

**Senate File 2116 - Introduced**

SENATE FILE 2116

BY MATHIS and BOLKCOM

**A BILL FOR**

1 An Act providing for the licensure of music therapists and  
2 providing for fees.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.11, subsection 14, Code 2014, is  
2 amended to read as follows:

3 14. Administer chapters 125, 136A, 136C, 139A, 142, 142A,  
4 144, ~~and~~ 147A, and 154G.

5 Sec. 2. Section 147.1, subsections 3 and 6, Code 2014, are  
6 amended to read as follows:

7 3. "*Licensed*" or "*certified*", when applied to a physician  
8 and surgeon, podiatric physician, osteopathic physician and  
9 surgeon, physician assistant, psychologist, chiropractor,  
10 nurse, dentist, dental hygienist, dental assistant,  
11 optometrist, speech pathologist, audiologist, pharmacist,  
12 physical therapist, physical therapist assistant, occupational  
13 therapist, occupational therapy assistant, orthotist,  
14 prosthetist, pedorthist, respiratory care practitioner,  
15 practitioner of cosmetology arts and sciences, practitioner  
16 of barbering, funeral director, dietitian, marital and  
17 family therapist, mental health counselor, social worker,  
18 massage therapist, athletic trainer, acupuncturist, nursing  
19 home administrator, hearing aid dispenser, ~~or~~ sign language  
20 interpreter or transliterator, or music therapist means a  
21 person licensed under this subtitle.

22 6. "*Profession*" means medicine and surgery, podiatry,  
23 osteopathic medicine and surgery, practice as a physician  
24 assistant, psychology, chiropractic, nursing, dentistry,  
25 dental hygiene, dental assisting, optometry, speech pathology,  
26 audiology, pharmacy, physical therapy, physical therapist  
27 assisting, occupational therapy, occupational therapy  
28 assisting, respiratory care, cosmetology arts and sciences,  
29 barbering, mortuary science, marital and family therapy, mental  
30 health counseling, social work, dietetics, massage therapy,  
31 athletic training, acupuncture, nursing home administration,  
32 hearing aid dispensing, sign language interpreting or  
33 transliterating, orthotics, prosthetics, ~~or~~ pedorthics, or  
34 music therapy.

35 Sec. 3. Section 147.2, subsection 1, Code 2014, is amended

1 to read as follows:

2 1. A person shall not engage in the practice of medicine  
3 and surgery, podiatry, osteopathic medicine and surgery,  
4 psychology, chiropractic, physical therapy, physical  
5 therapist assisting, nursing, dentistry, dental hygiene,  
6 dental assisting, optometry, speech pathology, audiology,  
7 occupational therapy, occupational therapy assisting,  
8 orthotics, prosthetics, pedorthics, respiratory care,  
9 pharmacy, cosmetology arts and sciences, barbering, social  
10 work, dietetics, marital and family therapy or mental health  
11 counseling, massage therapy, mortuary science, athletic  
12 training, acupuncture, nursing home administration, hearing aid  
13 dispensing, ~~or~~ sign language interpreting or transliterating,  
14 or music therapy or shall not practice as a physician  
15 assistant, unless the person has obtained a license for that  
16 purpose from the board or other regulatory authority for the  
17 profession.

18 Sec. 4. Section 147.13, Code 2014, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 25. For music therapy, the department of  
21 public health.

22 Sec. 5. NEW SECTION. 154G.1 **Definitions.**

23 As used in this chapter, unless the context otherwise  
24 requires:

25 1. "*Advisory board*" means the advisory board of music  
26 therapy created in section 154G.6.

27 2. "*Board certified music therapist*" means an individual  
28 who has completed the education and clinical training  
29 requirements established by the American music therapy  
30 association, has passed the certification board for music  
31 therapists certification examination or transitioned into  
32 board certification, and remains actively certified by the  
33 certification board for music therapists.

34 3. "*Department*" means the department of public health.

35 4. "*Director*" means the director of the department of public

1 health.

2 5. "*Music therapist*" means a person licensed to practice  
3 music therapy pursuant to this chapter.

4 6. "*Music therapy*" means the clinical and evidence-based  
5 use of music interventions to accomplish individualized goals  
6 within a therapeutic relationship through an individualized  
7 music therapy treatment plan for the client that identifies  
8 the goals, objectives, and potential strategies of the music  
9 therapy services appropriate for the client using music  
10 therapy interventions, which may include music improvisation,  
11 receptive music listening, song writing, lyric discussion,  
12 music and imagery, music performance, learning through music,  
13 and movement to music. The practice of music therapy does not  
14 include the diagnosis of any physical, mental, or communication  
15 disorder. "*Music therapy*" may include the following:

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

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

31 c. Developing an individualized music therapy treatment plan  
32 for the client.

33 d. Carrying out an individualized music therapy treatment  
34 plan that is consistent with any other medical, developmental,  
35 mental health, or educational services being provided to the

1 client.

2 e. Evaluating the client's response to music therapy and  
3 the individualized music therapy treatment plan and suggesting  
4 modifications, as appropriate.

5 f. Developing a plan for determining when the provision of  
6 music therapy services is no longer needed in collaboration  
7 with the client, any physician, or other provider of health  
8 care or education of the client, any appropriate member of the  
9 family of the client, and any other appropriate person upon  
10 whom the client relies for support.

11 g. Minimizing any barriers so that the client may receive  
12 music therapy services in the least restrictive environment.

13 h. Collaborating with and educating the client and the  
14 family or caregiver of the client or any other appropriate  
15 person about the needs of the client that are being addressed  
16 in music therapy and the manner in which the music therapy  
17 addresses those needs.

18 Sec. 6. NEW SECTION. 154G.2 Department — duty to  
19 administer.

20 1. The department shall administer this chapter and, for  
21 that purpose, the department shall, insofar as practicable, be  
22 considered a board for purposes of this chapter and chapters  
23 147 and 272C.

24 2. The department's duties shall include but are not limited  
25 to the following:

26 a. Act on matters concerning licensure and the process  
27 of applying for, granting, suspending, imposing supervisory  
28 or probationary conditions upon, reinstating, and revoking a  
29 license.

30 b. Develop continuing education requirements as a condition  
31 of license renewal.

32 c. Appoint members of the advisory board for musical  
33 therapy.

34 d. Periodically evaluate requirements for licensure in  
35 other states and make recommendations to the general assembly

1 regarding reciprocity between other states that require  
2 licensure of music therapists.

3 e. Establish a fee schedule for submitting an application,  
4 issuing initial licenses, and issuing license renewals.

5 3. The professional licensure division of the department  
6 shall perform administrative, clerical, or ministerial  
7 functions incident to the department's administration of this  
8 chapter, including accepting applications for licensure or  
9 licensure renewal on behalf of the department and forwarding  
10 such applications to the director for the director's  
11 consideration, administering examinations to applicants for  
12 licensure, collecting fees paid under this chapter, and any  
13 other functions at the request of the director.

14 Sec. 7. NEW SECTION. 154G.3 **Requirements for licensure.**

15 1. To qualify for a license to practice music therapy, an  
16 applicant shall meet all of the following requirements:

17 a. Be at least eighteen years of age.

18 b. Hold a bachelor's degree or higher in music therapy, or  
19 its equivalent, from a program within an accredited college  
20 or university which program has been approved by the American  
21 music therapy association or any successor organization.

22 c. Provide proof of passing the examination for board  
23 certification offered by the certification board for music  
24 therapists, or any successor organization, or provide proof of  
25 being transitioned into board certification.

26 d. Hold in good standing a designation approved by the  
27 department, including any of the following:

28 (1) The credential "music therapist — board certified"  
29 granted by the certification board for music therapists.

30 (2) A professional designation of registered music  
31 therapist, certified music therapist, or advanced certified  
32 music therapist and listed as such on the national music  
33 therapy registry.

34 e. Have successfully completed a minimum of one thousand  
35 two hundred hours of clinical training, with at least one

1 hundred eighty hours in pre-internship experiences and at least  
2 nine hundred hours in internship experiences, provided that  
3 the internship is approved by an academic institution, the  
4 American music therapy association, or both, or any successor  
5 organization.

6 *f.* Show evidence of physical, mental, and professional  
7 capability for the practice of music therapy in a manner  
8 acceptable to the department.

9 *g.* Show evidence, upon review by the department, that the  
10 applicant has not had a license to practice music therapy  
11 or other health care license, registration, or certificate  
12 refused, revoked, or suspended by any other jurisdiction  
13 for reasons that relate to the applicant's ability to  
14 practice music therapy unless that license, registration,  
15 or certification has been restored to good standing by that  
16 jurisdiction.

17 2. The application must be accompanied by the initial  
18 license fee and application fee established by the department  
19 and by the documents, affidavits, and certificates necessary  
20 to establish that the applicant possesses the necessary  
21 qualifications.

22 **Sec. 8. NEW SECTION. 154G.4 Use of title — exceptions.**

23 1. A person shall not represent oneself to the public as a  
24 music therapist or as being otherwise authorized to practice  
25 music therapy or use any titles, words, letters, abbreviations,  
26 or insignia indicating or implying that the person is a  
27 licensed music therapist unless the person has been licensed  
28 according to this chapter.

29 2. This chapter and chapter 147 do not prevent any person  
30 licensed, certified, or regulated under Iowa law in another  
31 profession or occupation, or personnel supervised by a licensed  
32 professional in this state, from performing work, including  
33 the use of music, incidental to the practice of the person's  
34 licensed, certified, or regulated profession or occupation if  
35 that person does not represent oneself as a music therapist.

1 3. This chapter and chapter 147 do not restrict the  
2 practice, services, or activities of any person whose training  
3 and national certification attests to the person's preparation  
4 and ability to practice the person's certified profession or  
5 occupation if that person does not represent oneself as a music  
6 therapist.

7 4. This chapter and chapter 147 do not restrict any practice  
8 of music therapy that is an integral component of a program  
9 of study for students enrolled in an accredited music therapy  
10 program if the student does not represent oneself as a music  
11 therapist.

12 5. This chapter and chapter 147 do not restrict any person  
13 who practices music therapy under the supervision of a licensed  
14 music therapist if the person does not represent oneself as a  
15 music therapist.

16 Sec. 9. NEW SECTION. 154G.5 Licensure renewal requirements  
17 — forfeiture — inactive status.

18 1. Every license issued under this chapter shall be renewed  
19 biennially. A license shall be renewed upon payment of a  
20 renewal fee if the applicant is not in violation of any of the  
21 terms of this chapter at the time of application for renewal.  
22 The following shall also be required for license renewal:

23 a. Proof of maintenance of the applicant's status as a board  
24 certified music therapist.

25 b. Proof of completion of a minimum of forty hours of  
26 continuing education in a program approved by the certification  
27 board of music therapists, or any successor organization, and  
28 any other continuing education requirements established by the  
29 department.

30 2. A licensee shall inform the department of any changes to  
31 the licensee's address. Each licensee shall be responsible for  
32 timely renewal of the licensee's license.

33 3. Failure to renew a license shall result in forfeiture of  
34 the license. Licenses that have been forfeited may be restored  
35 within one year of the expiration date on the license upon



1 payment of renewal and restoration fees. Failure to restore a  
2 forfeited license within one year of the date of its expiration  
3 shall result in the automatic revocation of the license, and  
4 the department shall require the individual to reapply for  
5 licensure.

6 4. Upon written request of a licensee and payment of an  
7 inactive status fee, the department may place an active license  
8 on inactive status. The licensee, upon request and payment of  
9 the inactive license fee, may continue on inactive status for a  
10 period up to two years. An inactive license may be reactivated  
11 at any time by making a written request to the department and  
12 by fulfilling requirements established by the department.

13 Sec. 10. NEW SECTION. 154G.6 **Advisory board of music**  
14 **therapy.**

15 1. The director of the department shall appoint a  
16 five-member advisory board of music therapy. Members of the  
17 advisory board must be licensed to practice music therapy and  
18 shall serve at the pleasure of the director. Members shall be  
19 appointed for staggered terms of three years. Members of the  
20 advisory board do not receive per diem or expenses.

21 2. The department shall consult with the advisory board and  
22 the board shall advise on the following matters:

23 a. Approving and prescribing the examination required under  
24 section 154G.3, subsection 1, paragraph "b".

25 b. Establishing a fee schedule for applications, initial  
26 licenses, license renewals, license restoration, and inactive  
27 status requests.

28 c. Establishing continuing education requirements.

29 Sec. 11. NEW SECTION. 154G.7 **Suspension and revocation.**

30 The department shall revoke, suspend, or refuse any license  
31 granted pursuant to this chapter, or refuse to grant a license  
32 pursuant to this chapter, when the licensee fails or refuses  
33 to pay an examination, license, or renewal fee required by law  
34 or when the licensee is guilty of any of the following acts or  
35 omissions:

- 1 1. Fraud in procuring a license.
- 2 2. Professional incompetence.
- 3 3. Knowingly making misleading, deceptive, untrue, or
- 4 fraudulent representations in the practice of the licensee's
- 5 profession or engaging in unethical conduct or practice harmful
- 6 or detrimental to the public. Proof of actual injury need not
- 7 be established.
- 8 4. Habitual intoxication or addiction to the use of drugs.
- 9 5. Conviction of a felony related to the profession or
- 10 occupation of the licensee. A copy of the record of conviction
- 11 or plea of guilty shall be conclusive evidence.
- 12 6. Fraud in representation as to skill or ability.
- 13 7. Use of untruthful or improbable statements in
- 14 advertisements.
- 15 8. Willful or repeated violations of the provisions of this
- 16 chapter.

17 Sec. 12. NEW SECTION. 154G.8 Deposit and use of moneys  
18 collected.

- 19 1. The department shall set the license fees and renewal
- 20 fees for all licenses issued pursuant to this chapter, by rule,
- 21 based upon the actual costs of licensing.
- 22 2. All fees assessed pursuant to this chapter shall be
- 23 retained as repayment receipts by the department, and such
- 24 fees received shall be used exclusively to offset the costs of
- 25 administering this chapter.
- 26 3. Notwithstanding section 8.33, fees collected by the
- 27 department that remain unencumbered or unobligated at the close
- 28 of the fiscal year shall not revert but shall remain available
- 29 for expenditure for the purposes designated until the close of
- 30 the succeeding fiscal year.

31 Sec. 13. NEW SECTION. 154G.9 Rulemaking.

32 The department shall adopt rules consistent with this  
33 chapter, chapter 147, and chapter 272C as necessary for the  
34 performance of its duties under this chapter, chapter 147, and  
35 chapter 272C.

1 Sec. 14. Section 272C.1, subsection 6, Code 2014, is amended  
2 by adding the following new paragraph:

3 NEW PARAGRAPH. *ag.* The department of public health, when  
4 administering chapter 154G.

5 Sec. 15. INITIAL BOARD.

6 1. Notwithstanding the requirement of licensure pursuant  
7 to section 154G.5, the initial members of the board of music  
8 therapy established pursuant to this Act shall be appointed by  
9 the director of the department of public health as follows to  
10 the following terms:

11 a. Three professional members holding a designation  
12 described in section 154G.3, subsection 1, paragraph "d", shall  
13 be appointed for a term of three years.

14 b. Two professional members holding a designation described  
15 in section 154G.3, subsection 1, paragraph "d", shall be  
16 appointed for a term of two years.

17 2. Subsequent appointments to the board shall be for a term  
18 of three years, in accordance with section 154G.6.

19 EXPLANATION

20 The inclusion of this explanation does not constitute agreement with  
21 the explanation's substance by the members of the general assembly.

22 This bill enacts new Code chapter 154G, which requires the  
23 licensing of music therapists. The bill provides a definition  
24 for the practice of music therapy.

25 The bill provides that the practice of music therapy shall be  
26 regulated by the department of public health and advised by a  
27 five-member advisory board of licensees.

28 The bill authorizes the department, in consultation with the  
29 advisory board, to establish fees relating to licensure under  
30 Code chapter 154G.

31 The bill requires the department, in consultation with the  
32 advisory board, to adopt rules consistent with Code chapter  
33 147, relating to licensure of health professionals, generally,  
34 new Code chapter 154G, and Code chapter 272C, relating to  
35 regulation of licensed professions and occupations and to

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1 continuing education.