

Senate Bill 414

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

**AS PASSED**

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 pursuant to this  
22 chapter.

23 (4) 'Music therapy' means the clinical and evidence based use of music interventions to  
24 accomplish individualized goals within a therapeutic relationship through an  
25 individualized music therapy treatment plan for the client that identifies the goals.

26 objectives, and potential strategies of the music therapy services appropriate for the client  
 27 using music therapy interventions, which may include music improvisation, receptive  
 28 music listening, song writing, lyric discussion, music and imagery, music performance,  
 29 learning through music, and movement to music. This term may include:

30 (A) Accepting referrals for music therapy services from physicians, psychologists,  
 31 speech-language pathologists, occupational therapists, physical therapists, audiologists,  
 32 or other medical, developmental, or mental health professionals; education  
 33 professionals; family members; clients; or caregivers. Before providing music therapy  
 34 services to a client for a medical, developmental, or mental health condition, the  
 35 licensee shall collaborate, as applicable, with the client's physician, psychologist, or  
 36 mental health professional to review the client's diagnosis, treatment needs, and  
 37 treatment plan. During the provision of music therapy services to a client for a medical,  
 38 developmental, or mental health condition, the licensee shall collaborate, as applicable,  
 39 with the client's speech-language pathologist, occupational therapist, physical therapist,  
 40 audiologist, or other medical or developmental professional to review the client's  
 41 diagnosis, treatment needs, and treatment plan;

42 (B) Conducting a music therapy assessment of a client to collect systematic,  
 43 comprehensive, and accurate information necessary to determine the appropriate type  
 44 of music therapy services to provide for the client;

45 (C) Developing an individualized music therapy treatment plan for the client;

46 (D) Carrying out an individualized music therapy treatment plan that is consistent with  
 47 any other medical, developmental, mental health, or educational services being  
 48 provided to the client;

49 (E) Evaluating the client's response to music therapy and the individualized music  
 50 therapy treatment plan and suggesting modifications, as appropriate;

51 (F) Developing a plan for determining when the provision of music therapy services  
 52 is no longer needed in collaboration with the client, any physician, or other provider of  
 53 health care or education of the client, any appropriate member of the family of the  
 54 client, and any other appropriate person upon whom the client relies for support;

55 (G) Minimizing any barriers so that the client may receive music therapy services in  
 56 the least restrictive environment; and

57 (H) Collaborating with and educating the client and the family or caregiver of the client  
 58 or any other appropriate person about the needs of the client that are being addressed  
 59 in music therapy and the manner in which the music therapy addresses those needs.

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

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

62 43-25A-2.

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

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

68 (c) The Secretary shall appoint members of the advisory group to serve for terms of four  
69 years. The Secretary shall appoint three members who practice as music therapists in this  
70 state; one member who is a licensed health care provider who is not a music therapist; and  
71 one member who is a consumer.

72 (d) Members shall serve without compensation.

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

75 43-25A-3.

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

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

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

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

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

90 (f) The Secretary shall seek the advice of the advisory group for issues related to music  
91 therapy.

92 43-25A-4.

93 After January 1, 2014, no person without a license as a music therapist shall use the title  
94 'music therapist' or similar title, or perform the duties of a music therapist, provided that  
95 this chapter shall not prohibit any practice of music therapy that is an integral part of a  
96 program of study for students enrolled in an accredited music therapy program. Nothing

97 in this Code section shall be construed as preventing or restricting the practice, services,  
98 or activities of any profession including occupational therapists, speech-language  
99 pathologists, physical therapists, or audiologists that may also use music in the scope of  
100 their practice.

101 43-25A-5.

102 The Secretary shall issue a license to an applicant for a music therapy license when such  
103 applicant has completed and submitted an application upon a form and in such manner as  
104 the Secretary prescribes, accompanied by applicable fees, and evidence satisfactory to the  
105 Secretary that:

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

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

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

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

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

121 (6) The applicant has satisfactory results from a fingerprint record check report  
122 conducted by the Georgia Crime Information Center and the Federal Bureau of  
123 Investigation, as determined by the Secretary. Application for a license under this Code  
124 section shall constitute express consent and authorization for the Secretary or his or her  
125 representative to perform a criminal background check. Each applicant who submits an  
126 application to the Secretary for licensure by examination agrees to provide the Secretary  
127 with any and all information necessary to run a criminal background check, including,  
128 but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for  
129 all fees associated with the performance of such background check.

130 43-25A-6.

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

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

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

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

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

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

152 43-25A-7.

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

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

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

159 43-25A-8.

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

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

- 164 (2) Has been convicted of a felony as provided under state law;  
165 (3) Has willfully or negligently acted in a manner inconsistent with the health or safety  
166 of persons under the individual's care;  
167 (4) Has had a license to practice music therapy suspended or revoked or has otherwise  
168 been subject to discipline related to the individual's practice of music therapy in any other  
169 jurisdiction;  
170 (5) Has committed a fraudulent insurance act;  
171 (6) Excessively or habitually uses alcohol or drugs, provided that the Secretary shall not  
172 discipline an individual under this paragraph if the individual is enrolled in a substance  
173 abuse program approved by the office; or  
174 (7) Has a physical or mental disability that renders the individual incapable of safely  
175 administering music therapy services.
- 176 (b) The Secretary is authorized to conduct investigations into allegations of conduct  
177 described in subsection (a) of this Code section.
- 178 (c) In addition to suspension, revocation, denial, or refusal to renew a license, the  
179 Secretary shall fine a person found to have violated any provision of this chapter or any  
180 rule adopted by the Secretary under this chapter not less than \$100.00 nor more than  
181 \$1,000.00 for each violation.
- 182 (d) The provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'  
183 shall be applicable to the Secretary of State and the provisions of this chapter."

184 **SECTION 2.**

185 This Act shall become effective on July 1, 2012.

186 **SECTION 3.**

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