

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

H.B. 192  
Feb 23, 2017  
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH50017-MGfqq-39A (01/31)

Short Title: Establish Music Therapy Practice Act. (Public)

Sponsors: Representatives Warren, Blackwell, Corbin, and Williams (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT ESTABLISHING THE NORTH CAROLINA MUSIC THERAPY PRACTICE ACT.

Whereas, licensing individuals who seek to practice as music therapists would give the citizens of North Carolina a consistent standard when receiving music therapy services in this State; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 90 of the General Statutes is amended by adding a new Article to read:

"Article 18E.

"Music Therapy.

**"§ 90-270.85. Title.**

This Article shall be known and may be cited as the "North Carolina Music Therapy Practice Act."

**"§ 90-270.86. Purpose.**

The North Carolina Music Therapy Practice Act is established to safeguard the public health, safety, and welfare, to protect the public from being harmed by unqualified persons, to assure the highest degree of professional services and conduct on the part of music therapists, to provide for the establishment of licensure requirements, and to ensure the availability of music therapy services of high quality to persons in need of such services. It is the purpose of this Article to provide for the regulation of persons offering music therapy services to the public.

**"§ 90-270.87. Definitions.**

The following definitions apply in this Article:

- (1) Board. – The North Carolina Board of Music Therapy.
- (2) Music therapist. – An individual licensed to practice music therapy under this Article.
- (3) Music Therapist-Board Certified. – An individual practicing music therapy who has been credentialed as having passed a national examination administered by the Certification Board for Music Therapists, an accredited health certifying agency.
- (4) Music therapy. – The clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program, including (i) assessment of a client's emotional, physical, and spiritual health, social functioning, communication abilities, and cognitive skills through the client's history and observation and interaction of the client in music and nonmusic settings; (ii) development and implementation of treatment plans,



\* D R H 5 0 0 1 7 - M G F Q Q - 3 9 A \*

1 based on a client's assessed needs, using music interventions, including music  
2 improvisation, receptive music listening, song writing, lyric discussion, music  
3 and imagery, music performance, learning through music, and movement to  
4 music; and (iii) evaluation and documentation of the client's response to  
5 treatment.

6 (5) Music therapy services. – The provision of services to accomplish music  
7 therapy goals, including (i) conducting an individualized assessment for the  
8 purpose of collecting systematic, comprehensive, and accurate data necessary to  
9 determine the course of action subsequent to the individualized treatment plan;  
10 (ii) planning and developing the individualized music therapy treatment plan  
11 that identifies an individual's goals, objectives, and potential treatment  
12 intervention strategies; (iii) implementing the individualized music therapy  
13 treatment plan consistent with the individual's overall treatment program; (iv)  
14 systematically evaluating and comparing the individual's response to the  
15 individualized music therapy treatment plan and suggesting modifications, as  
16 appropriate; (v) developing a discharge plan in collaboration with the  
17 individual, the individual's family, treatment team, and other identified support  
18 networks, when appropriate; (vi) minimizing the impact of environmental  
19 constraints as a barrier to participation in least restrictive environments for  
20 individuals engaging in music therapy; (vii) collaborating with and educating  
21 the individual, family, caregiver, and others to foster an environment responsive  
22 to the developmental needs of the individual as addressed in music therapy; and  
23 (viii) consulting with groups, programs, organizations, or communities to  
24 improve accessibility to music therapy services.

25 **§ 90-270.88. License required; exemptions.**

26 (a) Persons practicing or offering to practice music therapy as defined in this Article, may  
27 not use the title "Music Therapist-Board Certified/Licensed" or "Licensed Music Therapist," use  
28 the letters "MT-BC/L" or "LMT," or use any other title or abbreviation that would otherwise  
29 indicate or imply that the person is a licensed music therapist unless that person is currently  
30 licensed as provided under this Article.

31 (b) The provisions of this Article shall not apply to the following:

32 (1) Any person registered, certified, credentialed, or licensed to engage in another  
33 profession or occupation or any person working under the supervision of a  
34 person registered, certified, credentialed, or licensed to engage in another  
35 profession or occupation in this State if the person is performing work  
36 incidental to the practice of that profession or occupation and the person does  
37 not represent himself or herself as a licensed music therapist.

38 (2) A student enrolled in an approved music therapy education program if music  
39 therapy services performed by the student are an integral part of the student's  
40 course of study and are performed under the direct supervision of a professional  
41 licensed in this State.

42 (3) A music therapist employed by the United States government when performing  
43 duties associated with that employment.

44 **§ 90-270.89. North Carolina Board of Music Therapy.**

45 (a) Creation. – The North Carolina Board of Music Therapy is created.

46 (b) Composition and Terms. – The Board shall consist of five members who shall serve  
47 staggered terms. Two members shall be licensed music therapists, and one member shall represent  
48 the public at large.

49 The initial Board members shall be appointed on or before October 1, 2017, as follows:

- 1           (1)    The General Assembly, upon the recommendation of the Speaker of the House  
2           of Representatives, shall appoint one music therapist who shall serve for a term  
3           of three years.
- 4           (2)    The General Assembly, upon the recommendation of the President Pro  
5           Tempore of the Senate, shall appoint one music therapist who shall serve for a  
6           term of two years.
- 7           (3)    The Governor shall appoint the following three members who shall serve for a  
8           term of one year:
- 9           a.     A public member.
- 10          b.     A member who is a licensed health care professional.
- 11          c.     A member who is a licensed attorney.

12 Initial music therapist Board members do not have to be licensed upon appointment. However,  
13 once licensure requirements are established, those initial Board members shall satisfy the  
14 applicable requirements for licensure pursuant to this Article.

15 Upon the expiration of the terms of the initial Board members, each member shall be  
16 appointed for a term of three years and shall serve until a successor is appointed. No member may  
17 serve more than two consecutive full terms.

18 (c) Qualifications. – The music therapist members shall hold current licenses and shall  
19 reside or be employed in North Carolina. They shall have at least five years' experience as music  
20 therapists, including the three years immediately preceding appointment to the Board, and shall  
21 remain in active practice and in good standing with the Board as a licensee during their terms.  
22 Public members of the Board shall not be (i) trained or experienced in the practice of music  
23 therapy; (ii) an agent or employee of a person engaged in the practice of music therapy; (iii) a  
24 health care professional licensed under this Article or a person enrolled in a program to become a  
25 licensed health care professional; (iv) an agent or employee of a health care institution, a health  
26 care insurer, or a health care professional school; (v) a member of an allied health profession or a  
27 person enrolled in a program to become a member of an allied health profession; or (vi) a spouse  
28 of an individual who may not serve as a public member of the Board.

29 (d) Vacancies. – A vacancy shall be filled in the same manner as the original appointment,  
30 except that all unexpired terms of Board members appointed by the General Assembly shall be  
31 filled in accordance with G.S. 120-122 and shall be filled within 45 days after the vacancy occurs.  
32 Appointees to fill vacancies shall serve the remainder of the unexpired term and until their  
33 successors have been duly appointed and qualified.

34 (e) Removal. – By a majority vote of its members, the Board may remove any member for  
35 neglect of duty, incompetence, or unprofessional conduct. A member subject to disciplinary  
36 proceedings as a licensee shall be disqualified from participating in the official business of the  
37 Board until the charges have been resolved.

38 (f) Compensation. – Each member of the Board shall receive per diem and reimbursement  
39 for travel and subsistence as provided in G.S. 93B-5.

40 (g) Officers. – The officers of the Board shall be a chair, a vice-chair, and other officers  
41 deemed necessary by the Board to carry out the purposes of this Article. All officers shall be  
42 elected annually by the Board for one-year terms and shall serve until their successors are elected  
43 and qualified.

44 (h) Meetings. – The Board shall hold at least two meetings each year to conduct business  
45 and to review the standards and rules for improving music therapy services. The Board shall  
46 establish the procedures for calling, holding, and conducting regular and special meetings. A  
47 majority of Board members constitutes a quorum.

48 **"§ 90-270.90. Powers of the Board.**

49 The Board shall have the following powers and duties:

- 50           (1)    Administer this Article.

- 1           (2)   Adopt, amend, or repeal rules as may be necessary to carry out the provisions
- 2                   of this Article.
- 3           (3)   Employ and fix the compensation of personnel that the Board determines is
- 4                   necessary to carry into effect the provisions of this Article and incur other
- 5                   expenses necessary to effectuate this Article.
- 6           (4)   Examine and determine the qualifications and fitness of applicants for
- 7                   licensure, renewal of licensure, and reciprocal licensure.
- 8           (5)   Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary
- 9                   actions authorized by this Article.
- 10          (6)   To the extent permitted by G.S. 90-270.93, set fees for licensure, license
- 11                   renewal, reinstatement of a lapsed license, and reasonable charges for
- 12                   duplication services and material.
- 13          (7)   Conduct investigations for the purpose of determining whether violations of
- 14                   this Article or grounds for disciplining licensees exist.
- 15          (8)   Conduct administrative hearings in accordance with Chapter 150B of the
- 16                   General Statutes when a contested case, as defined in G.S. 150B-2(2), arises
- 17                   under this Article.
- 18          (9)   Maintain a record of all proceedings and make available to licensees and other
- 19                   concerned parties an annual report of all Board action.
- 20          (10)  Develop standards and adopt rules for the improvement of music therapy
- 21                   services in the State.
- 22          (11)  Adopt a seal containing the name of the Board for use on all licenses and
- 23                   official reports issued by it.

24 **"§ 90-270.91. Requirements for licensure.**

25       Upon application to the Board and the payment of the required fees, an applicant may be

26 licensed as a music therapist if the applicant meets all of the following requirements:

- 27           (1)   Is 18 years of age or older.
- 28           (2)   Is of good moral character as determined by the Board.
- 29           (3)   Has successfully completed an academic program accredited by the American
- 30                   Music Therapy Association (AMTA), with at least a bachelor's degree majoring
- 31                   in music therapy from an accredited college or university.
- 32           (4)   Has successfully completed the board certification examination offered by the
- 33                   Certification Board for Music Therapists or its successor organization to
- 34                   become a Music Therapist-Board Certified (MT-BC).
- 35           (5)   Has successfully completed a minimum of 1,200 hours of clinical training, with
- 36                   at least 180 hours in pre-internship experiences and at least 900 hours in
- 37                   internship experiences. For purposes of this subdivision, the internship may be
- 38                   approved by an academic institution, the AMTA, or both.

39 **"§ 90-270.92. Reciprocity.**

40       The Board may grant, upon application and payment of proper fees, a license to a person who

41 has been licensed to practice music therapy in another state or territory of the United States whose

42 standards of competency are substantially equivalent to the requirements for licensure provided in

43 this Article.

44 **"§ 90-270.93. Expenses and fees.**

- 45           (a)   All salaries, compensation, and expenses incurred or allowed to carry out the purposes
- 46                   of this Article shall be paid by the Board exclusively out of the fees received by the Board as
- 47                   authorized by this Article or funds received from other sources. In no case shall any salary,
- 48                   expense, or other obligation of the Board be charged against the State treasury.
- 49           (b)   The Board shall establish a schedule of fees, not to exceed the following amounts:
- 50                   (1)   Issuance of a license..... \$ 100.00
- 51                   (2)   License renewal (every five years) ..... 250.00

1           (3)    Reinstatement of lapsed license ..... 100.00

2           (4)    Reasonable charges for duplication services and material.

3    **"§ 90-270.94. License renewal; continuing education; inactive status.**

4           (a)    Every license issued under this Article shall be renewed on or before January 1 every  
5 five years. The license shall be renewed upon the payment of a renewal fee if, at the time of  
6 application for renewal, the applicant is not in violation of this Article, has completed a minimum  
7 of 100 hours of music therapy practice in accordance with rules adopted by the Board, has  
8 maintained the applicant's Music Therapy-Board Certified (MT-BC) credential, and has complied  
9 with the continuing education requirements under subsection (b) of this section.

10          (b)    As a condition of license renewal, a licensee shall complete a minimum of 100 hours of  
11 continuing education in a program approved by the Certification Board of Music Therapists and  
12 meet any other continuing education requirements established by the Board.

13          (c)    The Board shall notify a licensee at least 30 days in advance of the expiration of his or  
14 her license. The licensee shall inform the Board of any change of the licensee's address. Each  
15 licensee is responsible for renewing his or her license before the expiration date. Licenses that are  
16 not renewed automatically lapse.

17          (d)    The Board may provide for the late renewal of an automatically lapsed license upon the  
18 payment of a reinstatement fee. No reinstatement renewal may be granted more than five years  
19 after a license expires.

20          (e)    In accordance with rules adopted pursuant to this Article, a licensee may request that  
21 his or her license be declared inactive and may thereafter apply for active status.

22    **"§ 90-270.95. Disciplinary authority.**

23          (a)    The Board may deny, suspend, revoke, or refuse to renew a license or impose  
24 probationary conditions on a license if the licensee or applicant for licensure has engaged in any of  
25 the following conduct:

26           (1)    Obtaining a license by means of fraud, misrepresentation, or concealment of  
27 material facts.

28           (2)    Engaging in unprofessional conduct pursuant to rules established by the Board.

29           (3)    Having been convicted of or pleaded guilty or nolo contendere to a crime  
30 involving moral turpitude or any crime which indicates that the music therapist  
31 is unfit or incompetent to practice music therapy or that the music therapist has  
32 deceived or defrauded the public.

33           (4)    Engaging in any act or practice in violation of any of the provisions of this  
34 Article or any rule adopted by the Board or aiding, abetting, or assisting any  
35 person in such a violation.

36           (5)    Committing an act or acts of malpractice, gross negligence, or incompetence in  
37 the practice of music therapy.

38           (6)    Practicing as a licensed music therapist without a current license.

39           (7)    Engaging in conduct that could result in harm or injury to the public.

40           (8)    Having a music therapy license revoked or suspended or other disciplinary  
41 action taken whether in this State or another jurisdiction.

42           (9)    Being unfit or incompetent to practice music therapy by reason of deliberate or  
43 negligent acts or omissions regardless of whether actual injury to a patient is  
44 established.

45          (b)    The denial, refusal to renew, suspension, revocation, or imposition of probationary  
46 conditions upon a license may be ordered by the Board after a hearing held in accordance with  
47 Chapter 150B of the General Statutes and rules adopted by the Board. An application may be  
48 made to the Board for reinstatement of a revoked license if the revocation has been in effect for at  
49 least one year.

50    **"§ 90-270.96. Violation a misdemeanor.**

1        Any person who violates any provision of this Article shall be guilty of a Class 1  
2 misdemeanor. Each act of such unlawful practice shall constitute a distinct and separate offense.  
3 **"§ 90-270.97. Injunctive relief.**  
4        The Board may make application to any appropriate court for an order enjoining violations of  
5 this Article, and upon a showing by the Board that any person has violated or is about to violate  
6 this Article, the court may grant an injunction, restraining order, or take other appropriate action."  
7                **SECTION 2.** This act becomes effective January 1, 2018.