

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1476

By: Bice

4  
5  
6 AS INTRODUCED

7 An Act relating to professions and occupations;  
8 creating the Music Therapy Practice Act; providing  
9 short title; providing definitions; prohibiting  
10 certain acts; clarifying prohibition; creating Music  
11 Therapy Committee; providing membership of Committee;  
12 specifying duration of service for Committee members;  
13 providing replacement procedures for vacancies;  
14 stipulating requirements for members; permitting  
15 certain reimbursement; specifying powers and duties  
16 of Committee and Oklahoma State Board of Medical  
17 Licensure and Supervision; providing qualifications  
18 and requirements for licensure; providing licensure  
19 for foreign-educated applicants; specifying  
20 qualifications; stipulating procedures for  
21 application and examination; authorizing application  
22 fee; permitting re-examination for certain persons;  
23 permitting license without examination under certain  
24 circumstances; authorizing temporary permits;  
limiting duration of permits; permitting Board to  
modify certain permits; providing for expiration of  
permits; providing for expiration and renewal of  
licenses; prescribing standards for application and  
renewal; authorizing certain renewals; permitting  
Board to require continuing education; authorizing  
Board to take certain actions under certain  
circumstances; providing definitions; authorizing use  
of certain titles by certain persons; providing  
punishments for certain acts; prohibiting certain  
advertisements; specifying punishments for certain  
violations; implementing certain fees; providing for  
codification; and providing an effective date.

23  
24 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 889 of Title 59, unless there is  
3 created a duplication in numbering, reads as follows:

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

6 B. As used in this act:

7 1. "Music therapy" means the clinical and evidence-based use of  
8 music interventions to accomplish individualized goals within a  
9 therapeutic relationship between a patient and a practitioner who is  
10 licensed pursuant to the Music Therapy Practice Act;

11 2. "Practice of music therapy" means music improvisation,  
12 receptive music listening, song writing, lyric discussion, music and  
13 imagery, music performance, learning through music, movement to  
14 music or other methods of utilizing music for therapeutic purposes;

15 3. "Licensed music therapist" means a person who is licensed as  
16 required in the Music Therapy Practice Act and who regularly  
17 practices music therapy;

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

20 5. "Committee" means the Music Therapy Committee.

21 SECTION 2. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 889.1 of Title 56, unless there  
23 is created a duplication in numbering, reads as follows:  
24

1 No person shall designate himself or herself as a music  
2 therapist, nor practice, nor hold himself or herself out to the  
3 public as being able to practice music therapy in this state, unless  
4 licensed in accordance with the provisions of the Music Therapy  
5 Practice Act. The Music Therapy Practice Act shall not prohibit or  
6 prevent any person licensed in the healing arts in this state from  
7 engaging in the practice for which he or she is duly licensed.

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

11 A. There is hereby established a Music Therapy Committee to  
12 assist the Oklahoma State Board of Medical Licensure and Supervision  
13 in conducting examinations for applicants and to advise the Board on  
14 all matters pertaining to the licensure, education and continuing  
15 education of music therapists and the practice of music therapy.

16 B. 1. The Music Therapy Committee shall consist of five (5)  
17 members who shall be appointed by the Oklahoma State Board of  
18 Medical Licensure and Supervision as follows:

- 19 a. three members shall be licensed physicians,
  - 20 b. one member shall be a speech-language pathologist or  
21 audiologist, and
  - 22 c. one member shall be a lay person.
- 23  
24

1           2. Except for the lay appointee, each appointee shall be  
2 selected from a list of three persons submitted for each vacancy by  
3 the Board.

4           3. Members of the original Music Therapy Committee shall be  
5 appointed for staggered terms of one (1), two (2), and three (3)  
6 years, respectively. Terms of office of each appointed member shall  
7 expire July 1 of that year in which they expire regardless of the  
8 calendar date that such appointments were made. Subsequent  
9 appointments shall be made for a term of three (3) years, or until  
10 their successors are appointed and qualified.

11           4. The lay member and speech-language pathologist or  
12 audiologist member initially appointed to fill the two new positions  
13 created pursuant to this act shall be appointed for staggered terms  
14 of office which will expire July 1, 2019, and July 1, 2020.

15           5. Vacancies shall be filled by the Board in the same manner as  
16 the original appointment.

17           6. Each member of the Committee shall be a resident of this  
18 state. The physician members shall be licensed pursuant to the  
19 Oklahoma Allopathic Medical and Surgical Licensure and Supervision  
20 Act for at least three (3) years prior to his or her appointment to  
21 the Committee. The lay member shall not be a music therapist or a  
22 licensed health care professional or be related by adoption, blood  
23 or marriage within the third degree of consanguinity to a music  
24 therapist or a licensed health care professional.

1 7. Members of the Committee may 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 C. The Committee shall have the power and duty to:

6 1. Assist in selecting and conducting examinations for  
7 licensure, and in determining which applicants successfully passed  
8 such examination;

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

12 3. Maintain a current list of approved schools offering  
13 programs in music therapy; and

14 4. Assist and advise in all hearings involving music therapists  
15 who are deemed to be in violation of the Music Therapy Practice Act.

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

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

21 1. Promulgate the rules and regulations necessary for the  
22 performance of its duties pursuant to the provisions of the Music  
23 Therapy Practice Act;  
24

1           2. Determine, as recommended by the Committee, the  
2 qualifications of applicants for licensure, conduct all  
3 examinations, and determine which applicants successfully passed  
4 such examinations;

5           3. Issue a license to each applicant who passes the examination  
6 in accordance with standards promulgated by the Board pursuant to  
7 the Music Therapy Practice Act, and who is otherwise in compliance  
8 with the Music Therapy Practice Act. Such licenses shall be subject  
9 to annual renewal as provided by the Music Therapy Practice Act;

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

13          5. Conduct hearings as required by the provisions of the  
14 Administrative Procedures Act, Section 250 et seq. of Title 75 of  
15 the Oklahoma Statutes;

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

20          7. Initiate prosecution and civil proceedings;

21          8. Suspend, revoke or deny the license of any music therapist  
22 for violations of any provisions of the Musical Therapy Practice Act  
23 or rules and regulations promulgated by the Board pursuant to this  
24 act;

1           9. Compile and maintain a list of 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           10. Make such expenditures and employ such personnel as the  
7 Board may deem necessary for the administration of the provisions of  
8 the Music Therapy Practice Act.

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

12           A. Except as otherwise provided by law, to be eligible for  
13 licensure as a music therapist pursuant to the provisions of the  
14 Music Therapy Practice Act an applicant shall:

15           1. Be of good moral character; and

16           2. Pass an examination based on standards developed by the  
17 Oklahoma State Board of Medical Licensure and Supervision pursuant  
18 to the Music Therapy Practice Act, which shall include a written  
19 examination testing the knowledge of the applicant on:

20           a. best practices as they relate to music therapy, and

21           b. such other subjects as the Board may deem necessary to  
22 test the applicant's fitness to practice music  
23 therapy.

1 Examinations shall be held within this state at least once per  
2 year, at such time and place as the Board shall determine.

3 B. 1. In addition to the requirements provided by subsection A  
4 of this section, and except as provided in paragraph 2 of this  
5 subsection or subsection D of this section, an applicant for a  
6 license to practice as a music therapist shall have graduated from a  
7 school with a program in music therapy approved by a national  
8 accrediting body which has been recognized by the Board.

9 2. An applicant for a license to practice as a music therapist  
10 who has been educated through a program or school of music therapy  
11 which is or has been sponsored by a branch of the armed forces of  
12 the United States may be licensed as a music therapist if the Board  
13 determines that the education of the applicant is substantially  
14 equivalent to, or exceeds, the requirements of accredited  
15 educational programs.

16 3. An applicant for license to practice as a music therapist  
17 shall complete a minimum of one thousand two hundred (1,200) hours  
18 of clinical training, a minimum of one hundred eighty (180) hours of  
19 pre-internship experience and a minimum of nine hundred (900) hours  
20 of internship experience, provided such internship is approved by an  
21 academic institution.

22 4. An applicant for a license to practice music therapy shall  
23 submit written evidence indicating the applicant has passed the  
24

1 examination for board certification as developed by the  
2 Certification Board of Music Therapists (CBMT).

3 C. 1. Except as otherwise provided by paragraph 2 of this  
4 subsection, an applicant for licensure as a music therapist who has  
5 been educated in music therapy outside the United States shall meet  
6 the following qualifications:

- 7 a. be of good moral character,
- 8 b. have completed the application process,
- 9 c. provide satisfactory evidence that their education is  
10 substantially equivalent to the requirements of music  
11 therapists educated in accredited educational programs  
12 as determined by the Board. If the Board determines  
13 that a foreign-educated applicant's education is not  
14 substantially equivalent, it may require completion of  
15 additional course work before proceeding with the  
16 application process,
- 17 d. provide written proof that the school of music therapy  
18 is recognized by its own ministry of education,
- 19 e. provide written proof of authorization to practice as  
20 a music therapist without limitations in the country  
21 where the professional education occurred,
- 22 f. provide proof of legal authorization to reside and  
23 seek employment in the United States or its  
24 territories,

- 1           g.    have their educational credentials evaluated by a  
2                    Board-approved credential evaluation agency,
- 3           h.    have passed the Board-approved English proficiency  
4                    examinations if their native language is not English,
- 5           i.    have participated in an interim supervised clinical  
6                    practice period prior to licensure, which may be  
7                    waived at the discretion of the Board, if:
- 8                    (1) the applicant for licensure is able to verify the  
9                            successful completion of one (1) year of clinical  
10                           practice in the United States or the District of  
11                           Columbia, or
- 12                   (2) the applicant is able to document exceptional  
13                           expertise acceptable to the Board in the fields  
14                           of research, education or clinical practice, and
- 15           j.    have successfully passed the national examination  
16                    approved by the Board.

17           2. If the foreign-educated music therapist applicant is a  
18 graduate of an accredited music therapy education program,  
19 requirements in subparagraphs c, d, g and i of paragraph 1 of this  
20 subsection may be waived by the Board.

21           D. When a foreign-educated applicant satisfies the  
22 qualifications for licensure set forth in subparagraphs a through h  
23 of paragraph 1 of subsection C of this section, prior to licensure  
24 the Board shall issue an interim permit to the applicant for the

1 purpose of participating in a supervised clinical practice period.  
2 The time period of an interim permit shall not be less than ninety  
3 (90) days nor more than six (6) months. An interim permit holder,  
4 to the satisfaction of the Board, shall complete a period of  
5 clinical practice under the continuous and immediate supervision of  
6 a music therapist who holds an unrestricted license issued pursuant  
7 to the Music Therapy Practice Act in a facility approved by the  
8 Board.

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

12 A. Any person intending to practice as a music therapist in  
13 this state shall apply to the Oklahoma State Board of Medical  
14 Licensure in writing. Such application shall be on a form and in a  
15 manner prescribed by the Board and shall request such information  
16 from the applicant as will indicate to the Board the applicant's  
17 qualifications to take the required examination or otherwise comply  
18 with the provisions of the Music Therapy Practice Act. An  
19 application to the Board to practice as a music therapist shall be  
20 accompanied by a fee as required by the provisions of the Music  
21 Therapy Practice Act. Said fee shall not be refundable.

22 B. The Board shall issue an appropriate license to each  
23 applicant who successfully passes the examination in accordance with  
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1 standards promulgated by the Board and who otherwise complies with  
2 the provisions of the Music Therapy Practice Act.

3 C. Any applicant who fails to pass the examination may request  
4 to retake the examination in accordance with standards established  
5 by the Board.

6 D. Upon payment to the Board of a fee as provided by the Music  
7 Therapy Practice Act, and submission of a written application on  
8 forms provided by the Board, the Board may issue a license without  
9 examination to any person who is licensed or otherwise registered as  
10 a music therapist by another state or any territory of the United  
11 States which has substantially the same standards for licensure as  
12 are required by this state pursuant to the provisions of the Music  
13 Therapy Practice Act.

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

17 A. Upon proper application to the Board, and payment of the fee  
18 required by the provisions of the Music Therapy Practice Act, the  
19 Board shall issue without examination a temporary permit to practice  
20 music therapy in this state for a period of not to exceed one (1)  
21 year to any person who meets the qualifications required for  
22 applicants to take the examination and who submits satisfactory  
23 evidence to the Board that such applicant is in this state on a  
24 temporary basis to assist in a case of medical emergency or to

1 engage in a music therapy project. The Board may shorten the term  
2 of the temporary permit for less than one (1) year.

3 B. Upon proper application and payment of fees, the Board may  
4 issue a temporary permit to a person who has applied for a license  
5 pursuant to the provisions of this act, and who is eligible to take  
6 the examination pursuant to the provisions of the Music Therapy  
7 Practice Act. Such temporary permit shall be available to an  
8 applicant only with respect to his first application for licensure.  
9 Such permit shall expire upon notice that the applicant has or has  
10 not passed the examination.

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

14 A. 1. Except as otherwise provided by the Music Therapy  
15 Practice Act, all licenses shall expire on January 31 of each year.  
16 A license may be renewed during the month of January of each year  
17 upon:

- 18 a. application,
- 19 b. evidence of satisfactory completion of a program of  
20 continuing education or of alternative requirements,  
21 as required by the Oklahoma State Board of Medical  
22 Licensure and Supervision pursuant to subsection B of  
23 this section, and
- 24 c. payment of fees.

1           2. Applications for renewal of licensure shall be sent by the  
2 Board to all licensed music therapists at their last-known address.  
3 Failure to renew a license three (3) months after notification shall  
4 effect a forfeiture of the license granted pursuant to the  
5 provisions of the Music Therapy Practice Act. Upon recommendation  
6 of the Board, a lapsed license may be revived upon the payment of  
7 all unpaid registration fees and pursuant to such rules as may be  
8 promulgated by the Board.

9           3. A music therapist who fails to apply for a renewal of a  
10 license for five (5) years may renew the license by complying with  
11 the provisions of the Music Therapy Practice Act relating to the  
12 issuance of an original license.

13           B. The Board shall establish by rule the requirements for:

14           1. A program of continuing education; and

15           2. Alternative requirements to establish continuing competence  
16 to practice.

17           The Board shall also establish by rule the minimum hours of  
18 continuing education needed to satisfy these requirements. In  
19 establishing these requirements, the Board shall consider any  
20 existing programs of continuing education currently being offered to  
21 licensed music therapists.

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

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

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

9           2. Failed to refer patients to other health care providers if  
10 symptoms are known to be present for which music therapy treatment  
11 is inadvisable or if symptoms indicate conditions for which  
12 treatment is outside the standards of practice as specified in the  
13 rules and regulations promulgated by the Board pursuant to the  
14 provisions of the Music Therapy Practice Act;

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

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

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

23           6. Been grossly negligent in the practice of music therapy;  
24

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

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

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

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

9 B. As used in this section:

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

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

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

21 Any person holding a license pursuant to the provisions of the  
22 Music Therapy Practice Act as a music therapist may use the title  
23 "Licensed Professional Music Therapist", "Licensed Music Therapist",  
24

1 or the letters "L.P.M.T., MT-BC" or "L.P.M.T.", as authorized by the  
2 license obtained from the Board.

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

6 Any person who obtains, or attempts to obtain, licensure as a  
7 music therapist by any willful misrepresentation, grossly negligent  
8 misrepresentation, or any fraudulent misrepresentation, upon  
9 conviction, shall be guilty of a misdemeanor and shall be punished  
10 as required by the provisions of the Music Therapy Practice Act.

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

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

18 B. Any person who violates any provision of the Music Therapy  
19 Practice Act shall be found guilty of a misdemeanor, and upon  
20 conviction, shall be subject to punishment pursuant to the  
21 provisions of Section 491 of Title 59 of the Oklahoma Statutes and  
22 to one or more of the following actions which may be taken by the  
23 Oklahoma State Board of Medical Licensure and Supervision in  
24 consultation with the Music Therapy Committee:

1 1. Revocation of license;

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

4 3. Invocation of restrictions in the form of probation as  
5 defined by the Board; or

6 4. For emergency situations where the question of continued  
7 right to practice is a threat to public welfare, utilization of  
8 procedures as outlined in Section 481 et seq. of Title 59 of the  
9 Oklahoma Statutes regarding physicians.

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

13 The Oklahoma State Board of Medical Licensure and Supervision  
14 shall prescribe and publish, in the manner established by its rules  
15 and regulations, fees in the amounts determined by the Board, but  
16 not exceeding the following maximum amounts, unless cost  
17 justification is present:

18 Music Therapist Examination .....\$150.00

19 Music Therapist License

20 and renewal thereof ..... \$50.00

21 Temporary Permit .....\$25.00

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

23  
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