

Senate Bill 414

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

AS PASSED SENATE

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 applicability of the Georgia Administrative Procedures Act; to provide for related
7 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

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

12 "CHAPTER 25A

13 43-25A-1.

14 As used in this chapter, the term:

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

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

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

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

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

26 (6) 'Secretary' means the Secretary of State or his or her designee.

27 43-25A-2.

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

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

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

39 (d) Members shall serve without compensation.

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

42 43-25A-3.

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

45 (b) The Secretary shall consult with the advisory group prior to setting or changing fees
46 in this chapter.

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

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

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

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

59 43-25A-4.

60 After January 1, 2014, no person without a license as a music therapist shall use the title
61 'music therapist' or similar title, or perform the duties of a music therapist, provided that
62 this chapter shall not prohibit any practice of music therapy that is an integral part of a
63 program of study for students enrolled in an accredited music therapy program. Nothing
64 in this Code section shall be construed as preventing or restricting the practice, services,
65 or activities of any profession including occupational therapists, speech therapists, physical
66 therapists, or audiology specialists that may also use music therapy in the scope of their
67 practice.

68 43-25A-5.

69 An applicant for a music therapy license shall submit a completed application upon a form
70 and in such manner as the Secretary prescribes, accompanied by applicable fees, and
71 evidence satisfactory to the Secretary that:

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

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

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

80 (4) The applicant is in good standing based on a review of the applicant's music therapy
81 licensure history in other jurisdictions, including a review of any alleged misconduct or
82 neglect in the practice of music therapy on the part of the applicant;

83 (5) The applicant provides proof of passing the examination for board certification
84 offered by the Certification Board for Music Therapists or any successor organization or
85 provides proof of being transitioned into board certification, and provides proof that the
86 applicant is currently a board certified music therapist; and

87 (6) The applicant has satisfactory results from a fingerprint record check report
88 conducted by the Georgia Crime Information Center and the Federal Bureau of
89 Investigation, as determined by the Secretary. Application for a license under this Code
90 section shall constitute express consent and authorization for the Secretary or his or her
91 representative to perform a criminal background check. Each applicant who submits an
92 application to the Secretary for licensure by examination agrees to provide the Secretary
93 with any and all information necessary to run a criminal background check, including,

94 but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for
95 all fees associated with the performance of such background check.

96 43-25A- 6.

97 (a) Every license issued under this chapter shall be renewed biennially. A license shall be
98 renewed upon payment of a renewal fee if the applicant is not in violation of any of the
99 terms of this chapter at the time of application for renewal. The following shall also be
100 required for license renewal:

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

103 (2) Proof of completion of a minimum of 40 hours of continuing education in a program
104 approved by the Certification Board of Music Therapists or any successor organization
105 and any other continuing education requirements established by the Secretary.

106 (b) A licensee shall inform the Secretary of any changes to his or her address. Each
107 licensee shall be responsible for timely renewal of his or her license.

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

113 (d) Upon written request of a licensee, the Secretary may place an active license on an
114 inactive status subject to an inactive status fee established by the Secretary. The licensee,
115 upon request and payment of the inactive license fee, may continue on inactive status for
116 a period up to two years. An inactive license may be reactivated at any time by making a
117 written request to the Secretary and by fulfilling requirements established by the Secretary.

118 43-25A-7.

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

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

123 (2) Designated as a registered music therapist, certified music therapist, or advanced
124 certified music therapist and in good standing with the National Music Therapy Registry;
125 or

126 (3) All persons with a music therapy License shall abide by the Scope of Practice set
127 forth by the Certification Board for Music Therapists.

128 43-25A-8.

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

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

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

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

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

139 (5) Has committed a fraudulent insurance act;

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

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

145 (b) The Secretary is authorized to conduct investigations into allegations of conduct
146 described in subsection (a) of this Code section.

147 (c) In addition to suspension, revocation, denial, or refusal to renew a license, the
148 Secretary shall fine a person found to have violated any provision of this chapter or any
149 rule adopted by the Secretary under this chapter not less than \$100.00 nor more than
150 \$1,000.00 for each violation.

151 (d) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
152 shall be applicable to the Secretary of State and the provisions of this chapter."

153 **SECTION 2.**

154 This Act shall become effective upon its approval by the Governor or upon its becoming law
155 without such approval.

156 **SECTION 3.**

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