

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3237

By: Jackson

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5
6 AS INTRODUCED

7 An Act relating to professions and occupations;
8 creating the Music Therapy Practice Act; defining
9 terms; requiring certain persons to be licensed under
10 the Music Therapy Practice Act; providing for
11 exceptions; establishing Music Therapy Committee to
12 assist State Board of Medical Licensure and
13 Supervision; providing for membership on Music
14 Therapy Committee; providing for terms of membership
15 on Music Therapy Committee; providing for powers and
16 duties of Board in implementing Music Therapy
17 Practice Act; providing eligibility for licensure as
18 music therapist; establishing term of music therapist
19 license; establishing eligibility of renewal of music
20 therapist license; providing certain letters that may
21 be used by licensed music therapist; prohibiting use
22 of certain words and letters by certain persons and
23 businesses; providing that referral not be required
24 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.

23 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 1921 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 1921.1 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

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

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

20 As used in the Music Therapy Practice Act:

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

23 2. a. "Music therapy" means the clinical and evidence-based
24 use of music interventions to accomplish

1 individualized goals within a therapeutic relationship
2 by a credentialed professional who has completed an
3 approved music therapy program. For purposes of
4 accomplishing music therapy goals, music therapy may
5 include:

- 6 (1) the assessment of a client's emotional and
7 physical health, social functioning,
8 communication abilities, and cognitive skills
9 through the client's history and the observation
10 and interaction of the client in music and
11 nonmusic settings,
- 12 (2) the development and implementation of treatment
13 plans, based on a client's assessed needs, using
14 music interventions including music
15 improvisation, receptive music listening, song
16 writing, lyric discussion, music and imagery,
17 music performance, learning through music, and
18 movement to music, and
- 19 (3) the evaluation and documentation of the client's
20 response to treatment.

21 b. For purposes of accomplishing music therapy goals,
22 music therapy services include, but are not limited
23 to:
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- 1 (1) conducting an individualized assessment for the
2 purpose of collecting systematic, comprehensive,
3 and accurate data necessary to determine the
4 course of action and subsequent individualized
5 treatment plan,
- 6 (2) planning and developing the individualized music
7 therapy treatment plan that identifies an
8 individual's goals, objectives, and potential
9 treatment intervention strategies,
- 10 (3) implementing the individualized music therapy
11 treatment plan that is consistent with the
12 individual's overall treatment program,
- 13 (4) systematically evaluating and comparing the
14 individual's response to the individualized music
15 therapy treatment plan and suggesting
16 modifications as appropriate,
- 17 (5) developing a discharge plan in collaboration with
18 the individual, the individual's family,
19 treatment team, and other identified support
20 networks where appropriate,
- 21 (6) minimizing the impact of environmental
22 constraints as a barrier to participation in
23 least restrictive environments for individuals
24 engaging in music therapy,

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

6 (8) consulting with groups, programs, organizations,
7 or communities to improve accessibility to music
8 therapy services;

9 3. "Board" means the State Board of Medical Licensure and
10 Supervision; and

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

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

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

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

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

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

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

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

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

20 A. There is hereby established the Music Therapy Committee to
21 assist the State Board of Medical Licensure and Supervision in
22 conducting examinations for applicants and to advise the Board on
23 all matters pertaining to the licensure, education, and continuing
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1 education of licensed music therapists and the practice of music
2 therapy.

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

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

10 b. two members shall be lay persons.

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

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

23 b. Vacancies shall be filled by the Board in the same
24 manner as the original appointment.

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

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

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

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

14 2. Assist and advise the Board in all hearings involving music
15 therapy specialists who are deemed to be in violation of the Music
16 Therapy Practice Act.

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

20 The State Board of Medical Licensure and Supervision shall have
21 the power and duty to:

22 1. Promulgate the rules and regulations necessary for the
23 performance of its duties pursuant to the provisions of the Music
24 Therapy Practice Act, including the requirements for licensure,

1 standards for training, standards for institutions for training and
2 standards of practice after licensure, including power of revocation
3 of a license;

4 2. Determine, as recommended by the Music Therapy Committee,
5 the qualifications of applicants for licensure and determine which
6 applicants successfully passed such examinations;

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

9 4. Make such investigations and inspections as are necessary to
10 ensure compliance with the Music Therapy Practice Act and the rules
11 and regulations of the Board promulgated pursuant to this act;

12 5. Conduct hearings as required by the provisions of the
13 Administrative Procedures Act;

14 6. Report to the district attorney having jurisdiction or the
15 Attorney General any act committed by any person which may
16 constitute a misdemeanor pursuant to the provisions of the Music
17 Therapy Practice Act;

18 7. Initiate prosecution and civil proceedings;

19 8. Suspend, revoke or deny the license of any music therapy
20 specialist for violation of any provisions of the Music Therapy
21 Practice Act or rules and regulations promulgated by the Board
22 pursuant to the Music Therapy Practice Act;

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

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

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

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

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

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

16 2. Be of good moral character;

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

21 4. Have successfully completed a minimum of one thousand two
22 hundred (1,200) hours of clinical training, with at least fifteen
23 percent (15%) or one hundred eighty (180) hours in preinternship
24 experiences, and at least seventy-five percent (75%) or nine hundred

1 (900) hours in internship experiences. Internship programs may be
2 approved by an academic institution, the American Music Therapy
3 Association, or both; and

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

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

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

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

20 A. Initial licenses and renewals shall be valid for five (5)
21 years.

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

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

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

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

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

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

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

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

10 B. Prevention, wellness, education, adaptive and related
11 services shall not require a referral.

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

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

19 B. A licensed music therapist shall not be subject to
20 disciplinary action by the State Board of Medical Licensure and
21 Supervision for refusing to delegate activities or tasks or refusing
22 to provide the required training for delegation, if the licensed
23 music therapist determines that the delegation may compromise client
24 safety.

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

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

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

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

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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 Board in consultation with the Music
9 Therapy Committee:

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

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

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