96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2977

Introduced 2/3/2010, by Sen. Carole Pankau

SYNOPSIS AS INTRODUCED:

New Act

Creates the Music Therapist Registration Act. Starting 6months after the effective date of the Act, prohibits any person from practicing music therapy or presenting himself or herself as a music therapist in the State, unless he or she is registered under the Act, falls within one of its enumerated exemptions, or has been issued a temporary registration. Establishes the Music Therapy Committee. Requires the Department of Financial and Professional Regulation to authorize credentialing examinations through the Certification Board for Music Therapists (CBMT). Sets qualifications for registration as a music therapist. Provides for licensure without examination for a music therapist who is licensed or otherwise certified as a Music Therapist-Board Certified (MT-BC) by another state or national certifying body which has substantially the same standards for registration as are required by the Act. Provides for the expiration, renewal, and restoration of music therapy registration. Creates a continuing education requirement. Establishes limits on the use of advertising. Effective November 1, 2011.

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FISCAL NOTE ACT MAY APPLY SB2977

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AN ACT concerning professional regulation.

2 Be it enacted by the People of the State of Illinois, 3 represented in the General Assembly:

Section 1. Short title. This Act may be cited as the Music
Therapy Registration Act.

Section 5. Purpose. In order to safeguard the public 6 7 health, safety and welfare, to protect the public from being 8 misled by incompetent and unauthorized persons, to assure the 9 highest degree of professional conduct on the part of music 10 therapists, and to assure the availability of music therapy services of high quality to persons in need of such services, 11 it is the purpose of this Act to provide for the regulation of 12 13 persons offering music therapy services to the public.

14 Section 10. Definitions. As used in this Act:

15 "Registered music therapist" means a person registered to 16 practice music therapy in the State of Illinois.

"Music therapy" means the clinical and evidence-based use 17 18 of music interventions to accomplish individualized goals а therapeutic relationship by credentialed 19 within a 20 professional who has completed an approved music therapy 21 program.

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"Music therapy" may include the following:

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(1) The assessment of a client's emotional and physical 1 health, social functioning, communication abilities, and cognitive skills through the client's history and the observation and interaction of the client in music and non-music settings.

6 (2) The development and implementation of treatment 7 plans, based on a client's assessed needs, using music 8 interventions including music improvisation, receptive 9 music listening, song writing, lyric discussion, music and 10 imagery, music performance, learning through music, and 11 movement to music.

12 (3) The evaluation and documentation of the client's 13 response to treatment.

14 (4) Conducting an individualized assessment for the 15 purpose of collecting systematic, comprehensive, and 16 accurate data necessary to determine the course of action 17 and subsequent individualized treatment plan.

(5) Planning and developing the individualized music 18 19 therapy treatment plan that identifies an individual's 20 goals, objectives, and potential treatment intervention 21 strategies.

22 Implementing the individualized music therapy (6) 23 treatment plan that is consistent with the individual's 24 overall treatment program.

25 Systematically evaluating and comparing (7)the 26 individual's response to the individualized music therapy 1 treatment plan and suggesting modifications as 2 appropriate.

3 (8) Developing a discharge plan in collaboration with 4 the individual, the individual's family, the treatment 5 team, and other identified support networks where 6 appropriate.

7 (9) Minimizing the impact of environmental constraints
8 as a barrier to participation in least restrictive
9 environments for individuals engaging in music therapy.

10 (10) Collaborating with and educating the individual, 11 family, caregiver, and others to foster an environment that 12 is responsive to the developmental needs of the individual 13 as addressed in music therapy.

(11) Consulting with groups, programs, organizations,
 or communities to improve accessibility to music therapy
 services.

17 "Department" means the Department of Financial and18 Professional Regulation.

19 "Committee" means the Music Therapy Committee.

20 Section 15. Unregistered practice; exemptions.

(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 registered
in accordance with the provisions of this Act.

25 (b) Nothing in this Act shall be construed to prevent or

1 restrict the practice, services, or activities of the 2 following:

(1) Any person licensed in another profession or
personnel supervised by a licensed professional in this
State performing work incidental to the practice of his or
her profession or occupation, if that person does not
represent himself or herself as a registered music
therapist.

9 (2) Any person enrolled in a course of study leading to 10 a degree in music therapy performing music therapy services 11 incidental to the person's course work when supervised by a 12 registered professional, if the person is designated by a 13 title that clearly indicates his or her status as a 14 student.

15 (3) Any person whose training and national 16 certification attests to the individual's preparation and 17 ability to practice his or her profession, if that person does not represent himself or herself as a registered music 18 19 therapist.

(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 course
of official duty, then the individual must be registered as
provided in this Act.

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Section 20. The Music Therapy Committee.

2 (a) There is hereby established the Music Therapy Committee 3 assist the Department with respect to the to required examination for applicants and to advise the Department on all 4 5 matters pertaining to the registration, education, and continuing education of registered music therapists and the 6 7 practice of music therapy.

8 (b) The Committee shall consist of 5 members who shall be 9 appointed by the Secretary of the Department as follows:

10 (1)three members, who shall, upon initial 11 appointment, be qualified persons who have been actively 12 practicing music therapy in this State for at least 3 registered 13 thereafter shall years, and be music 14 therapists; and

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(2) two members, who shall be lay persons.

16 (c) The professional members of the Committee shall be 17 appointed for staggered terms of one, two, and three years, respectively. Terms of office of each appointed member shall 18 19 expire on July 1 of the year in which they expire, regardless of the date when the appointments were made. Subsequent 20 appointments shall be made for a term of 3 years and until 21 22 successors are appointed and have qualified. The lay members 23 shall be appointed for staggered terms of office with the initial terms expiring on July 1, 2011 and July 1, 2012. 24 25 Thereafter, members appointed to these positions shall serve for terms of 3 years and until successors are appointed and 26

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have qualified. Vacancies shall be filled by the Secretary in
 the same manner for the remainder of the term.

3 (d) Members of the Committee shall be reimbursed for all 4 actual and necessary expenses incurred in the performance of 5 duties required by this Act.

6 (e) The Committee shall meet at least every 3 months. At 7 the initial meeting of the Committee, members shall elect a 8 chair. Three members of the Committee shall constitute a quorum 9 for the purpose of conducting official business of the 10 Committee.

11 (f) The Committee shall have the following powers and 12 duties:

(1) To advise the Department on all matters pertaining
to the registration, education, and continuing education
requirements for and practice of music therapy in this
State.

17 (2) To assist and advise the Department in all hearings
18 involving music therapists who are deemed to be in
19 violation of this Act.

20 Section 25. Powers and duties of the Department. The 21 Department shall have the following powers and duties:

(1) To adopt rules necessary for the performance of its
 duties under this Act, including the requirements for
 registration, standards for training, standards for
 institutions for training, standards of practice after

1 registration, and standards and procedures for revocation 2 of a registration.

3 (2) To determine, as recommended by the Committee, the 4 qualifications of applicants for registration and to 5 determine which applicants successfully passed the 6 required examination.

7 (3) To determine necessary fees to carry out the
8 provisions of this Act.

9 (4) To make such investigations and inspections as are 10 necessary to ensure compliance with this Act or any rule 11 adopted pursuant to this Act.

12 (5) To conduct hearings as required by the provisions13 of the Administrative Procedures Act.

14 (6) To suspend, revoke, or deny the registration of any
15 music therapist for violation of this Act or any rules
16 adopted pursuant to this Act.

17 (7) To maintain a record listing the name of each music18 therapist registered in this State.

19 (8) To compile a list of music therapists registered to 20 practice in this State. The list shall be available to any 21 person upon application to the Department and payment of 22 the fee determined by the Department.

(9) To make such expenditures and employ such personnel
as it may deem necessary for the administration of this
Act.

30. 1 Section Registration music therapist; as 2 qualifications. (a) To be eligible for registration as a music therapist, 3 an applicant shall: 4 5 (1) be at least 18 years of age; 6 (2) be of good moral character; 7 (3) have successfully completed an academic program 8 approved by the American Music Therapy Association (AMTA) 9 with a baccalaureate degree or higher from an accredited 10 college or university with a major in music therapy; 11 (4) have successfully completed a minimum of 1200 hours clinical training, with at least 180 hours 12 of in

12 OF CHINCAL CRAINING, WICH at least 180 hours in 13 pre-internship experiences and at least 900 hours in 14 internship experiences. Internship programs may be 15 approved by an academic institution, the American Music 16 Therapy Association, or both; and

17 (5) have successfully completed the board
18 certification exam offered by the Certification Board for
19 Music Therapists.

(b) Notwithstanding subsection (a) of this Section, the 20 21 Department shall grant initial registrations to music 22 therapists who were certified by the Certification Board for 23 Music Therapists prior to July 1, 2010, and who hold an active MT-BC credential. 24

25 Section 35. Registration renewals; continuing education.

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- (a) Initial registrations and renewals shall be valid for 5
 years.
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(b) A person registered as a music therapist may renew his or her registration with the Department if he or she has:

5 (1) completed a minimum of 100 hours of music therapy 6 service; and

7 (2) continuing competency requirements met by completing a minimum of 100 hours of Continuing Music 8 9 Therapy Education (CMTE) programs as approved by the 10 Certification Board of Music Therapists and other 11 requirements established by rule of the Department.

12 (c) The Department may, upon notice and opportunity for a 13 hearing, deny an application for renewal or renew the 14 registration with conditions. Conditions imposed may include a 15 requirement for continuing education, practice under the 16 supervision of a registered music therapist, or any other 17 conditions deemed appropriate by the Department.

18 Section

Section 40. Use of title.

19 (a) A registered music therapist may use the letters 20 MT-BC/R (Music Therapist-Board Certified/Registered) in 21 connection with his or her name, unless he or she fails to 22 maintain his or her certification with the Certification Board 23 for Music Therapists.

(b) A person or business entity, and its employees, agents,
 or representatives, shall not use in conjunction with that

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person's name or the activity of the business the words 1 2 Therapist, " "Music "Registered Music Therapy", "Music Therapist", the letters "MT", "MT-BC", or "MT-BC/R", or any 3 other words, abbreviations, or insignia indicating or implying 4 5 directly or indirectly that music therapy is provided or supplied, including the billing of services labeled as music 6 therapy, unless such services are provided under the direction 7 8 of a registered music therapist under this Act.

9 Section 45. Referrals not required.

(a) A registered music therapist may perform a consultation and evaluation without a referral. Initiation of music therapy services to an individual for a medical condition shall be based on a referral from a qualified health care professional who, within the scope of his or her professional license, is authorized to refer for health care services.

16 (b) Prevention, wellness, education, adaptive, and related 17 services do not require a referral.

18 Section 50. Delegation; client safety.

(a) No person may coerce a registered music therapist into
 compromising client safety by requiring the registered music
 therapist to delegate any activity or task.

(b) A registered music therapist shall not be subject to disciplinary action by the Department for refusing to delegate activities or tasks, or refusing to provide the required training for delegation, if the registered music therapist
 determines that the delegation may compromise client safety.

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Section 55. Reciprocity; temporary registration.

4 (a) Upon payment to the Department of the registration fee 5 and submission of a written application on forms provided by 6 the Department, the Department may issue a registration without 7 examination to any person who is licensed or otherwise 8 certified as a Music Therapist-Board Certified (MT-BC) by 9 another state or national certifying body that has 10 substantially the same standards for registration or licensure 11 as are required by this Act.

12 (b) Upon proper application and payment of fees, the 13 Department may issue a temporary registration to a person who 14 has applied for a registration under this Act and who is 15 eligible to take the examination required under this Act. The 16 temporary registration shall be available to an applicant only with respect to his or her first application for registration. 17 18 The temporary registration shall expire upon notice that the 19 applicant has or has not passed the examination.

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Section 60. Advertising.

(a) No person shall advertise, in any manner, or otherwise represent himself or herself as a registered music therapist or as a provider of music therapy services unless the person is registered under this Act. SB2977 - 12 - LRB096 19749 ASK 35177 b

1 (b) Any person who violates any provision of this Act shall 2 be subject to one or more of the following actions which may be 3 taken by the Department in consultation with the Music Therapy 4 Committee:

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(1) Revocation of registration;

- 6 (2) Suspension of registration not to exceed 6 months 7 from the date of hearing; or
- 8 (3) Invocation of restrictions in the form of probation9 as defined by the Department.

Section 99. Effective date. This Act takes effect November 11 1, 2011.