

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2749 _____
_____ Of the printed Bill
Page _____ Section _____ Lines _____
_____ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Lee Denney

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2749

By: Denney

7 PROPOSED 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 powers and
17 duties of Board in implementing Music Therapy
18 Practice Act; providing eligibility for licensure as
19 music 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; providing
that certain individuals may receive license without
examination by Board; 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.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 1921 of Title 59 unless there is
4 created a duplication in numbering, reads as follows:

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

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1921.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 In order to safeguard the public health, safety and welfare, to
11 protect the public from being misled by incompetent and unauthorized
12 persons, to assure the highest degree of professional conduct on the
13 part of music therapists and to assure the availability of music
14 therapy services of high quality to persons in need of such
15 services, it is the purpose of the Music Therapy Practice Act to
16 provide for the regulation of persons offering music therapy
17 services to the public.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1921.2 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 As used in the Music Therapy Practice Act:

22 1. "Licensed music therapist" means a person licensed to
23 practice music therapy in the State of Oklahoma;

24

1 2. a. "Music therapy" means the clinical and evidence-based
2 use of music interventions to accomplish
3 individualized goals within a therapeutic relationship
4 by a credentialed professional who has completed an
5 approved music therapy program. For purposes of
6 accomplishing music therapy goals, music therapy may
7 include:

8 (1) the assessment of a client's emotional and
9 physical health, social functioning,
10 communication abilities, and cognitive skills
11 through the client's history and the observation
12 and interaction of the client in music and
13 nonmusic settings,

14 (2) the development and implementation of treatment
15 plans, based on a client's assessed needs, using
16 music interventions including music
17 improvisation, receptive music listening, song
18 writing, lyric discussion, music and imagery,
19 music performance, learning through music, and
20 movement to music, and

21 (3) the evaluation and documentation of the client's
22 response to treatment.

1 b. For purposes of accomplishing music therapy goals,
2 music therapy services include, but are not limited
3 to:

4 (1) conducting an individualized assessment for the
5 purpose of collecting systematic, comprehensive,
6 and accurate data necessary to determine the
7 course of action and subsequent individualized
8 treatment plan,

9 (2) planning and developing the individualized music
10 therapy treatment plan that identifies an
11 individual's goals, objectives, and potential
12 treatment intervention strategies,

13 (3) implementing the individualized music therapy
14 treatment plan that is consistent with the
15 individual's overall treatment program,

16 (4) systematically evaluating and comparing the
17 individual's response to the individualized music
18 therapy treatment plan and suggesting
19 modifications as appropriate,

20 (5) developing a discharge plan in collaboration with
21 the individual, the individual's family,
22 treatment team, and other identified support
23 networks where appropriate,
24

1 (6) minimizing the impact of environmental
2 constraints as a barrier to participation in
3 least restrictive environments for individuals
4 engaging in music therapy,

5 (7) collaborating with and educating the individual,
6 family, caregiver, and others to foster an
7 environment that is responsive to the
8 developmental needs of the individual as
9 addressed in music therapy, and

10 (8) consulting with groups, programs, organizations,
11 or communities to improve accessibility to music
12 therapy services;

13 3. "Board" means the State Board of Medical Licensure and
14 Supervision; and

15 4. "Committee" means the Music Therapy Committee.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1921.3 of Title 59 unless there
18 is created a duplication in numbering, reads as follows:

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

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

1 1. Any person of other licensed professions or personnel
2 supervised by licensed professions in this state from performing
3 work incidental to the practice of the person's profession or
4 occupation, if that person does not represent himself or herself as
5 a licensed music therapist;

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

11 3. Any person whose training and national certification attests
12 to the individual's preparation and ability to practice the person's
13 profession, if that person does not represent himself or herself as
14 a licensed music therapist; and

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

20 SECTION 5. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1921.4 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 A. There is hereby established the Music Therapy Committee to
24 assist the State Board of Medical Licensure and Supervision in

1 conducting examinations for applicants and to advise the Board on
2 all matters pertaining to the licensure, education, and continuing
3 education of licensed music therapists and the practice of music
4 therapy.

5 B. 1. The Music Therapy Committee shall consist of five (5)
6 members who shall be appointed by the Board as follows:

7 a. three members shall, upon initial appointment, be
8 qualified persons who have been actively practicing
9 music therapy in this state for at least three (3)
10 years; provided, their successors shall be licensed
11 music therapists, and

12 b. two members shall be lay persons.

13 2. The professional members of the Committee shall be appointed
14 for staggered terms of one (1), two (2) and three (3) years,
15 respectively. Terms of office of each appointed member shall expire
16 July 1 of that year in which they expire regardless of the calendar
17 date when such appointments were made. Subsequent appointments
18 shall be made for a term of three (3) years or until successors are
19 appointed and qualified.

20 a. The lay members shall be appointed for staggered terms
21 of office which will expire July 1, 2011, and July 1,
22 2012. Thereafter, members appointed to these
23 positions shall serve for terms of three (3) years or
24 until successors are appointed and qualified.

1 b. Vacancies shall be filled by the Board in the same
2 manner as the original appointment.

3 3. Members of the Committee shall be reimbursed for all actual
4 and necessary expenses incurred in the performance of duties
5 required by the Music Therapy Practice Act in accordance with the
6 provisions of the State Travel Reimbursement Act.

7 4. The Committee shall meet at least quarterly. At the initial
8 meeting of the Committee, members shall elect a chair. The chair
9 shall represent the Committee at all meetings of the Board. Three
10 members of the Committee shall constitute a quorum for the purpose
11 of conducting official business of the Committee.

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

13 1. Advise the Board on all matters pertaining to the licensure,
14 education, and continuing education requirements for and practice of
15 music therapy in this state; and

16 2. Assist and advise the Board in all hearings involving music
17 therapists who are deemed to be in violation of the Music Therapy
18 Practice Act.

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1921.5 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 The State Board of Medical Licensure and Supervision shall have
23 the power and duty to:

- 1 1. Promulgate the rules and regulations necessary for the
2 performance of its duties pursuant to the provisions of the Music
3 Therapy Practice Act, including the requirements for licensure,
4 standards for training, standards for institutions for training and
5 standards of practice after licensure, including power of revocation
6 of a license;
- 7 2. Determine, as recommended by the Music Therapy Committee,
8 the qualifications of applicants for licensure and determine which
9 applicants successfully passed such examinations;
- 10 3. Determine necessary fees to carry out the provisions of the
11 Music Therapy Practice Act;
- 12 4. Make such investigations and inspections as are necessary to
13 ensure compliance with the Music Therapy Practice Act and the rules
14 and regulations of the Board promulgated pursuant to this act;
- 15 5. Conduct hearings as required by the provisions of the
16 Administrative Procedures Act;
- 17 6. Report to the district attorney having jurisdiction or the
18 Attorney General any act committed by any person which may
19 constitute a misdemeanor pursuant to the provisions of the Music
20 Therapy Practice Act;
- 21 7. Initiate prosecution and civil proceedings;
- 22 8. Suspend, revoke or deny the license of any music therapist
23 for violation of any provisions of the Music Therapy Practice Act or
24

1 rules and regulations promulgated by the Board pursuant to the Music
2 Therapy Practices Act;

3 9. Maintain a record listing the name of each licensed music
4 therapist licensed in this state;

5 10. Compile a list of licensed music therapists licensed to
6 practice in this state. The list shall be available to any person
7 upon application to the Board and the payment of such fee as
8 determined by the Board for the reasonable expense thereof pursuant
9 to the provisions of the Music Therapy Practice Act; and

10 11. Make such expenditures and employ such personnel as it may
11 deem necessary for the administration of the provisions of the Music
12 Therapy Practice Act.

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1921.6 Title 59, unless there is
15 created a duplication in numbering, reads as follows:

16 A. To be eligible for licensure as a music therapist pursuant
17 to the provisions of the Music Therapy Practice Act an applicant
18 shall:

19 1. Be at least eighteen (18) years of age;

20 2. Be of good moral character;

21 3. Have successfully completed an academic program approved by
22 the American Music Therapy Association (AMTA) with a baccalaureate
23 degree or higher from an accredited college or university with a
24 major in music therapy;

1 4. Have successfully completed a minimum of one thousand two
2 hundred (1,200) hours of clinical training, with at least fifteen
3 percent (15%) or one hundred eighty (180) hours in preinternship
4 experiences, and at least seventy-five percent (75%) or nine hundred
5 (900) hours in internship experiences. Internship programs may be
6 approved by an academic institution, the American Music Therapy
7 Association, or both; and

8 5. Have successfully completed the board certification exam
9 offered by the Certification Board for Music Therapists.

10 B. The State Board of Medical Licensure and Supervision may,
11 upon notice and opportunity for a hearing, deny an application for
12 reinstatement of a license or reinstate the license with conditions.
13 Conditions imposed may include a requirement for continuing
14 education, practice under the supervision of a licensed music
15 therapy specialist, or any other conditions deemed appropriate by
16 the Board.

17 C. Notwithstanding subsection A of this section, the Board may
18 grant initial licenses to licensed music therapists who are
19 certified by the Certification Board for Music Therapists prior to
20 July 1, 2010, and who hold an active MT-BC credential.

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 1921.7 of Title 59, unless there
23 is created a duplication in numbering, reads as follows:

1 A. Initial licenses and renewals shall be valid for five (5)
2 years.

3 B. Persons licensed as licensed music therapists are eligible
4 for renewal of their licenses if they:

5 1. Have completed a minimum of one hundred (100) hours of music
6 therapy service; and

7 2. Have met continuing competency requirements by completing a
8 minimum of one hundred (100) hours of Continuing Music Therapy
9 Education (CMTE) programs as approved by the Certification Board of
10 Music Therapists and other requirements established by rule of the
11 State Board of Medical Licensure and Supervision.

12 SECTION 9. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1921.8 of Title 59, unless there
14 is created a duplication in numbering, reads as follows:

15 A. A licensed music therapist may use the letters MT-BC/L
16 (Music Therapist - Board Certified/Licensed) in connection with his
17 or her name. MT-BC is contingent upon maintenance of national
18 certification guidelines provided by the Certification Board for
19 Music Therapists.

20 B. A person or business entity, its employees, agents, or
21 representatives shall not use in conjunction with that person's name
22 or the activity of the business the words licensed music therapist,
23 music therapy, music therapist, the letters MT, or MT-BC, or any
24 other words, abbreviations or insignia indicating or implying

1 directly or indirectly that music therapy is provided or supplied,
2 including the billing of services labeled as music therapy, unless
3 such services are provided under the direction of a licensed music
4 therapist licensed pursuant to the Music Therapy Practice Act.

5 SECTION 10. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1921.9 of Title 59, unless there
7 is created a duplication in numbering, reads as follows:

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

14 B. Prevention, wellness, education, adaptive and related
15 services shall not require a referral.

16 SECTION 11. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1921.10 of Title 59, unless
18 there is created a duplication in numbering, reads as follows:

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

23 B. A licensed music therapist shall not be subject to
24 disciplinary action by the State Board of Medical Licensure and

1 Supervision for refusing to delegate activities or tasks or refusing
2 to provide the required training for delegation, if the licensed
3 music therapist determines that the delegation may compromise client
4 safety.

5 SECTION 12. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1921.11 of Title 59, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Upon payment to the State Board of Medical Licensure and
9 Supervision of a fee as provided by the Music Therapy Practice Act
10 and submission of a written application on forms provided by the
11 Board, the Board may issue a license without examination to any
12 person who is licensed or otherwise certified as a Music Therapist -
13 Board Certified (MT-BC) by another state or national certifying body
14 which has substantially the same standards for licensure as are
15 required by this state pursuant to the provisions of the Music
16 Therapy Practice Act.

17 B. Upon proper application and payment of fees, the Board may
18 issue a temporary license to a person who has applied for a license
19 and who is eligible to take the examination pursuant to the
20 provisions of the Music Therapy Practice Act. The temporary license
21 shall be available to an applicant only with respect to his or her
22 first application for licensure. The temporary license shall expire
23 upon notice that the applicant has or has not passed the
24 examination.

1 SECTION 13. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1921.12 of Title 59, unless
3 there is created a duplication in numbering, reads as follows:

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

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

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

18 SECTION 14. This act shall become effective November 1, 2010.

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