

House File 380 - Introduced

HOUSE FILE 380
BY STAED, KAUFMANN, ROGERS,
KOESTER, STECKMAN,
PRICHARD, KEARNS,
T. TAYLOR, ANDERSON,
HANSON, THEDE, MASCHER,
STUTSMAN, WINCKLER,
LENSING, COHOON, GASKILL,
JACOBY, McCONKEY, and
FORBES

A BILL FOR

- 1 An Act to establish a music therapy advisory council within
- 2 the board of social work and provide for licensure of music
- 3 therapists and providing for fees and civil penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsections 3 and 6, Code 2015,
2 are amended to read as follows:

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

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

31 Sec. 2. Section 147.2, subsection 1, Code 2015, is amended
32 to read as follows:

33 1. A person shall not engage in the practice of medicine
34 and surgery, podiatry, osteopathic medicine and surgery,
35 psychology, chiropractic, physical therapy, physical

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

13 Sec. 3. Section 147.13, subsection 15, Code 2015, is amended
14 to read as follows:

15 15. For social work and music therapy, the board of social
16 work.

17 Sec. 4. Section 147.74, Code 2015, is amended by adding the
18 following new subsection:

19 NEW SUBSECTION. 25. A music therapist licensed under
20 chapter 154C may use the words "licensed professional music
21 therapist" after the person's name or signify the use of the
22 same by the use of the letters "L.P.M.T." after the person's
23 name.

24 Sec. 5. Section 154C.1, unnumbered paragraph 1, Code 2015,
25 is amended to read as follows:

26 As used in this chapter subchapter unless the context
27 otherwise requires:

28 Sec. 6. Section 154C.2, subsection 1, Code 2015, is amended
29 to read as follows:

30 1. A person shall not engage in the practice of social
31 work unless the person is licensed pursuant to this chapter
32 subchapter. A person who is not licensed pursuant to this
33 chapter subchapter shall not use words or titles which imply or
34 represent that the person is a licensed bachelor social worker,
35 licensed master social worker, or licensed independent social

1 worker.

2 Sec. 7. Section 154C.4, unnumbered paragraph 1, Code 2015,
3 is amended to read as follows:

4 In addition to duties and responsibilities provided in
5 chapters 147 and 272C, the board shall adopt rules pursuant to
6 chapter 17A to administer this subchapter relating to:

7 Sec. 8. Section 154C.4, subsection 3, Code 2015, is amended
8 by striking the subsection.

9 Sec. 9. Section 154C.6, subsection 3, paragraph a, Code
10 2015, is amended to read as follows:

11 a. That the applicant possesses a valid license to practice
12 social work pursuant to this chapter subchapter issued prior to
13 July 1, 1996.

14 Sec. 10. Section 154C.7, Code 2015, is amended to read as
15 follows:

16 **154C.7 General exemptions.**

17 This chapter subchapter and chapter 147 do not prevent
18 qualified members of other professions including, but
19 not limited to, nurses, psychologists, marital and family
20 therapists, mental health counselors, physicians, physician
21 assistants, attorneys at law, or members of the clergy, from
22 providing or advertising that they provide services of a social
23 work nature consistent with the accepted standards of their
24 respective professions, provided that these persons do not use
25 a title or description indicating or implying that they are
26 licensed to practice social work under this chapter subchapter
27 or that they are practicing social work as defined in this
28 chapter subchapter.

29 This chapter subchapter does not apply to students of
30 social work whose activities are conducted within a course of
31 professional education in social work.

32 Sec. 11. **NEW SECTION. 154C.10 Definitions.**

33 As used in this subchapter, unless the context otherwise
34 requires:

35 1. "*Advisory council*" means the music therapy advisory

1 council created under this subchapter.

2 2. "*Board*" means the board of social work.

3 3. "*Board-certified music therapist*" means an individual who
4 has completed the education and clinical training requirements
5 established by the American music therapy association and who
6 holds current board certification from the certification board
7 for music therapists.

8 4. "*Music therapist*" means a person licensed to practice
9 music therapy pursuant to this subchapter.

10 5. a. "*Music therapy*" means the clinical and evidence-based
11 use of music interventions to accomplish individualized goals
12 for people of all ages and ability levels within a therapeutic
13 relationship by a board-certified music therapist. Music
14 therapists develop music therapy treatment plans specific
15 to the needs and strengths of the client who may be seen
16 individually or in groups. Music therapy treatment plans
17 are individualized for each client. The goals, objectives,
18 and potential strategies of the music therapy services are
19 appropriate for the client and setting. The music therapy
20 interventions may include music improvisation, receptive
21 music listening, song writing, lyric discussion, music and
22 imagery, singing, music performance, learning through music,
23 music combined with other arts, music-assisted relaxation,
24 music-based patient education, electronic music technology,
25 adapted music intervention, and movement to music. The
26 practice of music therapy does not include the diagnosis of any
27 physical, mental, or communication disorder.

28 b. "*Music therapy*" may include any of the following:

29 (1) Accepting referrals for music therapy services
30 from medical, developmental, mental health, or education
31 professionals, family members, clients, caregivers, or others
32 involved with and authorized to secure the provision of client
33 services. Before providing music therapy services to a client
34 for an identified clinical or developmental need, the music
35 therapist collaborates, as applicable, with the primary care

1 provider to review the client's diagnosis, treatment needs,
2 and treatment plan. During the provision of music therapy
3 services to a client, the music therapist shall collaborate, as
4 applicable, with the client's treatment team.

5 (2) Conducting a music therapy assessment of a client to
6 determine if treatment is needed. If treatment is needed, the
7 music therapist shall collect systematic, comprehensive, and
8 accurate information to determine the appropriateness and type
9 of music therapy services to provide for the client.

10 (3) Developing an individualized music therapy treatment
11 plan for the client that is based upon the results of the music
12 therapy assessment. The music therapy treatment plan includes
13 individualized goals and objectives that focus on the assessed
14 needs and strengths of the client and specify music therapy
15 approaches and interventions to be used to address the goals
16 and objectives.

17 (4) Implementing an individualized music therapy treatment
18 plan that is consistent with any other developmental,
19 rehabilitative, habilitative, medical, mental health,
20 preventive, wellness care, or educational services being
21 provided to the client.

22 (5) Evaluating the client's response to music therapy
23 and the music therapy treatment plan, documenting change and
24 progress, and suggesting modifications.

25 (6) Developing a plan for determining when the provision of
26 music therapy services is no longer needed. The plan shall be
27 developed in collaboration with the client, physician, or other
28 provider of health care or educational services to the client,
29 family members of the client, and any other appropriate person
30 upon whom the client relies for support.

31 (7) Minimizing any barriers to ensure that the client
32 receives music therapy services in the least restrictive
33 environment.

34 (8) Collaborating with and educating the client, the
35 client's family, a caregiver of the client, or any other

1 appropriate person regarding the needs of the client that are
2 being addressed in music therapy and the manner in which the
3 music therapy treatment addresses those needs.

4 (9) Utilizing appropriate knowledge and skills to
5 inform practice, including use of research, reasoning, and
6 problem-solving skills to determine appropriate actions in the
7 context of each specific clinical setting.

8 Sec. 12. NEW SECTION. 154C.11 Music therapy advisory
9 council.

10 1. The board shall establish a music therapy advisory
11 council consisting of five members who are familiar with the
12 practice of music therapy. The members of the advisory council
13 shall be appointed by the board and shall consist of the
14 following persons:

15 a. Three persons who practice music therapy in this state.
16 b. One person licensed by one of the boards listed in
17 section 147.13, subsections 1 through 10.

18 c. One person who is a consumer of music therapy.

19 2. The advisory council shall meet at least once per year or
20 as otherwise called by the board.

21 3. Advisory council members shall serve without
22 compensation and may serve consecutive terms at the will of the
23 board.

24 4. The board shall consult with the advisory council
25 prior to setting or changing fees pertaining to music therapy
26 licensure.

27 5. The advisory council may facilitate the development of
28 materials that the board may utilize to educate the public
29 concerning music therapist licensure, the benefits of music
30 therapy, and utilization of music therapy by individuals and in
31 facilities or institutional settings.

32 6. The advisory council may facilitate statewide
33 dissemination of information between music therapists,
34 the American music therapy association or any successor
35 organization, the certification board for music therapists or

1 any successor organization, and the board.

2 7. At least once per year the advisory council shall provide
3 analysis of disciplinary actions taken and appeals, denials, or
4 revocations of licenses occurring in the previous year.

5 8. The board shall adopt the recommendations of the advisory
6 council for issues related to music therapy licensure and
7 practice.

8 Sec. 13. NEW SECTION. 154C.12 Certain activities not
9 prohibited or restricted.

10 This subchapter shall not be construed to prohibit or
11 restrict the practice, services, or activities of the
12 following:

13 1. Any person licensed, certified, or regulated under the
14 laws of this state in another profession or occupation, or
15 personnel supervised by a licensed professional in this state,
16 performing work, including the use of music, incidental to the
17 practice of the person's licensed, certified, or regulated
18 profession or occupation, provided that the person does not
19 use a title or description indicating or implying that they
20 are licensed to practice music therapy under this subchapter
21 or that they are practicing music therapy as defined in this
22 subchapter.

23 2. Any person whose training and national certification
24 attests to the individual's preparation and ability to practice
25 the person's certified profession or occupation, provided that
26 the person does not use a title or description indicating or
27 implying that they are licensed to practice music therapy under
28 this subchapter or that they are practicing music therapy as
29 defined in this subchapter.

30 3. Any practice of music therapy as an integral part of a
31 program of study for students enrolled in an accredited music
32 therapy program, provided that the person does not use a title
33 or description indicating or implying that they are licensed to
34 practice music therapy under this subchapter or that they are
35 practicing music therapy as defined in this subchapter.

1 4. Any person who practices music therapy under the
2 supervision of a licensed music therapist, provided that the
3 person does not use a title or description indicating or
4 implying that they are licensed to practice music therapy under
5 this subchapter or that they are practicing music therapy as
6 defined in this subchapter.

7 Sec. 14. NEW SECTION. 154C.13 Music therapy licensure.

8 1. The board shall issue a license to an applicant for a
9 music therapy license when such applicant has completed and
10 submitted an application approved by the advisory council,
11 accompanied by applicable fees, and by evidence of the
12 following:

13 a. The applicant holds a bachelor's degree or higher in
14 music therapy, or its equivalent, from a program approved
15 by the American music therapy association or any successor
16 organization within an accredited college or university.

17 b. The applicant has successfully completed at least one
18 thousand two hundred hours of clinical training with at least
19 one hundred eighty hours in preinternship experiences and at
20 least nine hundred hours in internship experiences, and the
21 internship is approved by an academic institution, the American
22 music therapy association or any successor organization, or
23 both.

24 c. If previously licensed as a music therapist in another
25 state, the applicant is in good standing in that state, and a
26 review of the applicant's licensure history does not indicate
27 any alleged misconduct or neglect in the practice of music
28 therapy.

29 d. (1) The applicant has passed the examination for
30 certification offered by the certification board for music
31 therapists, or any successor organization, or provides proof of
32 being transitioned into board certification.

33 (2) The applicant is currently a board-certified music
34 therapist.

35 2. The board shall issue a music therapy license to an

1 applicant when the applicant has completed and submitted an
2 application accompanied by applicable fees and has provided
3 evidence that the applicant is licensed and in good standing
4 as a music therapist in another jurisdiction where the
5 qualifications required are equal to or greater than those
6 required in this state at the date of application.

7 3. Until January 1, 2020, the board shall waive the
8 requirement that the applicant pass the examination for
9 certification as set forth in section 154C.13, subsection
10 1, paragraph "e", for an applicant who is designated by
11 the national music therapy registry as a registered music
12 therapist, certified music therapist, or advanced certified
13 music therapist and in good standing with the national music
14 therapy registry.

15 Sec. 15. NEW SECTION. 154C.14 Music therapy license
16 renewal.

17 1. A music therapy license issued under this chapter shall
18 be valid for two years. A license shall be renewed upon
19 submission of the following to the board:

20 a. Payment of a renewal fee, as designated by the advisory
21 council.

22 b. Proof that the applicant is not in violation of any
23 of the terms of this chapter at the time of application for
24 renewal.

25 c. Proof of maintenance of the applicant's status as a board
26 certified music therapist.

27 d. Proof of completion of a minimum of forty hours of
28 continuing education in a program approved by the certification
29 board of music therapists or any successor organization and
30 any other continuing education requirements established by the
31 board.

32 2. A music therapist shall inform the board of any
33 changes to the music therapist's address. A music therapist
34 is responsible for timely renewal of the music therapist's
35 license.

1 3. Failure to renew a license shall result in forfeiture of
2 the license. Licenses that have been forfeited may be restored
3 within one year of the expiration date on the license upon
4 payment of renewal and restoration fees. Failure to restore a
5 forfeited license within one year of the date of its expiration
6 shall result in the automatic termination of the license, and
7 the board shall require the individual to reapply for licensure
8 as a new applicant.

9 4. Upon written request of a licensed music therapist, the
10 advisory council may recommend that the board place an active
11 license on inactive status subject to an inactive status fee
12 established by the board. The music therapist, upon request
13 and payment of the inactive license fee, may continue on
14 inactive status for a period of up to two years. An inactive
15 license may be reactivated at any time within such two-year
16 period by making a written request to the advisory council and
17 by fulfilling requirements established by the advisory council.

18 Sec. 16. NEW SECTION. 154C.16 Rulemaking authority.

19 In addition to duties and responsibilities provided in
20 chapters 147 and 272C, the board shall adopt administrative
21 rules pursuant to chapter 17A to implement and administer this
22 subchapter.

23 EXPLANATION

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

26 This bill provides for a licensure procedure for music
27 therapists and creates a music therapy advisory council under
28 the board of social work, making Code chapters 147 and 272C,
29 including penalty and other regulatory provisions, applicable
30 to the practice of music therapy.

31 The bill defines "music therapy" and "music therapist" and
32 exempts certain persons who do not hold themselves out as music
33 therapists but may engage in similar activities pursuant to the
34 practice or study of their own professions.

35 The bill establishes a music therapy advisory council. The

1 advisory council shall meet at least annually and provide
2 analysis of disciplinary actions taken, appeals and denials,
3 or revocation of licenses. The board of social work shall
4 adopt the recommendations of the advisory council for issues
5 relating to licensure and practice of music therapists. The
6 council may act as a facilitator of statewide dissemination of
7 information between music therapists and relevant professional
8 organizations. It may also support the board of social work
9 in the development of materials that the board may utilize to
10 educate the public concerning music therapy.

11 The bill requires the board to issue a license to practice
12 music therapy to an applicant who, in addition to submitting
13 the appropriate application form and fees, holds a bachelor's
14 degree or higher from an accredited college or university
15 program approved by the American music therapy association or
16 any successor organization, has completed requisite clinical
17 training, provides proof that the applicant is currently a
18 board-certified music therapist and has passed the examination
19 for board certification, and is in good standing in all
20 states in which the person holds licensure or certification
21 as a music therapist. "Board-certified music therapist" is
22 defined in the bill as an individual who has completed the
23 education and clinical training requirements established by
24 the American music therapy association and who holds current
25 board certification from the certification board for music
26 therapists.

27 The board shall issue a license to music therapists who
28 are licensed in another state upon the applicant submitting
29 the form and fees and demonstrating good standing with
30 the other state, which has equivalent or more challenging
31 licensure requirements than this state. For applicants who are
32 registered, certified, or advanced certified music therapists
33 in good standing with the national music therapy registry, the
34 examination requirement shall be waived until January 1, 2020.

35 The bill requires licenses to be renewed biennially. The

1 board shall renew a license if the music therapist files the
2 appropriate form and fees, has not violated any requirements of
3 licensure, provides proof of current licensure, provides proof
4 that the music therapist completed a minimum of 40 hours of
5 continuing education in an approved program. Failure to renew
6 a license shall result in forfeiture of the license. Licenses
7 that have been forfeited may be restored within one year of
8 the expiration date upon payment of renewal and restoration
9 fees. Upon the music therapist's written request, the advisory
10 council may place an active license on inactive status, subject
11 to payment of an inactive status fee. The music therapist,
12 upon request and payment of the inactive status fee, may
13 continue on inactive status for a period of up to two years and
14 may request to activate the license at any time during that
15 two-year period.