

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2820

6 By: Denney

7 COMMITTEE SUBSTITUTE

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 55-2-9360 JM 02/25/16
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