

A-Engrossed
House Bill 2796

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representative PARRISH (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

[Establishes Board of Music Therapy within Health Licensing Office. Defines "music therapy." Directs board to license music therapists. Permits office to take necessary action prior to operative date.]

Directs Health Licensing Office to issue license to practice music therapy to qualified applicant. Defines "music therapy." Directs office to adopt rules related to music therapy. Permits office to take necessary action prior to operative date.

Becomes operative January 1, 2016.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to music therapy; creating new provisions; amending ORS 676.580 and 676.992; and declar-
3 ing an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. As used in sections 1 to 4 of this 2015 Act, unless the context requires oth-**
6 **erwise:**

7 (1) **"Music therapist" means a person licensed to practice music therapy under sections**
8 **1 to 4 of this 2015 Act.**

9 (2)(a) **"Music therapy" means the clinical and evidence-based use of specialized music**
10 **techniques to accomplish individualized goals of music therapy clients by employing strate-**
11 **gies and tools that include but are not limited to:**

12 (A) **Acceptance of clients referred for music therapy by other health care or educational**
13 **professionals, family members or caregivers;**

14 (B) **Assessment of clients to determine appropriate music therapy services;**

15 (C) **Development and implementation of individualized music therapy treatment plans**
16 **that identify goals, objectives and strategies of music therapy that are appropriate for cli-**
17 **ents;**

18 (D) **Use of music therapy techniques such as improvisation, performance, receptive music**
19 **listening, song writing, lyric discussion, guided imagery with music, learning through music**
20 **and movement to music;**

21 (E) **Evaluation of a client's response to music therapy techniques and to the client's in-**
22 **dividualized music therapy treatment plan;**

23 (F) **Any necessary modification of the client's individualized music therapy treatment**
24 **plan;**

25 (G) **Any necessary collaboration with other health care professionals treating a client;**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 and

2 (H) Minimizing of barriers that may restrict a client’s ability to receive or fully benefit
3 from music therapy services.

4 (b) “Music therapy” does not include the diagnosis of physical, mental or communication
5 disorders.

6 **SECTION 2.** The Health Licensing Office shall issue a license to practice music therapy
7 to an applicant who:

8 (1) Is at least 18 years of age;

9 (2) Is in good standing in any other states where the applicant is licensed or certified to
10 practice music therapy;

11 (3) Submits sufficient proof, as determined by the office, of:

12 (a) Having passed the Certification Board for Music Therapists examination;

13 (b) Current certification with the Certification Board for Music Therapists; or

14 (c) A professional designation of “registered music therapist,” “certified music
15 therapist” or “advanced certified music therapist” issued by the National Music Therapy
16 Registry;

17 (4) Pays a licensure fee; and

18 (5) Meets other qualifications specified by the office under section 4 of this 2015 Act.

19 **SECTION 3.** (1) A person may not practice music therapy or assume or use any title,
20 words or abbreviations, including the title or designation “music therapist,” that indicate
21 that the person is authorized to practice music therapy unless the person is licensed under
22 section 2 of this 2015 Act.

23 (2) Subsection (1) of this section does not prohibit:

24 (a) A person licensed under the laws of this state in a profession or occupation other
25 than music therapy from using music in a manner incidental to the person’s practice;

26 (b) The use of music therapy as an integral part of a music therapy education program;
27 or

28 (c) A person whose training and national certification attest to the person’s preparation
29 and ability to practice the profession or occupation in which the person is certified, if the
30 person does not represent that the person is a music therapist.

31 **SECTION 4.** The Health Licensing Office shall adopt rules to:

32 (1) Establish a process for issuance of licenses;

33 (2) Establish licensure fees;

34 (3) Determine qualifications for applicants for initial licensure and licensure by
35 reciprocity;

36 (4) Approve:

37 (a) The Certification Board for Music Therapists examination;

38 (b) The certification issued by the Certification Board for Music Therapists; and

39 (c) The professional designations issued by the National Music Therapy Registry;

40 (5) Develop and maintain a publicly available record of music therapists; and

41 (6) Establish standards of practice and professional responsibility for music therapists.

42 **SECTION 5.** ORS 676.580 is amended to read:

43 676.580. As used in ORS 676.575 to 676.625:

44 (1) “Active authorization” means an authorization that is current and not suspended.

45 (2) “Authorization” means a certificate, license, permit or registration issued by the Health Li-

1 censing Office that allows a person to practice:

2 (a) One of the occupations or professions or maintain a facility subject to the authority of the
3 boards and councils listed in ORS 676.583; **or**

4 (b) **A profession or occupation subject to direct oversight by the office.**

5 (3) "Expired authorization" means an authorization that has been not current for more than
6 three years.

7 (4) "Inactive authorization" means an authorization that has been not current for three years
8 or less.

9 **SECTION 6.** ORS 676.992 is amended to read:

10 676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other
11 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to
12 exceed \$5,000 for each violation of the following statutes and any rule adopted thereunder:

13 (a) ORS 688.701 to 688.734 (athletic training);

14 (b) ORS 690.005 to 690.225 (cosmetology);

15 (c) ORS 680.500 to 680.565 (denture technology);

16 (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);

17 (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-
18 planting and scarification);

19 (f) ORS 694.015 to 694.170 (dealing in hearing aids);

20 (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

21 (h) ORS chapter 700 (environmental sanitation);

22 (i) ORS 675.360 to 675.410 (sex offender treatment);

23 (j) ORS 678.710 to 678.820 (nursing home administrators);

24 (k) ORS 691.405 to 691.485 (dietitians);

25 (L) ORS 676.612 (prohibited acts); *[and]*

26 (m) ORS 676.800 (applied behavior analysis); **and**

27 **(n) Sections 1 to 4 of this 2015 Act (music therapy).**

28 (2) The office may take any other disciplinary action that it finds proper, including but not
29 limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any
30 statute listed in subsection (1) of this section or any rule adopted under any statute listed in sub-
31 section (1) of this section.

32 (3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a
33 violation of ORS 694.042.

34 (4) In imposing a civil penalty pursuant to this section, the office shall consider the following
35 factors:

36 (a) The immediacy and extent to which the violation threatens the public health or safety;

37 (b) Any prior violations of statutes, rules or orders;

38 (c) The history of the person incurring a penalty in taking all feasible steps to correct any vio-
39 lation; and

40 (d) Any other aggravating or mitigating factors.

41 (5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

42 (6) The moneys received by the office from civil penalties under this section shall be deposited
43 in the Health Licensing Office Account and are continuously appropriated to the office for the ad-
44 ministration and enforcement of the laws the office is charged with administering and enforcing that
45 govern the person against whom the penalty was imposed.

