

HB 1245

2015

1                                   A bill to be entitled  
2           An act relating to music therapists; amending s.  
3           20.43, F.S.; establishing the music therapist  
4           profession within the Division of Medical Quality  
5           Assurance; creating part XVII of ch. 468, F.S.,  
6           entitled "Music Therapists"; creating s. 468.851,  
7           F.S.; providing legislative intent; creating s.  
8           468.852, F.S.; defining terms; creating s. 468.853,  
9           F.S.; creating the Music Therapy Advisory Committee;  
10          providing for membership and terms of members;  
11          creating s. 468.854, F.S.; establishing requirements  
12          for licensure as a music therapist; creating s.  
13          468.855, F.S.; providing application requirements;  
14          exempting certain applicants from the examination  
15          requirement; requiring certain fees to be deposited  
16          into the Medical Quality Assurance Trust Fund;  
17          creating s. 468.856, F.S.; establishing a licensure  
18          renewal process; creating s. 468.857, F.S.; providing  
19          for disciplinary grounds and actions; authorizing  
20          investigations by the division for allegations of  
21          misconduct; providing an effective date.

22  
23   Be It Enacted by the Legislature of the State of Florida:

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25           Section 1. Paragraph (g) of subsection (3) of section  
26   20.43, Florida Statutes, is amended to read:

27           20.43 Department of Health.—There is created a Department  
28 of Health.

29           (3) The following divisions of the Department of Health  
30 are established:

31           (g) Division of Medical Quality Assurance, which is  
32 responsible for the following boards and professions established  
33 within the division:

34           1. The Board of Acupuncture, created under chapter 457.

35           2. The Board of Medicine, created under chapter 458.

36           3. The Board of Osteopathic Medicine, created under  
37 chapter 459.

38           4. The Board of Chiropractic Medicine, created under  
39 chapter 460.

40           5. The Board of Podiatric Medicine, created under chapter  
41 461.

42           6. Naturopathy, as provided under chapter 462.

43           7. The Board of Optometry, created under chapter 463.

44           8. The Board of Nursing, created under part I of chapter  
45 464.

46           9. Nursing assistants, as provided under part II of  
47 chapter 464.

48           10. The Board of Pharmacy, created under chapter 465.

49           11. The Board of Dentistry, created under chapter 466.

50           12. Midwifery, as provided under chapter 467.

51           13. The Board of Speech-Language Pathology and Audiology,  
52 created under part I of chapter 468.

- 53           14. The Board of Nursing Home Administrators, created  
54 under part II of chapter 468.
- 55           15. The Board of Occupational Therapy, created under part  
56 III of chapter 468.
- 57           16. Respiratory therapy, as provided under part V of  
58 chapter 468.
- 59           17. Dietetics and nutrition practice, as provided under  
60 part X of chapter 468.
- 61           18. The Board of Athletic Training, created under part  
62 XIII of chapter 468.
- 63           19. The Board of Orthotists and Prosthetists, created  
64 under part XIV of chapter 468.
- 65           20. Music therapists, as provided under part XVII of  
66 chapter 468.
- 67           ~~21.20.~~ Electrolysis, as provided under chapter 478.
- 68           ~~22.21.~~ The Board of Massage Therapy, created under chapter  
69 480.
- 70           ~~23.22.~~ The Board of Clinical Laboratory Personnel, created  
71 under part III of chapter 483.
- 72           ~~24.23.~~ Medical physicists, as provided under part IV of  
73 chapter 483.
- 74           ~~25.24.~~ The Board of Opticianry, created under part I of  
75 chapter 484.
- 76           ~~26.25.~~ The Board of Hearing Aid Specialists, created under  
77 part II of chapter 484.
- 78           ~~27.26.~~ The Board of Physical Therapy Practice, created

79 | under chapter 486.

80 |     ~~28.27.~~ The Board of Psychology, created under chapter 490.

81 |     ~~29.28.~~ School psychologists, as provided under chapter  
82 | 490.

83 |     ~~30.29.~~ The Board of Clinical Social Work, Marriage and  
84 | Family Therapy, and Mental Health Counseling, created under  
85 | chapter 491.

86 |     ~~31.30.~~ Emergency medical technicians and paramedics, as  
87 | provided under part III of chapter 401.

88 |     Section 2. Part XVII of chapter 468, Florida Statutes,  
89 | consisting of ss. 468.851-468.857, Florida Statutes, is created  
90 | and entitled "Music Therapists."

91 |     Section 3. Section 468.851, Florida Statutes, is created  
92 | to read:

93 |     468.851 Purpose.—The Legislature finds that the practice  
94 | of music therapy should be subject to regulation to ensure the  
95 | highest degree of professional conduct and to guarantee the  
96 | availability of music therapy services provided by qualified  
97 | professionals. This part is intended to protect the public from  
98 | the harmful conduct of unqualified music therapists.

99 |     Section 4. Section 468.852, Florida Statutes, is created  
100 | to read:

101 |     468.852 Definitions.—As used in this part, the term:

102 |     (1) "Advisory committee" means the Music Therapy Advisory  
103 | Committee.

104 |     (2) "Board-certified music therapist" means an individual

105 who has completed the education and clinical training  
 106 requirements established by the American Music Therapy  
 107 Association and who holds current board certification from the  
 108 Certification Board for Music Therapists.

109 (3) "Division" means the Division of Medical Quality  
 110 Assurance within the Department of Health.

111 (4) "Director" means the director of the division.

112 (5) "Music therapist" means a person licensed to practice  
 113 music therapy pursuant to this part.

114 (6) "Music therapy" means the clinical and evidence-based  
 115 use of music interventions by a board-certified music therapist  
 116 to accomplish individualized goals for people of all ages and  
 117 ability levels within a therapeutic relationship. The term does  
 118 not include the diagnosis or assessment of any physical, mental,  
 119 or communication disorder.

120 Section 5. Section 468.853, Florida Statutes, is created  
 121 to read:

122 468.853 Music Therapy Advisory Committee.—

123 (1) There is created within the division a Music Therapy  
 124 Advisory Committee, which shall consist of five members.

125 (a) The director of the division shall appoint all members  
 126 of the advisory committee to serve 4-year terms. The advisory  
 127 committee shall consist of persons familiar with the practice of  
 128 music therapy and provide the director with expertise and  
 129 assistance in carrying out his or her duties pursuant to this  
 130 part. The director shall appoint three members who practice as

131 music therapists in this state; one member who is a licensed  
132 health care provider and is not a music therapist; and one  
133 member who is a layperson.

134 (b) Members serve without compensation.

135 (c) Members may serve consecutive terms at the will of the  
136 director. Any vacancy shall be filled in the same manner as the  
137 regular appointment.

138 (2) The advisory committee shall meet at least annually or  
139 as otherwise called by the director.

140 (3) The director shall consult with the advisory committee  
141 before setting or changing fees required under this part.

142 (4) The advisory committee shall provide analysis of  
143 disciplinary actions taken, appeals and denials, or revocation  
144 of licenses at least annually.

145 (5) The advisory committee may facilitate:

146 (a) The development of materials that the director may  
147 utilize to educate the public concerning music therapist  
148 licensure, the benefits of music therapy, and use of music  
149 therapy by individuals and within facilities or institutional  
150 settings.

151 (b) Statewide dissemination of information between music  
152 therapists, the American Music Therapy Association or any  
153 successor organization, the Certification Board for Music  
154 Therapists or any successor organization, and the director.

155 Section 6. Section 468.854, Florida Statutes, is created  
156 to read:

157 | 468.854 Licensure requirements.—

158 | (1) After January 1, 2016, an individual who is not  
159 | licensed as a music therapist may not use the title "music  
160 | therapist" or a similar title and may not practice music  
161 | therapy. Nothing in this part may be construed as prohibiting or  
162 | restricting the practice, services, or activities of any of the  
163 | following:

164 | (a) Any individual licensed, certified, or regulated under  
165 | the laws of this state in another profession or occupation, or  
166 | personnel supervised by a licensed professional in this state,  
167 | performing work, including the use of music, incidental to the  
168 | practice of his or her licensed, certified, or regulated  
169 | profession or occupation, if that individual does not represent  
170 | himself or herself as a music therapist.

171 | (b) Any individual whose training and national  
172 | certification attests to the individual's preparation and  
173 | ability to practice his or her certified profession or  
174 | occupation, if that individual does not represent himself or  
175 | herself as a music therapist.

176 | (c) Any practice of music therapy as an integral part of a  
177 | program of study for students enrolled in an accredited music  
178 | therapy program, if that student does not represent himself or  
179 | herself as a music therapist.

180 | (d) Any individual who practices music therapy under the  
181 | supervision of a licensed music therapist, if that individual  
182 | does not represent himself or herself as a music therapist.

183       (2) A music therapist may accept referrals for music  
184 therapy services from medical, developmental, mental health, or  
185 education professionals, family members, clients, or other  
186 caregivers.

187       (3) A music therapist must:

188       (a) Before providing music therapy services to a client  
189 for an identified clinical or developmental need, collaborate,  
190 as applicable, with the primary care provider to review the  
191 client's diagnosis, treatment needs, and treatment plan;

192       (b) During the provision of music therapy services to a  
193 client, collaborate, as applicable, with the client's treatment  
194 team;

195       (c) Conduct a music therapy assessment of a client to  
196 determine if treatment is indicated and, if treatment is  
197 indicated, the licensee must collect systematic, comprehensive,  
198 and accurate information to determine the appropriateness and  
199 type of music therapy services to provide for the client;

200       (d) Develop an individualized music therapy treatment plan  
201 for the client that is based upon the results of the music  
202 therapy assessment. Such treatment plan must include  
203 individualized goals and objectives that focus on the assessed  
204 needs and strengths of the client and must specify music therapy  
205 approaches and interventions to be used to address these goals  
206 and objectives;

207       (e) Implement an individualized music therapy treatment  
208 plan that is consistent with any other developmental,



209 rehabilitative, habilitative, medical, mental health,  
210 preventive, wellness care, or educational services being  
211 provided to the client;

212 (f) Evaluate the client's response to music therapy and  
213 the music therapy treatment plan, documenting change and  
214 progress and suggesting modifications, as appropriate;

215 (g) Develop a plan for determining whether music therapy  
216 services continue to be needed. In making this determination the  
217 music therapist shall collaborate with the client, the client's  
218 physician or other provider of health care or education to the  
219 client and family members of the client, and any other  
220 appropriate person upon whom the client relies for support;

221 (h) Minimize any barriers to ensure that the client  
222 receives music therapy services in the least restrictive  
223 environment;

224 (i) Collaborate with and educate the client and the  
225 family, the caregiver of the client, or any other appropriate  
226 person regarding the needs of the client which are being  
227 addressed in music therapy and the manner in which the music  
228 therapy treatment addresses those needs; and

229 (j) Use appropriate knowledge and skills to inform  
230 practice, including the use of research, reasoning, and problem-  
231 solving skills to determine appropriate actions in the context  
232 of each specific clinical setting.

233 Section 7. Section 468.855, Florida Statutes, is created  
234 to read:

235 468.855 Issuance of licenses.—

236 (1) The division shall issue a music therapist license to  
237 an applicant upon completion and submission of an application  
238 upon a form and in such manner as the division prescribes,  
239 accompanied by applicable fees, and evidence satisfactory to the  
240 division that:

241 (a) The applicant is at least 18 years of age;

242 (b) The applicant holds a bachelor's degree or higher in  
243 music therapy, or its equivalent, from a program approved by the  
244 American Music Therapy Association or any successor organization  
245 within an accredited college or university;

246 (c) The applicant successfully completed a minimum of  
247 1,200 hours of clinical training, with at least 180 hours in  
248 pre-internship experiences and at least 900 hours in internship  
249 experiences, provided that the internship is approved by an  
250 academic institution, the American Music Therapy Association or  
251 any successor organization, or both;

252 (d) The applicant is in good standing based on a review of  
253 the applicant's music therapy licensure history in other  
254 jurisdictions, including a review of any alleged misconduct or  
255 neglect in the practice of music therapy on the part of the  
256 applicant; and

257 (e) The applicant provides proof of passing the  
258 examination for board certification offered by the Certification  
259 Board for Music Therapists or any successor organization or  
260 provides proof of being transitioned into board certification,

261 and provides proof that the applicant is currently a board-  
262 certified music therapist.

263 (2) The division shall issue a license to an applicant for  
264 a music therapy license when the applicant completes and submits  
265 an application upon a form and in such manner as the division  
266 prescribes, accompanied by applicable fees and evidence  
267 satisfactory to the division that the applicant is licensed and  
268 in good standing as a music therapist in another jurisdiction  
269 where the qualifications required are equal to or greater than  
270 those required in this part at the date of application.

271 (3) The division shall waive the examination requirement  
272 until January 1, 2020, for an applicant who is designated as a  
273 registered music therapist, certified music therapist, or  
274 advanced certified music therapist and is in good standing with  
275 the national music therapy registry.

276 (4) Fees collected pursuant to this part shall be  
277 deposited into the Medical Quality Assurance Trust Fund as  
278 provided under s. 456.025.

279 Section 8. Section 468.856, Florida Statutes, is created  
280 to read:

281 468.856 Licensure renewal.—

282 (1) Every license issued under this part must be renewed  
283 biennially. A license shall be renewed upon payment of a renewal  
284 fee if the applicant is not in violation of any of the terms of  
285 this part at the time of application for renewal.

286 (2) To renew a license the licensee must provide:

287 (a) Proof of maintenance of status as a board-certified  
288 music therapist; and

289 (b) Proof of completion of a minimum of 40 hours of  
290 continuing education in a program approved by the Certification  
291 Board of Music Therapists or any successor organization and any  
292 other continuing education requirements established by the  
293 division.

294 (3) A licensee shall inform the division of any changes to  
295 his or her address.

296 (4) Failure to renew a license results in forfeiture of  
297 the license. Licenses that have been forfeited may be restored  
298 within 1 year of the expiration date upon payment of renewal and  
299 restoration fees. Failure to restore a forfeited license within  
300 1 year of the date of its expiration results in the automatic  
301 termination of the license, and the division may require the  
302 individual to reapply for licensure as a new applicant.

303 (5) Upon the written request of a licensee, the division  
304 may place an active license on inactive status, subject to an  
305 inactive status fee established by the division. The licensee,  
306 upon request and payment of the inactive license fee, may  
307 continue on inactive status for a period up to 2 years. An  
308 inactive license may be reactivated at any time by making a  
309 written request to the division and by fulfilling requirements  
310 established by the division.

311 Section 9. Section 468.857, Florida Statutes, is created  
312 to read:

- 313 468.857 Disciplinary grounds and actions.—
- 314 (1) The following acts constitute violations of this part:
- 315 (a) Falsification of information submitted for licensure
- 316 or failure to maintain status as a board-certified music
- 317 therapist.
- 318 (b) Failure to pay fees when due.
- 319 (c) Failure to provide requested information in a timely
- 320 manner.
- 321 (d) Conviction of a felony.
- 322 (e) Conviction of any crime that reflects an inability to
- 323 practice music therapy with due regard for the health and safety
- 324 of clients and patients, or with due regard for the truth in
- 325 filing claims with Medicare, Medicaid, or any third-party payor.
- 326 (f) Inability or failure to practice music therapy with
- 327 reasonable skill and consistent with the welfare of clients and
- 328 patients, including, but not limited to, negligence in the
- 329 practice of music therapy; intoxication; incapacity; and abuse
- 330 of or engaging in sexual contact with a client or patient.
- 331 (g) Any related disciplinary action by another
- 332 jurisdiction.
- 333 (2) The division may conduct investigations into alleged
- 334 violations of this section.
- 335 (3) The division may impose one or more of the following
- 336 sanctions for a violation of this part:
- 337 (a) Suspension.
- 338 (b) Revocation.

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- 339 |       (c) Denial.
- 340 |       (d) Refusal to renew a license.
- 341 |       (e) Probation with conditions.
- 342 |       (f) Reprimand.
- 343 |       (g) A fine of at least \$100, but no more than \$1,000, for
- 344 | each violation.
- 345 |       Section 10. This act shall take effect July 1, 2015.