

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1748

(SENATE AUTHORS: ROSEN)

| DATE | D-PG | OFFICIAL STATUS |
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| 02/09/2012 | 3770 | Introduction and first reading Referred to Health and Human Services |

1.1 A bill for an act
1.2 relating to health occupations; creating licensure for music therapists; imposing
1.3 fees and civil penalties; proposing coding for new law as Minnesota Statutes,
1.4 chapter 146C.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. **[146C.01] DEFINITIONS.**

1.7 Subdivision 1. **Scope.** The terms defined in this section apply to this chapter.

1.8 Subd. 2. **Advisory council.** "Advisory council" means the Music Therapy Advisory
1.9 Council established in section 146C.02.

1.10 Subd. 3. **Commissioner.** "Commissioner" means the commissioner of health or a
1.11 designee.

1.12 Subd. 4. **Music therapist board certified.** "Music therapist board certified" means
1.13 an individual who has completed the education and clinical requirements established
1.14 by the American Music Therapy Association, has passed the Certification for Music
1.15 Therapists certification examination, and remains actively certified by the Certification
1.16 Board for Music Therapists.

1.17 Subd. 5. **Music therapist.** "Music therapist" means an individual who meets the
1.18 qualifications in section 146C.04 and is licensed by the commissioner.

1.19 Subd. 6. **Music therapy.** "Music therapy" means the clinical and evidence-based use
1.20 of music interventions to accomplish individualized goals within a therapeutic relationship
1.21 by a licensed professional who has completed an approved music therapy program.

1.22 Sec. 2. **[146C.02] MUSIC THERAPY ADVISORY COUNCIL.**

2.1 Subdivision 1. **Membership.** The commissioner shall appoint five persons to the
2.2 Music Therapy Advisory Council consisting of the following:

2.3 (1) two public members, as defined in section 214.02. The public members shall
2.4 be either persons who have received music therapy services or family members of or
2.5 caregivers to such persons; and

2.6 (2) three members who have at least five years of experience in the state in the
2.7 practice of music therapy.

2.8 Subd. 2. **Duties.** The advisory council shall:

2.9 (1) advise the commissioner regarding standards for licensure of music therapists;

2.10 (2) advise the commissioner on enforcement of the provisions contained in this
2.11 chapter;

2.12 (3) review applications and make recommendations to the commissioner on granting
2.13 or denying licensure or license renewal;

2.14 (4) review reports of investigations relating to individuals and make
2.15 recommendations to the commissioner as to whether licensure should be denied or
2.16 disciplinary action taken against the person;

2.17 (5) provide for distribution of information regarding music therapist licensure
2.18 standards; and

2.19 (6) perform other duties authorized for advisory councils by chapter 214, as directed
2.20 by the commissioner.

2.21 Sec. 3. **[146C.03] LICENSURE; PROTECTED TITLES; EXEMPT PERSONS;**
2.22 **SANCTIONS.**

2.23 Subdivision 1. **Unlicensed practice prohibited.** No person shall engage in the
2.24 practice of music therapy unless the person is licensed as a music therapist in accordance
2.25 with this chapter.

2.26 Subd. 2. **Protected titles and restrictions on use.** (a) Use of the terms or initials
2.27 "music therapy," "music therapist," "MT," "MT/L," or "LMT" or like title or initials to
2.28 indicate or imply that the person is licensed by the state as a music therapist is prohibited
2.29 unless that person is licensed under this chapter.

2.30 (b) Use of the term or initials "music therapist board certified/licensed" or
2.31 "MT-BC/L" or like title or initials to indicate or imply that a person is a licensed music
2.32 therapist who is certified by the Certification Board for Music Therapists is prohibited
2.33 unless the person is licensed under this chapter and holds a valid certification from the
2.34 Certification Board for Music Therapists.

2.35 Subd. 3. **Exempt persons.** This section does not apply to:

3.1 (1) a person employed as a music therapist by the government of the United States or
3.2 any agency thereof. However, the use of the protected titles under those circumstances is
3.3 allowed only in connection with performance of official duties for the federal government;
3.4 or

3.5 (2) a student enrolled in an accredited music therapy program who is participating
3.6 in supervised fieldwork or supervised coursework that is necessary to meet the licensure
3.7 requirements of this chapter, or who is designated by a title which clearly indicates
3.8 the person's status as a student trainee. Any use of the protected titles under these
3.9 circumstances is allowed only while the person is performing the duties of the supervised
3.10 fieldwork or supervised coursework.

3.11 Subd. 4. **Transition period.** A person who is employed providing music therapy
3.12 services on the date of enactment of this chapter must obtain a license within one year. A
3.13 person providing music therapy services during the transition year must comply with the
3.14 provisions of this chapter.

3.15 Subd. 5. **Exemption.** Nothing in this chapter shall prohibit the practice of any
3.16 profession or occupation licensed or registered by the state by any person licensed or
3.17 registered to practice the profession or occupation or to perform any act that falls within
3.18 the scope of practice of the profession or occupation.

3.19 Sec. 4. **[146C.04] LICENSURE APPLICATION REQUIREMENTS;**
3.20 **QUALIFICATIONS.**

3.21 Subdivision 1. **Application.** An applicant for licensure must apply in writing on a
3.22 form prescribed by the commissioner and submit the fee required in section 146C.09.

3.23 Subd. 2. **Qualifications.** An applicant for licensure must:

3.24 (1) be 18 years of age or older;

3.25 (2) hold a bachelor's degree or higher in music therapy, or its equivalent, from an
3.26 approved program by the American Music Therapy Association, or its successor, from an
3.27 accredited college or university;

3.28 (3) successfully complete a minimum of 1,200 hours of clinical training, with at least
3.29 180 hours in pre-internship experiences and at least 900 hours in internship experiences,
3.30 provided that the internship is approved by an academic institution, the American Music
3.31 Therapy Association, or both;

3.32 (4) successfully pass a background check that includes a review of the applicant's
3.33 music therapy licensure history, including a review of any alleged misconduct or neglect
3.34 in the practice of music therapy on the part of the applicant; and

4.1 (5) provide proof of passing the examination for board certification offered by
4.2 the Certification Board for Music Therapists or its successor, or provide proof that the
4.3 applicant is currently board certified as a music therapist by the Certification Board for
4.4 Music Therapists or its successor.

4.5 **Sec. 5. [146C.05] TRANSITION PERIOD; WAIVER OF EXAMINATION.**

4.6 For one year following enactment of this chapter, the commissioner shall waive the
4.7 examination requirement in section 146C.04, subdivision 2, clause (5), for an applicant
4.8 who is:

4.9 (1) board certified as a music therapist and is in good standing with the Certification
4.10 Board for Music Therapists; or

4.11 (2) designated as a Registered Music Therapist, Certified Music Therapist, or
4.12 Advanced Certified Music Therapist and is in good standing with the National Music
4.13 Therapy Registry.

4.14 **Sec. 6. [146C.06] RENEWAL OF LICENSE; INACTIVE LICENSE.**

4.15 Subdivision 1. **Renewal requirements.** To be eligible for license renewal, a
4.16 licensee must:

4.17 (1) submit a completed and signed application form for license renewal on a form
4.18 provided by the commissioner;

4.19 (2) submit the renewal fee required under section 146C.09;

4.20 (3) provide proof of maintenance of the applicant's board certification credentials;

4.21 (4) provide proof of completion of a minimum of 100 hours of continuing education
4.22 in programs approved by the Certification Board for Music Therapists;

4.23 (5) provide proof of completion of a minimum of 100 hours of music therapy
4.24 practice; and

4.25 (6) submit additional information as requested by the commissioner to clarify
4.26 information presented in the renewal application.

4.27 **Subd. 2. **Renewal deadline.** (a) Licenses must be renewed every five years.**

4.28 Licensees must comply with the procedures in paragraphs (b) to (d).

4.29 (b) A completed application for license renewal must be received by the Department
4.30 of Health at least seven days prior to the license expiration date.

4.31 (c) A completed application for license renewal not received within the time required
4.32 under paragraph (b), but received on or before the expiration date, must be accompanied
4.33 by a late fee in addition to the renewal fee in section 146C.09.

4.34 (d) License renewals received after the expiration date shall not be accepted.

5.1 Subd. 3. **Failure to renew.** (a) An individual who fails to renew a license shall
5.2 forfeit the license. Licenses that have been forfeited may be restored within one year of
5.3 the expiration date upon completion of the requirements in subdivision 1, and payment of
5.4 the late fee in section 146C.09.

5.5 (b) An individual who requests license renewal five or more years after the
5.6 expiration date shall be required to reapply for licensure as a new applicant and must
5.7 comply with the requirements for new licensees at the time of application.

5.8 Subd. 4. **Inactive status.** A licensee with an active license who is in good standing
5.9 and has no disciplinary or other adverse actions pending may make a written request
5.10 to have the license placed on inactive status. The licensee shall be required to pay the
5.11 inactive status fee in section 146C.09. The license may be reactivated at any time
5.12 by making a written request to the commissioner and by fulfilling the requirements
5.13 established by the commissioner.

5.14 Sec. 7. **[146C.07] SCOPE OF PRACTICE.**

5.15 Subdivision 1. **Uses and techniques.** (a) Music therapy is the specialized
5.16 use of music and the materials of music to restore, maintain, and improve cognitive,
5.17 psychological, social or emotional, affective, physical, sensory or sensorimotor, motor,
5.18 communicative, and physiological areas of functioning.

5.19 (b) Techniques used in the practice of music therapy include:

5.20 (1) the use of music to provide participatory individual and group experiences;

5.21 (2) therapeutic development of verbal skills and nonverbal behavior;

5.22 (3) receptive music learning;

5.23 (4) lyric discussions;

5.24 (5) memory recall;

5.25 (6) music and imagery;

5.26 (7) self-expression through composition and songwriting;

5.27 (8) socialization and enhancement of self-esteem through music performance;

5.28 (9) relaxation to music, including stress and pain management;

5.29 (10) learning through music;

5.30 (11) cultural and spiritual expression;

5.31 (12) development of fine and gross motor skills through responses to rhythm;

5.32 (13) respiratory and speech improvements through sound production; and

5.33 (14) sensory integration and stimulation.

5.34 Subd. 2. **Practice.** (a) A licensee may accept referrals for music therapy services
5.35 from physicians, psychologists, and other medical, developmental, or mental health

6.1 professionals, family members, clients, and caregivers. Before providing music therapy
6.2 services to a client for a medical or mental health condition, the licensee shall consult with
6.3 the client's physician, psychologist, primary care provider, or mental health professional to
6.4 review the client's diagnosis, treatment needs, and treatment plan.

6.5 (b) A licensee shall conduct a music therapy assessment of a client to collect
6.6 systematic, comprehensive, and accurate information necessary to determine the
6.7 appropriate type of music therapy services to provide for the client, including but
6.8 not limited to information related to a client's emotional and physical health, social
6.9 functioning, communication abilities, and cognitive skills based on the client's history and
6.10 observation of and interaction with the client in music and nonmusic settings.

6.11 (c) A licensee shall develop an individualized treatment plan for the client that
6.12 identifies the goals, objectives, and potential strategies of music therapy services
6.13 appropriate for the client.

6.14 (d) A licensee shall carry out an individualized treatment plan that is consistent with
6.15 any other medical, developmental, mental health, or education services being provided to
6.16 the client.

6.17 (e) A licensee shall evaluate and compare the client's response to music therapy and
6.18 the individualized treatment plan and suggest modifications as appropriate.

6.19 (f) A licensee shall develop a plan for determining when the provision of services
6.20 is no longer needed. The licensee shall consult with the client, any physician or other
6.21 provider of health care or education of the client, any appropriate member of the family of
6.22 the client, and any other appropriate person upon whom the client relies for support.

6.23 (g) A licensee shall collaborate with and educate the client and the family or
6.24 caregiver of the client about the needs of the client that are being addressed in music
6.25 therapy and the manner in which the music therapy addresses those needs.

6.26 **Sec. 8. [146C.08] DISCIPLINARY ACTION.**

6.27 **Subdivision 1. Grounds for denial of license or discipline.** (a) The commissioner
6.28 may revoke, suspend, deny, or refuse to issue or renew a license, or may discipline a
6.29 licensee using any of the disciplinary actions listed in subdivision 3 on proof that the
6.30 individual has:

6.31 (1) procured or attempted to procure a license by fraud, deceit, misrepresentation,
6.32 misleading omission, or material misstatement of fact;

6.33 (2) been convicted of violating any state or federal law, rule, or regulation which
6.34 directly relates to the practice of music therapy;

7.1 (3) willfully or negligently acted in a manner inconsistent with the health or safety
7.2 of persons in the individual's care;

7.3 (4) had a credential to practice music therapy suspended or revoked, or has otherwise
7.4 been subject to discipline relating to the individual's practice of music therapy in any
7.5 other jurisdiction;

7.6 (5) committed a fraudulent insurance act;

7.7 (6) failed to perform services with reasonable judgment, skill, or safety due to the
7.8 use of alcohol or drugs, or other physical or mental impairment;

7.9 (7) violated any provisions of this chapter;

7.10 (8) not cooperated with the commissioner or the advisory council in an investigation
7.11 conducted according to subdivision 2;

7.12 (9) engaged in dishonest, unethical, or unprofessional conduct in connection with
7.13 the practice of music therapy that is likely to deceive, defraud, or harm the public; or

7.14 (10) engaged in abusive or fraudulent bill practices.

7.15 Subd. 2. **Investigation of complaints.** The commissioner, or the advisory council
7.16 when authorized by the commissioner, may initiate an investigation upon receiving a
7.17 complaint or other written or oral communication that alleges or implies that a person has
7.18 violated the provisions of this chapter. In the receipt, investigation, and hearing of a
7.19 complaint, the commissioner shall follow the procedures in section 214.10.

7.20 Subd. 3. **Disciplinary actions.** If the commissioner finds that a music therapist
7.21 should be disciplined according to subdivision 1, the commissioner may take any one
7.22 or more of the following actions:

7.23 (1) refuse to grant or renew a license;

7.24 (2) approve licensure with conditions;

7.25 (3) revoke licensure;

7.26 (4) suspend licensure;

7.27 (5) any reasonable lesser action including, but not limited to, reprimand or restriction
7.28 on licensure;

7.29 (6) impose, for each violation, a civil penalty not exceeding \$1,000 that deprives the
7.30 licensee of any economic advantage gained by the violation and reimburses the Department
7.31 of Health for costs of the investigation and proceedings resulting in disciplinary action; or

7.32 (7) any action authorized by statute.

7.33 Subd. 4. **Authority to contract.** The commissioner shall contract with the health
7.34 professionals services program as authorized by sections 214.31 to 214.37 to provide these
7.35 services to practitioners under this chapter. The health professionals services program
7.36 does not affect the authority to discipline violations of this chapter.

8.1 Sec. 9. [146C.09] FEES.

8.2 (a) The fees charged by the commissioner are fixed at the following rates:

8.3 (1) application fee, \$.....;

8.4 (2) licensure renewal fee, \$.....;

8.5 (3) licensure renewal late fee, \$.....;

8.6 (4) inactive license fee, \$.....; and

8.7 (5) duplicate license fee, \$.....

8.8 (b) All fees are nonrefundable.

8.9 Sec. 10. EFFECTIVE DATE.

8.10 Sections 1 to 9 are effective the day following final enactment.