

1 ENGROSSED HOUSE
2 BILL NO. 2749

By: Denney of the House

3 and

4 Anderson of the Senate

5
6 An Act relating to professions and occupations;
7 creating the Music Therapy Practice Act; defining
8 terms; requiring certain persons to be licensed under
9 the Music Therapy Practice Act; providing for
10 exceptions; establishing Music Therapy Practice Board
11 to assist the Department of Human Services; providing
12 for membership on Board; providing for terms of
13 membership on Board; providing for powers and duties
14 of Department in implementing Music Therapy Practice
15 Act; providing eligibility for licensure as music
16 therapist; establishing term of music therapist
17 license; establishing eligibility of renewal of music
18 therapist license; providing certain letters that may
19 be used by licensed music therapist; prohibiting use
20 of certain words and letters by certain persons and
21 businesses; providing that referral not be required
22 prior to consultation and evaluation by licensed
23 music therapist; providing that licensed music
24 therapist may not be coerced to delegate activities
or tasks if compromising client safety; providing
that certain individuals may receive license without
examination by Department; 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.

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

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

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

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

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

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

17 As used in the Music Therapy Practice Act:

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

20 2. a. "Music therapy" means the clinical and evidence-based
21 use of music interventions to accomplish
22 individualized goals within a therapeutic relationship
23 by a credentialed professional who has completed an
24 approved music therapy program. For purposes of

1 accomplishing music therapy goals, music therapy may
2 include:

3 (1) the assessment of a client's emotional and
4 physical health, social functioning,
5 communication abilities, and cognitive skills
6 through the client's history and the observation
7 and interaction of the client in music and
8 nonmusic settings,

9 (2) the development and implementation of treatment
10 plans, based on a client's assessed needs, using
11 music interventions including music
12 improvisation, receptive music listening, song
13 writing, lyric discussion, music and imagery,
14 music performance, learning through music, and
15 movement to music, and

16 (3) the evaluation and documentation of the client's
17 response to treatment.

18 b. For purposes of accomplishing music therapy goals,
19 music therapy services include, but are not limited
20 to:

21 (1) conducting an individualized assessment for the
22 purpose of collecting systematic, comprehensive,
23 and accurate data necessary to determine the
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1 course of action and subsequent individualized
2 treatment plan,

3 (2) planning and developing the individualized music
4 therapy treatment plan that identifies an
5 individual's goals, objectives, and potential
6 treatment intervention strategies,

7 (3) implementing the individualized music therapy
8 treatment plan that is consistent with the
9 individual's overall treatment program,

10 (4) systematically evaluating and comparing the
11 individual's response to the individualized music
12 therapy treatment plan and suggesting
13 modifications as appropriate,

14 (5) developing a discharge plan in collaboration with
15 the individual, the individual's family,
16 treatment team, and other identified support
17 networks where appropriate,

18 (6) minimizing the impact of environmental
19 constraints as a barrier to participation in
20 least restrictive environments for individuals
21 engaging in music therapy,

22 (7) collaborating with and educating the individual,
23 family, caregiver, and others to foster an
24 environment that is responsive to the

1 developmental needs of the individual as
2 addressed in music therapy, and

3 (8) consulting with groups, programs, organizations,
4 or communities to improve accessibility to music
5 therapy services;

6 3. "Department" means the Department of Human Services
7 Developmental Disabilities Services Division; and

8 4. "Board" means the Music Therapy Practice Board.

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

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

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

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

23 2. Any person enrolled in a course of study leading to a degree
24 in music therapy from performing music therapy services incidental

1 to the person's course work when supervised by a licensed
2 professional, if the person is designated by a title which clearly
3 indicates the person's status as a student;

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

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

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

16 A. There is hereby established the Music Therapy Practice Board
17 to assist the Department of Human Services in conducting
18 examinations for applicants and to advise the Department on all
19 matters pertaining to the licensure, education, and continuing
20 education of licensed music therapists and the practice of music
21 therapy.

22 B. 1. The Board shall consist of five (5) members who shall be
23 appointed by the Department as follows:

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1 a. three members shall, upon initial appointment, be
2 qualified persons who have been actively practicing
3 music therapy in this state for at least three (3)
4 years; provided, their successors shall be licensed
5 music therapists,

6 b. one member who is a recipient of music therapy, and

7 c. one member who is the Administrator of the Oklahoma
8 Health Care Authority or designee.

9 2. The professional members of the Board shall be appointed for
10 staggered terms of two (2) and three (3) years, and four (4) years
11 respectively. Terms of office of each appointed member shall expire
12 July 1 of that year in which they expire regardless of the calendar
13 date when such appointments were made. Subsequent appointments
14 shall be made for a term of three (3) years or until successors are
15 appointed and qualified.

16 a. The member who is a recipient of music therapy shall
17 be appointed for a term of office which will expire
18 July 1, 2012. The member who is the Administrator of
19 Oklahoma Health Care Authority, or designee, shall be
20 appointed for a term which shall expire on July 1,
21 2013. Thereafter, members appointed to these
22 positions shall serve for terms of three (3) years or
23 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 Board shall be reimbursed for all actual and
4 necessary expenses incurred in the performance of duties required by
5 the Music Therapy Practice Act in accordance with the provisions of
6 the State Travel Reimbursement Act.

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

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

15 The Department of Human Services shall have the power and duty
16 to:

17 1. Promulgate the rules and regulations necessary for the
18 performance of its duties pursuant to the provisions of the Music
19 Therapy Practice Act, including the requirements for licensure,
20 standards for training, standards for institutions for training and
21 power of revocation of a license;

22 2. Determine, as recommended by the Board, the qualifications
23 of applicants for licensure;

1 3. Determine necessary fees to carry out the provisions of the
2 Music Therapy Practice Act;

3 4. Suspend, revoke or deny the license of any music therapist
4 for violation of any provisions of the Music Therapy Practice Act or
5 rules and regulations promulgated by the Department pursuant to the
6 Music Therapy Practice Act or following any revocation of the
7 Certification Board for Music Therapists certification;

8 5. Maintain a record listing the name of each licensed music
9 therapist licensed in this state; and

10 6. Compile a list of licensed music therapists licensed to
11 practice in this state. The list shall be available to any person
12 upon application to the Department and the payment of such fee as
13 determined by the Department for the reasonable expense thereof
14 pursuant to the provisions of the Music Therapy Practice Act.

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

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

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

22 2. Be of good moral character;

23 3. Have successfully completed an academic program approved by
24 the American Music Therapy Association (AMTA) with a baccalaureate

1 degree or higher from an accredited college or university with a
2 major in music therapy; and

3 4. Have successfully completed the board certification
4 examination offered by the Certification Board for Music Therapists.

5 B. Notwithstanding subsection A of this section, the Department
6 may grant initial licenses to licensed music therapists who are
7 certified by the Certification Board for Music Therapists prior to
8 July 1, 2010, and who hold an active Music Therapist - Board
9 Certified (MT-BC) credential.

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

13 A. Initial licenses and renewals shall be valid for five (5)
14 years.

15 B. Persons licensed as licensed music therapists are eligible
16 for renewal of their licenses if they are certified by the
17 Certification Board for Music Therapists.

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

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

3 B. A person or business entity, its employees, agents, or
4 representatives shall not use in conjunction with that person's name
5 or the activity of the business the words licensed music therapist,
6 music therapy, music therapist, the letters MT, or MT-BC, or any
7 other words, abbreviations or insignia indicating or implying
8 directly or indirectly that music therapy is provided or supplied,
9 including the billing of services labeled as music therapy, unless
10 such services are provided under the direction of a licensed music
11 therapist licensed pursuant to the Music Therapy Practice Act.

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

15 A. Consultation and evaluation by a licensed music therapist
16 may be performed without a referral. Initiation of music therapy
17 services to individuals with medically related conditions shall be
18 based on a referral from any qualified health care professional who,
19 within the scope of his or her professional license, is authorized
20 to refer for health care services.

21 B. Prevention, wellness, education, adaptive and related
22 services shall not require a referral.

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

4 A. No person shall coerce a licensed music therapist into
5 compromising client safety by requiring the licensed therapist to
6 delegate activities or tasks if the licensed music therapist
7 determines that it is inappropriate to do so.

8 B. A licensed music therapist shall not be subject to
9 disciplinary action by the Department of Human Services for refusing
10 to delegate activities or tasks or refusing to provide the required
11 training for delegation, if the licensed music therapist determines
12 that the delegation may compromise client safety.

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

16 Upon payment to the Department of Human Services of a fee as
17 provided by the Music Therapy Practice Act and submission of a
18 written application on forms provided by the Department, the
19 Department may issue a license without examination to any person who
20 is licensed or otherwise certified by the Certification Board for
21 Music Therapists.

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

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

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

10 1. Revocation of license;

11 2. Suspension of license not to exceed six (6) months from the
12 date of hearing;

13 3. Invocation of restrictions in the form of probation as
14 defined by the Department of Human Services; or

15 4. A fine of not more than Five Hundred Dollars (\$500.00).

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

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1 Passed the House of Representatives the 9th day of March, 2010.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2010.

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9 Presiding Officer of the Senate