

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;

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,

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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. "Department" means the Developmental Disabilities Services
14 Division of the Department of Human Services; and

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

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.

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

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

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

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

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

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

4 A. There is hereby established the Music Therapy Practice Board
5 to assist the Developmental Disabilities Services Division of the
6 Department of Human Services and to advise the Department on all
7 matters pertaining to the licensure, education, and continuing
8 education of licensed music therapists and the practice of music
9 therapy.

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

12 a. three members shall, upon initial appointment, be
13 qualified persons who have been actively practicing
14 music therapy in this state for at least three (3)
15 years; provided, their successors shall be licensed
16 music therapists,

17 b. one member who is a member of the public, and

18 c. one member who is the Administrator of the Oklahoma
19 Health Care Authority or designee.

20 2. The professional members of the Board shall be appointed for
21 staggered terms of two (2) and three (3) years, and four (4) years
22 respectively. Terms of office of each appointed member shall expire
23 July 1 of that year in which they expire regardless of the calendar

1 date when such appointments were made. Subsequent appointments
2 shall be made for a term of three (3) years or until successors are
3 appointed and qualified.

4 a. The member who is a recipient of music therapy shall
5 be appointed for a term of office which will expire
6 July 1, 2012. The member who is the Administrator of
7 Oklahoma Health Care Authority, or designee, shall be
8 appointed for a term which shall expire on July 1,
9 2013. Thereafter, members appointed to these
10 positions shall serve for terms of three (3) years or
11 until successors are appointed and qualified.

12 b. Vacancies shall be filled by the Board in the same
13 manner as the original appointment.

14 3. Members of the Board shall be reimbursed for all actual and
15 necessary expenses incurred in the performance of duties required by
16 the Music Therapy Practice Act in accordance with the provisions of
17 the State Travel Reimbursement Act.

18 4. The Board shall meet a minimum of once a year. At the
19 initial meeting of the Board, members shall elect a chair. The
20 chair shall represent the Board at all meetings of the Department.
21 Three members of the Board shall constitute a quorum for the purpose
22 of conducting official business.

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

4 The Developmental Disabilities Services Division of the
5 Department of Human Services shall have the power and duty to:

6 1. Promulgate the rules and regulations necessary for the
7 performance of its duties pursuant to the provisions of the Music
8 Therapy Practice Act, including the requirements for licensure,
9 standards for training, standards for institutions for training and
10 power of revocation of a license;

11 2. Determine, as recommended by the Music Therapy Practice
12 Board, the qualifications of applicants for licensure;

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

15 4. Suspend, revoke or deny the license of any music therapist
16 for violation of any provisions of the Music Therapy Practice Act or
17 rules and regulations promulgated by the Department pursuant to the
18 Music Therapy Practice Act or following any revocation of the
19 Certification Board for Music Therapists certification;

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

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

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

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

- 10 1. Be at least eighteen (18) years of age;
- 11 2. Be of good moral character;
- 12 3. Have successfully completed an academic program approved by
13 the American Music Therapy Association (AMTA) with a baccalaureate
14 degree or higher from an accredited college or university with a
15 major in music therapy or a music therapy equivalency degree; and
- 16 4. Have successfully completed the board certification
17 examination offered by the Certification Board for Music Therapists.

18 B. Notwithstanding subsection A of this section, the
19 Developmental Disabilities Services Division of the Department of
20 Human Services may grant initial licenses to licensed music
21 therapists who are certified by the Certification Board for Music
22 Therapists prior to July 1, 2011, and who hold an active Music
23 Therapist - Board Certified (MT-BC) credential.

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

4 A. Initial licenses and renewals shall be valid for three (3)
5 years.

6 B. Persons licensed as licensed music therapists are eligible
7 for renewal of their licenses if they are certified by the
8 Certification Board for Music Therapists.

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

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

17 B. A person or business entity, its employees, agents, or
18 representatives shall not use in conjunction with that person's name
19 or the activity of the business the words licensed music therapist,
20 music therapy, music therapist, the letters MT, or MT-BC, or any
21 other words, abbreviations or insignia indicating or implying
22 directly or indirectly that music therapy is provided or supplied,
23 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 10. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 1921.9 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 and related
13 services shall not require a referral.

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

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

21 B. A licensed music therapist shall not be subject to
22 disciplinary action by the Developmental Disabilities Services
23 Division of the Department of Human Services for refusing to

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

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

7 Upon payment to the Developmental Disabilities Services Division
8 of the Department of Human Services of a fee as provided by the
9 Music Therapy Practice Act and submission of a written application
10 on forms provided by the Department, the Department may issue a
11 license without examination to any person who is licensed or
12 otherwise certified by the Certification Board for Music Therapists.

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

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

20 B. It shall be a misdemeanor for a person to violate any
21 provision of the Music Therapy Practice Act and, upon conviction,
22 such person shall be subject to one or more of the following actions
23 which may be taken by the Developmental Disabilities Services

1 Division of the Department of Human Services in consultation with
2 the Board:

3 1. Revocation of license;

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

6 3. Invocation of restrictions in the form of probation as
7 defined by the Department; or

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

9 SECTION 14. This act shall become effective November 1, 2011.

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11 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM AND
12 FINANCIAL SERVICES, dated 02-24-2011 - DO PASS, As Coauthored.

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