

**PROPOSED AMENDMENTS TO
HOUSE BILL 2796**

1 On page 1 of the printed bill, line 2, delete “676.583” and insert “676.580
2 and 676.992”.

3 In line 5, delete “7” and insert “4”.

4 Delete line 7.

5 In line 8, delete “(2)” and insert “(1)”.

6 In line 9, delete “7” and insert “4”.

7 In line 10, delete “(3)(a)” and insert “(2)(a)”.

8 On page 2, delete lines 2 through 45 and delete pages 3 and 4 and insert:

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

11 **“(1) Is at least 18 years of age;**

12 **“(2) Is in good standing in any other states where the applicant is
13 licensed or certified to practice music therapy;**

14 **“(3) Submits sufficient proof, as determined by the office, of:**

15 **“(a) Having passed the Certification Board for Music Therapists
16 examination;**

17 **“(b) Current certification with the Certification Board for Music
18 Therapists; or**

19 **“(c) A professional designation of ‘registered music therapist,’
20 ‘certified music therapist’ or ‘advanced certified music therapist’ is-
21 sued by the National Music Therapy Registry;**

22 **“(4) Pays a licensure fee; and**

1 “(5) Meets other qualifications specified by the office under section
2 4 of this 2015 Act.

3 “SECTION 3. (1) A person may not practice music therapy or as-
4 sume or use any title, words or abbreviations, including the title or
5 designation ‘music therapist,’ that indicate that the person is author-
6 ized to practice music therapy unless the person is licensed under
7 section 2 of this 2015 Act.

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

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

12 “(b) The use of music therapy as an integral part of a music therapy
13 education program; or

14 “(c) A person whose training and national certification attest to the
15 person’s preparation and ability to practice the profession or occupa-
16 tion in which the person is certified, if the person does not represent
17 that the person is a music therapist.

18 “SECTION 4. The Health Licensing Office shall adopt rules to:

19 “(1) Establish a process for issuance of licenses;

20 “(2) Establish licensure fees;

21 “(3) Determine qualifications for applicants for initial licensure and
22 licensure by reciprocity;

23 “(4) Approve:

24 “(a) The Certification Board for Music Therapists examination;

25 “(b) The certification issued by the Certification Board for Music
26 Therapists; and

27 “(c) The professional designations issued by the National Music
28 Therapy Registry;

29 “(5) Develop and maintain a publicly available record of music
30 therapists; and

1 **“(6) Establish standards of practice and professional responsibility**
2 **for music therapists.**

3 **“SECTION 5.** ORS 676.580 is amended to read:

4 “676.580. As used in ORS 676.575 to 676.625:

5 “(1) ‘Active authorization’ means an authorization that is current and not
6 suspended.

7 “(2) ‘Authorization’ means a certificate, license, permit or registration
8 issued by the Health Licensing Office that allows a person to practice:

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

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

13 “(3) ‘Expired authorization’ means an authorization that has been not
14 current for more than three years.

15 “(4) ‘Inactive authorization’ means an authorization that has been not
16 current for three years or less.

17 **“SECTION 6.** ORS 676.992 is amended to read:

18 “676.992. (1) Except as provided in subsection (3) of this section, and in
19 addition to any other penalty or remedy provided by law, the Health Li-
20 censing Office may impose a civil penalty not to exceed \$5,000 for each vio-
21 lation of the following statutes and any rule adopted thereunder:

22 “(a) ORS 688.701 to 688.734 (athletic training);

23 “(b) ORS 690.005 to 690.225 (cosmetology);

24 “(c) ORS 680.500 to 680.565 (denture technology);

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

27 “(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe
28 piercing, dermal implanting and scarification);

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

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

- 1 “(h) ORS chapter 700 (environmental sanitation);
2 “(i) ORS 675.360 to 675.410 (sex offender treatment);
3 “(j) ORS 678.710 to 678.820 (nursing home administrators);
4 “(k) ORS 691.405 to 691.485 (dietitians);
5 “(L) ORS 676.612 (prohibited acts); [and]
6 “(m) ORS 676.800 (applied behavior analysis); **and**
7 **“(n) Sections 1 to 4 of this 2015 Act (music therapy).**

8 “(2) The office may take any other disciplinary action that it finds proper,
9 including but not limited to assessment of costs of disciplinary proceedings,
10 not to exceed \$5,000, for violation of any statute listed in subsection (1) of
11 this section or any rule adopted under any statute listed in subsection (1)
12 of this section.

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

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

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

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

20 “(c) The history of the person incurring a penalty in taking all feasible
21 steps to correct any violation; and

22 “(d) Any other aggravating or mitigating factors.

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

25 “(6) The moneys received by the office from civil penalties under this
26 section shall be deposited in the Health Licensing Office Account and are
27 continuously appropriated to the office for the administration and enforce-
28 ment of the laws the office is charged with administering and enforcing that
29 govern the person against whom the penalty was imposed.

30 **“SECTION 7. (1) Sections 1 to 4 of this 2015 Act and the amend-**

1 **ments to ORS 676.580 and 676.992 by sections 5 and 6 of this 2015 Act**
2 **become operative on January 1, 2016.**

3 **“(2) The Health Licensing Office may take any action before the**
4 **operative date specified in subsection (1) of this section that is neces-**
5 **sary to enable the office to exercise, on or after the operative date**
6 **specified in subsection (1) of this section, all the duties, functions and**
7 **powers conferred on the office by sections 1 to 4 of this 2015 Act and**
8 **the amendments to ORS 676.580 and 676.992 by sections 5 and 6 of this**
9 **2015 Act.**

10 **“SECTION 8. This 2015 Act being necessary for the immediate**
11 **preservation of the public peace, health and safety, an emergency is**
12 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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