



February 10, 2023

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## SENATE BILL No. 338

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DIGEST OF SB 338 (Updated February 8, 2023 11:37 am - DI 104)

**Citations Affected:** IC 25-0.5; IC 25-4.5; IC 25-21.9; IC 25-22.5; IC 31-32; IC 35-52.

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

**Effective:** July 1, 2023.

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**Becker, Leising, Ford J.D.,  
Qaddoura, Donato, Crider, Yoder**

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January 12, 2023, read first time and referred to Committee on Health and Provider Services.  
February 9, 2023, amended, reported favorably — Do Pass.

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SB 338—LS 6564/DI 148





February 10, 2023

First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## SENATE BILL No. 338

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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 25-0.5-1-2.4 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. IC 25-1-1.1-4 applies to an**  
4 **individual licensed under IC 25-4.5 as an art therapist.**

5 SECTION 2. IC 25-0.5-1-9.5 IS ADDED TO THE INDIANA  
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
7 [EFFECTIVE JULY 1, 2023]: **Sec. 9.5. IC 25-1-1.1-4 applies to an**  
8 **individual licensed under IC 25-21.9 as a professional music**  
9 **therapist.**

10 SECTION 3. IC 25-0.5-2-3.5 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. IC 25-1-2-2.1 applies to**  
13 **licenses held by art therapists.**

14 SECTION 4. IC 25-0.5-2-11.5 IS ADDED TO THE INDIANA  
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2023]: **Sec. 11.5. IC 25-1-2-2.1 applies to**  
17 **licenses held by professional music therapists.**

SB 338—LS 6564/DI 148



1 SECTION 5. IC 25-4.5 IS ADDED TO THE INDIANA CODE AS  
 2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 3 2023]:

4 **ARTICLE 4.5. ART THERAPISTS**

5 **Chapter 1. Definitions**

6 **Sec. 1. The definitions in this chapter apply throughout this**  
 7 **article.**

8 **Sec. 2. "Art therapist" means an individual who is licensed to**  
 9 **practice art therapy under this article.**

10 **Sec. 3. "Art therapist associate" means an individual who is**  
 11 **licensed to practice as an art therapist associate under this article.**

12 **Sec. 4. "Board" refers to the medical licensing board of Indiana.**

13 **Sec. 5. "Council" refers to the art therapy advisory council**  
 14 **established by IC 25-4.5-2-1.**

15 **Sec. 6. "Practice of art therapy" or "practice art therapy"**  
 16 **means the application of art, art media, and the creative process in**  
 17 **the education, assessment, prevention, treatment, and amelioration**  
 18 **of cognitive, physical, developmental, and behavioral conditions**  
 19 **and disabilities. The term includes the:**

20 (1) use of art creation to assess a client's issues with the goal  
 21 of improving physical, psychological, and emotional  
 22 functioning and well-being;

23 (2) employment of art based techniques to:

24 (A) assess levels of functioning;

25 (B) determine treatment goals; and

26 (C) implement appropriate interventions;

27 to treat a client;

28 (3) use of therapeutic interventions to facilitate alternative  
 29 modes of receptive and expressive communication and  
 30 engagement;

31 (4) use of art to help clients:

32 (A) improve cognitive and sensory motor functions;

33 (B) reduce symptoms of depression, anxiety, posttraumatic  
 34 stress, and attachment disorders;

35 (C) resolve conflicts and distress;

36 (D) develop interpersonal skills;

37 (E) manage behavior;

38 (F) improve social functioning; and

39 (G) achieve self-esteem and self-awareness;

40 (5) adjustment of techniques and treatments to address  
 41 multicultural and diversity issues; and

42 (6) provision of:



- 1 (A) consultation;
- 2 (B) referral;
- 3 (C) crisis intervention;
- 4 (D) client advocacy; and
- 5 (E) education;
- 6 services to clients.
- 7 The term does not include the screening, diagnosis, or assessment
- 8 of any physical, mental, or communication disorder.
- 9 Chapter 2. Art Therapy Advisory Council
- 10 Sec. 1. The art therapy advisory council is established.
- 11 Sec. 2. The council shall consist of members who:
- 12 (1) are familiar with the practice of art therapy; and
- 13 (2) provide the board with expertise and assistance in
- 14 carrying out the board's duties under this chapter.
- 15 Sec. 3. The council consists of five (5) members appointed by the
- 16 board. The council must include the following:
- 17 (1) Three (3) members who are licensed art therapists.
- 18 (2) One (1) member who is a licensed health care provider
- 19 who is not an art therapist.
- 20 (3) One (1) member who is a consumer.
- 21 A council member may be either a legislator or a lay member.
- 22 Sec. 4. (a) A member serves a term of four (4) years.
- 23 (b) A vacancy in the council membership shall be filled in the
- 24 same manner as a regular appointment. A member appointed to
- 25 fill a vacancy in the membership of the council may serve only for
- 26 the unexpired portion of the original, vacated term, but may be
- 27 reappointed by the board.
- 28 (c) A member serves without compensation.
- 29 Sec. 5. (a) Notwithstanding section 3(1) of this chapter, before
- 30 July 1, 2024, a member is not required to be licensed under this
- 31 article.
- 32 (b) Notwithstanding section 4 of this chapter, the three (3)
- 33 members initially appointed to the council under section 3(1) of
- 34 this chapter shall be appointed to terms beginning July 1, 2023, as
- 35 follows:
- 36 (1) One (1) member shall be appointed to a term of two (2)
- 37 years by the board.
- 38 (2) Two (2) members shall be appointed to a term of four (4)
- 39 years by the board.
- 40 (c) Upon expiration of an initial term under subsection (b), all
- 41 member appointments are for a term of four (4) years.
- 42 (d) The board may reappoint a member whose term expires.



1           **Sec. 6. The council shall meet at least one (1) time annually and**  
 2 **at other times as called by the board.**

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

- 4           (1) on issues related to art therapy; and  
 5           (2) before setting or changing fees under this article.

6           **Sec. 8. The council may do the following:**

7           (1) Facilitate the development of materials that the board may  
 8           use to educate the public concerning:

- 9           (A) art therapist licensure;  
 10           (B) the benefits of art therapy; and  
 11           (C) the use of art therapy:  
 12           (i) by individuals; and  
 13           (ii) in facilities or institutional settings.

14           (2) Act as a facilitator of statewide dissemination of  
 15           information between:

- 16           (A) the board; and  
 17           (B) any of the following:  
 18           (i) Art therapists.  
 19           (ii) The American Art Therapy Association or any  
 20           successor organization.  
 21           (iii) The Commission on Accreditation of Allied Health  
 22           Education Programs, the Art Therapy Credentials  
 23           Board, or any successor organization.

24           **Sec. 9. The council shall, at least annually, provide analysis of:**

- 25           (1) disciplinary actions taken;  
 26           (2) appeals and denials; or  
 27           (3) revocation of licenses.

28           **Chapter 3. Art Therapist Licensure**

29           **Sec. 1. (a) An individual who applies to be licensed as an art**  
 30 **therapist must furnish satisfactory evidence to the board that the**  
 31 **individual:**

- 32           (1) has received:  
 33           (A) a master's or doctoral degree from an accredited  
 34           postsecondary educational institution in a program in art  
 35           therapy, or a related field as approved by the board, that:  
 36           (i) is approved by the American Art Therapy Association  
 37           or accredited by the Commission on Accreditation of  
 38           Allied Health Education Programs; or  
 39           (ii) is determined by the board to be substantially  
 40           equivalent to an approved or accredited program in art  
 41           therapy under sections 3 and 4 of this chapter; or  
 42           (B) at least a master's degree from an accredited



- 1 postsecondary educational institution in a program or  
 2 course of studies that:
- 3 (i) is determined by the board to meet the educational  
 4 requirements under sections 3 and 4 of this chapter; or  
 5 (ii) has been accepted by the Art Therapy Credentials  
 6 Board, Inc., or a successor organization, as meeting the  
 7 educational requirements to qualify an individual for a  
 8 credential as a registered art therapist;
- 9 (2) has met the work experience requirements under section  
 10 5 of this chapter;
- 11 (3) has not been convicted of a crime that has a direct bearing  
 12 on the individual's ability to practice competently;
- 13 (4) has not been the subject of a disciplinary action by a  
 14 licensing or certification agency of another state or  
 15 jurisdiction prohibiting the individual from practicing as an  
 16 art therapist or art therapist associate;
- 17 (5) pays the fee established by the board; and  
 18 (6) has passed an examination provided by the board.
- 19 (b) An individual who applies to be licensed as an art therapist  
 20 under this section, except as provided in section 14 of this chapter,  
 21 must furnish satisfactory evidence to the board that the individual:
- 22 (1) holds a valid art therapist associate license issued under  
 23 section 8 of this chapter and has met the work experience  
 24 requirements under section 5 of this chapter;
- 25 (2) has met the work experience requirements under section  
 26 5 of this chapter in another state or jurisdiction; or  
 27 (3) is licensed or certified to practice as an art therapist in  
 28 another state or jurisdiction under section 12 of this chapter.
- 29 (c) The board may not establish any fee under this article that  
 30 is more than fifty dollars (\$50).
- 31 Sec. 2. (a) An individual who applies to be licensed as an art  
 32 therapist associate must furnish satisfactory evidence to the board  
 33 that the individual has:
- 34 (1) received a master's or doctoral degree in art therapy that  
 35 meets the requirements under section 1(a)(1) of this chapter;
- 36 (2) not been convicted of a crime that has a direct bearing on  
 37 the individual's ability to practice competently;
- 38 (3) not been the subject of a disciplinary action by a licensing  
 39 or certification agency of another state or jurisdiction  
 40 prohibiting the individual from practicing as an art therapist  
 41 or art therapist associate; and  
 42 (4) paid a fee established by the board.



1       **The board may not establish any fee under this article that is more**  
 2       **than fifty dollars (\$50).**

3       **(b) The board may require an individual who applies to be**  
 4       **licensed as an art therapist associate to pass an examination**  
 5       **administered by an entity approved by the board.**

6       **Sec. 3. (a) For purposes of section 1(a)(1)(A)(ii) and 1(a)(1)(B)(i)**  
 7       **of this chapter, an individual who applies for a license as an art**  
 8       **therapist or as an art therapist associate must have:**

9               **(1) received a master's or doctoral degree that meets the**  
 10              **educational requirements for licensure under section 1(a) of**  
 11              **this chapter; and**

12              **(2) attended an eligible postsecondary educational institution**  
 13              **that meets the following requirements:**

14                      **(A) If the institution is located in the United States or a**  
 15                      **territory of the United States, the institution must be**  
 16                      **accredited by a regional accrediting body recognized by**  
 17                      **the Council for Higher Education Accreditation.**

18                      **(B) If the institution is located in Canada, the institution**  
 19                      **must be a member in good standing with the Association of**  
 20                      **Universities and Colleges of Canada.**

21                      **(C) If the institution is located in a foreign country other**  
 22                      **than Canada, the institution must:**

23                              **(i) be recognized as a program to train in the practice of**  
 24                              **mental health counseling or psychotherapy; and**

25                              **(ii) have maintained a standard of training that is**  
 26                              **substantially equivalent to the standards of institutions**  
 27                              **accredited by a regional accrediting body recognized by**  
 28                              **the Council for Higher Education Accreditation.**

29       **(b) An individual who applies to be licensed as an art therapist**  
 30       **under section 1 of this chapter or as an art therapist associate**  
 31       **under section 2 of this chapter and who has a master's or doctoral**  
 32       **degree from a program that did not emphasize art therapy may**  
 33       **complete the course work requirements from an institution:**

34               **(1) with a program in art therapy accredited by the**  
 35               **Commission on Accreditation of Allied Health Education**  
 36               **Programs; or**

37               **(2) that is accredited by a regional accrediting body**  
 38               **recognized by the Council for Higher Education**  
 39               **Accreditation, as approved by the board.**

40       **Sec. 4. (a) For purposes of section 1(a)(1)(A)(ii) and 1(a)(1)(B)(i)**  
 41       **of this chapter, the board may determine that an individual's**  
 42       **graduate level education program or course of study is**





1 substantially equivalent to an approved or accredited program in  
 2 art therapy if the individual has completed the following  
 3 requirements:

4 (1) Except as provided in subsection (b), qualifying course  
 5 work that must include graduate level course credits in at  
 6 least the following content areas:

7 (A) Application of art therapy with people in different  
 8 treatment settings.

9 (B) Art therapy assessment.

10 (C) Counseling or psychological theories.

11 (D) Ethical and legal issues of art therapy practice.

12 (E) Group art therapy.

13 (F) History of art therapy.

14 (G) Human growth and development.

15 (H) Matters of cultural and social diversity bearing on the  
 16 practice of art therapy.

17 (I) Psychological assessment.

18 (J) Psychopathology or abnormal psychology.

19 (K) Research.

20 (L) Standards of good art therapy practice.

21 (M) Techniques of practice in art therapy.

22 (N) Theory of art therapy.

23 The content areas may be combined into any one (1) graduate  
 24 level course if the applicant can prove that the course  
 25 included instruction in all cognitive, psychomotor, and  
 26 behavior competencies required in the content area for  
 27 competent entry level practice of art therapy.

28 (2) At least one (1):

29 (A) supervised clinical practicum of at least one hundred  
 30 (100) hours; or

31 (B) qualifying internship or field experience in an art  
 32 therapy setting of at least six hundred (600) hours.

33 The requirements under clauses (A) and (B) may be met by  
 34 experience away from a postsecondary educational  
 35 institution, but the experience must be certified by an official  
 36 of that institution as equivalent to a graduate level practicum  
 37 or internship program.

38 (b) The following may not be used to satisfy the educational  
 39 requirements under subsection (a):

40 (1) Thesis or dissertation work.

41 (2) Practicums.

42 (3) Internships.



- 1           **(4) Fieldwork.**  
 2           **Sec. 5. (a) An individual who applies for a license as an art**  
 3 **therapist must have:**  
 4           **(1) at least two (2) years of paid or volunteer supervised work**  
 5 **experience in the delivery of art therapy services; and**  
 6           **(2) supervised work experience conducted according to**  
 7 **requirements in subsections (b) through (g).**  
 8           **(b) An individual who applies for a license as an art therapist**  
 9 **must have:**  
 10           **(1) at least three thousand (3,000) hours of postgraduate work**  
 11 **experience in a clinical setting under supervision of a qualified**  
 12 **supervisor;**  
 13           **(2) at least one thousand (1,000) hours of contact with clients;**  
 14 **and**  
 15           **(3) at least one hundred (100) hours of face-to-face supervised**  
 16 **training with a qualified supervisor.**  
 17           **(c) A qualified supervisor may be a licensed art therapist, a**  
 18 **board certified art therapist, or other licensed mental health**  
 19 **professional who has met standards for supervision specified in**  
 20 **rules approved by the board.**  
 21           **(d) A qualified supervisor must observe the successful**  
 22 **application of art therapy knowledge, skills, and values in the**  
 23 **diagnosis and treatment of psychological function, disability, or**  
 24 **impairment.**  
 25           **(e) Except as provided in subsection (f), the work experience**  
 26 **requirement may be met by work performed either at the premises**  
 27 **of the supervisor or away from the premises of the supervisor.**  
 28           **(f) The work experience requirement may not be performed**  
 29 **away from the premises of the supervisor if:**  
 30           **(1) the work premises is the independent private practice of a**  
 31 **licensed art therapist; and**  
 32           **(2) the work is not performed at a place that has the**  
 33 **supervision of a licensed art therapist or qualified supervisor.**  
 34           **(g) A doctoral internship may be applied toward the supervised**  
 35 **work experience requirement.**  
 36           **Sec. 6. An individual who satisfies the requirements of section**  
 37 **1(a)(1) through 1(a)(5) of this chapter may take the examination**  
 38 **provided by the board.**  
 39           **Sec. 7. The board shall provide for examinations to be given at**  
 40 **least once each year at times and places established by the board.**  
 41           **Sec. 8. (a) The board shall issue an art therapist license to an**  
 42 **applicant under section 1 of this chapter who:**



- 1           (1) achieves a passing score on the examination under this  
2           chapter; and  
3           (2) is otherwise qualified under this chapter.
- 4           (b) The board shall issue an art therapist associate license to an  
5           applicant under section 2 of this chapter who is otherwise qualified  
6           under this chapter.
- 7           (c) A person issued a license under this section may engage in  
8           the practice of art therapy.
- 9           Sec. 9. (a) Subject to IC 25-1-2-6(e), an art therapist license  
10          issued by the board is valid for the remainder of the renewal  
11          period in effect on the date the license was issued.
- 12          (b) An individual may renew an art therapist license by:  
13               (1) paying a renewal fee of not more than fifty dollars (\$50) on  
14               or before the expiration date of the license; and  
15               (2) completing at least twenty (20) hours of continuing  
16               education each licensure year.
- 17          (c) If an individual fails to pay a renewal fee on or before the  
18          expiration of a license, the license becomes invalid.
- 19          Sec. 10. (a) Subject to IC 25-1-2-6(e), an art therapist associate  
20          license issued by the board is valid for the remainder of the  
21          renewal period in effect on the date the license was issued.
- 22          (b) An individual may renew an art therapist associate license  
23          two (2) times by paying a renewal fee on or before the expiration  
24          date of the license.
- 25          (c) If an individual fails to pay a renewal fee on or before the  
26          expiration of a license, the license is invalid.
- 27          (d) The board may renew an art therapist associate license for  
28          additional periods at the board's discretion.
- 29          (e) An art therapist associate license expires when:  
30               (1) the individual is issued an art therapist license under this  
31               chapter;  
32               (2) the board denies the individual's application for an art  
33               therapist license under this chapter; or  
34               (3) the individual fails to apply for renewal of the art therapist  
35               associate license under this chapter.
- 36          Sec. 11. (a) The board may reinstate an invalid art therapist  
37          license issued under section 9 of this chapter up to three (3) years  
38          after the expiration date of the license if the individual holding the  
39          invalid license meets the requirements under IC 25-1-8-6.
- 40          (b) If more than three (3) years have elapsed since the date an  
41          art therapist license expired, the individual holding the license may  
42          renew the license by satisfying the requirements for renewal



1 established by the board and meeting the requirements under  
2 IC 25-1-8-6.

3 (c) The board may reinstate an invalid art therapist associate  
4 license issued under section 10 of this chapter up to one (1) year  
5 after the expiration date of the license if the individual holding the  
6 invalid license meets the requirements under IC 25-1-8-6. An art  
7 therapist associate license that has been expired for more than one  
8 (1) year may not be reinstated under IC 25-1-8-6.

9 **Sec. 12.** The board shall issue an art therapist license to an  
10 individual if the individual:

11 (1) has a valid license or certificate to practice art therapy  
12 from another state or jurisdiction;

13 (2) has engaged in at least three (3) years of full-time,  
14 postdegree practice of art therapy, or its equivalent in  
15 part-time practice as determined by the board;

16 (3) has passed an examination substantially equivalent to the  
17 examination provided by the board under this chapter;

18 (4) has not been the subject of a disciplinary action by a  
19 licensing or certification agency of another state or  
20 jurisdiction prohibiting the individual from practicing as an  
21 art therapist or art therapist associate without endangering  
22 the public; and

23 (5) has paid a fee established by the board.

24 The board may not establish a fee that is more than fifty dollars  
25 (\$50).

26 **Sec. 13. (a)** An individual who has an art therapist license under  
27 this chapter shall notify the board in writing when the individual  
28 retires from practice.

29 (b) Upon receipt of the notice, the board shall:

30 (1) record the individual as retired;

31 (2) release the individual from further payment of renewal  
32 fees; and

33 (3) release the individual from further continuing education  
34 requirements.

35 **Sec. 14.** The board may waive the requirements of section  
36 1(a)(1) and 1(a)(6) of this chapter and issue an art therapy license  
37 to an individual who furnishes satisfactory evidence to the board  
38 that the individual:

39 (1) is a resident of Indiana;

40 (2) holds a credential in good standing as a board certified art  
41 therapist with the Art Therapy Credentials Board;

42 (3) has at least three (3) years of full-time, postdegree practice



- 1 of art therapy, or its equivalent in part-time practice prior to
- 2 submitting an application to the board;
- 3 (4) does not have a conviction for a crime that has a direct
- 4 bearing on the individual's ability to practice competently;
- 5 (5) has not been the subject of a disciplinary action by a
- 6 licensing or certification agency of another state or
- 7 jurisdiction prohibiting the individual from practicing as an
- 8 art therapist or art therapist associate without endangering
- 9 the public; and
- 10 (6) has paid the fee established by the board.

11 The board may not establish a fee that is more than fifty dollars  
12 (\$50).

13 **Chapter 4. Art Therapists; Unlawful Practices**

14 **Sec. 1. This chapter applies after December 31, 2023.**

15 **Sec. 2. (a) An individual may not:**

- 16 (1) profess to be a licensed art therapist;
- 17 (2) use the title:
  - 18 (A) "licensed art therapist"; or
  - 19 (B) "art therapist"; or
- 20 (3) use any other words, letters, abbreviations, or insignia
- 21 indicating or implying that the individual is a licensed art
- 22 therapist;

23 unless the individual is licensed under this article.

24 **(b) An individual may not:**

- 25 (1) profess to be a licensed art therapist associate;
- 26 (2) use the title:
  - 27 (A) "licensed art therapist associate"; or
  - 28 (B) "art therapist associate"; or
- 29 (3) use any other words, letters, abbreviations, or insignia
- 30 indicating or implying that the individual is a licensed art
- 31 therapist associate;

32 unless the individual is licensed under this article.

33 **Sec. 3. (a) This article may not be construed to limit the practice**  
34 **of art therapy performed by an individual who does not use a title**  
35 **specified in this chapter and who is any of the following:**

- 36 (1) A student, an intern, or a trainee pursuing a course of
- 37 study in art therapy to gain licensure under this article in an
- 38 accredited postsecondary educational institution if:
  - 39 (A) the services are performed under qualified supervision
  - 40 and constitute a part of the individual's supervised course
  - 41 of study or other level of supervision; and
  - 42 (B) the student or graduate uses a title that contains the



- 1 term "student", "intern", or "trainee".
- 2 (2) Not a resident of Indiana if the individual performed the
- 3 services in Indiana for not more than five (5) days in any one
- 4 (1) month or fifteen (15) days within any one (1) calendar year
- 5 and the person is authorized to perform such services under
- 6 the laws of the state or country in which the individual
- 7 resides.
- 8 (3) A rabbi, priest, Christian Science practitioner, minister, or
- 9 other member of the clergy.
- 10 (4) An employee or a volunteer for an organization
- 11 performing charitable, religious, or educational functions,
- 12 providing pastoral counseling, or providing other assistance.
- 13 (5) An individual who is licensed or certified by a state or
- 14 national organization that is recognized by the division of
- 15 mental health and addiction and who provides services in the
- 16 areas of alcohol or drug abuse addiction.
- 17 (6) A governmental employee who remains in the same job
- 18 classification or job family of that job classification.
- 19 (b) This article may not be construed to prohibit or limit any
- 20 service or treatment that involves the use of art or art media by a
- 21 licensed health care professional who:
- 22 (1) is acting within the scope of the person's license; and
- 23 (2) does not use a title specified in this article.
- 24 (c) Nothing in this section prohibits a person referred to in
- 25 subsection (a) from qualifying for licensure under this article.
- 26 Sec. 4. (a) When providing educational or health care services,
- 27 a licensed art therapist or art therapist associate may not replace
- 28 the services provided by an audiologist or a speech-language
- 29 pathologist.
- 30 (b) An art therapist may not provide art therapy for the
- 31 treatment of any psychological function, disability, or impairment
- 32 that requires a diagnosis by a licensed professional. However, an
- 33 art therapist may provide art therapy as part of a treatment plan
- 34 established by an appropriate licensed professional. Nothing in this
- 35 section shall be construed to prevent an art therapist from
- 36 providing art therapy for a purpose that does not require a
- 37 diagnosis by a licensed professional.
- 38 Sec. 5. (a) An individual who is licensed as an art therapist shall:
- 39 (1) display the license or a clear copy of the license at each
- 40 location where the art therapist regularly practices; and
- 41 (2) include the words "art therapist" or the letters "AT" on
- 42 all promotional materials, including business cards,



- 1 brochures, stationery, advertisements, and signs that name
- 2 the individual.
- 3 (b) An individual who is licensed as an art therapist associate
- 4 shall:
- 5 (1) display the license or a clear copy of the license at each
- 6 location where the art therapist associate regularly practices;
- 7 and
- 8 (2) include the words "art therapist associate" or the letters
- 9 "ATA" on all promotional materials, including business
- 10 cards, brochures, stationery, advertisements, and signs that
- 11 name the individual.

12 Sec. 6. An individual who knowingly or intentionally violates  
 13 section 2 or 5 of this chapter after December 31, 2023, commits a  
 14 Class A misdemeanor.

15 SECTION 6. IC 25-21.9 IS ADDED TO THE INDIANA CODE AS  
 16 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 17 2023]:

18 **ARTICLE 21.9. LICENSED PROFESSIONAL MUSIC**  
 19 **THERAPISTS**

20 **Chapter 1. Definitions**

21 **Sec. 1. The definitions in this chapter apply throughout this**  
 22 **article.**

23 **Sec. 2. "Applicant" means an individual who applies to the**  
 24 **board for a license to practice music therapy.**

25 **Sec. 3. "Board" refers to the medical licensing board of Indiana.**

26 **Sec. 4. "Board certified music therapist" means an individual**  
 27 **who holds a current board certification from the Certification**  
 28 **Board for Music Therapists.**

29 **Sec. 5. "Council" refers to the music therapy advisory council**  
 30 **established by IC 25-21.9-2-1.**

31 **Sec. 6. "Licensed professional music therapist" means a person**  
 32 **licensed to practice music therapy under this article.**

33 **Sec. 7. (a) "Practice of music therapy" or "practice music**  
 34 **therapy" means providing professional services that:**

- 35 (1) are delivered by a board certified music therapist;
- 36 (2) use clinical and evidence based music interventions to
- 37 accomplish individualized goals for clients of any age or
- 38 ability level within a therapeutic relationship; and
- 39 (3) include:
  - 40 (A) developing individualized music therapy treatment
  - 41 plans specific to the needs and strengths of each client; and
  - 42 (B) establishing goals, objectives, and potential strategies



1                   of the music therapy services that are appropriate for the  
2                   client and setting.

3           (b) The term does not include the screening, diagnosis, or  
4           assessment of any physical, mental, or communication disorder.

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

6           **Sec. 1. The music therapy advisory council is established.**

7           **Sec. 2. The council shall consist of members who:**

8                   (1) are familiar with the practice of music therapy; and  
9                   (2) provide the board with expertise and assistance in  
10                  carrying out the board's duties under this chapter.

11           **Sec. 3. The council consists of five (5) members appointed by the**  
12           **board. The council must include the following:**

13                   (1) Three (3) members who are licensed professional music  
14                   therapists.

15                   (2) One (1) member who is a licensed health care provider  
16                   who is not a music therapist.

17                   (3) One (1) member who is a consumer.

18           A member may be either a legislator or a lay member.

19           **Sec. 4. (a) A member serves a term of four (4) years.**

20                   (b) A vacancy in the council membership shall be filled in the  
21                   same manner as a regular appointment. A member appointed to  
22                   fill a vacancy in the membership of the council may serve only for  
23                   the unexpired portion of the original, vacated term, but may be  
24                   reappointed by the board.

25                   (c) A member serves without compensation.

26           **Sec. 5. (a) Notwithstanding section 3(1) of this chapter, before**  
27           **July 1, 2024, a member is not required to be licensed under this**  
28           **article.**

29                   (b) Notwithstanding section 4 of this chapter, the three (3)  
30                   members initially appointed to the council under section 3(1) of  
31                   this chapter shall be appointed to terms beginning July 1, 2023, as  
32                   follows:

33                           (1) One (1) member shall be appointed to a term of two (2)  
34                           years by the board.

35                           (2) Two (2) members shall be appointed to a term of four (4)  
36                           years by the board.

37                   (c) Upon expiration of an initial term under subsection (b), all  
38                   member appointments are for a term of four (4) years.

39                   (d) The board may reappoint a member whose term expires.

40           **Sec. 6. The council shall meet at least one (1) time annually and**  
41           **at other times as called by the board.**

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





- 1 (1) on issues related to music therapy; and
- 2 (2) before setting or changing fees under this article.
- 3 **Sec. 8. The council may do the following:**
- 4 (1) Facilitate the development of materials that the board may
- 5 use to educate the public concerning:
- 6 (A) music therapist licensure;
- 7 (B) the benefits of music therapy; and
- 8 (C) the use of music therapy:
- 9 (i) by individuals; and
- 10 (ii) in facilities or institutional settings.
- 11 (2) Act as a facilitator of statewide dissemination of
- 12 information between:
- 13 (A) the board; and
- 14 (B) any of the following:
- 15 (i) Music therapists.
- 16 (ii) The American Music Therapy Association or any
- 17 successor organization.
- 18 (iii) The Certification Board for Music Therapists or any
- 19 successor organization.
- 20 **Sec. 9. The council shall, at least annually, provide analysis of:**
- 21 (1) disciplinary actions taken;
- 22 (2) appeals and denials; or
- 23 (3) revocation of licenses.
- 24 **Chapter 3. Licensure**
- 25 **Sec. 1. (a) A license applicant must meet the following**
- 26 **requirements:**
- 27 (1) Be at least eighteen (18) years of age on the date of
- 28 application.
- 29 (2) Furnish satisfactory evidence to the board that the
- 30 applicant:
- 31 (A) has received, from a music therapy program within an
- 32 accredited college or university, a bachelor's degree or
- 33 higher in music therapy, or its equivalent, including
- 34 clinical training hours;
- 35 (B) does not have a:
- 36 (i) conviction for a crime of violence (as defined in
- 37 IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or
- 38 (ii) conviction in the previous two (2) years that has a
- 39 direct bearing on the individual's ability to practice
- 40 competently;
- 41 (C) has not been the subject of a disciplinary action by a
- 42 licensing or certification agency of another state or



1 jurisdiction on the grounds that the individual was not able  
 2 to practice as a music therapist without endangering the  
 3 public;  
 4 (D) passes an examination provided by the Certification  
 5 Board for Music Therapists or its successor organization  
 6 or provides proof of being transitioned into board  
 7 certification; and  
 8 (E) holds current board certification from the Certification  
 9 Board for Music Therapists or its successor organization.  
 10 (3) Pay the fee established by the board.  
 11 (b) The board may not establish any fee under this article that  
 12 is more than fifty dollars (\$50).  
 13 Sec. 2. The board shall issue a license to an applicant when the  
 14 applicant has completed and submitted an application in the form  
 15 and manner the board prescribes, accompanied by applicable fees  
 16 and evidence satisfactory to the board that the applicant meets the  
 17 licensure requirements under this chapter.  
 18 Sec. 3. (a) A license issued by the board under this chapter is  
 19 valid for the remainder of the renewal period in effect on the date  
 20 the license is issued.  
 21 (b) An individual may renew a license by:  
 22 (1) paying a renewal fee of not more than fifty dollars (\$50) on  
 23 or before the expiration date of the license; and  
 24 (2) providing evidence of the applicant's maintained status as  
 25 a board certified music therapist.  
 26 (c) If an individual:  
 27 (1) fails to pay a renewal fee on or before the expiration date  
 28 of a license; or  
 29 (2) is unable to prove that the individual has maintained  
 30 status as a board certified music therapist;  
 31 the license is invalid.  
 32 Sec. 4. (a) An individual may restore an invalid license within  
 33 one (1) year of the expiration date if the individual:  
 34 (1) pays the renewal fee of not more than fifty dollars (\$50);  
 35 (2) provides proof that the individual has maintained status as  
 36 a board certified music therapist; and  
 37 (3) pays a restoration fee.  
 38 (b) Except as provided in subsection (c), if the individual fails to  
 39 restore a license not later than one (1) year after it becomes invalid,  
 40 the individual must reapply for licensure.  
 41 (c) The board may reinstate an invalid license up to three (3)  
 42 years after the expiration date of the license if the individual



1 holding the invalid license meets the requirements under  
2 IC 25-1-8-6.

3 Sec. 5. The board may place an active license on an inactive  
4 status if a licensee makes a request in writing and pays an inactive  
5 status fee. The license may remain inactive for not more than two  
6 (2) consecutive years. The license may be reactivated if the  
7 licensee:

- 8 (1) requests in writing that the board reactivate the license;
- 9 and
- 10 (2) fulfills other requirements established by the board.

11 Chapter 4. Scope of Practice

12 Sec. 1. A licensed professional music therapist may do the  
13 following:

- 14 (1) Accept referrals for music therapy services from medical,  
15 developmental, mental health, or education professionals,  
16 family members, and client caregivers or others involved and  
17 authorized with the provision of client services.
- 18 (2) Conduct a music therapy assessment of a client to  
19 determine if music therapy treatment is indicated. If  
20 treatment is indicated, the music therapist shall collect  
21 systematic, comprehensive, and accurate information to  
22 determine the appropriateness and type of music therapy  
23 services to provide for the client.
- 24 (3) Develop an individualized music therapy treatment plan  
25 for the client that is based upon the results of the music  
26 therapy assessment. The music therapy treatment plan must  
27 include individualized goals and objectives that focus on the  
28 assessed needs and strengths of the client and specify music  
29 therapy approaches and interventions to be used to address  
30 these goals and objectives.
- 31 (4) Implement an individualized music therapy treatment plan  
32 that is consistent with any other developmental, rehabilitative,  
33 habilitative, medical, mental health, preventive, wellness care,  
34 or educational services being provided to the client. When  
35 providing educational or health care services, a music  
36 therapist may not replace the services provided by an  
37 audiologist or a speech-language pathologist.
- 38 (5) Evaluate the client's response to music therapy and the  
39 music therapy treatment plan, which includes documenting  
40 the change and progress of the client and suggesting  
41 modifications, as appropriate.
- 42 (6) Develop a plan for determining when the provision of



1 music therapy is no longer needed in collaboration with the  
 2 client, physician, or other health care or educational provider  
 3 of the client, family members of the client, and any other  
 4 appropriate person upon whom the client relies for support.  
 5 (7) Minimize any barriers to ensure that the client receives  
 6 music therapy in the least restrictive environment.  
 7 (8) Collaborate with and educate the client, the client's family,  
 8 caregiver, and any other appropriate person regarding the  
 9 needs of the client that are being addressed in music therapy  
 10 and the manner in which the music therapy treatment  
 11 addresses those needs.  
 12 (9) Use appropriate knowledge and skills to provide an  
 13 informed practice, including the use of research, reasoning,  
 14 and problem solving skills to determine appropriate actions  
 15 in the context of each specific clinical setting.

16 **Sec. 2. A licensed professional music therapist shall do the**  
 17 **following:**

18 (1) Before providing music therapy services to a client for an  
 19 identified clinical or developmental need, the licensee shall  
 20 review the client's diagnosis, treatment needs, and treatment  
 21 plan with the health care providers involved in the client's  
 22 care.  
 23 (2) Before providing music therapy services to a student for  
 24 an identified educational need in a special education setting,  
 25 the licensee shall review with the individualized family service  
 26 plan or individualized education program team the student's  
 27 diagnosis, treatment needs, and treatment plan.  
 28 (3) During the provision of music therapy services to a client,  
 29 the licensed professional music therapist shall collaborate, as  
 30 applicable, with the client's treatment team, including the  
 31 client's physician, psychologist, licensed clinical social worker,  
 32 or other mental health professional.  
 33 (4) During the provision of music therapy services to a client  
 34 with a communication disorder, the licensed professional  
 35 music therapist shall collaborate and discuss the music  
 36 therapy treatment plan with the client's audiologist or  
 37 speech-language pathologist so that a music therapist may  
 38 work with the client and address communication skills.  
 39 (5) When providing educational or health care services, a  
 40 licensed professional music therapist may not replace the  
 41 services provided by an audiologist or a speech-language  
 42 pathologist. Unless authorized to practice speech-language



1 pathology, music therapists may not evaluate, examine,  
 2 instruct, or counsel on speech, language, communication, and  
 3 swallowing disorders and conditions. An individual licensed  
 4 as a professional music therapist may not represent to the  
 5 public that the individual is authorized to treat a  
 6 communication disorder. This does not prohibit an individual  
 7 licensed as a professional music therapist from representing  
 8 to the public that the individual may work with clients who  
 9 have a communication disorder and address communication  
 10 skills.

11 (6) Notify the board of a change in the licensed music  
 12 therapist's address.

13 **Chapter 5. Unlawful Practices**

14 **Sec. 1. Beginning July 1, 2024, an individual may not:**

- 15 (1) profess to be a licensed music therapist;
- 16 (2) use the title:
  - 17 (A) "licensed music therapist";
  - 18 (B) "licensed professional music therapist (LPMT)"; or
  - 19 (C) "music therapist"; or
- 20 (3) use any other words indicating or implying that the  
 21 individual is a licensed music therapist;

22 unless the individual is licensed under this article.

23 **Sec. 2. An individual who knowingly and intentionally violates**  
 24 **this chapter after July 1, 2024, commits a Class A misdemeanor.**

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

- 26 (1) Failure to pay fees when due.
- 27 (2) Failure to provide requested information in a timely  
 28 manner.
- 29 (3) Conviction of a felony.
- 30 (4) Conviction of a crime that reflects an inability to practice  
 31 music therapy with due regard for the health and safety of  
 32 clients and patients, or with due regard for the truth in filing  
 33 claims with Medicare, Medicaid, or any third party payor.
- 34 (5) Inability or failure to practice music therapy with  
 35 reasonable skill and consistent with the welfare of clients and  
 36 patients, including negligence in the practice of music therapy,  
 37 intoxication, incapacity, abuse of a client or patient, and  
 38 engaging in sexual contact with a client or patient.
- 39 (6) Disciplinary action by another jurisdiction.

40 (b) The board may investigate allegations of conduct described  
 41 in subsection (a).

42 (c) The board is authorized to impose one (1) or more of the



- 1 following sanctions for a violation of this chapter:
- 2 (1) License suspension.
- 3 (2) License revocation.
- 4 (3) License denial.
- 5 (4) Refusal to renew a license.
- 6 (5) Probation with conditions.
- 7 (6) Reprimand.
- 8 (7) A fine of not less than one hundred dollars (\$100) and not
- 9 more than one thousand dollars (\$1,000) for each violation.

10 Chapter 6. Exemptions

11 Sec. 1. Nothing in this article may be construed to prohibit or

12 restrict the practice, services, or activities of the following:

- 13 (1) Any person licensed, certified, or regulated under the laws
- 14 of this state in another profession or occupation, including
- 15 physicians, psychologists, psychoanalysts, registered nurses,
- 16 marriage and family therapists, social workers, occupational
- 17 therapists, professional or rehabilitation counselors,
- 18 speech-language pathologists or audiologists, or personnel
- 19 supervised by a licensed professional, performing work,
- 20 including the use of music, incidental to the practice of his or
- 21 her licensed, certified, or regulated profession or occupation,
- 22 if that person does not represent himself or herself as a music
- 23 therapist.
- 24 (2) Any person whose training and national certification
- 25 attests to the individual's preparation and ability to practice
- 26 his or her certified profession or occupation, if that person
- 27 does not represent himself or herself as a music therapist.
- 28 (3) Any practice of music therapy as an integral part of a
- 29 program of study for students enrolled in an accredited music
- 30 therapy program, if the student does not represent himself or
- 31 herself as a music therapist.
- 32 (4) Any person who practices music therapy under the
- 33 supervision of a licensed professional music therapist, if the
- 34 person does not represent himself or herself as a music
- 35 therapist.

36 SECTION 7. IC 25-22.5-2-7, AS AMENDED BY P.L.60-2022,

37 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

38 JULY 1, 2023]: Sec. 7. (a) The board shall do the following:

- 39 (1) Adopt rules and forms necessary to implement this article that
- 40 concern, but are not limited to, the following areas:
- 41 (A) Qualification by education, residence, citizenship,
- 42 training, and character for admission to an examination for



- 1 licensure or by endorsement for licensure.  
 2 (B) The examination for licensure.  
 3 (C) The license or permit.  
 4 (D) Fees for examination, permit, licensure, and registration.  
 5 (E) Reinstatement of licenses and permits.  
 6 (F) Payment of costs in disciplinary proceedings conducted by  
 7 the board.
- 8 (2) Administer oaths in matters relating to the discharge of the  
 9 board's official duties.
- 10 (3) Enforce this article and assign to the personnel of the agency  
 11 duties as may be necessary in the discharge of the board's duty.
- 12 (4) Maintain, through the agency, full and complete records of all  
 13 applicants for licensure or permit and of all licenses and permits  
 14 issued.
- 15 (5) Make available, upon request, the complete schedule of  
 16 minimum requirements for licensure or permit.
- 17 (6) Issue, at the board's discretion, a temporary permit to an  
 18 applicant for the interim from the date of application until the  
 19 next regular meeting of the board.
- 20 (7) Issue an unlimited license, a limited license, or a temporary  
 21 medical permit, depending upon the qualifications of the  
 22 applicant, to any applicant who successfully fulfills all of the  
 23 requirements of this article.
- 24 (8) Adopt rules establishing standards for the competent practice  
 25 of medicine, osteopathic medicine, or any other form of practice  
 26 regulated by a limited license or permit issued under this article.
- 27 (9) Adopt rules regarding the appropriate prescribing of Schedule  
 28 III or Schedule IV controlled substances for the purpose of weight  
 29 reduction or to control obesity.
- 30 (10) Adopt rules establishing standards for office based  
 31 procedures that require moderate sedation, deep sedation, or  
 32 general anesthesia.
- 33 (11) Adopt rules or protocol establishing the following:  
 34 (A) An education program to be used to educate women with  
 35 high breast density.  
 36 (B) Standards for providing an annual screening or diagnostic  
 37 test for a woman who is at least forty (40) years of age and  
 38 who has been determined to have high breast density.
- 39 As used in this subdivision, "high breast density" means a  
 40 condition in which there is a greater amount of breast and  
 41 connective tissue in comparison to fat in the breast.
- 42 (12) Adopt rules establishing standards and protocols for the



1 prescribing of controlled substances.

2 (13) Adopt rules as set forth in IC 25-23.4 concerning the  
3 certification of certified direct entry midwives.

4 (14) In consultation with the state department of health and the  
5 office of the secretary of family and social services, adopt rules  
6 under IC 4-22-2 or protocols concerning the following for  
7 providers that are providing office based opioid treatment:

8 (A) Requirements of a treatment agreement (as described in  
9 IC 12-23-20-2) concerning the proper referral and treatment of  
10 mental health and substance use.

11 (B) Parameters around the frequency and types of visits  
12 required for the periodic scheduled visits required by  
13 IC 12-23-20-2.

14 (C) Conditions on when the following should be ordered or  
15 performed:

16 (i) A urine toxicology screening.

17 (ii) HIV, hepatitis B, and hepatitis C testing.

18 (D) Required documentation in a patient's medical record  
19 when buprenorphine is prescribed over a specified dosage.

20 (15) Adopt rules as set forth in IC 25-14.5 concerning the  
21 certification of certified dietitians.

22 (16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6  
23 concerning the licensure of behavior analysts.

24 (17) Administer the interstate medical licensure compact under  
25 IC 25-22.5-16, including appointing members to the interstate  
26 medical licensure compact commission and adopting any rules  
27 necessary to administer the compact.

28 **(18) Oversee the licensure of the following:**

29 **(A) Art therapists under IC 25-4.5.**

30 **(B) Professional music therapists under IC 25-21.9.**

31 (b) The board may adopt rules that establish:

32 (1) certification requirements for child death pathologists;

33 (2) an annual training program for child death pathologists under  
34 IC 16-35-7-3(b)(2); and

35 (3) a process to certify a qualified child death pathologist.

36 (c) The board may adopt rules under IC 4-22-2 establishing  
37 guidelines for the practice of telehealth in Indiana. Adoption of rules  
38 under this subsection may not delay the implementation and provision  
39 of telehealth services by a provider under IC 25-1-9.5.

40 SECTION 8. IC 31-32-11-1, AS AMENDED BY P.L.122-2009,  
41 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 JULY 1, 2023]: Sec. 1. The privileged communication between:

**SB 338—LS 6564/DI 148**





1 (1) a husband and wife;  
 2 (2) a health care provider and the health care provider's patient;  
 3 (3) a:  
 4 (A) licensed social worker;  
 5 (B) licensed clinical social worker;  
 6 (C) licensed marriage and family therapist;  
 7 (D) licensed mental health counselor;  
 8 (E) licensed addiction counselor; ~~or~~  
 9 (F) licensed clinical addiction counselor;  
 10 **(G) licensed music therapist; or**  
 11 **(H) licensed art therapist;**  
 12 and a client of any of the professionals described in clauses (A)  
 13 through ~~(F)~~; **(H)**;  
 14 (4) a school counselor and a student; or  
 15 (5) a school psychologist and a student;  
 16 is not a ground for excluding evidence in any judicial proceeding  
 17 resulting from a report of a child who may be a victim of child abuse  
 18 or neglect or relating to the subject matter of the report or failing to  
 19 report as required by IC 31-33.  
 20 SECTION 9. IC 35-52-25-2.7 IS ADDED TO THE INDIANA  
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. IC 25-4.5-4-6 defines a crime**  
 23 **concerning unlawful practice of art therapy.**  
 24 SECTION 10. IC 35-52-25-23.5 IS ADDED TO THE INDIANA  
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2023]: **Sec. 23.5. IC 25-21.9-5-2 defines a**  
 27 **crime concerning unlawful practice of music therapy.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 22, begin a new paragraph and insert:

"SECTION 1. IC 25-0.5-1-2.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.4. IC 25-1-1.1-4 applies to an individual licensed under IC 25-4.5 as an art therapist.**

SECTION 2. IC 25-0.5-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 9.5. IC 25-1-1.1-4 applies to an individual licensed under IC 25-21.9 as a professional music therapist.**

SECTION 3. IC 25-0.5-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. IC 25-1-2-2.1 applies to licenses held by art therapists.**

SECTION 4. IC 25-0.5-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 11.5. IC 25-1-2-2.1 applies to licenses held by professional music therapists.**

SECTION 5. IC 25-4.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**ARTICLE 4.5. ART THERAPISTS**

**Chapter 1. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this article.**

**Sec. 2. "Art therapist" means an individual who is licensed to practice art therapy under this article.**

**Sec. 3. "Art therapist associate" means an individual who is licensed to practice as an art therapist associate under this article.**

**Sec. 4. "Board" refers to the medical licensing board of Indiana.**

**Sec. 5. "Council" refers to the art therapy advisory council established by IC 25-4.5-2-1.**

**Sec. 6. "Practice of art therapy" or "practice art therapy" means the application of art, art media, and the creative process in the education, assessment, prevention, treatment, and amelioration**



of cognitive, physical, developmental, and behavioral conditions and disabilities. The term includes the:

- (1) use of art creation to assess a client's issues with the goal of improving physical, psychological, and emotional functioning and well-being;
- (2) employment of art based techniques to:
  - (A) assess levels of functioning;
  - (B) determine treatment goals; and
  - (C) implement appropriate interventions;
 to treat a client;
- (3) use of therapeutic interventions to facilitate alternative modes of receptive and expressive communication and engagement;
- (4) use of art to help clients:
  - (A) improve cognitive and sensory motor functions;
  - (B) reduce symptoms of depression, anxiety, posttraumatic stress, and attachment disorders;
  - (C) resolve conflicts and distress;
  - (D) develop interpersonal skills;
  - (E) manage behavior;
  - (F) improve social functioning; and
  - (G) achieve self-esteem and self-awareness;
- (5) adjustment of techniques and treatments to address multicultural and diversity issues; and
- (6) provision of:
  - (A) consultation;
  - (B) referral;
  - (C) crisis intervention;
  - (D) client advocacy; and
  - (E) education;
 services to clients.

The term does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

#### **Chapter 2. Art Therapy Advisory Council**

**Sec. 1. The art therapy advisory council is established.**

**Sec. 2. The council shall consist of members who:**

- (1) are familiar with the practice of art therapy; and
- (2) provide the board with expertise and assistance in carrying out the board's duties under this chapter.

**Sec. 3. The council consists of five (5) members appointed by the board. The council must include the following:**

- (1) Three (3) members who are licensed art therapists.



(2) One (1) member who is a licensed health care provider who is not an art therapist.

(3) One (1) member who is a consumer.

A council member may be either a legislator or a lay member.

Sec. 4. (a) A member serves a term of four (4) years.

(b) A vacancy in the council membership shall be filled in the same manner as a regular appointment. A member appointed to fill a vacancy in the membership of the council may serve only for the unexpired portion of the original, vacated term, but may be reappointed by the board.

(c) A member serves without compensation.

Sec. 5. (a) Notwithstanding section 3(1) of this chapter, before July 1, 2024, a member is not required to be licensed under this article.

(b) Notwithstanding section 4 of this chapter, the three (3) members initially appointed to the council under section 3(1) of this chapter shall be appointed to terms beginning July 1, 2023, as follows:

(1) One (1) member shall be appointed to a term of two (2) years by the board.

(2) Two (2) members shall be appointed to a term of four (4) years by the board.

(c) Upon expiration of an initial term under subsection (b), all member appointments are for a term of four (4) years.

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

Sec. 6. The council shall meet at least one (1) time annually and at other times as called by the board.

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

(1) on issues related to art 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) art therapist licensure;

(B) the benefits of art therapy; and

(C) the use of art 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) Art therapists.
- (ii) The American Art Therapy Association or any successor organization.
- (iii) The Commission on Accreditation of Allied Health Education Programs, the Art Therapy Credentials Board, or any successor organization.

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

- (1) disciplinary actions taken;
- (2) appeals and denials; or
- (3) revocation of licenses.

**Chapter 3. Art Therapist Licensure**

**Sec. 1. (a)** An individual who applies to be licensed as an art therapist must furnish satisfactory evidence to the board that the individual:

- (1) has received:
  - (A) a master's or doctoral degree from an accredited postsecondary educational institution in a program in art therapy, or a related field as approved by the board, that:
    - (i) is approved by the American Art Therapy Association or accredited by the Commission on Accreditation of Allied Health Education Programs; or
    - (ii) is determined by the board to be substantially equivalent to an approved or accredited program in art therapy under sections 3 and 4 of this chapter; or
  - (B) at least a master's degree from an accredited postsecondary educational institution in a program or course of studies that:
    - (i) is determined by the board to meet the educational requirements under sections 3 and 4 of this chapter; or
    - (ii) has been accepted by the Art Therapy Credentials Board, Inc., or a successor organization, as meeting the educational requirements to qualify an individual for a credential as a registered art therapist;
- (2) has met the work experience requirements under section 5 of this chapter;
- (3) has not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;
- (4) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction prohibiting the individual from practicing as an art therapist or art therapist associate;
- (5) pays the fee established by the board; and



(6) has passed an examination provided by the board.

(b) An individual who applies to be licensed as an art therapist under this section, except as provided in section 14 of this chapter, must furnish satisfactory evidence to the board that the individual:

(1) holds a valid art therapist associate license issued under section 8 of this chapter and has met the work experience requirements under section 5 of this chapter;

(2) has met the work experience requirements under section 5 of this chapter in another state or jurisdiction; or

(3) is licensed or certified to practice as an art therapist in another state or jurisdiction under section 12 of this chapter.

(c) The board may not establish any fee under this article that is more than fifty dollars (\$50).

Sec. 2. (a) An individual who applies to be licensed as an art therapist associate must furnish satisfactory evidence to the board that the individual has:

(1) received a master's or doctoral degree in art therapy that meets the requirements under section 1(a)(1) of this chapter;

(2) not been convicted of a crime that has a direct bearing on the individual's ability to practice competently;

(3) not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction prohibiting the individual from practicing as an art therapist or art therapist associate; and

(4) paid a fee established by the board.

The board may not establish any fee under this article that is more than fifty dollars (\$50).

(b) The board may require an individual who applies to be licensed as an art therapist associate to pass an examination administered by an entity approved by the board.

Sec. 3. (a) For purposes of section 1(a)(1)(A)(ii) and 1(a)(1)(B)(i) of this chapter, an individual who applies for a license as an art therapist or as an art therapist associate must have:

(1) received a master's or doctoral degree that meets the educational requirements for licensure under section 1(a) of this chapter; and

(2) attended an eligible postsecondary educational institution that meets the following requirements:

(A) If the institution is located in the United States or a territory of the United States, the institution must be accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation.



**(B) If the institution is located in Canada, the institution must be a member in good standing with the Association of Universities and Colleges of Canada.**

**(C) If the institution is located in a foreign country other than Canada, the institution must:**

- (i) be recognized as a program to train in the practice of mental health counseling or psychotherapy; and**
- (ii) have maintained a standard of training that is substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation.**

**(b) An individual who applies to be licensed as an art therapist under section 1 of this chapter or as an art therapist associate under section 2 of this chapter and who has a master's or doctoral degree from a program that did not emphasize art therapy may complete the course work requirements from an institution:**

- (1) with a program in art therapy accredited by the Commission on Accreditation of Allied Health Education Programs; or**
- (2) that is accredited by a regional accrediting body recognized by the Council for Higher Education Accreditation, as approved by the board.**

**Sec. 4. (a) For purposes of section 1(a)(1)(A)(ii) and 1(a)(1)(B)(i) of this chapter, the board may determine that an individual's graduate level education program or course of study is substantially equivalent to an approved or accredited program in art therapy if the individual has completed the following requirements:**

- (1) Except as provided in subsection (b), qualifying course work that must include graduate level course credits in at least the following content areas:**
  - (A) Application of art therapy with people in different treatment settings.**
  - (B) Art therapy assessment.**
  - (C) Counseling or psychological theories.**
  - (D) Ethical and legal issues of art therapy practice.**
  - (E) Group art therapy.**
  - (F) History of art therapy.**
  - (G) Human growth and development.**
  - (H) Matters of cultural and social diversity bearing on the practice of art therapy.**
  - (I) Psychological assessment.**



- (J) Psychopathology or abnormal psychology.**
- (K) Research.**
- (L) Standards of good art therapy practice.**
- (M) Techniques of practice in art therapy.**
- (N) Theory of art therapy.**

The content areas may be combined into any one (1) graduate level course if the applicant can prove that the course included instruction in all cognitive, psychomotor, and behavior competencies required in the content area for competent entry level practice of art therapy.

**(2) At least one (1):**

**(A) supervised clinical practicum of at least one hundred (100) hours; or**

**(B) qualifying internship or field experience in an art therapy setting of at least six hundred (600) hours.**

The requirements under clauses (A) and (B) may be met by experience away from a postsecondary educational institution, but the experience must be certified by an official of that institution as equivalent to a graduate level practicum or internship program.

**(b) The following may not be used to satisfy the educational requirements under subsection (a):**

- (1) Thesis or dissertation work.**
- (2) Practicums.**
- (3) Internships.**
- (4) Fieldwork.**

**Sec. 5. (a) An individual who applies for a license as an art therapist must have:**

- (1) at least two (2) years of paid or volunteer supervised work experience in the delivery of art therapy services; and**
- (2) supervised work experience conducted according to requirements in subsections (b) through (g).**

**(b) An individual who applies for a license as an art therapist must have:**

- (1) at least three thousand (3,000) hours of postgraduate work experience in a clinical setting under supervision of a qualified supervisor;**
- (2) at least one thousand (1,000) hours of contact with clients; and**
- (3) at least one hundred (100) hours of face-to-face supervised training with a qualified supervisor.**

**(c) A qualified supervisor may be a licensed art therapist, a**





board certified art therapist, or other licensed mental health professional who has met standards for supervision specified in rules approved by the board.

(d) A qualified supervisor must observe the successful application of art therapy knowledge, skills, and values in the diagnosis and treatment of psychological function, disability, or impairment.

(e) Except as provided in subsection (f), the work experience requirement may be met by work performed either at the premises of the supervisor or away from the premises of the supervisor.

(f) The work experience requirement may not be performed away from the premises of the supervisor if:

(1) the work premises is the independent private practice of a licensed art therapist; and

(2) the work is not performed at a place that has the supervision of a licensed art therapist or qualified supervisor.

(g) A doctoral internship may be applied toward the supervised work experience requirement.

Sec. 6. An individual who satisfies the requirements of section 1(a)(1) through 1(a)(5) of this chapter may take the examination provided by the board.

Sec. 7. The board shall provide for examinations to be given at least once each year at times and places established by the board.

Sec. 8. (a) The board shall issue an art therapist license to an applicant under section 1 of this chapter who:

(1) achieves a passing score on the examination under this chapter; and

(2) is otherwise qualified under this chapter.

(b) The board shall issue an art therapist associate license to an applicant under section 2 of this chapter who is otherwise qualified under this chapter.

(c) A person issued a license under this section may engage in the practice of art therapy.

Sec. 9. (a) Subject to IC 25-1-2-6(e), an art therapist license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew an art therapist license by:

(1) paying a renewal fee of not more than fifty dollars (\$50) on or before the expiration date of the license; and

(2) completing at least twenty (20) hours of continuing education each licensure year.

(c) If an individual fails to pay a renewal fee on or before the



expiration of a license, the license becomes invalid.

**Sec. 10. (a)** Subject to IC 25-1-2-6(e), an art therapist associate license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

**(b)** An individual may renew an art therapist associate license two (2) times by paying a renewal fee on or before the expiration date of the license.

**(c)** If an individual fails to pay a renewal fee on or before the expiration of a license, the license is invalid.

**(d)** The board may renew an art therapist associate license for additional periods at the board's discretion.

**(e)** An art therapist associate license expires when:

- (1)** the individual is issued an art therapist license under this chapter;
- (2)** the board denies the individual's application for an art therapist license under this chapter; or
- (3)** the individual fails to apply for renewal of the art therapist associate license under this chapter.

**Sec. 11. (a)** The board may reinstate an invalid art therapist license issued under section 9 of this chapter up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

**(b)** If more than three (3) years have elapsed since the date an art therapist license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board and meeting the requirements under IC 25-1-8-6.

**(c)** The board may reinstate an invalid art therapist associate license issued under section 10 of this chapter up to one (1) year after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6. An art therapist associate license that has been expired for more than one (1) year may not be reinstated under IC 25-1-8-6.

**Sec. 12.** The board shall issue an art therapist license to an individual if the individual:

- (1)** has a valid license or certificate to practice art therapy from another state or jurisdiction;
- (2)** has engaged in at least three (3) years of full-time, postdegree practice of art therapy, or its equivalent in part-time practice as determined by the board;
- (3)** has passed an examination substantially equivalent to the examination provided by the board under this chapter;



(4) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction prohibiting the individual from practicing as an art therapist or art therapist associate without endangering the public; and

(5) has paid a fee established by the board.

The board may not establish a fee that is more than fifty dollars (\$50).

**Sec. 13. (a) An individual who has an art therapist license under this chapter shall notify the board in writing when the individual retires from practice.**

**(b) Upon receipt of the notice, the board shall:**

**(1) record the individual as retired;**

**(2) release the individual from further payment of renewal fees; and**

**(3) release the individual from further continuing education requirements.**

**Sec. 14. The board may waive the requirements of section 1(a)(1) and 1(a)(6) of this chapter and issue an art therapy license to an individual who furnishes satisfactory evidence to the board that the individual:**

**(1) is a resident of Indiana;**

**(2) holds a credential in good standing as a board certified art therapist with the Art Therapy Credentials Board;**

**(3) has at least three (3) years of full-time, postdegree practice of art therapy, or its equivalent in part-time practice prior to submitting an application to the board;**

**(4) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently;**

**(5) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction prohibiting the individual from practicing as an art therapist or art therapist associate without endangering the public; and**

**(6) has paid the fee established by the board.**

The board may not establish a fee that is more than fifty dollars (\$50).

**Chapter 4. Art Therapists; Unlawful Practices**

**Sec. 1. This chapter applies after December 31, 2023.**

**Sec. 2. (a) An individual may not:**

**(1) profess to be a licensed art therapist;**

**(2) use the title:**



- (A) "licensed art therapist"; or
- (B) "art therapist"; or
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed art therapist;

unless the individual is licensed under this article.

(b) An individual may not:

- (1) profess to be a licensed art therapist associate;
- (2) use the title:
  - (A) "licensed art therapist associate"; or
  - (B) "art therapist associate"; or
- (3) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed art therapist associate;

unless the individual is licensed under this article.

Sec. 3. (a) This article may not be construed to limit the practice of art therapy performed by an individual who does not use a title specified in this chapter and who is any of the following:

- (1) A student, an intern, or a trainee pursuing a course of study in art therapy to gain licensure under this article in an accredited postsecondary educational institution if:
  - (A) the services are performed under qualified supervision and constitute a part of the individual's supervised course of study or other level of supervision; and
  - (B) the student or graduate uses a title that contains the term "student", "intern", or "trainee".
- (2) Not a resident of Indiana if the individual performed the services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the individual resides.
- (3) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.
- (4) An employee or a volunteer for an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.
- (5) An individual who is licensed or certified by a state or national organization that is recognized by the division of mental health and addiction and who provides services in the areas of alcohol or drug abuse addiction.
- (6) A governmental employee who remains in the same job



classification or job family of that job classification.

(b) This article may not be construed to prohibit or limit any service or treatment that involves the use of art or art media by a licensed health care professional who:

- (1) is acting within the scope of the person's license; and
- (2) does not use a title specified in this article.

(c) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

Sec. 4. (a) When providing educational or health care services, a licensed art therapist or art therapist associate may not replace the services provided by an audiologist or a speech-language pathologist.

(b) An art therapist may not provide art therapy for the treatment of any psychological function, disability, or impairment that requires a diagnosis by a licensed professional. However, an art therapist may provide art therapy as part of a treatment plan established by an appropriate licensed professional. Nothing in this section shall be construed to prevent an art therapist from providing art therapy for a purpose that does not require a diagnosis by a licensed professional.

Sec. 5. (a) An individual who is licensed as an art therapist shall:

- (1) display the license or a clear copy of the license at each location where the art therapist regularly practices; and
- (2) include the words "art therapist" or the letters "AT" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

(b) An individual who is licensed as an art therapist associate shall:

- (1) display the license or a clear copy of the license at each location where the art therapist associate regularly practices; and
- (2) include the words "art therapist associate" or the letters "ATA" on all promotional materials, including business cards, brochures, stationery, advertisements, and signs that name the individual.

Sec. 6. An individual who knowingly or intentionally violates section 2 or 5 of this chapter after December 31, 2023, commits a Class A misdemeanor.

SECTION 6. IC 25-21.9 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:



**ARTICLE 21.9. LICENSED PROFESSIONAL MUSIC THERAPISTS**

**Chapter 1. Definitions**

**Sec. 1.** The definitions in this chapter apply throughout this article.

**Sec. 2.** "Applicant" means an individual who applies to the board for a license to practice music therapy.

**Sec. 3.** "Board" refers to the medical licensing board of Indiana.

**Sec. 4.** "Board certified music therapist" means an individual who holds a current board certification from the Certification Board for Music Therapists.

**Sec. 5.** "Council" refers to the music therapy advisory council established by IC 25-21.9-2-1.

**Sec. 6.** "Licensed professional music therapist" means a person licensed to practice music therapy under this article.

**Sec. 7. (a)** "Practice of music therapy" or "practice music therapy" means providing professional services that:

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

(b) The term does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

**Chapter 2. Music Therapy Advisory Council**

**Sec. 1.** The music therapy advisory council is established.

**Sec. 2.** The council shall consist of members who:

- (1) are familiar with the practice of music therapy; and
- (2) provide the board with expertise and assistance in carrying out the board's duties under this chapter.

**Sec. 3.** The council consists of five (5) members appointed by the board. The council must include the following:

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



A member may be either a legislator or a lay member.

**Sec. 4. (a)** A member serves a term of four (4) years.

**(b)** A vacancy in the council membership shall be filled in the same manner as a regular appointment. A member appointed to fill a vacancy in the membership of the council may serve only for the unexpired portion of the original, vacated term, but may be reappointed by the board.

**(c)** A member serves without compensation.

**Sec. 5. (a)** Notwithstanding section 3(1) of this chapter, before July 1, 2024, a member is not required to be licensed under this article.

**(b)** Notwithstanding section 4 of this chapter, the three (3) members initially appointed to the council under section 3(1) of this chapter shall be appointed to terms beginning July 1, 2023, as follows:

**(1)** One (1) member shall be appointed to a term of two (2) years by the board.

**(2)** Two (2) members shall be appointed to a term of four (4) years by the board.

**(c)** Upon expiration of an initial term under subsection (b), all member appointments are for a term of four (4) years.

**(d)** The board may reappoint a member whose term expires.

**Sec. 6.** The council shall meet at least one (1) time annually and at other times as called by the board.

**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:**

- (1) disciplinary actions taken;**
- (2) appeals and denials; or**
- (3) revocation of licenses.**

**Chapter 3. Licensure**

**Sec. 1. (a) 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:**

**(A) has received, from a music therapy program within an accredited college or university, a bachelor's degree or higher in music therapy, or its equivalent, including clinical training hours;**

**(B) does not have a:**

- (i) conviction for a crime of violence (as defined in IC 35-50-1-2(a)(1) through IC 35-50-1-2(a)(13)); or**
- (ii) conviction in the previous two (2) years that has a direct bearing on the individual's ability to practice competently;**

**(C) 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;**

**(D) passes an examination provided by the Certification Board for Music Therapists or its successor organization or provides proof of being transitioned into board certification; and**

**(E) holds current board certification from the Certification Board for Music Therapists or its successor organization.**

- (3) Pay the fee established by the board.**

**(b) The board may not establish any fee under this article that is more than fifty dollars (\$50).**

**Sec. 2. The board shall issue a license to an applicant when the applicant has completed and submitted an application in the form and manner the board prescribes, accompanied by applicable fees and evidence satisfactory to the board that the applicant meets the licensure requirements under this chapter.**





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

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

- (1)** paying a renewal fee of not more than fifty dollars (\$50) on or before the expiration date of the license; and
- (2)** providing evidence of the applicant's maintained status as a board certified music therapist.

**(c)** If an individual:

- (1)** fails to pay a renewal fee on or before the expiration date of a license; or
- (2)** is unable to prove that the individual has maintained status as a board certified music therapist;

the license is invalid.

**Sec. 4. (a)** An individual may restore an invalid license within one (1) year of the expiration date if the individual:

- (1)** pays the renewal fee of not more than fifty dollars (\$50);
- (2)** provides proof that the individual has maintained status as a board certified music therapist; and
- (3)** pays a restoration fee.

**(b)** Except as provided in subsection (c), if the individual fails to restore a license not later than one (1) year after it becomes invalid, the individual must reapply for licensure.

**(c)** The board may reinstate an invalid license up to three (3) years after the expiration date of the license if the individual holding the invalid license meets the requirements under IC 25-1-8-6.

**Sec. 5.** The board may place an active license on an inactive status if a licensee makes a request in writing and pays an inactive status fee. The license may remain inactive for not more than two (2) consecutive years. The license may be reactivated if the licensee:

- (1)** requests in writing that the board reactivate the license; and
- (2)** fulfills other requirements established by the board.

#### **Chapter 4. Scope of Practice**

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

- (1)** Accept referrals for music therapy services from medical, developmental, mental health, or education professionals, family members, and client caregivers or others involved and authorized with the provision of client services.



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

**(3) Develop an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment. The music therapy treatment plan must include individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives.**

**(4) Implement an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client. When providing educational or health care services, a music therapist may not replace the services provided by an audiologist or a speech-language pathologist.**

**(5) Evaluate the client's response to music therapy and the music therapy treatment plan, which includes documenting the change and progress of the client and suggesting modifications, as appropriate.**

**(6) Develop a plan for determining when the provision of music therapy is no longer needed in collaboration with the client, physician, or other health care or educational provider of the client, family members of the client, and any other appropriate person upon whom the client relies for support.**

**(7) Minimize any barriers to ensure that the client receives music therapy in the least restrictive environment.**

**(8) Collaborate with and educate the client, the client's family, caregiver, and any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs.**

**(9) Use appropriate knowledge and skills to provide an informed practice, including the use of research, reasoning, and problem solving skills to determine appropriate actions in the context of each specific clinical setting.**

**Sec. 2. A licensed professional music therapist shall do the following:**



(1) Before providing music therapy services to a client for an identified clinical or developmental need, the licensee shall review the client's diagnosis, treatment needs, and treatment plan with the health care providers involved in the client's care.

(2) Before providing music therapy services to a student for an identified educational need in a special education setting, the licensee shall review with the individualized family service plan or individualized education program team the student's diagnosis, treatment needs, and treatment plan.

(3) During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the client's treatment team, including the client's physician, psychologist, licensed clinical social worker, or other mental health professional.

(4) During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that a music therapist may work with the client and address communication skills.

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

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

#### **Chapter 5. Unlawful Practices**

**Sec. 1. Beginning July 1, 2024, an individual may not:**

- (1) profess to be a licensed music therapist;
- (2) use the title:
  - (A) "licensed music therapist";



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

(C) "music therapist"; or

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

Sec. 2. An individual who knowingly and intentionally violates this chapter after July 1, 2024, commits a Class A misdemeanor.

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

(1) Failure to pay fees when due.

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

(3) Conviction of a felony.

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

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

(6) Disciplinary action by another jurisdiction.

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

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

(1) License suspension.

(2) License revocation.

(3) License denial.

(4) Refusal to renew a license.

(5) Probation with conditions.

(6) Reprimand.

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

#### Chapter 6. Exemptions

Sec. 1. Nothing in this article may be construed to prohibit or restrict the practice, services, or activities of the following:

(1) Any person licensed, certified, or regulated under the laws of this state in another profession or occupation, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, occupational therapists, professional or rehabilitation counselors,



**speech-language pathologists or audiologists, or personnel supervised by a licensed professional, performing work, including the use of music, incidental to the practice of his or her licensed, certified, or regulated profession or occupation, if that person does not represent himself or herself as a music therapist.**

**(2) Any person whose training and national certification attests to the individual's preparation and ability to practice his or her certified profession or occupation, if that person does not represent himself or herself as a music therapist.**

**(3) Any practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program, if the student does not represent himself or herself as a music therapist.**

**(4) Any person who practices music therapy under the supervision of a licensed professional music therapist, if the person does not represent himself or herself as a music therapist.**

SECTION 7. IC 25-22.5-2-7, AS AMENDED BY P.L.60-2022, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 7. (a) The board shall do the following:

(1) Adopt rules and forms necessary to implement this article that concern, but are not limited to, the following areas:

(A) Qualification by education, residence, citizenship, training, and character for admission to an examination for licensure or by endorsement for licensure.

(B) The examination for licensure.

(C) The license or permit.

(D) Fees for examination, permit, licensure, and registration.

(E) Reinstatement of licenses and permits.

(F) Payment of costs in disciplinary proceedings conducted by the board.

(2) Administer oaths in matters relating to the discharge of the board's official duties.

(3) Enforce this article and assign to the personnel of the agency duties as may be necessary in the discharge of the board's duty.

(4) Maintain, through the agency, full and complete records of all applicants for licensure or permit and of all licenses and permits issued.

(5) Make available, upon request, the complete schedule of minimum requirements for licensure or permit.

(6) Issue, at the board's discretion, a temporary permit to an



applicant for the interim from the date of application until the next regular meeting of the board.

(7) Issue an unlimited license, a limited license, or a temporary medical permit, depending upon the qualifications of the applicant, to any applicant who successfully fulfills all of the requirements of this article.

(8) Adopt rules establishing standards for the competent practice of medicine, osteopathic medicine, or any other form of practice regulated by a limited license or permit issued under this article.

(9) Adopt rules regarding the appropriate prescribing of Schedule III or Schedule IV controlled substances for the purpose of weight reduction or to control obesity.

(10) Adopt rules establishing standards for office based procedures that require moderate sedation, deep sedation, or general anesthesia.

(11) Adopt rules or protocol establishing the following:

(A) An education program to be used to educate women with high breast density.

(B) Standards for providing an annual screening or diagnostic test for a woman who is at least forty (40) years of age and who has been determined to have high breast density.

As used in this subdivision, "high breast density" means a condition in which there is a greater amount of breast and connective tissue in comparison to fat in the breast.

(12) Adopt rules establishing standards and protocols for the prescribing of controlled substances.

(13) Adopt rules as set forth in IC 25-23.4 concerning the certification of certified direct entry midwives.

(14) In consultation with the state department of health and the office of the secretary of family and social services, adopt rules under IC 4-22-2 or protocols concerning the following for providers that are providing office based opioid treatment:

(A) Requirements of a treatment agreement (as described in IC 12-23-20-2) concerning the proper referral and treatment of mental health and substance use.

(B) Parameters around the frequency and types of visits required for the periodic scheduled visits required by IC 12-23-20-2.

(C) Conditions on when the following should be ordered or performed:

(i) A urine toxicology screening.

(ii) HIV, hepatitis B, and hepatitis C testing.



(D) Required documentation in a patient's medical record when buprenorphine is prescribed over a specified dosage.

(15) Adopt rules as set forth in IC 25-14.5 concerning the certification of certified dietitians.

(16) Adopt rules and establish fees as set forth in IC 25-8.5-2-6 concerning the licensure of behavior analysts.

(17) Administer the interstate medical licensure compact under IC 25-22.5-16, including appointing members to the interstate medical licensure compact commission and adopting any rules necessary to administer the compact.

**(18) Oversee the licensure of the following:**

**(A) Art therapists under IC 25-4.5.**

**(B) Professional music therapists under IC 25-21.9.**

(b) The board may adopt rules that establish:

(1) certification requirements for child death pathologists;

(2) an annual training program for child death pathologists under IC 16-35-7-3(b)(2); and

(3) a process to certify a qualified child death pathologist.

(c) The board may adopt rules under IC 4-22-2 establishing guidelines for the practice of telehealth in Indiana. Adoption of rules under this subsection may not delay the implementation and provision of telehealth services by a provider under IC 25-1-9.5."

Page 23, delete lines 1 through 7.

Page 23, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 9. IC 35-52-25-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 2.7. IC 25-4.5-4-6 defines a crime concerning unlawful practice of art therapy.**

SECTION 10. IC 35-52-25-23.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 23.5. IC 25-21.9-5-2 defines a crime concerning unlawful practice of music therapy."**

Delete page 24.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 338 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 12, Nays 0.

**SB 338—LS 6564/DI 148**

