

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SUBCOMMITTEE RECOMMENDATION

4 FOR

5 HOUSE BILL NO. 2820

6 By: Denney

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to professions and occupations;  
9 creating the Music Therapy Practice Act; defining  
10 terms; requiring certain persons to be licensed under  
11 the Music Therapy Practice Act; providing for  
12 exceptions; establishing Music Therapy Committee to  
13 assist State Board of Medical Licensure and  
14 Supervision; providing for membership on Music  
15 Therapy Committee; providing for terms of membership  
16 on Music Therapy Committee; providing for duties of  
17 Board in implementing Music Therapy Practice Act;  
18 providing eligibility for licensure as music  
19 therapist; establishing term of music therapist  
20 license; establishing eligibility of renewal of music  
21 therapist license; providing certain letters that may  
22 be used by licensed music therapist; prohibiting use  
23 of certain words and letters by certain persons and  
24 businesses; providing that referral not be required  
prior to consultation and evaluation by licensed  
music therapist; providing that licensed music  
therapist may not be coerced to delegate activities  
or tasks if compromising client safety; prohibiting  
advertisement as licensed music therapist or provider  
of music therapy services without license; creating  
misdemeanor and penalty for violation of Music  
Therapy Practice Act; providing for codification; and  
providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 889 of Title 59 unless there is  
3 created a duplication in numbering, reads as follows:

4 This act shall be known and may be cited as the "Music Therapy  
5 Practice Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 889.1 of Title 59, unless there  
8 is created a duplication in numbering, reads as follows:

9 As used in the Music Therapy Practice Act:

10 1. "Board" means the State Board of Medical Licensure and  
11 Supervision;

12 2. "Board-certified music therapist" means an individual who  
13 has completed the education and clinical training requirements  
14 established by the American Music Therapy Association, and who holds  
15 current board certification from the Certification Board for Music  
16 Therapists;

17 3. "Committee" means the Music Therapy Committee;

18 4. "Licensed music therapist" means a person licensed to  
19 practice music therapy in the State of Oklahoma;

20 5. "Music therapy" means the clinical and evidence-based use of  
21 music interventions to accomplish individualized goals for people of  
22 all ages and ability levels within a therapeutic relationship  
23 between a patient and a practitioner who is licensed pursuant to the  
24 Music Therapy Practice Act;

1           6. "Practice of music therapy" includes the development of  
2 individualized music therapy treatment plans specific to the needs  
3 and strengths of the client who may be seen individually or in  
4 groups. The goals, objectives and potential strategies of the music  
5 therapy services are appropriate for the client and setting. The  
6 music therapy interventions may include music improvisation,  
7 receptive music listening, song writing, lyric discussion, music and  
8 imagery, singing, music performance, learning through music, music  
9 combined with other arts, music-assisted relaxation, music-based  
10 patient education, electronic music technology, adapted music  
11 intervention and movement to music. The practice of music therapy  
12 does not include the diagnosis or assessment of any physical, mental  
13 or communication disorder. This term may include:

14           a. accepting referrals for music therapy services from  
15 medical, developmental, mental health or education  
16 professionals, family members, clients, caregivers or  
17 others involved and authorized with provision of  
18 client services. Before providing music therapy  
19 services to a client for an identified clinical or  
20 developmental need, the licensee collaborates, as  
21 applicable, with the primary care provider(s) to  
22 review the client's diagnosis, treatment needs and  
23 treatment plan. During the provision of music therapy  
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1 services to a client the licensee collaborates, as  
2 applicable, with the client's treatment team,

3 b. conducting a music therapy assessment of a client to  
4 determine if treatment is indicated. If treatment is  
5 indicated, the licensee collects systematic,  
6 comprehensive and accurate information to determine  
7 the appropriateness and type of music therapy services  
8 to provide for the client,

9 c. developing an individualized music therapy treatment  
10 plan for the client that is based upon the results of  
11 the music therapy assessment. The music therapy  
12 treatment plan includes individualized goals and  
13 objectives that focus on the assessed needs and  
14 strengths of the client and specify music therapy  
15 approaches and interventions to be used to address  
16 these goals and objectives,

17 d. implementing an individualized music therapy treatment  
18 plan that is consistent with any other developmental,  
19 rehabilitative, habilitative, medical, mental health,  
20 preventive, wellness care or educational services  
21 being provided to the client,

22 e. evaluating the client's response to music therapy and  
23 the music therapy treatment plan, documenting change  
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1 and progress and suggesting modifications, as  
2 appropriate,

3 f. developing a plan for determining when the provision  
4 of music therapy services is no longer needed in  
5 collaboration with the client, physician or other  
6 provider of health care or education of the client,  
7 family members of the client, and any other  
8 appropriate person upon whom the client relies for  
9 support,

10 g. minimizing any barriers to ensure that the client  
11 receives music therapy services in the least  
12 restrictive environment,

13 h. collaborating with and educating the client and the  
14 family or caregiver of the client, or any other  
15 appropriate person regarding the needs of the client  
16 that are being addressed in music therapy and the  
17 manner in which the music therapy treatment addresses  
18 those needs, and

19 i. utilizing appropriate knowledge and skills to inform  
20 practice including use of research, reasoning and  
21 problem-solving skills to determine appropriate  
22 actions in the context of each specific clinical  
23 setting.

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1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 889.2 of Title 59 unless there  
3 is created a duplication in numbering, reads as follows:

4 A. No person shall practice or hold himself or herself out as  
5 being able to practice music therapy or provide music therapy  
6 services in this state unless the person is licensed in accordance  
7 with the provisions of the Music Therapy Practice Act.

8 B. Nothing in the Music Therapy Practice Act shall be construed  
9 to prevent or restrict the practice, services or activities of:

10 1. Any person licensed, certified or regulated under the laws  
11 of this state in another profession or occupation, or personnel  
12 supervised by a licensed professional in this state from performing  
13 work, including the use of music, incidental to the practice of the  
14 person's profession or occupation, if that person does not represent  
15 himself or herself as a music therapist;

16 2. Any person enrolled in a course of study leading to a degree  
17 in music therapy from performing music therapy services incidental  
18 to the person's course work when supervised by a licensed  
19 professional, if the person is designated by a title which clearly  
20 indicates the person's status as a student;

21 3. Any person whose training and national certification attests  
22 to the individual's preparation and ability to practice the person's  
23 profession, if that person does not represent himself or herself as  
24 a music therapist; or

1           4. Any person employed by an agency, bureau or division of the  
2 federal government while in the discharge of official duties;  
3 provided, however, if such individual engages in the practice of  
4 music therapy outside the line of official duty, the individual must  
5 be licensed as herein provided.

6           SECTION 4.       NEW LAW       A new section of law to be codified  
7 in the Oklahoma Statutes as Section 889.3 of Title 59, unless there  
8 is created a duplication in numbering, reads as follows:

9           A. There is hereby established the Music Therapy Committee to  
10 advise the State Board of Medical Licensure and Supervision on all  
11 matters pertaining to the licensure, education and continuing  
12 education of licensed music therapists and the practice of music  
13 therapy.

14           B. 1. The Board shall appoint five (5) members to the Music  
15 Therapy Committee as follows:

16               a. three members shall, upon initial appointment, be  
17               qualified persons who have been actively practicing  
18               music therapy in this state for at least three (3)  
19               years; provided, their successors shall be licensed  
20               music therapists,

21               b. one member shall be a licensed health care provider  
22               who is not a music therapist, and

23               c. one member shall be a lay person.  
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1           2. The professional members of the Committee shall be appointed  
2 for staggered terms of one (1), two (2) and three (3) years,  
3 respectively. Terms of office of each appointed member shall expire  
4 July 1 of that year in which they expire regardless of the calendar  
5 date when such appointments were made. Subsequent appointments  
6 shall be made for a term of three (3) years or until successors are  
7 appointed and qualified.

8           a. The lay member and licensed health care provider  
9 member shall be initially appointed to fill these two  
10 new positions created pursuant to this act and shall  
11 be appointed for staggered terms of office which will  
12 expire July 1, 2019, and July 1, 2020. Thereafter,  
13 members appointed to these positions shall serve for  
14 terms of three (3) years or until successors are  
15 appointed and qualified.

16           b. Vacancies shall be filled by the Board in the same  
17 manner as the original appointment.

18           3. Members of the Committee shall serve without compensation.

19           C. The Committee shall have the power and duty to:

20           1. Meet at least twice a year or as otherwise called by the  
21 Board;

22           2. Advise the Board on all matters pertaining to the licensure,  
23 education and continuing education requirements for and practice of  
24 music therapy in this state;



1           3. Facilitate the development of materials that the Board may  
2 utilize to educate the public concerning music therapist licensure,  
3 the benefits of music therapy, and utilization of music therapy by  
4 individuals and in facilities or institutional settings;

5           4. Facilitate the statewide dissemination of information  
6 between music therapists, the American Music Therapy Association or  
7 any successor organization, the Certification Board for Music  
8 Therapists or any successor organization, and the Board;

9           5. Assist and advise the Board in all hearings involving music  
10 therapists who are deemed to be in violation of the Music Therapy  
11 Practice Act; and

12           6. Provide analysis of disciplinary actions taken, appeals and  
13 denials, or revocation of licenses at least once per year.

14           SECTION 5.       NEW LAW       A new section of law to be codified  
15 in the Oklahoma Statutes as Section 889.4 of Title 59, unless there  
16 is created a duplication in numbering, reads as follows:

17           The State Board of Medical Licensure and Supervision shall:

18           1. Appoint all members of the Committee. The Committee shall  
19 consist of persons familiar with the practice of music therapy to  
20 provide the Board with expertise and assistance in carrying out his  
21 or her duties pursuant to the Music Therapy Practice Act;

22           2. Consult with the Committee prior to setting or changing fees  
23 in this act; and

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1           3. Seek the advice of the Committee for issues related to music  
2 therapy.

3           SECTION 6.           NEW LAW           A new section of law to be codified  
4 in the Oklahoma Statutes as Section 889.5 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6           A. Except as otherwise provided by law, the Oklahoma State  
7 Board of Medical Licensure shall issue a license to an applicant for  
8 a music therapy license when such applicant has completed and  
9 submitted an application upon a form and in such manner as the Board  
10 prescribes, accompanied by applicable fees, and evidence  
11 satisfactory to the Board that the applicant:

12           1. Is at least eighteen (18) years of age;

13           2. Is of good moral character;

14           3. Holds a bachelor's degree or higher in music therapy, or its  
15 equivalent, from a program approved by the American Music Therapy  
16 Association or any successor organization within an accredited  
17 college or university;

18           4. Successfully completed a minimum of one thousand two hundred  
19 (1,200) hours of clinical training, with at least fifteen percent  
20 (15%) or one hundred eighty (180) hours in preinternship  
21 experiences, and at least seventy-five percent (75%) or nine hundred  
22 (900) hours in internship experiences. Internship programs may be  
23 approved by an academic institution, the American Music Therapy  
24 Association, or both;

1           5. Is in good standing based on a review of the applicant's  
2 music therapy licensure history in other jurisdictions, including a  
3 review of any alleged misconduct or neglect in the practice of music  
4 therapy on the part of the applicant; and

5           6. Passed the examination for board certification offered by  
6 the Certification Board for Music Therapists or any successor  
7 organization or is proof of being transitioned into board  
8 certification, and the applicant is currently a board-certified  
9 music therapist.

10          B. The Board shall issue a music therapy license to an  
11 applicant when such applicant has completed and submitted an  
12 application upon a form and in such manner as the Board prescribes,  
13 accompanied by applicable fees, and evidence satisfactory to the  
14 Board that the applicant is licensed and in good standing as a music  
15 therapist in another jurisdiction where the qualifications required  
16 are equal to or greater than those required in this act at the date  
17 of application.

18          C. The Board shall waive the examination requirement until  
19 January 1, 2020, for an applicant who is designated as a registered  
20 music therapist, certified music therapist or advanced certified  
21 music therapist and in good standing with the National Music Therapy  
22 Registry.

23          D. The State Board of Medical Licensure and Supervision may,  
24 upon notice and opportunity for a hearing, deny an application for

1 reinstatement of a license or reinstate the license with conditions.  
2 Conditions imposed may include a requirement for continuing  
3 education, practice under the supervision of a licensed music  
4 therapy specialist, or any other conditions deemed appropriate by  
5 the Board.

6 SECTION 7. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 889.6 of Title 59, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. Every license issued under the Music Therapy Practice Act  
10 shall be renewed biennially. A license shall be renewed upon  
11 payment of a renewal fee if the applicant is not in violation of any  
12 of the terms of the Music Therapy Practice Act at the time of  
13 application for renewal. Proof of maintenance of the applicant's  
14 status as a board-certified music therapist shall also be required  
15 for license renewal.

16 B. A licensee shall inform the Board of any changes to his or  
17 her address. Each licensee shall be responsible for timely renewal  
18 of his or her license.

19 C. Failure to renew a license shall result in forfeiture of the  
20 license. Licenses that have been forfeited may be restored within  
21 one (1) year of the expiration date upon payment of renewal and  
22 restoration fees. Failure to restore a forfeited license within one  
23 (1) year of the date of its expiration shall result in the automatic  
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1 termination of the license, and the Board may require the individual  
2 to reapply for licensure as a new applicant.

3 D. Upon written request of a licensee, the Board may place an  
4 active license on an inactive status subject to an inactive status  
5 license fee established by the Board. The licensee, upon request  
6 and payment of the inactive status license fee, may continue on  
7 inactive status for a period up to two (2) years. An inactive  
8 license may be reactivated at any time by making a written request  
9 to the Board and by fulfilling requirements established by the  
10 Board.

11 SECTION 8. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 889.7 of Title 59, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. A licensed professional music therapist may use the letters  
15 "LPMT" in connection with his or her name. Use of the letters "MT-  
16 BC" is contingent upon maintenance of national certification  
17 guidelines provided by the Certification Board for Music Therapists.

18 B. A person or business entity, its employees, agents or  
19 representatives shall not use in conjunction with that person's name  
20 or the activity of the business the words licensed music therapist,  
21 music therapy, music therapist, the letters MT or MT-BC, or any  
22 other words, abbreviations or insignia indicating or implying  
23 directly or indirectly that music therapy is provided or supplied,  
24 including the billing of services labeled as music therapy, unless

1 such services are provided under the direction of a licensed music  
2 therapist licensed pursuant to the Music Therapy Practice Act.

3 SECTION 9. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 889.8 of Title 59, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Consultation and evaluation by a licensed music therapist  
7 may be performed without a referral. Initiation of music therapy  
8 services to individuals with medically related conditions shall be  
9 based on a referral from any qualified health care professional who,  
10 within the scope of his or her professional license, is authorized  
11 to refer for health care services.

12 B. Prevention, wellness, education, adaptive, related and  
13 specialized instructional support and services shall not require a  
14 referral.

15 SECTION 10. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 889.9 of Title 59, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. No person shall coerce a licensed music therapist into  
19 compromising client safety by requiring the licensed therapist to  
20 delegate activities or tasks if the licensed music therapist  
21 determines that it is inappropriate to do so.

22 B. A licensed music therapist shall not be subject to  
23 disciplinary action by the State Board of Medical Licensure and  
24 Supervision for refusing to delegate activities or tasks or refusing

1 to provide the required training for delegation, if the licensed  
2 music therapist determines that the delegation may compromise client  
3 safety.

4 SECTION 11. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 889.10 of Title 59, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. No person shall advertise, in any manner, or otherwise  
8 represent himself or herself as a licensed music therapist or as a  
9 provider of music therapy services unless the person is licensed  
10 pursuant to the provisions of the Music Therapy Practice Act.

11 B. It shall be a misdemeanor for a person to violate any  
12 provision of the Music Therapy Practice Act and, upon conviction,  
13 such person shall be subject to one or more of the following actions  
14 which may be taken by the Board in consultation with the Music  
15 Therapy Committee:

- 16 1. Revocation of license;
- 17 2. Suspension of license not to exceed six (6) months from the  
18 date of hearing; or
- 19 3. Invocation of restrictions in the form of probation as  
20 defined by the State Board of Medical Licensure and Supervision.

21 SECTION 12. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 889.11 of Title 59, unless there  
23 is created a duplication in numbering, reads as follows:

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1           A. The Oklahoma State Board of Medical Licensure and  
2 Supervision may refuse to issue or renew, or may suspend or revoke a  
3 license to any person, after notice and hearing in accordance with  
4 rules promulgated pursuant to the Music Therapy Practice Act and the  
5 provisions of the Administrative Procedures Act who has:

6           1. Treated or attempted to treat ailments or other health  
7 conditions of human beings other than by music therapy as authorized  
8 by the Music Therapy Practice Act;

9           2. Failed to refer patients to other health care providers if  
10 symptoms are known to be present for which music therapy treatment  
11 is inadvisable or if symptoms indicate conditions for which  
12 treatment is outside the Scope of Music Therapy Practice as  
13 specified by the American Music Therapy Association and the  
14 Certification Board for Music Therapists;

15           3. Used drugs, narcotics, medication or intoxicating liquors to  
16 an extent which affects the professional competency of the applicant  
17 or licensee;

18           4. Been convicted of a felony crime that substantially relates  
19 to the occupation of music therapy or poses a reasonable threat to  
20 public safety or of a misdemeanor crime involving moral turpitude;

21           5. Obtained or attempted to obtain a license as a music  
22 therapist by fraud or deception;

23           6. Been grossly negligent in the practice of music therapy;  
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1           7. Been adjudged mentally incompetent by a court of competent  
2 jurisdiction and has not subsequently been lawfully declared sane;

3           8. Been guilty of conduct unbecoming a person licensed as a  
4 music therapist or guilty of conduct detrimental to the best  
5 interests of the public or the profession;

6           9. Been guilty of any act in conflict with the ethics of the  
7 profession of music therapy; or

8           10. Had a license suspended or revoked in another state.

9           B. As used in this section:

10           1. "Substantially relates" means the nature of criminal conduct  
11 for which the person was convicted has a direct bearing on the  
12 fitness or ability to perform one or more of the duties or  
13 responsibilities necessarily related to the occupation; and

14           2. "Poses a reasonable threat" means the nature of criminal  
15 conduct for which the person was convicted involved an act or threat  
16 of harm against another and has a bearing on the fitness or ability  
17 to serve the public or work with others in the occupation.

18           SECTION 13.       NEW LAW       A new section of law to be codified  
19 in the Oklahoma Statutes as Section 889.12 of Title 59, unless there  
20 is created a duplication in numbering, reads as follows:

21           The Oklahoma State Board of Medical Licensure and Supervision  
22 shall prescribe and publish, in the manner established by its rules  
23 and regulations, fees in the amounts determined by the Board, but  
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1 not exceeding the following maximum amounts, unless cost  
2 justification is present:

3 Music Therapist License  
4 and renewal thereof .....\$50.00

5 SECTION 14. This act shall become effective November 1, 2016.

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7 55-2-9040 AM 02/11/16  
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