SUBCOMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2820 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

Amendment submitted by: Lee Denney

Adopted: _____

_____
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

SUBCOMMITTEE
RECOMMENDATION
FOR
HOUSE BILL NO. 2820 By: Denney

SUBCOMMITTEE RECOMMENDATION

An Act relating to professions and occupations; creating the Music Therapy Practice Act; defining terms; requiring certain persons to be licensed under the Music Therapy Practice Act; providing for exceptions; establishing Music Therapy Committee to assist State Board of Medical Licensure and Supervision; providing for membership on Music Therapy Committee; providing for terms of membership on Music Therapy Committee; providing for duties of Board in implementing Music Therapy Practice Act; providing eligibility for licensure as music therapist; establishing term of music therapist license; establishing eligibility of renewal of music therapist license; providing certain letters that may be used by licensed music therapist; prohibiting use of certain words and letters by certain persons and 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; 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.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889 of Title 59 unless there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.1 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Music Therapy Practice Act:

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

2. "Music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship between a patient and a practitioner who is licensed pursuant to the Music Therapy Practice Act;

3. "Practice of music therapy" includes the development of individualized music therapy treatment plans specific to the needs and strengths of the client who may be seen individually or in groups. The goals, objectives and potential strategies of the music therapy services are appropriate for the client and setting. The music therapy interventions may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music

combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention and movement to music. The practice of music therapy does not include the diagnosis or assessment of any physical, mental or communication disorder. This term may include:

a. accepting referrals for music therapy services from medical, developmental, mental health or education professionals; family members; clients; caregivers or others involved and authorized with provision of client services. Before providing music therapy services to a client for an identified clinical or developmental need, the licensee collaborates, as applicable, with the primary care provider(s) to review the client's diagnosis, treatment needs and treatment plan. During the provision of music therapy services to a client the licensee collaborates, as applicable, with the client's treatment team,

b. conducting a music therapy assessment of a client to determine if treatment is indicated. If treatment is indicated, the licensee collects systematic, comprehensive and accurate information to determine the appropriateness and type of music therapy services to provide for the client,

c. developing an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment. The music therapy treatment plan includes individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives,

d. implementing an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care or educational services being provided to the client,

e. evaluating the client's response to music therapy and the music therapy treatment plan, documenting change and progress and suggesting modifications, as appropriate,

f. developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician or other provider of health care or education of the client, family members of the client, and any other appropriate person upon whom the client relies for support,

g. minimizing any barriers to ensure that the client receives music therapy services in the least restrictive environment,

h. collaborating with and educating the client and the family or caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs, and

i. utilizing appropriate knowledge and skills to inform practice including use of research, reasoning and problem-solving skills to determine appropriate actions in the context of each specific clinical setting;

4. "Board" means the State Board of Medical Licensure and Supervision;

5. "Committee" means the Music Therapy Committee; and

6. "Board-certified music therapist" means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, and who holds current board certification from the Certification Board for Music Therapists.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.2 of Title 59 unless there is created a duplication in numbering, reads as follows:

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

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

1. Any person licensed, certified or regulated under the laws of this state in another profession or occupation, or personnel supervised by a licensed professional in this state from performing work, including the use of music, incidental to the practice of the person's profession or occupation, if that person does not represent himself or herself as a music therapist;

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

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

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

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Music Therapy Committee to advise the State Board of Medical Licensure and Supervision on all matters pertaining to the licensure, education and continuing education of licensed music therapists and the practice of music therapy.

B. 1. The Board shall appoint five (5) members to the Music Therapy Committee as follows:

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

b. one member shall be a licensed health care provider who is not a music therapist, and

c. one member shall be a lay person.

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

a. The lay member and licensed health care provider member shall be initially appointed to fill these two new positions created pursuant to this act and shall be appointed for staggered terms of office which will expire July 1, 2019, and July 1, 2020. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until successors are appointed and qualified.

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

3. Members of the Committee shall serve without compensation.

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

1. Meet at least twice a year or as otherwise called by the Board;

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

3. Facilitate the development of materials that the Board may utilize to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings;

4. Facilitate the statewide dissemination of information between music therapists, the American Music Therapy Association or any successor organization, the Certification Board for Music Therapists or any successor organization, and the Board;

5. Assist and advise the Board in all hearings involving music therapists who are deemed to be in violation of the Music Therapy Practice Act; and

6. Provide analysis of disciplinary actions taken, appeals and denials, or revocation of licenses at least once per year.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

The State Board of Medical Licensure and Supervision shall:

1. Appoint all members of the Committee. The Committee shall consist of persons familiar with the practice of music therapy to provide the Board with expertise and assistance in carrying out his or her duties pursuant to the Music Therapy Practice Act;

2. Consult with the Committee prior to setting or changing fees in this act; and

3. Seek the advice of the Committee for issues related to music therapy.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided by law, the Oklahoma State Board of Medical Licensure shall issue a license to an applicant for a music therapy license when such applicant has completed and submitted an application upon a form and in such manner as the Board prescribes, accompanied by applicable fees, and evidence satisfactory to the Board that the applicant:

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

2. Is of good moral character;

3. Holds a bachelor's degree or higher in music therapy, or its equivalent, from a program approved by the American Music Therapy Association or any successor organization within an accredited college or university;

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

5. Is in good standing based on a review of the applicant's music therapy licensure history in other jurisdictions, including a review of any alleged misconduct or neglect in the practice of music therapy on the part of the applicant; and

6. Passed the examination for board certification offered by the Certification Board for Music Therapists or any successor organization or is proof of being transitioned into board certification, and the applicant is currently a board-certified music therapist.

B. The Board shall issue a music therapy license to an applicant when such applicant has completed and submitted an application upon a form and in such manner as the Board prescribes, accompanied by applicable fees, and evidence satisfactory to the Board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this act at the date of application.

C. The Board shall waive the examination requirement for an applicant until January 1, 2020, who is designated as a registered music therapist, certified music therapist or advanced certified music therapist and in good standing with the National Music Therapy Registry.

D. The State Board of Medical Licensure and Supervision may, upon notice and opportunity for a hearing, deny an application for

reinstatement of a license or reinstate the license with conditions. Conditions imposed may include a requirement for continuing education, practice under the supervision of a licensed music therapy specialist, or any other conditions deemed appropriate by the Board.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Every license issued under the Music Therapy Practice Act shall be renewed biennially. A license shall be renewed upon payment of a renewal fee if the applicant is not in violation of any of the terms of the Music Therapy Practice Act at the time of application for renewal. Proof of maintenance of the applicant's status as a board-certified music therapist shall also be required for license renewal.

B. A licensee shall inform the Board of any changes to his or her address. Each licensee shall be responsible for timely renewal of his or her license.

C. Failure to renew a license shall result in forfeiture of the license. Licenses that have been forfeited may be restored within one (1) year of the expiration date upon payment of renewal and restoration fees. Failure to restore a forfeited license within one (1) year of the date of its expiration shall result in the automatic

termination of the license, and the Board may require the individual to reapply for licensure as a new applicant.

D. Upon written request of a licensee, the Board may place an active license on an inactive status subject to an inactive status license fee established by the Board. The licensee, upon request and payment of the inactive status license fee, may continue on inactive status for a period up to two (2) years. An inactive license may be reactivated at any time by making a written request to the Board and by fulfilling requirements established by the Board.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. A licensed professional music therapist may use the letters "LPMT" in connection with his or her name. Use of the letters "MT-BC" is contingent upon maintenance of national certification guidelines provided by the Certification Board for Music Therapists.

B. A person or business entity, its employees, agents or representatives shall not use in conjunction with that person's name or the activity of the business the words licensed music therapist, music therapy, music therapist, the letters MT or MT-BC, or any other words, abbreviations or insignia indicating or implying directly or indirectly that music therapy is provided or supplied, including the billing of services labeled as music therapy, unless

such services are provided under the direction of a licensed music therapist licensed pursuant to the Music Therapy Practice Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

B. Prevention, wellness, education, adaptive, related and specialized instructional support and services shall not require a referral.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

B. A licensed music therapist shall not be subject to disciplinary action by the State Board of Medical Licensure and Supervision for refusing to delegate activities or tasks or refusing

to provide the required training for delegation, if the licensed music therapist determines that the delegation may compromise client safety.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.10 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

1. Revocation of license;

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

3. Invocation of restrictions in the form of probation as defined by the State Board of Medical Licensure and Supervision.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Board of Medical Licensure and Supervision may refuse to issue or renew, or may suspend or revoke a license to any person, after notice and hearing in accordance with rules promulgated pursuant to the Music Therapy Practice Act and the provisions of the Administrative Procedures Act who has:

1. Treated or attempted to treat ailments or other health conditions of human beings other than by music therapy as authorized by the Music Therapy Practice Act;

2. Failed to refer patients to other health care providers if symptoms are known to be present for which music therapy treatment is inadvisable or if symptoms indicate conditions for which treatment is outside the Scope of Music Therapy Practice as specified by the American Music Therapy Association and the Certification Board for Music Therapists;

3. Used drugs, narcotics, medication or intoxicating liquors to an extent which affects the professional competency of the applicant or licensee;

4. Been convicted of a felony crime that substantially relates to the occupation of music therapy or poses a reasonable threat to public safety or of a misdemeanor crime involving moral turpitude;

5. Obtained or attempted to obtain a license as a music therapist by fraud or deception;

6. Been grossly negligent in the practice of music therapy;

7. Been adjudged mentally incompetent by a court of competent jurisdiction and has not subsequently been lawfully declared sane;

8. Been guilty of conduct unbecoming a person licensed as a music therapist or guilty of conduct detrimental to the best interests of the public or the profession;

9. Been guilty of any act in conflict with the ethics of the profession of music therapy; or

10. Had a license suspended or revoked in another state.

B. As used in this section:

1. "Substantially relates" means the nature of criminal conduct for which the person was convicted has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the occupation; and

2. "Poses a reasonable threat" means the nature of criminal conduct for which the person was convicted involved an act or threat of harm against another and has a bearing on the fitness or ability to serve the public or work with others in the occupation.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 889.12 of Title 59, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Board of Medical Licensure and Supervision shall prescribe and publish, in the manner established by its rules and regulations, fees in the amounts determined by the Board, but

not exceeding the following maximum amounts, unless cost justification is present:

Music Therapist License

and renewal thereof $50.00

SECTION 14. This act shall become effective November 1, 2016.

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