized music therapy treatment plan**
23 **for the client that is based on the results of the music therapy**
24 **assessment. The music therapy treatment plan must include**
25 **individualized goals and objectives that focus on the assessed**
26 **needs and strengths of the client and specify music therapy**
27 **approaches and interventions to be used to address these goals**
28 **and objectives.**
29 **(4) Implement an individualized music therapy treatment plan**
30 **that is consistent with any other developmental, rehabilitative,**
31 **habilitative, medical, mental health, preventive, wellness care,**
32 **or educational services being provided to the client. When**
33 **providing educational or health care services, a music**
34 **therapist may not replace the services provided by an**
35 **audiologist or a speech-language pathologist.**
36 **(5) Evaluate the client's response to music therapy and the**
37 **music therapy treatment plan, which includes documenting**
38 **the change and progress of the client and suggesting**
39 **modifications, as appropriate.**
40 **(6) Develop a plan for determining when the provision of**
41 **music therapy is no longer needed in collaboration with the**
42 **client, physician, or other health care or educational provider**



- 1 of the client, family members of the client, and any other
 2 appropriate person upon whom the client relies for support.
 3 **(7) Minimize any barriers to ensure that the client receives**
 4 **music therapy in the least restrictive environment.**
 5 **(8) Collaborate with and educate the client, the client's family,**
 6 **caregiver, and any other appropriate person regarding the**
 7 **needs of the client that are being addressed in music therapy**
 8 **and the manner in which the individualized music therapy**
 9 **treatment addresses those needs.**
 10 **(9) Use appropriate knowledge and skills to provide an**
 11 **informed practice, including the use of research, reasoning,**
 12 **and problem solving skills to determine appropriate actions**
 13 **in the context of each specific clinical setting.**
 14 **(10) Provide music therapy to the client in an individual or a**
 15 **group setting.**
 16 **(11) Provide music therapy that includes music improvisation,**
 17 **receptive music listening, song writing, lyric discussion, music**
 18 **and imagery, singing, music performance, learning through**
 19 **music, music combined with other arts, music assisted**
 20 **relaxation, music based patient education, electronic music**
 21 **technology, adapted music intervention, and movement to**
 22 **music.**
- 23 **Sec. 2. (a) A licensed professional music therapist shall do the**
 24 **following:**
- 25 **(1) When engaging in the practice of music therapy with a**
 26 **client, collaborate, as applicable, with the client's treatment**
 27 **team, including the client's physician, psychologist, licensed**
 28 **clinical social worker, or other mental health professional.**
 29 **(2) When engaging in the practice of music therapy with a**
 30 **client who has a communication disorder, collaborate and**
 31 **discuss the individualized music therapy treatment plan with**
 32 **the client's audiologist or speech-language pathologist so that**
 33 **the licensed professional music therapist may work with the**
 34 **client and address communication skills.**
 35 **(3) Notify the board of a change in the licensed professional**
 36 **music therapist's address.**
- 37 **(b) When providing educational or health care services, a**
 38 **licensed professional music therapist may not replace the services**
 39 **provided by an audiologist or a speech-language pathologist.**
 40 **Unless authorized to practice speech-language pathology, licensed**
 41 **professional music therapists may not evaluate, examine, instruct,**
 42 **or counsel on speech, language, communication, and swallowing**



1 disorders and conditions. An individual licensed as a professional
 2 music therapist may not represent to the public that the individual
 3 is authorized to treat a communication disorder. This does not
 4 prohibit an individual licensed as a professional music therapist
 5 from representing to the public that the individual may work with
 6 clients who have a communication disorder and address
 7 communication skills.

8 **Chapter 5. Unlawful Practices**

9 **Sec. 1. This chapter does not limit music therapy services**
 10 **performed by an individual who:**

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

12 (2) is any of the following:

13 (A) A licensed, certified, or registered health care
 14 professional, counselor, or education professional acting
 15 within the scope of the individual's license, certificate, or
 16 registration.

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

20 (C) An individual who is not a resident of Indiana if the
 21 individual performs music therapy in Indiana for not more
 22 than:

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

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

25 and the individual is authorized to perform music therapy
 26 in the state in which the individual resides.

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

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

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

31 (2) use the title:

32 (A) "licensed music therapist";

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

34 (C) "music therapist"; or

35 (3) use any other words indicating or implying that the
 36 individual is a licensed music therapist;

37 unless the individual is licensed under this article.

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

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

41 (1) Failure to pay fees when due.

42 (2) Failure to provide requested information in a timely



- 1 manner.
- 2 **(3) Conviction of a felony.**
- 3 **(4) Conviction of a crime that reflects an inability to practice**
- 4 **music therapy with due regard for the health and safety of**
- 5 **clients and patients, or with due regard for the truth in filing**
- 6 **claims with Medicare, Medicaid, or any third party payor.**
- 7 **(5) Inability or failure to practice music therapy with**
- 8 **reasonable skill and consistent with the welfare of clients and**
- 9 **patients, including negligence in the practice of music therapy,**
- 10 **intoxication, incapacity, abuse of a client or patient, and**
- 11 **engaging in sexual contact with a client or patient.**
- 12 **(6) Disciplinary action by another jurisdiction.**
- 13 **(b) The board may investigate allegations of conduct described**
- 14 **in subsection (a).**
- 15 **(c) The board is authorized to impose one (1) or more of the**
- 16 **following sanctions for a violation of this chapter:**
- 17 **(1) License suspension.**
- 18 **(2) License revocation.**
- 19 **(3) License denial.**
- 20 **(4) Refusal to renew a license.**
- 21 **(5) Probation with conditions.**
- 22 **(6) Reprimand.**
- 23 **(7) A fine of not less than one hundred dollars (\$100) and not**
- 24 **more than one thousand dollars (\$1,000) for each violation.**
- 25 SECTION 2. IC 35-52-25-48.5 IS ADDED TO THE INDIANA
- 26 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 27 [EFFECTIVE JULY 1, 2024]: Sec. 48.5. IC 25-27.6-5-2 defines a
- 28 crime concerning unlawful practice of music therapy.

