

FIRST REGULAR SESSION

HOUSE BILL NO. 189

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

0081H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 324, RSMo, by adding thereto seven new sections relating to licensure requirements of music therapists, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 324, RSMo, is amended by adding thereto seven new sections, to be known as sections 324.100, 324.102, 324.104, 324.106, 324.108, 324.110, and 324.112, to read as follows:

- 324.100. As used in sections 324.100 to 324.112, the following terms shall mean:**
- (1) “Advisory group”, the music therapy advisory group;**
 - (2) “Board certified music therapist”, an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or transitioned into board certification, and remains actively certified by the Certification Board for Music Therapists;**
 - (3) “Director”, the director of the division of professional registration;**
 - (4) “Division”, the division of professional registration;**
 - (5) “Music therapist”, a person licensed to practice music therapy under sections 324.100 to 324.112;**
 - (6) “Music therapy”, the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential interventions, which may include music improvisation, receptive music listening, songwriting, lyric discussion, music and imagery, music performance,**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 learning through music, and movement to music. The practice of music therapy does not
18 include the diagnosis of any physical, mental, or communication disorder. Music therapy
19 may include:

20 (a) Accepting referrals for music therapy services from medical, developmental,
21 mental health, or education professionals; family members; clients; or caregivers. Before
22 providing music therapy services to a client for a medical, developmental, or mental health
23 condition, the licensee shall collaborate, as applicable, with the client's physician,
24 psychologist, or mental health professional to review the client's diagnosis, treatment
25 needs, and treatment plan. During the provision of music therapy services to a client, the
26 licensee shall collaborate, as applicable, with the client's treatment team;

27 (b) Conducting a music therapy assessment of a client to collect systematic,
28 comprehensive, and accurate information necessary to determine the appropriate type of
29 music therapy services to provide for the client;

30 (c) Developing an individualized music therapy treatment plan for the client;

31 (d) Carrying out an individualized music therapy treatment plan that is consistent
32 with any other medical, developmental, mental health, or educational services being
33 provided to the client;

34 (e) Evaluating the client's response to music therapy and the individualized music
35 therapy treatment plan and suggesting modifications, as appropriate;

36 (f) Developing a plan for determining when the provision of music therapy services
37 is no longer needed in collaboration with the client, any physician, or other provider of
38 health care or education of the client, any appropriate member of the family of the client,
39 and any other appropriate person upon whom the client relies for support;

40 (g) Minimizing any barriers so that the client may receive music therapy services
41 in the least restrictive environment; and

42 (h) Collaborating with and educating the client and the family or caregiver of the
43 client or any other appropriate person about the needs of the client that are being
44 addressed in music therapy and the manner in which the music therapy addresses those
45 needs.

324.102. 1. There is hereby established within the division of professional
2 registration the "Music Therapy Advisory Group" which shall consist of five members.

3 2. The director shall appoint all members of the advisory group. The advisory
4 group shall consist of persons familiar with the practice of music therapy to provide the
5 director with expertise and assistance in carrying out his or her duties under sections
6 324.100 to 324.112.

7 **3. The director shall appoint members of the advisory group to serve for terms of**
8 **four years. The director shall appoint three members who practice as music therapists in**
9 **this state; one member who is a licensed health care provider who is not a music therapist;**
10 **and one member who is a consumer.**

11 **4. Members shall serve without compensation.**

12 **5. Members may serve consecutive terms at the will of the director. Any vacancy**
13 **shall be filled in the same manner as the regular appointments.**

324.104. 1. The advisory group shall meet at least once per year or as otherwise
2 **called by the director.**

3 **2. The director shall consult with the advisory group prior to setting or changing**
4 **fees in sections 324.100 to 324.112.**

5 **3. The advisory group may facilitate the development of materials that the director**
6 **may utilize to educate the public concerning music therapist licensure, the benefits of music**
7 **therapy, and utilization of music therapy by individuals and in facilities or institutional**
8 **settings.**

9 **4. The advisory group may act as a facilitator of statewide dissemination of**
10 **information among music therapists, the American Music Therapy Association or any**
11 **successor organization, the Certification Board for Music Therapists or any successor**
12 **organization, and the director.**

13 **5. The advisory group shall provide analysis of disciplinary actions taken, appeals**
14 **and denials, or revocation of licenses at least once per year.**

15 **6. The director shall seek the advice of the advisory group for issues related to**
16 **music therapy.**

324.106. After January 1, 2017, no person without a license as a music therapist
2 **shall use the title “music therapist” or similar title or practice music therapy. Nothing in**
3 **sections 324.100 to 324.112 shall be construed to prohibit or restrict the practice, services,**
4 **or activities of the following:**

5 **(1) Any person licensed, certified, or regulated under the laws of this state in**
6 **another profession or occupation or personnel supervised by a licensed professional in this**
7 **state performing work including the use of music incidental to the practice of his or her**
8 **licensed, certified, or regulated profession or occupation if that person does not represent**
9 **himself or herself as a music therapist;**

10 **(2) Any person whose training and national certification attests to the individual’s**
11 **preparation and ability to practice his or her certified profession or occupation if that**
12 **person does not represent himself or herself as a music therapist;**

13 (3) Any student enrolled in an accredited music therapy program where the
14 practice of music therapy is an integral part of a program of study if the student does not
15 represent himself or herself as a music therapist; or

16 (4) Any person who practices music therapy under the supervision of a licensed
17 music therapist if the person does not represent himself or herself as a music therapist.

 324.108. 1. The director shall issue a license to an applicant for a music therapy
2 license if such applicant has completed and submitted an application upon a form and in
3 such manner as the director prescribes accompanied by applicable fees and evidence
4 satisfactory to the director that:

5 (1) The applicant is eighteen years of age or older;

6 (2) The applicant holds a bachelor's degree or higher in music therapy or its
7 equivalent from a program approved by the American Music Therapy Association or any
8 successor organization within an accredited college or university;

9 (3) The applicant successfully completes a minimum of one thousand two hundred
10 hours of clinical training with at least one hundred eighty hours in pre-internship
11 experiences and at least nine hundred hours in internship experiences, provided that the
12 internship is approved by an academic institution, the American Music Therapy
13 Association or any successor organization, or both;

14 (4) The applicant is in good standing based on a review of the applicant's music
15 therapy licensure history in other jurisdictions including a review of any alleged
16 misconduct or neglect in the practice of music therapy on the part of the applicant; and

17 (5) The applicant provides proof of passing the examination for board certification
18 offered by the Certification Board for Music Therapists or any successor organization or
19 provides proof of being transitioned into board certification and provides proof that the
20 applicant is currently a board certified music therapist.

21 2. The director shall issue a license to an applicant for a music therapy license when
22 such applicant has completed and submitted an application upon a form and in such
23 manner as the director prescribes accompanied by applicable fees and evidence
24 satisfactory to the director that the applicant is licensed and in good standing as a music
25 therapist in another jurisdiction where the qualifications required are equal to or greater
26 than those required in sections 324.100 to 324.112 at the date of application.

27 3. Until January 1, 2020, the director shall waive the examination requirement for
28 an applicant who is:

29 (1) A board certified music therapist; or

30 (2) Designated as a registered music therapist, certified music therapist, or
31 advanced certified music therapist and in good standing with the National Music Therapy
32 Registry.

 324.110. 1. Every license issued under sections 324.100 to 324.112 shall be renewed
2 biennially. A license shall be renewed upon payment of a renewal fee if the applicant is not
3 in violation of any of the terms of sections 324.100 to 324.112 at the time of application for
4 renewal. The following shall also be required for license renewal:

5 (1) Proof of maintenance of the applicant's status as a board certified music
6 therapist; and

7 (2) Proof of completion of a minimum of forty hours of continuing education in a
8 program approved by the Certification Board for Music Therapists or any successor
9 organization and any other continuing education requirements established by the director.

10 2. A licensee shall inform the director of any changes to his or her address. Each
11 licensee shall be responsible for timely renewal of his or her license.

12 3. Failure to renew a license shall result in forfeiture of the license. Licenses that
13 have been forfeited may be restored within one year of the expiration date upon payment
14 of renewal and restoration fees. Failure to restore a forfeited license within one year of the
15 date of its expiration shall result in the automatic termination of the license and the
16 director may require the individual to reapply for licensure as a new applicant.

17 4. Upon written request of a licensee, the director may place an active license on an
18 inactive status subject to an inactive status fee established by the director. The licensee,
19 upon request and payment of the inactive license fee, may continue on inactive status for
20 a period of up to two years. An inactive license may be reactivated at any time by making
21 a written request to the director and by fulfilling requirements established by the director.

 324.112. 1. The director may issue a sanction for any of the following acts:

2 (1) Ineligibility for licensure including but not limited to falsification of information
3 submitted for licensure or failure to maintain status as a board certified music therapist;

4 (2) Failure to pay fees when due;

5 (3) Failure to provide requested information in a timely manner;

6 (4) Conviction of a felony;

7 (5) Conviction of any crime that reflects an inability to practice music therapy with
8 due regard for the health and safety of clients and patients or with due regard for the truth
9 in filing claims with Medicare, MO HealthNet, or any third party payor;

10 (6) Inability or failure to practice music therapy with reasonable skill and
11 consistent with the welfare of clients and patients including but not limited to negligence

12 **in the practice of music therapy, intoxication, incapacity, or abuse of or engaging in sexual**
13 **contact with a client or patient; or**

14 **(7) Disciplinary action by another jurisdiction.**

15 **2. The director is authorized to conduct investigations into allegations of conduct**
16 **described in this section.**

17 **3. The director may impose one or more of the following sanctions for a violation**
18 **of sections 324.100 to 324.112:**

19 **(1) Suspension;**

20 **(2) Revocation;**

21 **(3) Denial;**

22 **(4) Refusal to renew a license;**

23 **(5) Probation with conditions;**

24 **(6) Reprimand; or**

25 **(7) A fine of not less than one hundred dollars nor more than one thousand dollars**
26 **for each violation.**

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