

By the Committee on Health Policy; and Senator Clemens

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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 requiring the director to consult with the advisory
12 committee before adopting or revising rules;
13 authorizing the division to adopt rules; creating s.
14 468.854, F.S.; establishing requirements for licensure
15 as a music therapist; creating s. 468.855, F.S.;
16 providing application requirements; exempting certain
17 applicants from the examination requirement; requiring
18 certain fees to be deposited into the Medical Quality
19 Assurance Trust Fund; creating s. 468.856, F.S.;
20 establishing a licensure renewal process; creating s.
21 468.857, F.S.; providing for disciplinary grounds and
22 actions; authorizing investigations by the division
23 for allegations of misconduct; providing an effective
24 date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Paragraph (g) of subsection (3) of section
29 20.43, Florida Statutes, is amended to read:

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30 20.43 Department of Health.—There is created a Department
31 of Health.

32 (3) The following divisions of the Department of Health are
33 established:

34 (g) Division of Medical Quality Assurance, which is
35 responsible for the following boards and professions established
36 within the division:

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

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

39 3. The Board of Osteopathic Medicine, created under chapter
40 459.

41 4. The Board of Chiropractic Medicine, created under
42 chapter 460.

43 5. The Board of Podiatric Medicine, created under chapter
44 461.

45 6. Naturopathy, as provided under chapter 462.

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

47 8. The Board of Nursing, created under part I of chapter
48 464.

49 9. Nursing assistants, as provided under part II of chapter
50 464.

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

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

53 12. Midwifery, as provided under chapter 467.

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

56 14. The Board of Nursing Home Administrators, created under
57 part II of chapter 468.

58 15. The Board of Occupational Therapy, created under part

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59 III of chapter 468.

60 16. Respiratory therapy, as provided under part V of
61 chapter 468.

62 17. Dietetics and nutrition practice, as provided under
63 part X of chapter 468.

64 18. The Board of Athletic Training, created under part XIII
65 of chapter 468.

66 19. The Board of Orthotists and Prosthetists, created under
67 part XIV of chapter 468.

68 20. Music therapists, as provided under part XVII of
69 chapter 468.

70 21.20. Electrolysis, as provided under chapter 478.

71 22.21. The Board of Massage Therapy, created under chapter
72 480.

73 23.22. The Board of Clinical Laboratory Personnel, created
74 under part III of chapter 483.

75 24.23. Medical physicists, as provided under part IV of
76 chapter 483.

77 25.24. The Board of Opticianry, created under part I of
78 chapter 484.

79 26.25. The Board of Hearing Aid Specialists, created under
80 part II of chapter 484.

81 27.26. The Board of Physical Therapy Practice, created
82 under chapter 486.

83 28.27. The Board of Psychology, created under chapter 490.

84 29.28. School psychologists, as provided under chapter 490.

85 30.29. The Board of Clinical Social Work, Marriage and
86 Family Therapy, and Mental Health Counseling, created under
87 chapter 491.

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88 ~~31.30.~~ Emergency medical technicians and paramedics, as
89 provided under part III of chapter 401.

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

93 Section 3. Section 468.851, Florida Statutes, is created to
94 read:

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

101 Section 4. Section 468.852, Florida Statutes, is created to
102 read:

103 468.852 Definitions.—As used in this part, the term:

104 (1) "Advisory committee" means the Music Therapy Advisory
105 Committee.

106 (2) "Board-certified music therapist" means an individual
107 who has completed the education and clinical training
108 requirements established by the American Music Therapy
109 Association and who holds current board certification from the
110 Certification Board for Music Therapists.

111 (3) "Division" means the Division of Medical Quality
112 Assurance within the Department of Health.

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

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

116 (6) "Music therapy" means the clinical and evidence-based

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117 use of music interventions by a board-certified music therapist
118 to accomplish individualized goals for people of all ages and
119 ability levels within a therapeutic relationship. The term does
120 not include the diagnosis or assessment of any physical, mental,
121 or communication disorder.

122 Section 5. Section 468.853, Florida Statutes, is created to
123 read:

124 468.853 Music Therapy Advisory Committee.-

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

127 (a) The director of the division shall appoint all members
128 of the advisory committee to serve 4-year terms. The advisory
129 committee shall consist of persons familiar with the practice of
130 music therapy and provide the director with expertise and
131 assistance in carrying out his or her duties pursuant to this
132 part. The director shall appoint three members who practice as
133 music therapists in this state; one member who is a licensed
134 health care provider and is not a music therapist; and one
135 member who is a layperson.

136 (b) Members serve without compensation.

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

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

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

144 (4) The advisory committee shall provide analysis of
145 disciplinary actions taken, appeals and denials, or revocation

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146 of licenses at least annually.

147 (5) The advisory committee may facilitate:

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

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

157 (6) The director must consult with the advisory committee
158 before adopting or revising rules pursuant to this section.

159 (7) The division may adopt rules to implement and
160 administer this part.

161 Section 6. Section 468.854, Florida Statutes, is created to
162 read:

163 468.854 Licensure requirements.—

164 (1) After January 1, 2017, an individual who is not
165 licensed as a music therapist may not use the title "music
166 therapist" or a similar title and may not practice music
167 therapy. Nothing in this part may be construed as prohibiting or
168 restricting the practice, services, or activities of any of the
169 following:

170 (a) Any individual licensed, certified, or regulated under
171 the laws of this state in another profession or occupation, or
172 personnel supervised by a licensed professional in this state,
173 performing work, including the use of music, incidental to the
174 practice of his or her licensed, certified, or regulated

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175 profession or occupation, if that individual does not represent
176 himself or herself as a music therapist.

177 (b) Any individual whose training and national
178 certification attests to the individual's preparation and
179 ability to practice his or her certified profession or
180 occupation, if that individual does not represent himself or
181 herself as a music therapist.

182 (c) Any practice of music therapy as an integral part of a
183 program of study for students enrolled in an accredited music
184 therapy program, if that student does not represent himself or
185 herself as a music therapist.

186 (d) Any individual who practices music therapy under the
187 supervision of a licensed music therapist, if that individual
188 does not represent himself or herself as a music therapist.

189 (2) A music therapist may accept referrals for music
190 therapy services from medical, developmental, mental health, or
191 education professionals, family members, clients, or other
192 caregivers.

193 (3) A music therapist must:

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

198 (b) During the provision of music therapy services to a
199 client, collaborate, as applicable, with the client's treatment
200 team;

201 (c) Conduct a music therapy assessment of a client to
202 determine if treatment is indicated and, if treatment is
203 indicated, the licensee must collect systematic, comprehensive,

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204 and accurate information to determine the appropriateness and
205 type of music therapy services to provide for the client;

206 (d) Develop an individualized music therapy treatment plan
207 for the client that is based upon the results of the music
208 therapy assessment. Such treatment plan must include
209 individualized goals and objectives that focus on the assessed
210 needs and strengths of the client and must specify music therapy
211 approaches and interventions to be used to address these goals
212 and objectives;

213 (e) Implement an individualized music therapy treatment
214 plan that is consistent with any other developmental,
215 rehabilitative, habilitative, medical, mental health,
216 preventive, wellness care, or educational services being
217 provided to the client;

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

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

227 (h) Minimize any barriers to ensure that the client
228 receives music therapy services in the least restrictive
229 environment;

230 (i) Collaborate with and educate the client and the family,
231 the caregiver of the client, or any other appropriate person
232 regarding the needs of the client which are being addressed in

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233 music therapy and the manner in which the music therapy
234 treatment addresses those needs; and

235 (j) Use appropriate knowledge and skills to inform
236 practice, including the use of research, reasoning, and problem-
237 solving skills to determine appropriate actions in the context
238 of each specific clinical setting.

239 Section 7. Section 468.855, Florida Statutes, is created to
240 read:

241 468.855 Issuance of licenses.-

242 (1) The division shall issue a music therapist license to
243 an applicant upon completion and submission of an application
244 upon a form and in such manner as the division prescribes,
245 accompanied by applicable fees, and evidence satisfactory to the
246 division that:

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

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

252 (c) The applicant successfully completed a minimum of 1,200
253 hours of clinical training, with at least 180 hours in pre-
254 internship experiences and at least 900 hours in internship
255 experiences, provided that the internship is approved by an
256 academic institution, the American Music Therapy Association or
257 any successor organization, or both;

258 (d) The applicant is in good standing based on a review of
259 the applicant's music therapy licensure history in other
260 jurisdictions, including a review of any alleged misconduct or
261 neglect in the practice of music therapy on the part of the

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262 applicant; and

263 (e) The applicant provides proof of passing the examination
264 for board certification offered by the Certification Board for
265 Music Therapists or any successor organization or provides proof
266 of being transitioned into board certification, and provides
267 proof that the applicant is currently a board-certified music
268 therapist.

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

277 (3) The division shall waive the examination requirement
278 until January 1, 2020, for an applicant who is designated as a
279 registered music therapist, certified music therapist, or
280 advanced certified music therapist and is in good standing with
281 the national music therapy registry.

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

285 Section 8. Section 468.856, Florida Statutes, is created to
286 read:

287 468.856 Licensure renewal.-

288 (1) Every license issued under this part must be renewed
289 biennially. A license shall be renewed upon payment of a renewal
290 fee if the applicant is not in violation of any of the terms of

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291 this part at the time of application for renewal.

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

293 (a) Proof of maintenance of status as a board-certified
294 music therapist; and

295 (b) Proof of completion of a minimum of 40 hours of
296 continuing education in a program approved by the Certification
297 Board of Music Therapists or any successor organization and any
298 other continuing education requirements established by the
299 division.

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

302 (4) Failure to renew a license results in forfeiture of the
303 license. Licenses that have been forfeited may be restored
304 within 1 year of the expiration date upon payment of renewal and
305 restoration fees. Failure to restore a forfeited license within
306 1 year of the date of its expiration results in the automatic
307 termination of the license, and the division may require the
308 individual to reapply for licensure as a new applicant.

309 (5) Upon the written request of a licensee, the division
310 may place an active license on inactive status, subject to an
311 inactive status fee established by the division. The licensee,
312 upon request and payment of the inactive license fee, may
313 continue on inactive status for a period up to 2 years. An
314 inactive license may be reactivated at any time by making a
315 written request to the division and by fulfilling requirements
316 established by the division.

317 Section 9. Section 468.857, Florida Statutes, is created to
318 read:

319 468.857 Disciplinary grounds and actions.-

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- 320 (1) The following acts constitute violations of this part:
321 (a) Falsification of information submitted for licensure or
322 failure to maintain status as a board-certified music therapist.
323 (b) Failure to pay fees when due.
324 (c) Failure to provide requested information in a timely
325 manner.
326 (d) Conviction of a felony.
327 (e) Conviction of any crime that reflects an inability to
328 practice music therapy with due regard for the health and safety
329 of clients and patients, or with due regard for the truth in
330 filing claims with Medicare, Medicaid, or any third-party payor.
331 (f) Inability or failure to practice music therapy with
332 reasonable skill and consistent with the welfare of clients and
333 patients, including, but not limited to, negligence in the
334 practice of music therapy; intoxication; incapacity; and abuse
335 of or engaging in sexual contact with a client or patient.
336 (g) Any related disciplinary action by another
337 jurisdiction.
338 (2) The division may conduct investigations into alleged
339 violations of this section.
340 (3) The division may impose one or more of the following
341 sanctions for a violation of this part:
342 (a) Suspension.
343 (b) Revocation.
344 (c) Denial.
345 (d) Refusal to renew a license.
346 (e) Probation with conditions.
347 (f) Reprimand.
348 (g) A fine of at least \$100, but no more than \$1,000, for

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349 each violation.

350 Section 10. This act shall take effect July 1, 2016.