

House Bill 2796

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 **as introduced**.

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.

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 676.583; and declaring an emer-
3 gency.

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

5 **SECTION 1. As used in sections 1 to 7 of this 2015 Act, unless the context requires oth-**
6 **erwise:**

7 (1) "Association" means the American Music Therapy Association.

8 (2) "Music therapist" means a person licensed to practice music therapy under sections
9 1 to 7 of this 2015 Act.

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

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

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

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

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

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

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

26 (G) Any necessary collaboration with other health care professionals treating a client;
27 and

28 (H) Minimizing of barriers that may restrict a client's ability to receive or fully benefit
29 from music therapy services.

30 (b) "Music therapy" does not include the diagnosis of physical, mental or communication

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 disorders.

2 **SECTION 2.** (1) A person may not practice music therapy or assume or use any title,
 3 words or abbreviations, including the title or designation “music therapist,” that indicate
 4 that the person is authorized to practice music therapy unless the person is licensed under
 5 sections 1 to 7 of this 2015 Act.

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

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

9 (b) The use of music therapy as an integral part of a music therapy education program.

10 (3) Subsection (1) of this section applies to a person who is not licensed to practice music
 11 therapy under sections 1 to 7 of this 2015 Act but who practices music therapy under the
 12 supervision of a music therapist.

13 **SECTION 3.** (1) Upon receipt of an application for licensure accompanied by the fee es-
 14 tablished by rule of the Board of Music Therapy, the board shall issue a music therapist li-
 15 cense to an applicant who:

16 (a) Is at least 18 years of age;

17 (b) Holds at least a bachelor’s degree or its equivalent in music therapy from a program
 18 that is approved by the association and is housed within an institution of higher education;

19 (c) Successfully completes 1,200 hours of clinical training, including 180 hours of
 20 preinternship experience and 900 hours of internship experience in an internship that is ap-
 21 proved by the association or by the institution of higher education that the applicant at-
 22 tended;

23 (d) Is in good standing in any other states in which the applicant is licensed to practice
 24 music therapy; and

25 (e) Passes the examination administered by the Certification Board for Music Therapists.

26 (2) An applicant described in this subsection is not required to take the examination de-
 27 scribed in subsection (1) of this section if:

28 (a) The applicant is licensed to practice music therapy in another state and is in good
 29 standing with the Certification Board for Music Therapists; or

30 (b) The applicant is actively certified as a certified music therapist by the Certification
 31 Board for Music Therapists, or is recognized as a registered music therapist or an advanced
 32 certified music therapist by the American Music Therapy Association, and is listed on the
 33 National Music Therapy Registry.

34 **SECTION 4.** (1) A license issued under section 1 to 7 of this 2015 Act must be renewed
 35 biennially by the date on which the original license was issued by the Board of Music Ther-
 36 apy.

37 (2) An application for renewal must include:

38 (a) Proof that the applicant has maintained any required certification with the Certi-
 39 fication Board for Music Therapists;

40 (b) Proof that the applicant has completed at least 40 hours of continuing education
 41 through programs approved by the Certification Board for Music Therapists since the last
 42 renewal date;

43 (c) Any change in the applicant’s address or other contact information; and

44 (d) A renewal fee in the amount established by rule of the Board of Music Therapy.

45 (3) Failure to renew a license in accordance with subsection (2) of this section shall result

1 in forfeiture of the license. A forfeited license may be restored within one year of its forfei-
 2 ture by payment of restoration fees set by rule of the Board of Music Therapy. Failure to
 3 restore a forfeited license within one year of its forfeiture shall result in termination of the
 4 license and the board may adopt rules permitting reversal of termination of the license.

5 **SECTION 5.** (1) There is established the Board of Music Therapy within the Health Li-
 6 censing Office, consisting of five members appointed by the Director of the Health Licensing
 7 Office.

8 (2) The term of office of each member is four years, but a member serves at the pleasure
 9 of the director. Before the expiration of the term of a member, the director shall appoint a
 10 successor whose term begins on January 1 next following. A member is eligible for reap-
 11 pointment. If there is a vacancy for any cause, the director shall make an appointment to
 12 become immediately effective for the unexpired term.

13 (3) The five voting members of the board must be residents of this state who are well
 14 informed on the practice of music therapy. Of the members of the board:

15 (a) Three members shall be music therapists under sections 1 to 7 of this 2015 Act;

16 (b) One member shall be a health care professional licensed to practice in this state who
 17 is not a music therapist under sections 1 to 7 of this 2015 Act; and

18 (c) One member shall be a member of the public.

19 (4) The director, or the designee of the director, shall serve as a nonvoting, ex officio
 20 member.

21 (5) The board shall select one of its members as chairperson and another as vice chair-
 22 person, for such terms and with duties and powers necessary for the performance of the
 23 functions of such offices as the board determines.

24 (6) A majority of the members of the board constitutes a quorum for the transaction of
 25 business.

26 (7) Official action by the board requires the approval of a majority of the members of the
 27 board.

28 (8) The board shall meet at least once annually at a place, day and hour determined by
 29 the board. The board may also meet at other times and places specified by the call of the
 30 chairperson or of a majority of the members of the board.

31 (9) In addition to the powers otherwise granted by sections 1 to 7 of this 2015 Act, the
 32 board shall have the power to:

33 (a) Facilitate the development of materials for the office to use in educating the public
 34 about the benefits and use of music therapy and the licensure of music therapists.

35 (b) Disseminate to music therapists in this state information from the association, the
 36 Certification Board for Music Therapists or similar groups, and the office.

37 (c) Provide and publish on its website, or in a widely disseminated printed publication,
 38 the final disciplinary actions taken against music therapists, including license revocations,
 39 at least once per year.

40 (d) Provide advice to the office on other issues related to music therapy.

41 (e) Pursuant to ORS 676.612 and sections 4 and 7 of this 2015 Act, direct the office to
 42 suspend, revoke, limit or refuse to issue a license.

43 (f) Adopt rules and take actions necessary or proper to effect and carry out the duties
 44 of the board under sections 1 to 7 of this 2015 Act.

45 **SECTION 6.** Notwithstanding the term of office specified by section 5 of this 2015 Act,

1 **of the members first appointed to the Board of Music Therapy:**

2 (1) **One shall serve for a term ending December 31, 2016.**

3 (2) **One shall serve for a term ending December 31, 2017.**

4 (3) **One shall serve for a term ending December 31, 2018.**

5 (4) **Two shall serve for terms ending December 31, 2019.**

6 **SECTION 7. In the manner prescribed in ORS chapter 183 for contested cases and after**
7 **consultation with the Board of Music Therapy, the Health Licensing Office may impose a**
8 **form of discipline described in ORS 676.612 against any person licensed to practice music**
9 **therapy under sections 1 to 7 of this 2015 Act and for a violation of the provisions of sections**
10 **1 to 7 of this 2015 Act or the rules adopted thereunder.**

11 **SECTION 8. ORS 676.583 is amended to read:**

12 676.583. Pursuant to ORS 676.586, the Health Licensing Office shall provide administrative and
13 regulatory oversight and centralized service for the following boards and councils:

14 (1) Board of Athletic Trainers, as provided in ORS 688.701 to 688.734;

15 (2) Board of Cosmetology, as provided in ORS 690.005 to 690.225;

16 (3) State Board of Denture Technology, as provided in ORS 680.500 to 680.565;

17 (4) State Board of Direct Entry Midwifery, as provided in ORS 687.405 to 687.495;

18 (5) Respiratory Therapist and Polysomnographic Technologist Licensing Board, as provided in
19 ORS 688.800 to 688.840;

20 (6) Environmental Health Registration Board, as provided in ORS chapter 700;

21 (7) Board of Body Art Practitioners, as provided in ORS 690.350 to 690.410;

22 (8) Advisory Council on Hearing Aids, as provided in ORS 694.015 to 694.170;

23 (9) Sex Offender Treatment Board, as provided in ORS 675.360 to 675.410;

24 (10) Nursing Home Administrators Board, as provided in ORS 678.710 to 678.820; [and]

25 (11) Board of Licensed Dietitians, as provided in ORS 691.405 to 691.485[.]; and

26 (12) **Board of Music Therapy, as provided in sections 1 to 7 of this 2015 Act.**

27 **SECTION 9. (1) Sections 1 to 7 of this 2015 Act and the amendments to ORS 676.583 by**
28 **section 8 of this 2015 Act become operative on January 1, 2016.**

29 (2) **The Health Licensing Office may take any action before the operative date specified**
30 **in subsection (1) of this section that is necessary to enable the office to exercise, on or after**
31 **the operative date specified in subsection (1) of this section, all the duties, functions and**
32 **powers conferred on the office by sections 1 to 7 of this 2015 Act and the amendments to**
33 **ORS 676.583 by section 8 of this 2015 Act.**

34 **SECTION 10. This 2015 Act being necessary for the immediate preservation of the public**
35 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
36 **on its passage.**

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