
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1438 Session of
2015

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McNEILL, DEASY, HELM AND DERMODY, JULY 6, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE, JULY 6, 2015

AN ACT

1 Providing for the licensure of professional music therapists;
2 establishing the State Board of Professional Music Therapy
3 Licensing; providing for its powers and duties; and
4 establishing the Professional Music Therapy Licensing Fund.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 CHAPTER 1

8 PRELIMINARY PROVISIONS

9 Section 101. Short title.

10 This act shall be known and may be cited as the Professional
11 Music Therapist Licensure Act.

12 Section 102. Definitions.

13 The following words and phrases when used in this act shall
14 have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 "Board." The State Board of Professional Music Therapy
17 Licensing established by this act.

18 "Board-certified music therapist." An individual who:

1 (1) has completed the education and clinical training
2 requirements established by the American Music Therapy
3 Association;

4 (2) has passed the Certification Board for Music
5 Therapists certification examination or transitioned into
6 board certification; and

7 (3) remains actively certified by the Certification
8 Board for Music Therapists.

9 "Department." The Department of State of the Commonwealth.

10 "Health care provider." An individual who is a health care
11 practitioner as defined under section 2 of the act of December
12 20, 1985 (P.L.457, No.112), known as the Medical Practice Act of
13 1985, and who does not practice music therapy.

14 "Licensed professional music therapist." A person licensed
15 by this act to practice music therapy in this Commonwealth.

16 "Music therapy." The clinical and evidence-based use of
17 music interventions to accomplish individualized goals within a
18 therapeutic relationship through an individualized music therapy
19 treatment plan for a client or group of clients, which plan
20 identifies the goals, objectives and potential strategies of the
21 music therapy services appropriate for the client or group of
22 clients using music therapy interventions, including, but not
23 limited to, music improvisation, receptive music listening, song
24 writing, lyric discussion, music and imagery, music performance,
25 learning through music and movement to music. The term does not
26 include the diagnosis of any physical, mental or communication
27 disorder. The term includes:

28 (1) Accepting referrals for music therapy services from
29 medical, developmental, mental health or education
30 professionals; family members; clients; or caregivers,

1 provided that prior to providing music therapy services to a
2 client for a medical, developmental or mental health
3 condition, the licensee collaborates, as applicable, with the
4 client's physician, psychologist or mental health
5 professional to review the client's diagnosis, treatment
6 needs and treatment plan and, during the provision of music
7 therapy services to a client, the licensee collaborates, as
8 applicable, with the client's treatment team.

9 (2) Conducting a music therapy assessment of a client to
10 collect systematic, comprehensive and accurate information
11 necessary to determine the appropriate type of music therapy
12 services to provide for the client.

13 (3) Developing an individualized music therapy treatment
14 plan for a client.

15 (4) Carrying out an individualized music therapy
16 treatment plan that is consistent with any other medical,
17 developmental, mental health or educational services being
18 provided to a client.

19 (5) Evaluating a client's response to music therapy and
20 the individualized music therapy treatment plan and
21 suggesting modifications, as appropriate.

22 (6) Developing a plan for determining when the provision
23 of music therapy services is no longer needed in
24 collaboration with a client, a physician or other provider of
25 health care or education of a client, an appropriate member
26 of the family of a client and any other appropriate person
27 upon whom a client relies for support.

28 (7) Minimizing any barriers so that a client may receive
29 music therapy services in the least restrictive environment.

30 (8) Collaborating with and educating a client and the

1 family or caregiver of the client or any other appropriate
2 person about the needs of the client that are being addressed
3 in music therapy and the manner in which the music therapy
4 addresses those needs.

5 CHAPTER 3

6 STATE BOARD OF PROFESSIONAL

7 MUSIC THERAPY LICENSING

8 Section 301. License.

9 (a) Music therapy.--A person may not practice music therapy
10 in this Commonwealth unless the person is licensed by the board
11 under this act.

12 (b) Applicability.--This act does not apply to any of the
13 following:

14 (1) A person licensed, certified or regulated under the
15 laws of this Commonwealth in another profession or
16 occupation, or personnel supervised by a licensed
17 professional in this Commonwealth performing work, including
18 the use of music, incidental to the practice of his licensed,
19 certified or regulated profession or occupation, if the
20 person does not represent himself as a licensed professional
21 music therapist.

22 (2) A person whose training and national certification
23 attests to the person's preparation and ability to practice
24 his certified profession or occupation, if the person does
25 not represent himself as a licensed professional music
26 therapist.

27 (3) The practice of music therapy as an integral part of
28 a program of study for a student enrolled in an accredited
29 music therapy program, if the student does not represent
30 himself as a licensed professional music therapist.

1 (4) A person who practices music therapy under the
2 supervision of a licensed professional music therapist, if
3 the person does not represent himself as a licensed
4 professional music therapist.

5 Section 302. Powers and duties of board.

6 (a) Establishment.--The State Board of Professional Music
7 Therapy Licensing is established within the department.

8 (b) Organization.--The board shall consist of the following:

9 (1) The Commissioner of Professional and Occupational
10 Affairs or a designee who is an employee of the Bureau of
11 Professional and Occupational Affairs.

12 (2) Two members who have a postsecondary degree in music
13 therapy from an accredited college or university recognized
14 by the Commonwealth and who are licensed by the board under
15 this act.

16 (3) One member representing health care providers.

17 (4) One public member.

18 (c) Meetings.--The board shall meet within 30 days after
19 confirmation of all the members and shall:

20 (1) Establish procedures to operate the board.

21 (2) Develop applications and other forms for licensure
22 and enforcement of this act.

23 (3) Promulgate regulations, as necessary, to implement
24 and enforce this act.

25 (d) Appointment and qualifications.--Each professional and
26 public member shall be appointed by the Governor with the advice
27 and consent of a majority of the Senate. Each member must comply
28 with all of the following:

29 (1) Be a citizen of the United States and a resident of
30 this Commonwealth.

1 (2) Not hold any other public office during the term on
2 the board.

3 (e) Terms.--

4 (1) The member under subsection (b)(1) shall serve as an
5 ex officio member.

6 (2) The members under subsection (b)(2), (3) and (4)
7 shall have terms as follows:

8 (i) Initial appointments shall be as follows:

9 (A) The members under subsection (b)(2) shall
10 serve for a term of four years.

11 (B) The member under subsection (b)(3) shall
12 serve for a term of three years.

13 (C) The member under subsection (b)(4) shall
14 serve for a term of two years.

15 (ii) Each subsequent term shall be for four years or
16 until a successor has been appointed and qualified, which
17 may not be longer than six months beyond the four-year
18 period.

19 (iii) A member may not serve more than two
20 consecutive terms.

21 (f) Quorum.--A majority of members of the board shall
22 constitute a quorum. A member may be in attendance at a meeting
23 by telephonic or teleconferencing means.

24 (g) Chairperson.--The board shall annually select a
25 chairperson from the members of the board.

26 (h) Expenses.--With the exception of ex officio members,
27 each member of the board may receive the amount of reasonable
28 travel, lodging and other necessary expenses incurred in the
29 performance of the member's duties in accordance with
30 regulations, rules or policies of the Executive Board.

1 (i) Forfeiture.--A member who fails to attend three
2 consecutive meetings shall forfeit the member's seat unless the
3 chairman, upon written request from the member, finds that the
4 member should be excused because of illness or death of a family
5 member.

6 (j) Meetings.--The board shall meet at least two times a
7 year and may meet at additional times as necessary to conduct
8 the business of the board.

9 Section 303. Duties of board.

10 (a) General rule.--The board shall have the following powers
11 and duties:

12 (1) To provide for and regulate the licensing of
13 licensed professional music therapists in this Commonwealth.

14 (2) To issue, deny, renew, reinstate or refuse to renew,
15 suspend and revoke licenses in accordance with this act.

16 (3) To implement, administer and enforce the provisions
17 of this act.

18 (4) To promulgate and enforce regulations to implement,
19 administer and enforce this act.

20 (5) To waive an applicant's licensure examination and
21 provide for a probationary period not to exceed one year, if
22 the applicants meet the requirements provided in section 501.

23 (6) To place an active license on an inactive status
24 which shall be subject to an inactive status fee provided in
25 section 501(f).

26 (7) To investigate and conduct background checks for
27 each application for a license to determine the fitness and
28 eligibility of a person applying for a license.

29 (8) To establish fees for application and renewal of
30 licenses and the due dates for all fees.

1 (9) To keep minutes and records of each transaction and
2 proceeding.

3 (10) To submit annually to the department an estimate of
4 financial requirements of the board, including
5 administrative, legal and other expenses.

6 (11) To submit an annual report to the Secretary of the
7 Senate and the Chief Clerk of the House of Representatives.

8 (b) Materials.--The board may facilitate the development of
9 materials that the director may utilize to educate the public
10 concerning professional music therapist licensure, the benefits
11 of music therapy and utilization of music therapy by individuals
12 and in facilities or institutional settings.

13 (c) Facilitator.--The board may act as a facilitator of
14 Statewide dissemination of information between licensed
15 professional music therapists, the American Music Therapy
16 Association or any successor organization, the Certification
17 Board for Music Therapists or any successor organization and the
18 director.

19 Section 304. Hearing examiners.

20 (a) Appointment.--The Commissioner of Professional and
21 Occupational Affairs, after consultation with the board, shall
22 appoint hearing examiners as necessary to conduct hearings in
23 disciplinary matters before the board.

24 (b) Regulation.--Regulations promulgated by the board shall
25 include the procedural rules to be followed by hearing examiners
26 under this act. Each proceeding shall be conducted in accordance
27 with 2 Pa.C.S. (relating to administrative law and procedure).

28 (c) Powers.--A hearing examiner shall have the following
29 powers:

30 (1) To conduct hearings.

- 1 (2) To issue subpoenas requiring:
- 2 (i) The attendance and testimony of individuals.
- 3 (ii) The production of pertinent records or other
- 4 papers by persons whom the examiner believes have
- 5 information relevant to matters pending before the
- 6 examiner.
- 7 (3) To issue decisions.

8 Section 305. Civil penalties.

9 (a) Authorization.--The board shall adopt a schedule of

10 civil penalties for operating without a current, registered,

11 unsuspended or unrevoked license for violations of this act. The

12 schedule shall be published as a notice in the Pennsylvania

13 Bulletin.

14 (b) Imposition.--An agent of the board may issue citations

15 and impose penalties for a violation of this chapter. A penalty

16 may be appealed to a hearing examiner or the board pursuant to

17 regulations promulgated by the board. If the matter is initially

18 referred to a hearing examiner, the board shall render a

19 decision on an exception to the decision of the hearing examiner

20 or on an application for review under 2 Pa.C.S. (relating to

21 administrative law and procedure).

22 (c) Board sanction.--

23 (1) In addition to any other penalty authorized by law,

24 the board may impose the following sanctions:

25 (i) Revocation or suspension of the license of a

26 person for willfully and knowingly violating or

27 attempting to violate an order of the board directed to

28 the person or to violate any provisions of this act.

29 (ii) Ineligibility for licensure, including, but not

30 limited to, falsification of information submitted for

1 licensure or failure to maintain status as a licensed
2 professional music therapist.

3 (iii) Failure to pay fees required by this act when
4 due.

5 (iv) Failure to provide requested information in a
6 timely manner.

7 (v) Conviction of an offense graded as a felony.

8 (vi) Conviction of an offense that reflects an
9 inability to practice music therapy with due regard for
10 the health and safety of clients and patients or with due
11 regard for the truth in filing claims with Medicare,
12 Medicaid or a third-party payor.

13 (vii) Inability or failure to practice music therapy
14 with reasonable skill and consistent with the welfare of
15 clients and patients, including, but not limited to,
16 negligence in the practice of music therapy,
17 intoxication, incapacity and abuse of or engaging in
18 sexual contact with a client or patient.

19 (viii) Disciplinary action by another jurisdiction.

20 (d) Investigation.--The board may conduct investigations
21 into allegations of conduct described under this section.

22 (e) Forms of sanctions.--The board may impose one or more of
23 the following sanctions for a violation of this act:

24 (1) suspension;

25 (2) revocation;

26 (3) denial;

27 (4) refusal to renew a license;

28 (5) probation with conditions;

29 (6) reprimand; or

30 (7) a fine of not less than \$100 nor more than \$1,000

1 for each violation.

2 (f) Written notice.--

3 (1) If the board refuses to issue or renew a license or
4 imposes a penalty under this section, the board shall provide
5 the applicant or licensee with written notification of the
6 decision, including a statement of the reasons for the
7 decision by certified mail within five business days of the
8 decision of the board.

9 (2) The applicant or licensee shall have the right to
10 appeal the decision in accordance with 2 Pa.C.S. Chs. 5
11 (relating to practice and procedure) and 7 (relating to
12 judicial review).

13 (g) Additional powers.--

14 (1) In addition to the penalties authorized under
15 subsections (a), (b) and (c), the board may assess against a
16 respondent determined to be in violation of this act the
17 costs of investigation underlying the disciplinary action.

18 (2) The cost of investigation shall not include costs
19 incurred by the board after the filing of formal actions or
20 disciplinary charges against a respondent.

21 (h) Judgment.--

22 (1) A civil penalty or sanction imposed under this
23 section shall be a judgment in favor of the board and against
24 the person or property of the person upon whom the sanction
25 or civil penalty is imposed.

26 (2) The Attorney General shall enforce the judgments in
27 courts of competent jurisdiction in accordance with the
28 provisions of 42 Pa.C.S. (relating to judiciary and judicial
29 procedure).

30 Section 306. Financing.

1 (a) Setting of fees.--

2 (1) Beginning two years after the effective date of this
3 section, the fees required by this act shall be fixed by
4 regulation of the board.

5 (2) If revenue raised by fees, fines and civil penalties
6 imposed under this act are not sufficient to meet
7 expenditures over a two-year period, the board shall increase
8 the fees by regulation so that the projected revenues will
9 meet or exceed projected expenditures.

10 (b) Renewal fees.--Beginning two years after the effective
11 date of this section, renewal fees shall be deposited into the
12 fund.

13 (c) Inadequate fees.--If the Bureau of Professional and
14 Occupational Affairs determines that the fees established by the
15 board under subsection (a) are inadequate to meet the minimum
16 enforcement efforts required by this act, then the board shall
17 increase the fees by regulation in an amount that does not
18 exceed the required enforcement effort expenses.

19 (d) Disposition.--Fees, fines and civil penalties imposed
20 and collected under this act shall be for the exclusive use of
21 the board in carrying out this act and shall be annually
22 appropriated from the fund for that purpose.

23 (e) Charging of fees.--The board may charge a reasonable
24 fee, as set by the board by regulation, for all examinations,
25 enforcement, licensures or applications permitted by this act or
26 regulation promulgated under this act.

27 (f) Civil penalties.--Civil penalties collected under this
28 act shall be deposited into the fund.

29 (g) Reports to department.--The board shall submit annually
30 to the department an estimate of the financial requirements of

1 the board for its administrative, investigative, legal and
2 miscellaneous expenses.

3 (h) Reports to Appropriations Committee of the Senate and
4 Appropriations Committee of the House of Representatives.--The
5 board shall submit annually to the Appropriations Committee of
6 the Senate and the Appropriations Committee of the House of
7 Representatives, 15 days after the Governor has submitted his
8 budget to the General Assembly, a copy of the budget request for
9 the upcoming fiscal year which the board previously submitted to
10 the department.

11 (i) Reports to other legislative committees.--The board
12 shall submit annually a report to the Consumer Protection and
13 Professional Licensure Committee of the Senate and to the
14 Professional Licensure Committee of the House of Representatives
15 containing a description of the types of complaints received,
16 status of cases, board action which has been taken and the
17 length of time from the initial complaint to final board
18 resolution. The report shall also include a statement of the
19 number of licenses granted.

20 Section 307. Professional Music Therapy Licensing Fund.

21 The Professional Music Therapy Licensing Fund is established
22 in the State Treasury. The fund shall consist of the fees and
23 penalties collected under this act.

24 CHAPTER 5

25 LICENSING

26 Section 501. Music therapists.

27 (a) General rule.--No person without a license issued under
28 this act as a licensed professional music therapist may use the
29 title "music therapist" or similar title or practice music
30 therapy.

1 (b) Licensing.--The board shall license music therapists to
2 practice music therapy in this Commonwealth. The licensing
3 period shall be biennial, ending on December 31 every odd-
4 numbered year. The initial license fee shall be prorated
5 quarterly based upon the time period remaining in the two-year
6 cycle at application. The board may also issue temporary
7 licenses.

8 (c) Imposition of fees.--

9 (1) At the time of license issuance, the board shall
10 impose a licensing fee in the amount of \$100.

11 (2) The board shall impose a biennial \$50 renewal fee
12 following the second year the license was issued.

13 (3) Renewal fees shall thereafter be subject to
14 adjustment under section 306(b).

15 (4) The temporary license fee shall be in the amount of
16 \$100. The cost of the temporary license fee shall be applied
17 toward the initial license fee upon receipt of application
18 for the initial license.

19 (5) The board shall impose a verification of licensure
20 fee in the amount of \$10.

21 (6) An additional late filing fee shall be charged on
22 renewal applications not received by December 31 every odd-
23 numbered year. The late filing fee shall be \$75.

24 (7) The duplicate license fee for a license certificate
25 shall be \$25. The duplicate license fee for a license wallet
26 card shall be \$20.

27 (d) Term.--Upon payment of the fee under subsection (c), a
28 license shall be in effect unless suspended, revoked or not
29 renewed by the board for good cause.

30 (e) Renewal.--

1 (1) A license shall be renewed upon payment of a renewal
2 fee if the applicant is not in violation of any of the terms
3 of this act at the time of application for renewal. The
4 following shall also be required for license renewal:

5 (i) Proof of maintenance of the applicant's status
6 as a board-certified licensed professional music
7 therapist.

8 (ii) Proof of completion of a minimum of 40 hours of
9 continuing education in a program approved by the
10 Certification Board of Music Therapists or any successor
11 organization and any other continuing education
12 requirements established by the board.

13 (iii) Timely renewal of the license by the licensee.

14 (2) Failure to renew a license shall result in
15 forfeiture of the license.

16 (3) A license that has been forfeited under paragraph
17 (2) may be restored within one year of the expiration date
18 upon payment of renewal and restoration fees.

19 (4) Failure to restore a forfeited license within one
20 year of the date of expiration shall result in the automatic
21 termination of the license, and the board may require the
22 individual to reapply for licensure as a new applicant.

23 (f) Inactive status fee.--

24 (1) Upon written request of a licensee, the board may
25 place an active license on an inactive status subject to an
26 inactive status fee of \$75. A person who is placed on
27 inactive status may not practice music therapy.

28 (2) The licensee, upon request and payment of the
29 inactive license fee, may continue on inactive status for a
30 period of up to one year.

1 (3) An inactive license may be reactivated at any time
2 by making a written request to the board and by fulfilling
3 requirements established by the board.

4 (g) Update.--A licensee under this section must notify the
5 board of a change relating to the status of its license or other
6 information contained in its application and other information
7 filed with the board.

8 (h) Deposit.--The licensure and renewal fees under
9 subsection (c) and the inactive status fee under subsection (f)
10 shall be deposited into the fund.

11 (i) Qualifications.--The board shall issue to an applicant a
12 professional music therapy license if the applicant has
13 completed and submitted an application upon a form and in such
14 manner as the board prescribes, accompanied by applicable fees
15 and evidence satisfactory to the board that:

16 (1) The applicant is at least 18 years of age.

17 (2) The applicant holds a bachelor's degree or higher in
18 music therapy, or its equivalent, from a program approved by
19 the American Music Therapy Association or any successor
20 organization within an accredited college or university.

21 (3) The applicant successfully completes a minimum of
22 1,200 hours of clinical training, with at least 180 hours in
23 pre-internship experiences and at least 900 hours in
24 internship experiences, provided that the internship is
25 approved by an academic institution, the American Music
26 Therapy Association or any successor organization, or both.

27 (4) The applicant is in good standing based on a review
28 of the applicant's professional music therapy licensure
29 history in other jurisdictions, including a review of any
30 alleged misconduct or neglect in the practice of music

1 therapy on the part of the applicant.

2 (5) The applicant provides proof of passing the
3 examination for board certification offered by the
4 Certification Board for Music Therapists or any successor
5 organization or of being transitioned into board
6 certification and provides proof that the applicant is
7 currently a licensed professional music therapist.

8 (j) Reciprocity.--The board may issue a license to an
9 applicant for a professional music therapy license if the
10 applicant has completed and submitted an application upon a form
11 and in such manner as the board prescribes, accompanied by
12 applicable fees, and evidence satisfactory to the board that the
13 applicant is licensed and in good standing as a licensed
14 professional music therapist in another jurisdiction where the
15 qualifications required are equal to or greater than those
16 required in this act at the date of application.

17 (k) Waiver of examination.--The board may waive the
18 examination requirement and provide for a probationary period
19 for an applicant for one year if the person:

20 (1) Has a bachelor's degree or higher in music therapy
21 from an accredited college or university recognized by the
22 Commonwealth and is designated as a registered music
23 therapist, certified music therapist or advanced certified
24 music therapist and in good standing with the National Music
25 Therapy Registry.

26 (2) Successfully completes a minimum of 1,200 hours of
27 clinical training, with at least 180 hours in pre-internship
28 experiences and at least 900 hours in internship experiences,
29 provided that the internship is approved by an academic
30 institution, the American Music Therapy Association or any

1 successor organization, or both.

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

7 (4) Provides proof of passing the examination for board
8 certification offered by the Certification Board for Music
9 Therapists or any successor organization or of being
10 transitioned into board certification and provides proof that
11 the applicant is currently a licensed professional music
12 therapist.

13 CHAPTER 7

14 MISCELLANEOUS PROVISIONS

15 Section 701. (Reserved).

16 Section 702. Effective date.

17 This act shall take effect in 60 days.