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Overview

This bill, if enacted, would create a requirement for licensure of music therapists. In 2014, there were approximately 130 board-certified music therapists in Minnesota. Recent information from the Certification Board for Music Therapists shows that seven states license music therapists (Georgia, New York, Nevada, North Dakota, Oregon, Rhode Island, and Utah) and one state requires registration (Wisconsin).

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1

Definitions. Creates § 148G.01. Defines the following terms as used in this new chapter of law: “advisory council,” “board-certified music therapist,” “commissioner,” “music interventions,” “music therapist,” and “music therapy.”

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Music therapy advisory council. Creates § 148G.05.

Subdivision 1. Membership. Requires the commissioner of health to appoint a five member advisory council consisting of one public member, one licensed health professional who is not a music therapist, and three music therapists.

Subd. 2. Creation. Requires the advisory council to be organized and administered under section 15.059.

Subd. 3. Duties. Requires the council to advise the commissioner on standards for licensing music therapists and on enforcement of this chapter; review applications for licensure and complaint reports made against licensees and make recommendations to the commissioner; develop public education materials; share information with

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licensees, national certification boards, and the commissioner; and perform other duties authorized under chapter 214.

3

Unauthorized practice; protected titles; exempt persons. Creates § 148G.10.

Subdivision 1. Unlicensed practice prohibited. Limits the practice of music therapy to licensed music therapists effective July 1, 2017.

Subd. 2. Protected titles and restrictions on use. Paragraph (a) limits the use of the terms “music therapy” or “music therapist” unless the person is licensed under this chapter.

Paragraph (b) limits the use of “board-certified music therapist” or similar title to those persons who are licensed under this chapter and hold a current certification from the Certification Board for Music Therapists.

Paragraph (c) limits the use of the terms “registered music therapist,” “certified music therapist,” or “advanced-certified music therapist” to those persons who are licensed under this chapter and hold a current professional designation from the National Music Therapy Registry.

Subd. 3. Exempt persons. Provides that this section does not apply to:

- a person employed by the U.S. government or federal agency as a music therapist;
- a person licensed, registered, or regulated by the state in another profession, or person supervised by a regulated professional, who uses music incidental to professional practice, and does not hold oneself out as a music therapist;
- a student enrolled in an accredited music therapy program;
- a person who practice music therapy under the supervision of a licensed music therapist; or
- a person trained and certified by a national certifying organization as a music healing professional, practices within the scope of specific training, and does not hold oneself out as a music therapist.

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Licensure application requirements; qualifications. Creates § 148G.15.

Subdivision 1. Application. Requires applicants to submit a written application and the fee required in section 148G.45.

Subd. 2. Qualifications. Requires applicants to be at least 18 years of age, hold at least a bachelor’s degree in music therapy or its equivalent from an approved program, complete a specified minimum of clinical training, pass a background check, pass the board certification exam, and provide proof of current board certification as a music therapist.

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Subd. 3. Action on application for licensure. Paragraph (a) requires the commissioner to take action on all applications.

Paragraph (b) requires the commissioner to determine if the applicant meets licensing requirements. Allows the commissioner or the advisory council to investigate information provided by the applicant.

Paragraph (c) requires the commissioner to notify each applicant of the action taken, and if the license is denied or approved with conditions, the grounds for this determination.

Paragraph (d) allows an applicant who is denied licensure or who is granted a conditional license to make a written request for reconsideration to the commissioner.

Subd. 4. Reciprocity. Requires the commissioner to issue a license to an applicant who is licensed in another jurisdiction if the applicant is in good standing as a music therapist in that jurisdiction and the qualifications meet or exceed those required in this chapter.

5

Transition period; waiver of examination. Creates § 148G.20. Establishes grandfathering provisions:

- Waives examination requirement for applicants who are board certified by the Certification Board for Music Therapists as of July 1, 2016, and are in good standing with the certification board.
- Waives examination requirements until January 1, 2020, for applicants who are registered music therapists, certified music therapists, or advanced certified music therapists and in good standing with the National Music Therapy Registry.

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Renewal of license; inactive status. Creates § 148G.25.

Subdivision 1. Renewal requirements. Requires a licensee to submit the written and signed license renewal application along with the required renewal fee; provide proof of board certification; submit proof of completion of 100 hours of continuing education; and submit additional information requested by the commissioner.

Subd. 2. Renewal deadline. Requires licenses to be renewed every five years. Provides that the completed renewal application must be received by the commissioner or postmarked 14 days prior to the license expiration date that is printed on the license. States that late fee will be assessed if the renewal application is not received on or before the expiration date.

Subd. 3. Licensure renewal notice. Instructs the commissioner to mail renewal notices at least 60 calendar days prior to license expiration to the licensee at the last known address on file.

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Subd. 4. Failure to renew. Paragraph (a) provides that a licensee who fails to renew a license forfeits the license. Allows licensees to restore their license within one year of forfeiture by meeting the requirements of subdivision 1.

Paragraph (b) provides that a licensee who requests restoration of a license more than one year after forfeiture must reapply as a new applicant.

Subd. 5. Inactive status. Paragraph (a) allows a licensee with an active license who is in good standing to place the license on inactive status. Requires payment of the inactive status fee.

Paragraph (b) allows a licensee to reactivate the license by submitting the information required in subdivision 1 when the license has been inactive for two years or less.

Paragraph (c) requires a licensee whose license has been on inactive status for more than two years to reapply as a new applicant.

7

Change of name, address, or employment. Creates § 148G.30. Requires a licensee to notify the commissioner within 30 days of any change in name, address, employment, business address, or business telephone number.

8

Practice of music therapy. Creates § 148G.35. Paragraph (a) describes the practice of music therapy as a clinical, evidence-based use of music to accomplish individual goals for all persons within a therapeutic relationship with a licensed music therapist. States that music therapy does not include diagnosis of physical, mental, or communication disorders.

Paragraph (b) allows music therapists to accept referrals from a variety of professional and nonprofessional sources. Requires the music therapist to collaborate with other providers, as needed.

Paragraph (c) requires a music therapist to conduct a music therapy assessment to determine if treatment is indicated.

Paragraph (d) requires a music therapist to develop an individualized music therapy treatment plan based on the assessment.

Paragraph (e) requires the music therapist to implement the plan constituent with any other services being provided to the client.

Paragraph (f) requires a music therapist to evaluate the client's response to music therapy, document changes and progress, and suggest modifications to the treatment plan.

Paragraph (g) requires the music therapist to develop a plan to determine when services are no longer needed.

Paragraph (h) requires the music therapist to provide services in the least restrictive setting.

Paragraph (i) requires the music therapist to collaborate with and educate the client and the client's significant others about the client needs being addressed in music therapy.

Paragraph (j) requires the music therapist to use necessary skills to determine appropriate actions in the context of each clinical setting.

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9 **Disciplinary action.** Creates § 148G.40.

Subdivision 1. Grounds for denial of license or discipline. Gives the commissioner authority to revoke, suspend, deny, or refuse to issue or renew a license, or to discipline a licensee. Grounds for such action include:

- obtaining a license by fraud or misrepresentation;
- conviction of violating a law, rule, or regulation related to the practice of music therapy;
- willful or negligent actions related to the health or safety of a client;
- revocation of a music therapy credential, or disciplinary action in another jurisdiction;
- failure to perform services due to physical or mental impairment, or substance use;
- violation of this practice act;
- unethical or unprofessional conduct likely to defraud, deceive or harm the public;
- abusive or fraudulent billing practices;
- dividing fees;
- performing services in an incompetent or negligent manner; or
- practicing music therapy without a license.

Subd. 2. Investigation of complaints. Allows the commissioner or the advisory council to initiate an investigation of a complaint. Requires the procedures in section 214.13 to be followed.

Subd. 3. Disciplinary actions. Lists the forms of disciplinary action that may be taken by the commissioner.

Subd. 4. Authority to contract. Allows the commissioner to contract with the health professionals services program to provide services to licensees.

10 **Fees.** Creates § 148G.45. Lists the types of fees that may be charged by the commissioner. No fee amounts are included.

11 **Effective date.** Provides a July 1, 2016 effective date.