

AMENDED IN SENATE MAY 27, 2015

AMENDED IN ASSEMBLY APRIL 20, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1279

Introduced by Assembly Member Holden

February 27, 2015

~~An act to add Chapter 10.7 (commencing with Section 4650) to Division 2 of the Business and Professions Code, relating to music therapy.~~ *An act to add Chapter 10.7 (commencing with Section 4650) to Division 2 of the Business and Professions Code, relating to music therapy.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1279, as amended, Holden. Music therapy.

Existing law provides for the licensure and regulation of various healing arts practitioners by boards within the Department of Consumer Affairs.

Existing law establishes the State Department of Public Health and sets forth its powers and duties over the regulation of health facilities and adult day health care centers, including, but not limited to, adopting regulations setting forth applicable staffing standards. Existing regulations of the department applicable to intermediate care facilities for the developmentally disabled and for adult day health care centers define “music therapist” as a person who has a bachelor’s degree in music therapy and who is registered or eligible for registration by the National Association for Music Therapy, now known as the American Music Therapy Association.

This bill would prohibit a person who provides music therapy interventions, as defined, from using the title of “Board Certified Music Therapist” unless the person has completed ~~the education and clinical training requirements established by the American Music Therapy Association and holds current board certification and an MT-BC credential from the Certification Board for Music Therapists.~~ *specified education and clinical training requirements.* This bill would prohibit its provisions from being construed to authorize a person engaged in music therapy to state or imply that he or she provides mental health ~~counseling or psychotherapy~~ *counseling, psychotherapy, or occupational therapy* for which a license is required and provide that use of music therapy shall not imply or suggest that the person is a Board Certified Music Therapist, if he or she does not meet specified criteria.

The bill would specify that a music therapist who, on January 1, 2016, holds a particular professional designation is qualified to practice music therapy until January 1, 2020, and would authorize a state employee who is currently employed as a music therapist to continue to practice music therapy in his or her current position.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 10.7 (commencing with Section 4650)
2 is added to Division 2 of the Business and Professions Code, to
3 read:

4
5 CHAPTER 10.7. MUSIC THERAPY

6
7 4650. This chapter shall be known, and may be cited, as the
8 Music Therapy Act.

9 4651. The Legislature finds and declares the following:

10 (a) Existing national certification of music therapist requires
11 the therapist to have graduated with a bachelor’s degree or its
12 equivalent, or higher, from a music therapy degree program
13 approved by the American Music Therapy Association (AMTA),
14 successful completion of a minimum of 1,200 hours of supervised
15 clinical work through preinternship training at an approved degree
16 program, and internship training through approved national roster
17 or university affiliated internship programs, or an equivalent.

1 ***(b) Upon successful completion of the AMTA academic and***
2 ***clinical training requirements or its international equivalent, an***
3 ***individual is eligible to sit for the national board certification***
4 ***exam administered by the Certification Board for Music Therapists***
5 ***(CBMT), an independent, nonprofit corporation fully accredited***
6 ***by the National Commission for Certifying Agencies.***

7 ***(c) The CBMT grants the Music Therapist-Board Certified***
8 ***(MT-BC) credential to music therapists who have demonstrated***
9 ***the knowledge, skills, and abilities for competence in the current***
10 ***practice of music therapy. The purpose of board certification in***
11 ***music therapy is to provide an objective national standard that***
12 ***can be used as a measure of professionalism and competence by***
13 ***interested agencies, groups, and individuals.***

14 ***(d) The MT-BC is awarded by the CBMT to an individual upon***
15 ***successful completion of an academic and clinical training***
16 ***program approved by the AMTA or an international equivalent***
17 ***and successful completion of an objective written examination***
18 ***demonstrating current competency in the profession of music***
19 ***therapy. The CBMT administers this examination, which is based***
20 ***on a nationwide music therapy practice analysis that is reviewed***
21 ***and updated every five years to reflect current clinical practice.***

22 ***(e) Once certified, a music therapist must adhere to the CBMT***
23 ***Code of Professional Practice and recertify every five years***
24 ***through either a program of continuing education or***
25 ***reexamination.***

26 ***4652. It is the intent of the Legislature that this chapter do the***
27 ***following:***

28 ***(a) Provide statutory definitions relating to the practice of music***
29 ***therapy.***

30 ***(b) Enable consumers and state and local agencies to more***
31 ***easily identify qualified music therapists.***

32 ***4653. As used in this chapter:***

33 ***(a) "Music therapy" means the clinical and evidence-based use***
34 ***of music therapy interventions in developmental, rehabilitative,***
35 ***habilitative, medical, mental health, preventive, wellness care, or***
36 ***educational settings to accomplish individualized goals for people***
37 ***of all ages and ability levels within a therapeutic relationship by***
38 ***a qualified individual. Music therapy includes all of the following:***

1 (1) *The development of music therapy treatment plans specific*
2 *to the needs and strengths of the client who may be seen*
3 *individually or in groups.*

4 (2) *Individualized treatment plans for each client.*

5 (3) *The establishment of goals, objectives, and potential*
6 *strategies of the music therapy services appropriate for the client*
7 *and setting.*

8 (b) *“Music therapy interventions” include, but are not limited*
9 *to, music improvisation, receptive music listening, song writing,*
10 *lyric discussion, music and imagery, singing, music performance,*
11 *learning through music, music combined with other arts,*
12 *music-assisted relaxation, music-based patient education,*
13 *electronic music technology, adapted music intervention, and*
14 *movement to music.*

15 (c) *“Qualified individual” includes an individual who has*
16 *completed the education and clinical training requirements*
17 *established by the American Music Therapy Association and who*
18 *holds current board certification from the Certification Board for*
19 *Music Therapists.*

20 4654. *An individual providing music therapy interventions*
21 *shall not refer to himself or herself using the title of “Board*
22 *Certified Music Therapist” unless the individual has completed*
23 *all of the following:*

24 (a) *A bachelors degree or its equivalent, or higher, from a music*
25 *therapy degree program approved by the American Music Therapy*
26 *Association using standards as of January 1, 2016.*

27 (b) *A minimum of 1,200 hours of supervised clinical work*
28 *through preinternship training at an approved degree program or*
29 *internship training through an approved national roster or*
30 *university affiliated internship program, or the equivalent.*

31 (c) *The requirements for certification on January 1, 2016,*
32 *established by the CBMT for the MT-BC credential.*

33 4655. *This chapter shall not be construed to authorize a person*
34 *engaged in music therapy to state or imply that he or she provides*
35 *mental health counseling, psychotherapy, or occupational therapy*
36 *for which a license is required under this division. While the use*
37 *of music is not restricted to any profession, the use of music shall*
38 *not imply or suggest that the person is a Board Certified Music*
39 *Therapist, if he or she does not meet the criteria specified in*
40 *subdivision (c) of Section 4653.*

1 4656. A music therapist who, on January 1, 2016, holds the
2 professional designation of registered music therapist (RMT),
3 certified music therapist (CMT), or advanced certified music
4 therapist (ACMT), and is in good standing with the National Music
5 Therapy Registry (NMTR), is qualified to practice music therapy
6 in California until January 1, 2020, when the NMTR will expire.

7 4657. Any state employee who is currently employed in a
8 position that is identified as a music therapist as of January 1,
9 2016, is authorized to continue to practice music therapy until he
10 or she retires, resigns, or is removed from that position by his or
11 her employer. That employee may continue to refer to himself or
12 herself as a music therapist and refer to his or her work as music
13 therapy, but he or she shall not refer to himself or herself as a
14 Board Certified Music Therapist.

15 ~~SECTION 1. Chapter 10.7 (commencing with Section 4650)~~
16 ~~is added to Division 2 of the Business and Professions Code, to~~
17 ~~read:~~

18
19 ~~CHAPTER 10.7. MUSIC THERAPY~~
20

21 ~~4650. This chapter shall be known, and may be cited, as the~~
22 ~~Music Therapy Act.~~

23 ~~4651. The Legislature finds and declares the following:~~

24 ~~(a) Existing national certification of music therapist requires~~
25 ~~the therapist to have graduated with a bachelor's degree or its~~
26 ~~equivalent, or higher, from a music therapy degree program~~
27 ~~approved by the American Music Therapy Association (AMTA);~~
28 ~~successful completion of a minimum of 1,200 hours of supervised~~
29 ~~clinical work through preinternship training at an approved degree~~
30 ~~program, and internship training through approved national roster~~
31 ~~or university-affiliated internship programs, or an equivalent.~~

32 ~~(b) Upon successful completion of the AMTA academic and~~
33 ~~clinical training requirements or its international equivalent, an~~
34 ~~individual is eligible to sit for the national board certification exam~~
35 ~~administered by the Certification Board for Music Therapists~~
36 ~~(CBMT), an independent, nonprofit corporation fully accredited~~
37 ~~by the National Commission for Certifying Agencies.~~

38 ~~(c) The CBMT grants the Music Therapist-Board Certified~~
39 ~~(MT-BC) credential to music therapists who have demonstrated~~
40 ~~the knowledge, skills, and abilities for competence in the current~~

1 practice of music therapy. The purpose of board certification in
2 music therapy is to provide an objective national standard that can
3 be used as a measure of professionalism and competence by
4 interested agencies, groups, and individuals.

5 (d) The MT-BC is awarded by the CBMT to an individual upon
6 successful completion of an academic and clinical training program
7 approved by the AMTA or an international equivalent and
8 successful completion of an objective written examination
9 demonstrating current competency in the profession of music
10 therapy. The CBMT administers this examination, which is based
11 on a nationwide music therapy practice analysis that is reviewed
12 and updated every five years to reflect current clinical practice.

13 (e) Once certified, a music therapist must adhere to the CBMT
14 Code of Professional Practice and recertify every five years through
15 either a program of continuing education or reexamination.

16 4652. It is the intent of the Legislature that this chapter do the
17 following:

18 (a) Provide statutory definitions relating to the practice of music
19 therapy.

20 (b) Enable consumers and state and local agencies to more easily
21 identify qualified music therapists.

22 4653. As used in this chapter:

23 (a) “Music therapy” means the clinical and evidence-based use
24 of music therapy interventions in developmental, rehabilitative,
25 habilitative, medical, mental health, preventive, wellness care, or
26 educational settings to accomplish individualized goals for people
27 of all ages and ability levels within a therapeutic relationship by
28 a qualified individual. Music therapy includes all of the following:

29 (1) The development of music therapy treatment plans specific
30 to the needs and strengths of the client who may be seen
31 individually or in groups.

32 (2) Individualized treatment plans for each client.

33 (3) The establishment of goals, objectives, and potential
34 strategies of the music therapy services appropriate for the client
35 and setting.

36 (b) “Music therapy interventions” include, but are not limited
37 to, music improvisation, receptive music listening, song writing,
38 lyric discussion, music and imagery, singing, music performance,
39 learning through music, music combined with other arts,
40 music-assisted relaxation, music-based patient education, electronic

1 music technology, adapted music intervention, and movement to
2 music.

3 (e) ~~“Qualified individual” includes an individual who has~~
4 ~~completed the education and clinical training requirements~~
5 ~~established by the American Music Therapy Association and who~~
6 ~~holds current board certification from the Certification Board for~~
7 ~~Music Therapists.~~

8 4654. ~~An individual providing music therapy interventions~~
9 ~~shall not refer to himself or herself using the title of “Board~~
10 ~~Certified Music Therapist” unless the individual meets the criteria~~
11 ~~specified in subdivision (c) of Section 4653 and has been awarded~~
12 ~~the MT-BC credential from the Certification Board of Music~~
13 ~~Therapists.~~

14 4655. ~~This chapter shall not be construed to authorize a person~~
15 ~~engaged in music therapy to state or imply that he or she provides~~
16 ~~mental health counseling or psychotherapy for which a license is~~
17 ~~required under this division. While the use of music is not restricted~~
18 ~~to any profession, the use of music therapy shall not imply or~~
19 ~~suggest that the person is a Board Certified Music Therapist, if he~~
20 ~~or she does not meet the criteria specified in subdivision (c) of~~
21 ~~Section 4653.~~