

Senate Bill 414

By: Senators Unterman of the 45th, Albers of the 56th and Millar of the 40th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and  
2 businesses, so as to require licensure of music therapists by the Secretary of State; to provide  
3 for definitions; to provide for establishment, appointment, and membership of the music  
4 therapy advisory group; to provide for licensure application and qualifications; to provide for  
5 license renewal; to provide for waiver of examination; to provide for disciplinary actions; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
10 is amended by adding a new chapter to read as follows:

11 "CHAPTER 25A

12 43-25A-1.

13 As used in this chapter, the term:

14 (1) 'Advisory group' means the Music Therapy Advisory Group.

15 (2) 'Board certified music therapist' means an individual who has completed the  
16 education and clinical training requirements established by the American Music Therapy  
17 Association, has passed the Certification Board for Music Therapists certification  
18 examination or transitioned into board certification, and remains actively certified by the  
19 Certification Board for Music Therapists.

20 (3) 'Music therapist' means a person licensed to practice music therapy.

21 (4) 'Music therapy' means the clinical and evidence based use of music interventions to  
22 accomplish individualized goals within a therapeutic relationship by a credentialed  
23 professional who has completed an approved music therapy program.

24 (5) 'Office' means the office of the Secretary of State.

25 (6) 'Secretary' means the Secretary of State.

26 43-25A-2.

27 (a) There is created within the office of the Secretary of State a Music Therapy Advisory  
28 Group which shall consist of five members.

29 (b) The Secretary shall appoint all members of the advisory group. The advisory group  
30 shall consist of persons familiar with the practice of music therapy to provide the Secretary  
31 with expertise and assistance in carrying out his or her duties pursuant to this chapter.

32 (c) The Secretary shall appoint members of the advisory group to serve for terms of four  
33 years. The Secretary shall appoint three members who practice as licensed music therapists  
34 in this state; one member shall be appointed as a representative of the American Music  
35 Therapy Association or any successor organization; and one member shall be appointed as  
36 a representative of the Certification Board for Music Therapists or any successor  
37 organization.

38 (d) Members shall serve without compensation.

39 (e) Members may serve consecutive terms at the will of the Secretary. Any vacancy shall  
40 be filled in the same manner as the regular appointments.

41 43-25A-3.

42 (a) The advisory group shall meet at least once per year or as otherwise called by the  
43 Secretary.

44 (b) When practicable, the advisory group may meet using telephonic or electronic means.

45 (c) The advisory group may facilitate the development of materials that the Secretary may  
46 utilize to educate the public concerning music therapist licensure, the benefits of music  
47 therapy, and utilization of music therapy by individuals and in facilities or institutional  
48 settings.

49 (d) The advisory group may act as a facilitator of state-wide dissemination of information  
50 between music therapists, the American Music Therapy Association or any successor  
51 organization, the Certification Board for Music Therapists or any successor organization,  
52 and the Secretary.

53 (e) The advisory group may provide analysis of disciplinary actions taken, appeals and  
54 denials, or revocation of licenses at least once per year.

55 (f) The Secretary may seek the advice of the advisory group for issues related to music  
56 therapy.

57 43-25A-4.

58 After January 1, 2014, no person without a license as a music therapist shall use the title  
59 'music therapist' or similar title, or perform the duties of a music therapist, provided that

60 this chapter shall not prohibit any practice of music therapy that is an integral part of a  
61 program of study for students enrolled in an accredited music therapy program.

62 43-25A-5.

63 (a) An applicant for a music therapy license shall submit a completed application upon a  
64 form and in such manner as the Secretary prescribes, accompanied by applicable fees, and  
65 evidence satisfactory to the Secretary that:

66 (1) The applicant is at least 18 years of age;

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

70 (3) The applicant successfully completes a minimum of 1,200 hours of clinical training,  
71 with at least 180 hours in preinternship experiences and at least 900 hours in internship  
72 experiences, provided that the internship shall be approved by an academic institution,  
73 the American Music Therapy Association or any successor organization, or both;

74 (4) The applicant passes a background check that shall include a review of the applicant's  
75 music therapy licensure history in other jurisdictions, including a review of any alleged  
76 misconduct or neglect in the practice of music therapy on the part of the applicant; and

77 (5) The applicant provides proof of passing the examination for board certification  
78 offered by the Certification Board for Music Therapists or any successor organization or  
79 provides proof of being transitioned into board certification, and provides proof that the  
80 applicant is currently a board certified music therapist.

81 43-25A- 6.

82 (a) Every license issued under this chapter shall be renewed every five years. A license  
83 shall be renewed upon payment of a renewal fee if the applicant is not in violation of any  
84 of the terms of this chapter at the time of application for renewal. The following shall also  
85 be required for license renewal:

86 (1) Proof of maintenance of the applicant's Certification Board for Music Therapists  
87 credentials; and

88 (2) Proof of completion of a minimum of 100 hours of continuing education in a program  
89 approved by the Certification Board of Music Therapists or any successor organization  
90 and any other continuing education requirements established by the Secretary.

91 (b) The Secretary shall notify a licensee at least 30 days prior to the expiration of his or  
92 her license. A licensee shall inform the Secretary of any changes to his or her address.  
93 Each licensee shall be responsible for timely renewal of his or her license.

94 (c) Failure to renew a license shall result in forfeiture of the license. Licenses that have  
95 been forfeited may be restored within one year of the expiration date upon payment of  
96 renewal and restoration fees. Failure to restore a forfeited license within one year of the  
97 date of its expiration shall result in the automatic termination of the license, and the  
98 Secretary may require the individual to reapply for licensure as a new applicant.

99 (d) Upon written request of a licensee, the Secretary may place an active license on an  
100 inactive status subject to an inactive status fee established by the Secretary. The licensee,  
101 upon request and payment of the inactive license fee, may continue on inactive status. An  
102 inactive license may be reactivated at any time by making a written request to the Secretary  
103 and by fulfilling requirements established by the Secretary.

104 43-25A-7.

105 The Secretary shall waive the examination requirement for an applicant until  
106 January 1, 2014, who is:

107 (1) Certified as a music therapist and in good standing with the Certification Board for  
108 Music Therapists; or

109 (2) Designated as a registered music therapist, certified music therapist, or advanced  
110 certified music therapist and in good standing with the National Music Therapy Registry.

111 43-25A-8.

112 (a) The Secretary may revoke, suspend, deny, or refuse to issue or renew a license; place  
113 a licensee on probation; or issue a letter of admonition upon proof that the licensee:

114 (1) Has procured or attempted to procure a license by fraud, deceit, misrepresentation,  
115 misleading omission, or material misstatement of fact;

116 (2) Has been convicted of a felony as provided under state law;

117 (3) Has willfully or negligently acted in a manner inconsistent with the health or safety  
118 of persons under the individual's care;

119 (4) Has had a license to practice music therapy suspended or revoked or has otherwise  
120 been subject to discipline related to the individual's practice of music therapy in any other  
121 jurisdiction;

122 (5) Has committed a fraudulent insurance act;

123 (6) Excessively or habitually uses alcohol or drugs, provided that the Secretary shall not  
124 discipline an individual under this paragraph if the individual is enrolled in a substance  
125 abuse program approved by the office; or

126 (7) Has a physical or mental disability that renders the individual incapable of safely  
127 administering music therapy services.

128 (b) If an allegation of conduct described in subsection (a) is made against a licensee, the  
129 Secretary shall conduct an investigation pursuant to state law.

130 (c) In addition to suspension, revocation, denial, or refusal to renew a license, the  
131 Secretary shall fine a person found to have violated any provision of this chapter or any  
132 rule adopted by the Secretary under this chapter not less than \$100.00 nor more than  
133 \$1,000.00 for each violation."

134 **SECTION 2.**

135 All laws and parts of laws in conflict with this Act are repealed.