

HOUSE BILL 233

J2
HB 1102/20 – HGO

(PRE-FILED)

11r1273
CF SB 82

By: **Delegate Sample-Hughes**

Requested: October 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 11, 2021

CHAPTER _____

1 AN ACT concerning

2 **State Board of ~~Professional Counselors and Therapists~~ Examiners for**
3 **Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists –**
4 **Maryland Music Therapists Act**

5 FOR the purpose of ~~establishing the Music Therapist Advisory Committee within the State~~
6 ~~Board of Professional Counselors and Therapists~~ renaming the State Board of
7 Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language
8 Pathologists to be the State Board of Examiners for Audiologists, Hearing Aid
9 Dispensers, Speech-Language Pathologists, and Music Therapists; adding music
10 therapist members to the Board and providing for the appointment of the members;
11 requiring the Board to adopt certain regulations and a certain code of ethics;
12 authorizing the Board to facilitate the dissemination of certain information to certain
13 persons; requiring the Board to set certain fees for services provided by the Board to
14 music therapists; requiring the Board to pay the fees to the Comptroller; requiring
15 the Comptroller to distribute the fees to the Board; requiring the fees to be used to
16 cover certain costs; ~~providing for the composition, appointment, terms,~~
17 ~~compensation, and removal of the Committee members; requiring the Committee to~~
18 ~~elect a chair and a vice chair and to determine the manner of election of officers and~~
19 ~~the duties of each officer; providing that a majority of the members then serving on~~
20 ~~the Committee is a quorum; providing for meetings of the Committee; establishing~~
21 ~~certain powers and duties of the Committee;~~ requiring individuals, beginning on a
22 certain date, to be licensed by the Board as music therapists before performing
23 certain work in the State except under certain circumstances; establishing certain
24 certification, education, training, and other requirements to qualify for a license;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 establishing certain application fees and requirements for obtaining a license;
 2 establishing certain license terms and procedures for the renewal of a license;
 3 requiring the Board to issue a license to certain applicants; providing that a music
 4 therapist license authorizes the licensee to engage in the practice of music therapy;
 5 specifying the contents of a license; prohibiting the Board from issuing a license if
 6 certain information has not been received; requiring the Board to place a licensee on
 7 inactive status under certain circumstances; providing that a license may not lapse
 8 under certain circumstances; requiring a licensee to notify the Board of a change of
 9 name or address in a certain manner and within a certain time period; authorizing
 10 the Board to deny a license to an applicant, reprimand a licensee, place a licensee on
 11 probation, or suspend or revoke a license under certain circumstances; establishing
 12 certain requirements for reinstatement of a license; providing for certain criminal,
 13 civil, and administrative penalties; establishing certain hearing and appeal
 14 procedures for certain persons; authorizing the Board to issue a cease and desist
 15 order under certain circumstances; authorizing a certain action to be maintained to
 16 enjoin the unauthorized practice of music therapy or certain conduct; providing for
 17 a certain music therapist rehabilitation subcommittee; specifying the manner in
 18 which the music therapist rehabilitation subcommittee may function; providing that
 19 the proceedings, records, and files of the music therapist rehabilitation
 20 subcommittee are not discoverable or admissible in evidence in certain actions under
 21 certain circumstances; providing that a certain individual is not civilly liable for
 22 certain action as a member of the music therapist rehabilitation subcommittee;
 23 prohibiting a person from practicing, attempting to practice, or offering to practice
 24 music therapy in the State unless licensed by the Board except under certain
 25 circumstances; prohibiting an individual from representing to the public that the
 26 individual is a licensed music therapist or using certain titles, abbreviations, signs,
 27 cards, or other representations except under certain circumstances; establishing ~~a~~
 28 ~~and altering certain short title titles; providing that the Committee is subject to the~~
 29 ~~provisions of the Maryland Program Evaluation Act; providing for the application of~~
 30 ~~certain provisions of law; defining certain terms; specifying the terms of the initial~~
 31 ~~members of the Committee; providing for the termination of certain provisions of this~~
 32 ~~Act; requiring the publisher of the Annotated Code of Maryland, in consultation with~~
 33 ~~and subject to the approval of the Department of Legislative Services, to correct any~~
 34 ~~cross-references or terminology rendered incorrect by this Act and to describe any~~
 35 ~~corrections made in an editor's note following the section affected; and generally~~
 36 ~~relating to the licensing and regulation of music therapists and the Music Therapist~~
 37 ~~Advisory Committee.~~

38 BY repealing and reenacting, without amendments,

39 Article – Health Occupations

40 Section 2-101(a)

41 Annotated Code of Maryland

42 (2014 Replacement Volume and 2020 Supplement)

43 BY repealing and reenacting, with amendments,

44 Article – Health Occupations

1 Section 2–101(c) and 2–102(a) to be under the amended title “Title 2. Audiologists,
 2 Hearing Aid Dispensers, Speech–Language Pathologists, and Music
 3 Therapists”; 2–201, 2–202(a), and 2–206(a) and (d)(2) to be under the amended
 4 subtitle “Subtitle 2. State Board of Examiners for Audiologists, Hearing Aid
 5 Dispensers, Speech–Language Pathologists, and Music Therapists”; and
 6 2–501
 7 Annotated Code of Maryland
 8 (2014 Replacement Volume and 2020 Supplement)

9 BY adding to

10 Article – Health Occupations

11 Section ~~17–6B–01~~ 2–4A–01 through ~~17–6B–31~~ 2–4A–25 to be under the new subtitle
 12 “Subtitle ~~6B~~ 4A, Music Therapists”

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2020 Supplement)

15 ~~BY repealing and reenacting, with amendments,~~

16 ~~Article – State Government~~

17 ~~Section 8–403(14)~~

18 ~~Annotated Code of Maryland~~

19 ~~(2014 Replacement Volume and 2020 Supplement)~~

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 21 That the Laws of Maryland read as follows:

22 **Article – Health Occupations**

23 Title 2. Audiologists, Hearing Aid Dispensers, [and] Speech–Language Pathologists, AND
 24 MUSIC THERAPISTS.

25 2–101.

26 (a) In this title the following words have the meanings indicated.

27 (c) “Board” means the State Board of Examiners for Audiologists, Hearing Aid
 28 Dispensers, [and] Speech–Language Pathologists, AND MUSIC THERAPISTS.

29 2–102.

30 (a) This title applies to an individual who practices audiology, hearing aid
 31 dispensing, [or] speech–language pathology, OR MUSIC THERAPY, or assists in the
 32 practice of speech–language pathology in the State.

33 Subtitle 2. State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and]
 34 Speech–Language Pathologists, AND MUSIC THERAPISTS.

1 2-201.

2 There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and]
3 Speech-Language Pathologists, AND MUSIC THERAPISTS in the Department.

4 2-202.

5 (a) (1) The Board consists of [13] 15 members.

6 (2) Of the [13] 15 Board members:

7 (i) 3 shall be licensed audiologists who have at least 5 years' paid
8 work experience in audiology and are currently practicing audiology in the State;

9 (ii) 3 shall be licensed speech-language pathologists who have at
10 least 5 years' paid work experience in speech-language pathology and are currently
11 practicing speech-language pathology in the State;

12 (iii) 2 shall be physicians who shall be voting members of the Board,
13 except on proposals that expand or restrict the practice of audiology as defined in § 2-101(q)
14 of this title or that expand or restrict the practice of speech-language pathology as defined
15 in § 2-101(r) of this title, and who:

16 1. Are licensed to practice medicine in the State;

17 2. Hold a certificate of qualification from the American Board
18 of Otolaryngology; and

19 3. Are currently practicing in the State;

20 (iv) 2 shall be consumer members, 1 of whom shall be a consumer of
21 services provided by an individual licensed by the Board; [and]

22 (v) 3 shall be licensed hearing aid dispensers who have at least 5
23 years' paid work experience in dispensing hearing aids and are currently practicing hearing
24 aid dispensing in the State; AND

25 **(VI) 2 SHALL BE LICENSED MUSIC THERAPISTS WHO HAVE AT**
26 **LEAST 5 YEARS' PAID WORK EXPERIENCE IN MUSIC THERAPY AND ARE CURRENTLY**
27 **PRACTICING MUSIC THERAPY IN THE STATE.**

28 (3) The Governor shall appoint the physician members, with the advice of
29 the Secretary, from a list submitted to the Secretary and the Governor by the Maryland
30 Society of Otolaryngology. There shall be at least 3 names on the list.

1 (4) The Governor shall appoint the speech–language pathologist members,
2 with the advice of the Secretary, from a list submitted to the Secretary and the Governor
3 by the Maryland Speech–Language and Hearing Association. The number of names on the
4 list shall be at least 3 times the number of vacancies.

5 (5) (i) Subject to subparagraph (ii) of this paragraph, the Governor
6 shall appoint the audiologist members, with the advice of the Secretary, from a list
7 submitted to the Secretary and the Governor, jointly by the Maryland Academy of
8 Audiology and the Maryland Speech–Language and Hearing Association. The number of
9 names on the list shall be at least 3 times the number of vacancies.

10 (ii) For each audiologist vacancy, the Maryland Academy of
11 Audiology and the Maryland Speech–Language and Hearing Association shall:

12 1. Notify all licensed audiologists in the State of the vacancy
13 to solicit nominations to fill the vacancy; and

14 2. Conduct a balloting process by which every licensed
15 audiologist in the State is eligible to vote on the names of the licensed audiologists to be
16 submitted to the Secretary and the Governor.

17 (6) (i) The Governor shall appoint the hearing aid dispenser members,
18 with the advice of the Secretary, from a list submitted to the Secretary and the Governor
19 by the Maryland members of the Hearing Society of Maryland, Washington, D.C., and
20 Delaware.

21 (ii) The number of names on the list shall be at least 3 times the
22 number of vacancies.

23 (7) (i) The Governor shall appoint the consumer members with the
24 advice of the Secretary and the advice and consent of the Senate.

25 (ii) 1. The Governor shall appoint the consumer member who is
26 a consumer of services provided by an individual licensed by the Board from a list submitted
27 to the Secretary and the Governor by the Department of Disabilities.

28 2. The Department of Disabilities shall solicit nominees from
29 associations representing hearing or communication impaired individuals in the State.

30 (8) (I) THE GOVERNOR SHALL APPOINT THE MUSIC THERAPIST
31 MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST SUBMITTED TO THE
32 SECRETARY AND THE GOVERNOR BY THE MARYLAND ASSOCIATION FOR MUSIC
33 THERAPY.

34 (II) THE NUMBER OF NAMES ON THE LIST SHALL BE AT LEAST 3
35 TIMES THE NUMBER OF VACANCIES.

1 (III) ON OR BEFORE DECEMBER 31, 2021, THE MUSIC
 2 THERAPIST MEMBERS SHALL BE BOARD CERTIFIED MUSIC THERAPISTS, AS DEFINED
 3 IN § 2-4A-01 OF THIS TITLE.

4 (IV) ON OR AFTER JANUARY 1, 2022, THE MUSIC THERAPIST
 5 MEMBERS SHALL BE LICENSED PROFESSIONAL MUSIC THERAPISTS, AS DEFINED IN
 6 § 2-4A-01 OF THIS TITLE.

7 2-206.

8 (a) There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers,
 9 [and] Speech–Language Pathologists, AND MUSIC THERAPISTS Fund.

10 (d) (2) The Comptroller shall distribute the fees to the State Board of
 11 Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech–Language
 12 Pathologists, AND MUSIC THERAPISTS Fund.

13 SUBTITLE ~~6B~~. 4A. MUSIC THERAPISTS.

14 ~~17-6B-01~~. 2-4A-01.

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
 16 INDICATED.

17 (B) “BOARD CERTIFIED MUSIC THERAPIST” MEANS AN INDIVIDUAL WHO:

18 (1) HAS COMPLETED THE EDUCATION AND CLINICAL TRAINING
 19 REQUIREMENTS ESTABLISHED BY THE AMERICAN MUSIC THERAPY ASSOCIATION;
 20 AND

21 (2) HOLDS CURRENT BOARD CERTIFICATION FROM THE
 22 CERTIFICATION BOARD FOR MUSIC THERAPISTS.

23 ~~(C) “COMMITTEE” MEANS THE MUSIC THERAPIST ADVISORY COMMITTEE~~
 24 ~~ESTABLISHED UNDER § 17-6B-05 OF THIS SUBTITLE.~~

25 ~~(D)~~ (C) “INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN” MEANS A
 26 MUSIC THERAPY TREATMENT PLAN FOR A CLIENT THAT IDENTIFIES THE GOALS,
 27 OBJECTIVES, AND POTENTIAL STRATEGIES FOR THE MUSIC THERAPY SERVICES
 28 APPROPRIATE FOR THE CLIENT USING MUSIC THERAPY INTERVENTIONS,
 29 INCLUDING:

30 (1) MUSIC IMPROVISATION;

- 1 **(2) RECEPTIVE MUSIC LISTENING;**
- 2 **(3) SONGWRITING;**
- 3 **(4) LYRIC DISCUSSION;**
- 4 **(5) MUSIC AND IMAGERY;**
- 5 **(6) MUSIC PERFORMANCE;**
- 6 **(7) LEARNING THROUGH MUSIC; AND**
- 7 **(8) MOVEMENT TO MUSIC.**

8 ~~(E)~~ **(D) “LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO ENGAGE**
9 **IN THE PRACTICE OF MUSIC THERAPY.**

10 ~~(E)~~ **(E) “LICENSED PROFESSIONAL MUSIC THERAPIST” OR “LICENSEE”**
11 **MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO ENGAGE IN THE**
12 **PRACTICE OF MUSIC THERAPY.**

13 ~~(E)~~ **(F) (1) “PRACTICE OF MUSIC THERAPY” MEANS THE CLINICAL AND**
14 **EVIDENCE-BASED USE OF MUSIC THERAPY INTERVENTIONS TO ACCOMPLISH**
15 **INDIVIDUALIZED GOALS FOR INDIVIDUALS OF ALL AGES AND ABILITY LEVELS**
16 **WITHIN A THERAPEUTIC RELATIONSHIP.**

17 **(2) “PRACTICE OF MUSIC THERAPY” INCLUDES:**

18 **(I) ACCEPTING REFERRALS FOR MUSIC THERAPY SERVICES**
19 **FROM:**

20 **1. MEDICAL, DEVELOPMENTAL, MENTAL HEALTH, OR**
21 **EDUCATION PROFESSIONALS;**

22 **2. FAMILY MEMBERS;**

23 **3. CLIENTS;**

24 **4. CAREGIVERS; OR**

25 **5. OTHERS INVOLVED WITH THE PROVISION OF AND**
26 **AUTHORIZED TO PROVIDE CLIENT SERVICES;**

27 **(II) COLLABORATING WITH A CLIENT’S TREATMENT TEAM TO**
28 **REVIEW THE CLIENT’S DIAGNOSIS, TREATMENT NEEDS, AND TREATMENT PLAN**

1 BEFORE PROVIDING MUSIC THERAPY SERVICES TO A CLIENT FOR AN IDENTIFIED
2 CLINICAL OR DEVELOPMENTAL NEED;

3 (III) COLLABORATING WITH A CLIENT'S TREATMENT TEAM
4 DURING THE PROVISION OF MUSIC THERAPY SERVICES TO THE CLIENT, INCLUDING
5 COLLABORATING WITH AND DISCUSSING THE MUSIC THERAPY TREATMENT PLAN
6 WITH THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST OF A CLIENT WITH A
7 COMMUNICATION DISORDER;

8 (IV) CONDUCTING A MUSIC THERAPY ASSESSMENT OF A CLIENT
9 TO COLLECT SYSTEMATIC, COMPREHENSIVE, AND ACCURATE INFORMATION
10 NECESSARY TO DETERMINE THE APPROPRIATE TYPE OF MUSIC THERAPY SERVICES
11 TO PROVIDE FOR THE CLIENT;

12 (V) DEVELOPING AN INDIVIDUALIZED MUSIC THERAPY
13 TREATMENT PLAN FOR A CLIENT THAT IS BASED ON THE MUSIC THERAPY
14 ASSESSMENT;

15 (VI) IMPLEMENTING AN INDIVIDUALIZED MUSIC THERAPY
16 TREATMENT PLAN THAT:

17 1. IS CONSISTENT WITH ANY OTHER DEVELOPMENTAL,
18 REHABILITATIVE, HABILITATIVE, MEDICAL, MENTAL HEALTH, PREVENTIVE, OR
19 WELLNESS CARE OR EDUCATIONAL SERVICES BEING PROVIDED TO A CLIENT; AND

20 2. DOES NOT REPLACE THE SERVICES PROVIDED BY AN
21 AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST;

22 (VII) EVALUATING A CLIENT'S RESPONSE TO MUSIC THERAPY
23 AND THE INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN, DOCUMENTING
24 CHANGE AND PROGRESS, AND SUGGESTING MODIFICATIONS, AS APPROPRIATE;

25 (VIII) DEVELOPING A PLAN FOR DETERMINING WHEN THE
26 PROVISION OF MUSIC THERAPY SERVICES IS NO LONGER NEEDED IN
27 COLLABORATION WITH A CLIENT, THE CLIENT'S PHYSICIAN OR ANOTHER PROVIDER
28 OF HEALTH CARE OR EDUCATION FOR THE CLIENT, AN APPROPRIATE MEMBER OF
29 THE CLIENT'S FAMILY, AND ANY OTHER APPROPRIATE INDIVIDUAL ON WHOM THE
30 CLIENT RELIES FOR SUPPORT;

31 (IX) MINIMIZING ANY BARRIERS TO ENSURE THAT A CLIENT
32 RECEIVES MUSIC THERAPY SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT;

33 (X) COLLABORATING WITH AND EDUCATING A CLIENT, THE
34 FAMILY OR CAREGIVER OF THE CLIENT, OR ANY OTHER APPROPRIATE INDIVIDUAL

1 ABOUT THE NEEDS OF THE CLIENT THAT ARE BEING ADDRESSED IN MUSIC THERAPY
2 AND THE MANNER IN WHICH THE MUSIC THERAPY ADDRESSES THOSE NEEDS; AND

3 (XI) USING APPROPRIATE KNOWLEDGE AND SKILLS, INCLUDING
4 RESEARCH, REASONING, AND PROBLEM-SOLVING SKILLS, TO INFORM PRACTICE
5 AND DETERMINE APPROPRIATE ACTIONS IN THE CONTEXT OF EACH SPECIFIC
6 CLINICAL SETTING.

7 (3) "PRACTICE OF MUSIC THERAPY" DOES NOT INCLUDE THE
8 SCREENING, DIAGNOSIS, OR ASSESSMENT OF ANY PHYSICAL, MENTAL, OR
9 COMMUNICATION DISORDER.

10 ~~17-6B-02.~~ 2-4A-02.

11 THIS SUBTITLE DOES NOT PROHIBIT OR RESTRICT THE PRACTICE, SERVICES,
12 OR ACTIVITIES OF:

13 (1) AN INDIVIDUAL LICENSED, CERTIFIED, OR REGULATED UNDER
14 THE LAWS OF THE STATE IN ANOTHER PROFESSION OR OCCUPATION OR PERSONNEL
15 SUPERVISED BY A LICENSED PROFESSIONAL IN THE STATE PERFORMING WORK
16 INCLUDING THE USE OF MUSIC INCIDENTAL TO THE PRACTICE OF THE INDIVIDUAL'S
17 LICENSED, CERTIFIED, OR REGULATED PROFESSION OR OCCUPATION, IF THE
18 INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC
19 THERAPIST;

20 (2) ANY INDIVIDUAL WHOSE TRAINING AND NATIONAL
21 CERTIFICATION ATTEST TO THE INDIVIDUAL'S PREPARATION AND ABILITY TO
22 PRACTICE THE CERTIFIED PROFESSION OR OCCUPATION OF THE INDIVIDUAL, IF
23 THE INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED
24 MUSIC THERAPIST;

25 (3) ANY PRACTICE OF MUSIC THERAPY AS AN INTEGRAL PART OF A
26 PROGRAM OF STUDY FOR STUDENTS ENROLLED IN AN ACCREDITED MUSIC THERAPY
27 PROGRAM, IF THE STUDENT DOES NOT REPRESENT THAT THE STUDENT IS A
28 LICENSED MUSIC THERAPIST; OR

29 (4) ANY INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF MUSIC
30 THERAPY UNDER THE SUPERVISION OF A LICENSED MUSIC THERAPIST, IF THE
31 INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC
32 THERAPIST.

33 ~~17-6B-03.~~ 2-4A-03.

34 THE BOARD ~~SHALL ADOPT:~~

1 (1) ~~REGULATIONS SHALL ADOPT REGULATIONS~~ FOR THE LICENSURE
2 AND PRACTICE OF MUSIC THERAPY; ~~AND~~

3 (2) ~~A SHALL ADOPT A CODE OF ETHICS FOR THE PRACTICE OF MUSIC~~
4 THERAPY; ~~AND~~

5 (3) MAY FACILITATE THE STATEWIDE DISSEMINATION OF MUSIC
6 THERAPY INFORMATION TO MUSIC THERAPISTS, THE AMERICAN MUSIC THERAPY
7 ASSOCIATION OR ANY SUCCESSOR ORGANIZATION, AND THE CERTIFICATION
8 BOARD FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION.

9 ~~17-6B-04. 2-4A-04.~~

10 (A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE
11 AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO
12 MUSIC THERAPISTS.

13 (2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO
14 APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE
15 OTHER SERVICES PROVIDED TO MUSIC THERAPISTS.

16 (B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE
17 PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

18 (2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE
19 BOARD.

20 (C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED
21 DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY
22 DUTIES OF THE BOARD UNDER THIS SUBTITLE.

23 ~~17-6B-05.~~

24 ~~THERE IS A MUSIC THERAPIST ADVISORY COMMITTEE WITHIN THE BOARD.~~

25 ~~17-6B-06.~~

26 ~~(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE~~
27 ~~BOARD WHO ARE FAMILIAR WITH THE PRACTICE OF MUSIC THERAPY, INCLUDING:~~

28 ~~(1) THREE MEMBERS WHO PRACTICE AS MUSIC THERAPISTS IN THE~~
29 ~~STATE;~~

1 ~~(2) ONE MEMBER WHO IS A LICENSED HEALTH CARE PRACTITIONER~~
2 ~~WHO IS NOT A MUSIC THERAPIST; AND~~

3 ~~(3) ONE MEMBER WHO IS A CONSUMER.~~

4 ~~(B) (1) ON OR BEFORE DECEMBER 31, 2021, THE MUSIC THERAPIST~~
5 ~~MEMBERS OF THE COMMITTEE SHALL BE BOARD CERTIFIED MUSIC THERAPISTS.~~

6 ~~(2) ON AND AFTER JANUARY 1, 2022, THE MUSIC THERAPIST~~
7 ~~MEMBERS OF THE COMMITTEE SHALL BE LICENSED MUSIC THERAPISTS.~~

8 ~~(C) THE CONSUMER MEMBER OF THE COMMITTEE:~~

9 ~~(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;~~

10 ~~(2) MAY NOT BE OR EVER HAVE BEEN A MUSIC THERAPIST OR IN~~
11 ~~TRAINING TO BECOME A MUSIC THERAPIST;~~

12 ~~(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MUSIC~~
13 ~~THERAPIST OR IN TRAINING TO BECOME A MUSIC THERAPIST; AND~~

14 ~~(4) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT TO~~
15 ~~THE COMMITTEE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED~~
16 ~~BY THE BOARD.~~

17 ~~(D) (1) THE TERM OF A MEMBER IS 4 YEARS.~~

18 ~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE~~
19 ~~TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2021.~~

20 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL~~
21 ~~A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

22 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~
23 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~
24 ~~QUALIFIES.~~

25 ~~(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL~~
26 ~~TERMS.~~

27 ~~(E) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR~~
28 ~~MISCONDUCT.~~

29 ~~17-6B-07.~~

1 ~~(A) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT ANNUALLY~~
2 ~~A CHAIR AND A VICE CHAIR.~~

3 ~~(B) THE COMMITTEE SHALL DETERMINE:~~

4 ~~(1) THE MANNER OF ELECTION OF OFFICERS; AND~~

5 ~~(2) THE DUTIES OF EACH OFFICER.~~

6 ~~17-6B-08.~~

7 ~~(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE IS A~~
8 ~~QUORUM.~~

9 ~~(B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT THE~~
10 ~~TIMES AND PLACES THAT IT DETERMINES.~~

11 ~~(2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:~~

12 ~~(I) REQUESTED BY THE BOARD; OR~~

13 ~~(H) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN~~
14 ~~SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR~~
15 ~~ADVISABLE.~~

16 ~~(3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL BE~~
17 ~~GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.~~

18 ~~(C) A MEMBER OF THE COMMITTEE:~~

19 ~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~
20 ~~COMMITTEE; BUT~~

21 ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~
22 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

23 ~~17-6B-09.~~

24 ~~IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS~~
25 ~~SUBTITLE, THE COMMITTEE:~~

26 ~~(1) SHALL DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS~~
27 ~~TO CARRY OUT THIS SUBTITLE;~~

1 ~~(2) SHALL DEVELOP AND RECOMMEND TO THE BOARD A CODE OF~~
2 ~~ETHICS FOR THE PRACTICE OF MUSIC THERAPY;~~

3 ~~(3) SHALL PROVIDE TO THE BOARD RECOMMENDATIONS~~
4 ~~CONCERNING:~~

5 ~~(I) THE PRACTICE OF MUSIC THERAPY; AND~~

6 ~~(II) REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF~~
7 ~~LICENSES AND THE OTHER SERVICES THAT THE BOARD PROVIDES TO MUSIC~~
8 ~~THERAPISTS;~~

9 ~~(4) SHALL KEEP A RECORD OF ITS PROCEEDINGS;~~

10 ~~(5) SHALL REPORT TO THE BOARD AS REQUIRED IN REGULATIONS~~
11 ~~ADOPTED BY THE BOARD;~~

12 ~~(6) MAY FACILITATE THE DEVELOPMENT OF MATERIALS THAT THE~~
13 ~~BOARD MAY USE TO EDUCATE THE PUBLIC CONCERNING MUSIC THERAPIST~~
14 ~~LICENSURE, THE BENEFITS OF MUSIC THERAPY, AND THE USE OF MUSIC THERAPY;~~
15 ~~AND~~

16 ~~(7) MAY ACT AS A FACILITATOR OF STATEWIDE DISSEMINATION OF~~
17 ~~INFORMATION AMONG MUSIC THERAPISTS, THE AMERICAN MUSIC THERAPY~~
18 ~~ASSOCIATION OR ANY SUCCESSOR ORGANIZATION, THE CERTIFICATION BOARD~~
19 ~~FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION, AND THE BOARD.~~

20 ~~17-6B-10. 2-4A-05.~~

21 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING JANUARY 1,
22 2022, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL
23 MAY ENGAGE IN THE PRACTICE OF MUSIC THERAPY IN THE STATE.

24 ~~17-6B-11. 2-4A-06.~~

25 (A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL
26 WHO MEETS THE REQUIREMENTS OF THIS SECTION.

27 (B) THE APPLICANT SHALL:

28 (1) BE OF GOOD MORAL CHARACTER; AND

29 (2) BE AT LEAST 18 YEARS OLD.

1 (C) THE APPLICANT SHALL:

2 (1) (I) BE A BOARD CERTIFIED MUSIC THERAPIST; AND

3 (II) PROVIDE PROOF:

4 1. A. OF PASSING THE EXAMINATION FOR BOARD
5 CERTIFICATION OFFERED BY THE CERTIFICATION BOARD FOR MUSIC THERAPISTS
6 OR ANY SUCCESSOR ORGANIZATION; OR

7 B. OF BEING TRANSITIONED INTO BOARD
8 CERTIFICATION; AND

9 2. THAT THE APPLICANT IS CURRENTLY A BOARD
10 CERTIFIED MUSIC THERAPIST;

11 (2) HOLD A BACHELOR'S DEGREE OR HIGHER IN MUSIC THERAPY, OR
12 ITS EQUIVALENT, INCLUDING CLINICAL TRAINING, FROM AN EDUCATIONAL
13 PROGRAM THAT IS:

14 (I) APPROVED BY THE AMERICAN MUSIC THERAPY
15 ASSOCIATION OR ANY SUCCESSOR ORGANIZATION; AND

16 (II) WITHIN AN ACCREDITED COLLEGE OR UNIVERSITY;

17 ~~(3) HAVE SUCCESSFULLY COMPLETED AT LEAST 1,200 HOURS OF~~
18 ~~CLINICAL TRAINING, INCLUDING:~~

19 ~~(I) AT LEAST 180 HOURS OF PRE-INTERNSHIP EXPERIENCE;~~
20 ~~AND~~

21 ~~(II) AT LEAST 900 HOURS OF EXPERIENCE IN INTERNSHIPS~~
22 ~~APPROVED BY:~~

23 ~~1. AN ACADEMIC INSTITUTION; OR~~

24 ~~2. THE AMERICAN MUSIC THERAPY ASSOCIATION OR~~
25 ~~ANY SUCCESSOR ORGANIZATION;~~

26 ~~(4) (3)~~ BE IN GOOD STANDING BASED ON A REVIEW OF THE
27 APPLICANT'S MUSIC THERAPY LICENSURE, CERTIFICATION, OR REGISTRATION
28 HISTORY IN OTHER JURISDICTIONS, INCLUDING A REVIEW OF ANY DISCIPLINARY
29 ACTIONS IN THE PRACTICE OF MUSIC THERAPY; AND

1 ~~(5)~~ (4) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE
2 BOARD.

3 ~~17-6B-12. 2-4A-07.~~

4 TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

5 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
6 BOARD REQUIRES;

7 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;
8 AND

9 (3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN
10 ACCORDANCE WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE.

11 ~~17-6B-13. 2-4A-08.~~

12 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

13 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; OR

14 (2) (I) MEETS THE REQUIREMENTS OF ~~§ 17-6B-12~~ § 2-4A-07 OF
15 THIS SUBTITLE; AND

16 (II) PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT
17 THE APPLICANT IS LICENSED AND IN GOOD STANDING AS A MUSIC THERAPIST IN
18 ANOTHER JURISDICTION WHERE THE QUALIFICATIONS REQUIRED ARE EQUAL TO
19 OR GREATER THAN THOSE REQUIRED IN THIS SUBTITLE.

20 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD
21 ISSUES:

22 (1) THE FULL NAME OF THE LICENSED MUSIC THERAPIST;

23 (2) THE DATES OF ISSUANCE AND EXPIRATION;

24 (3) A SERIAL NUMBER;

25 (4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE
26 BOARD; AND

27 (5) THE SEAL OF THE BOARD.

1 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION
2 OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE
3 WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A
4 LICENSE, THE BOARD SHALL CONSIDER:

5 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

6 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

7 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

8 (IV) SUBSEQUENT WORK HISTORY;

9 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND

10 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE
11 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

12 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY
13 RECORD INFORMATION REQUIRED UNDER ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE HAS
14 NOT BEEN RECEIVED.

15 ~~17-6B-14. 2-4A-09.~~

16 A MUSIC THERAPIST LICENSE AUTHORIZES THE LICENSEE TO ENGAGE IN THE
17 PRACTICE OF MUSIC THERAPY WHILE THE LICENSE IS EFFECTIVE.

18 ~~17-6B-15. 2-4A-10.~~

19 (A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD UNLESS THE
20 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

21 (2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2
22 YEARS.

23 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL
24 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR E-MAIL TO THE LAST KNOWN
25 ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

26 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

27 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
28 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
29 THE LICENSE EXPIRES; AND

1 **(3) THE AMOUNT OF THE RENEWAL FEE.**

2 **(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY**
3 **RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:**

4 **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

5 **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

6 **(3) SUBMITS TO THE BOARD:**

7 **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**
8 **REQUIRES; AND**

9 **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**
10 **CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD UNDER**
11 **SUBSECTION (D) OF THIS SECTION.**

12 **(D) (1) THE BOARD SHALL ESTABLISH CONTINUING EDUCATION**
13 **REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS**
14 **SECTION.**

15 **(2) THE CONTINUING EDUCATION REQUIREMENTS SHALL INCLUDE**
16 **PROOF OF COMPLETION OF AT LEAST 40 HOURS OF CONTINUING EDUCATION IN A**
17 **PROGRAM APPROVED BY THE CERTIFICATION BOARD OF MUSIC THERAPISTS OR**
18 **ANY SUCCESSOR ORGANIZATION.**

19 **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**
20 **MEETS THE REQUIREMENTS OF THIS SECTION.**

21 ~~17-6B-16.~~ 2-4A-11.

22 **(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF**
23 **THE LICENSEE SUBMITS TO THE BOARD:**

24 **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**
25 **THAT THE BOARD REQUIRES; AND**

26 **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

27 **(2) (I) THE BOARD SHALL LICENSE AN INDIVIDUAL ON INACTIVE**
28 **STATUS WHO APPLIES FOR A LICENSE IF THE INDIVIDUAL:**

1 1. MEETS THE RENEWAL REQUIREMENTS OF §
2 ~~17-6B-15~~ § 2-4A-10 OF THIS SUBTITLE; AND

3 2. MEETS ANY CONTINUING EDUCATION
4 REQUIREMENTS ESTABLISHED BY THE BOARD.

5 (ii) THE BOARD MAY NOT REQUIRE PAYMENT OF A LATE FEE BY
6 AN INDIVIDUAL AS A CONDITION TO LICENSING UNDER THIS PARAGRAPH.

7 (b) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO
8 HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO HAS FAILED TO RENEW THE
9 LICENSE FOR ANY REASON IF THE INDIVIDUAL:

10 (1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 17-6B-15~~ § 2-4A-10
11 OF THIS SUBTITLE;

12 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD;
13 AND

14 (3) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE
15 WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

16 (c) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL
17 WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER
18 THE LICENSE EXPIRES.

19 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN
20 INDIVIDUAL MAY BECOME LICENSED BY MEETING THE REQUIREMENTS OF §
21 ~~17-6B-11~~ § 2-4A-06 OF THIS SUBTITLE FOR OBTAINING A NEW LICENSE.

22 ~~17-6B-17.~~ 2-4A-12.

23 (a) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN
24 NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

25 (b) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS
26 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

27 (c) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
28 SECTION TO THE GENERAL FUND OF THE STATE.

29 ~~17-6B-18.~~ 2-4A-13.

1 UNLESS THE BOARD ACCEPTS THE SURRENDER OF A LICENSE, THE LICENSE
2 MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER
3 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

4 ~~17-6B-19~~ 2-4A-14.

5 SUBJECT TO THE HEARING PROVISIONS OF ~~§ 17-6B-21~~ § 2-4A-16 OF THIS
6 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS
7 MEMBERS THEN SERVING, MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A
8 LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE THE
9 LICENSE OF A LICENSEE IF THE APPLICANT OR LICENSEE:

10 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
11 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

12 (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

13 (3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO
14 A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT AN
15 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
16 SET ASIDE;

17 (4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN PRACTICING
18 MUSIC THERAPY OR SELF-REPRESENTING AS A MUSIC THERAPIST;

19 (5) PRACTICES MUSIC THERAPY FRAUDULENTLY OR DECEITFULLY;

20 (6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD UNDER
21 ~~§ 17-6B-03(2)~~ § 2-4A-03(2) OF THIS SUBTITLE;

22 (7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
23 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A
24 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

25 (8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

26 (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE
27 PRACTICE OF MUSIC THERAPY;

28 (10) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
29 ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE
30 OR COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES
31 UNIFORMED SERVICES OR THE UNITED STATES DEPARTMENT OF VETERANS

1 **AFFAIRS FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER**
2 **THIS SECTION;**

3 **(11) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY**
4 **REGULATION ADOPTED BY THE BOARD;**

5 **(12) USES OR PROMOTES OR CAUSES THE USE OR PROMOTION OF ANY**
6 **MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL**
7 **LITERATURE, OR TESTIMONIAL;**

8 **(13) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;**

9 **(14) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A**
10 **PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;**

11 **(15) BEHAVES IMMORALLY IN THE PRACTICE OF MUSIC THERAPY;**

12 **(16) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE**
13 **PRACTICE OF MUSIC THERAPY;**

14 **(17) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES**
15 **AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL**
16 **SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER**
17 **BECAUSE THE INDIVIDUAL IS HIV POSITIVE;**

18 **(18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION**
19 **CONDUCTED BY THE BOARD;**

20 **(19) COMMITS AN ACT THAT IS INCONSISTENT WITH GENERALLY**
21 **ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF MUSIC THERAPY;**

22 **(20) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN**
23 **ACCORDANCE WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE;**

24 **(21) HABITUALLY IS INTOXICATED;**

25 **(22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE**
26 **INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED**
27 **DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE,**
28 **OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID**
29 **MEDICAL INDICATION; OR**

30 **(23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN**
31 **VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.**

1 ~~17-6B-20.~~ 2-4A-15.

2 (A) IF, AFTER A HEARING UNDER ~~§ 17-6B-21~~ § 2-4A-16 OF THIS SUBTITLE,
3 THE BOARD FINDS THAT THERE ARE GROUNDS UNDER ~~§ 17-6B-19~~ § 2-4A-14 OF
4 THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO REPRIMAND A LICENSEE,
5 THE BOARD MAY IMPOSE A MONETARY PENALTY NOT EXCEEDING \$10,000:

6 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

7 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

8 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE
9 IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.

10 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS
11 SECTION INTO THE GENERAL FUND OF THE STATE.

12 ~~17-6B-21.~~ 2-4A-16.

13 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE
14 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 17-6B-19~~ §
15 2-4A-14 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE
16 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

17 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
18 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

19 (C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

20 (D) (1) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR
21 OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
22 CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS
23 OR PROCEEDINGS BEFORE THE BOARD.

24 (2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE
25 INDIVIDUAL IF THE INDIVIDUAL:

26 (I) REQUESTS THAT THE BOARD DO SO; AND

27 (II) STATES UNDER OATH THAT THE TESTIMONY OR EVIDENCE
28 SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

1 **(3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A**
2 **SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,**
3 **TESTIFY, OR ANSWER A QUESTION, A COURT OF COMPETENT JURISDICTION MAY**
4 **COMPEL, ON PETITION OF THE BOARD, COMPLIANCE WITH THE SUBPOENA.**

5 **(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS**
6 **CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD NEVERTHELESS MAY**
7 **HEAR AND DETERMINE THE MATTER.**

8 **(F) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY**
9 **ANY PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED BEFORE THE FILING OF**
10 **CHARGES.**

11 ~~17-6B-22.~~ 2-4A-17.

12 **(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §**
13 ~~17-6B-19~~ § 2-4A-14 **OF THIS SUBTITLE, A PERSON AGGRIEVED BY A FINAL**
14 **DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE**
15 **ADMINISTRATIVE PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS**
16 **ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.**

17 **(B) A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §**
18 ~~17-6B-19~~ § 2-4A-14 **OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT**
19 **MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED BY THE ADMINISTRATIVE**
20 **PROCEDURE ACT.**

21 **(C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A**
22 **SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY**
23 **NOT BE STAYED PENDING JUDICIAL REVIEW.**

24 ~~17-6B-23.~~ 2-4A-18.

25 **FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE**
26 **AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE BOARD**
27 **MAY:**

28 **(1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;**

29 **(2) REDUCE THE PERIOD OF A SUSPENSION; OR**

30 **(3) WITHDRAW A REPRIMAND.**

31 ~~17-6B-24.~~ 2-4A-19.

1 THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF THIS
2 SUBTITLE.

3 ~~17-6B-25. 2-4A-20.~~

4 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE
5 BOARD TO ENJOIN:

6 (1) THE UNAUTHORIZED PRACTICE OF MUSIC THERAPY; OR

7 (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER
8 ~~§ 17-6B-19 § 2-4A-14~~ OF THIS SUBTITLE.

9 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

10 (1) THE BOARD, IN ITS OWN NAME;

11 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

12 (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

13 (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY
14 WHERE THE DEFENDANT:

15 (1) RESIDES; OR

16 (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

17 (D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY
18 DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION
19 UNDER THIS SECTION.

20 (E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD
21 OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MUSIC
22 THERAPY UNDER ~~§ 17-6B-27 § 2-4A-22~~ OF THIS SUBTITLE OR DISCIPLINARY
23 ACTION UNDER ~~§ 17-6B-19 § 2-4A-14~~ OF THIS SUBTITLE.

24 ~~17-6B-26. 2-4A-21.~~

25 (A) IN THIS SECTION, "MUSIC THERAPIST REHABILITATION
26 SUBCOMMITTEE" MEANS A SUBCOMMITTEE OF THE ~~COMMITTEE~~ BOARD THAT:

27 (1) IS RECOGNIZED BY THE BOARD;

28 (2) INCLUDES MUSIC THERAPISTS; AND

1 **(3) EVALUATES AND PROVIDES ASSISTANCE TO ANY MUSIC**
2 **THERAPIST IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG**
3 **ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL**
4 **CONDITION.**

5 **(B) THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE MAY**
6 **FUNCTION:**

7 **(1) SOLELY FOR THE ~~COMMITTEE~~ BOARD; OR**

8 **(2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING**
9 **ANOTHER BOARD OR BOARDS.**

10 **(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE**
11 **PROCEEDINGS, RECORDS, AND FILES OF THE MUSIC THERAPIST REHABILITATION**
12 **SUBCOMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE**
13 **IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS THAT ARE BEING OR HAVE BEEN**
14 **REVIEWED AND EVALUATED BY THE MUSIC THERAPIST REHABILITATION**
15 **SUBCOMMITTEE.**

16 **(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY**
17 **RECORD OR DOCUMENT THAT IS CONSIDERED BY THE MUSIC THERAPIST**
18 **REHABILITATION SUBCOMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO**
19 **DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.**

20 **(3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT**
21 **INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A**
22 **PROCEEDING BEFORE THE BOARD.**

23 **(D) AN INDIVIDUAL WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF**
24 **JURISDICTION OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE IS NOT**
25 **CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE MUSIC THERAPIST**
26 **REHABILITATION SUBCOMMITTEE OR FOR GIVING INFORMATION TO,**
27 **PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE MUSIC THERAPIST**
28 **REHABILITATION SUBCOMMITTEE.**

29 ~~17-6B-27. 2-4A-22.~~

30 **(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL**
31 **MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MUSIC**
32 **THERAPY IN THE STATE UNLESS LICENSED BY THE BOARD.**

33 **(B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.**

1 ~~17-6B-28.~~ 2-4A-23.

2 UNLESS AUTHORIZED TO PRACTICE MUSIC THERAPY UNDER THIS SUBTITLE,
3 AN INDIVIDUAL MAY NOT:

4 (1) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A LICENSED
5 MUSIC THERAPIST; OR

6 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER
7 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST.

8 ~~17-6B-29.~~ 2-4A-24.

9 (A) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS
10 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT
11 EXCEEDING \$10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

12 (B) AN INDIVIDUAL WHO VIOLATES ~~§ 17-6B-27~~ § 2-4A-22 OF THIS
13 SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED
14 BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

15 ~~17-6B-30.~~ 2-4A-25.

16 THIS SUBTITLE MAY BE CITED AS THE MARYLAND MUSIC THERAPISTS ACT.

17 ~~17-6B-31.~~

18 ~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE~~
19 ~~MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND~~
20 ~~REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO~~
21 ~~EFFECT AFTER JULY 1, 2031.~~

22 2-501.

23 This title may be cited as the “Maryland Audiology, Hearing Aid Dispensing, [and]
24 Speech–Language Pathology, AND MUSIC THERAPY Act”.

25 ~~Article State Government~~

26 ~~§ 403.~~

27 ~~This subtitle applies only to the following governmental activities and units:~~

1 ~~(14) Counselors and Therapists, State Board of Professional (§ 17-201 of the~~
 2 ~~Health Occupations Article), INCLUDING THE MUSIC THERAPIST ADVISORY~~
 3 ~~COMMITTEE;~~

4 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~
 5 ~~members of the Music Therapist Advisory Committee shall expire as follows:~~

6 ~~(1) one music therapist member in 2022;~~

7 ~~(2) one music therapist member and the consumer member in 2023; and~~

8 ~~(3) one music therapist member and the licensed health care practitioner~~
 9 ~~who is not a music therapist member in 2024.~~

10 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the
 11 Annotated Code of Maryland, in consultation with and subject to the approval of the
 12 Department of Legislative Services, shall correct, with no further action required by the
 13 General Assembly, cross-references and terminology rendered incorrect by this Act or by
 14 any other Act of the General Assembly of 2021 that affects provisions enacted by the Act.
 15 The publisher shall adequately describe any correction that is made in an editor's note
 16 following the section affected.

17 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 18 October 1, 2021.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.