

AMENDED IN SENATE JULY 1, 2015

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.

#### 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 defines “unfair competition” to mean and include any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising. Under existing law, a person who engages in unfair competition is liable for a civil penalty not to exceed \$2,500 for each violation.*

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; therapy, as defined, from using the title of “Board Certified Music Therapist” unless the person has completed specified education and clinical training requirements. ~~This~~ *The bill would also establish that it is an unfair business practice for a person to use the title “Board Certified Music Therapist” if he or she does not meet those requirements. The 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, 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 also prohibit its provisions from being construed to impact state classification requirements for music therapists.*

~~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

1 equivalent, or higher, from a music therapy degree program  
2 approved by the American Music Therapy Association (AMTA),  
3 successful completion of a minimum of 1,200 hours of supervised  
4 clinical work through preinternship training at an approved degree  
5 program, and internship training through approved national roster  
6 or university affiliated internship programs, or an equivalent.

7 (b) Upon successful completion of the AMTA academic and  
8 clinical training requirements or its international equivalent, an  
9 individual is eligible to sit for the national board certification exam  
10 administered by the Certification Board for Music Therapists  
11 (CBMT), an independent, nonprofit corporation fully accredited  
12 by the National Commission for Certifying Agencies.

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

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

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

31 4652. It is the intent of the Legislature that this chapter do the  
32 following:

33 (a) Provide ~~a statutory definitions relating to the practice~~  
34 ~~definition~~ of music therapy.

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

37 4653. As used in this chapter:

38 (a) “Music therapy” means the clinical and evidence-based use  
39 of music therapy interventions in developmental, rehabilitative,  
40 habilitative, medical, mental health, preventive, wellness care, or

1 educational settings to accomplish individualized goals for people  
2 of all ages and ability levels address physical, emotional, cognitive,  
3 and social needs of individuals within a therapeutic relationship  
4 by a qualified individual. *relationship*. Music therapy includes all  
5 of the following:

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

9 ~~(2) Individualized treatment plans for each client.~~

10 ~~(3) The establishment of goals,~~

11 (2) *Music therapy plans shall establish goals, objectives, and*  
12 *potential strategies of the music therapy services appropriate for*  
13 *the client and setting.*

14 (b) “Music therapy interventions” include, but are not limited  
15 to, music improvisation, receptive music listening, song writing,  
16 lyric discussion, music and imagery, singing, music performance,  
17 learning through music, music combined with other arts,  
18 music-assisted relaxation, music-based patient education, electronic  
19 music technology, adapted music intervention, and movement to  
20 music.

21 ~~(e) “Qualified individual” includes an individual who has~~  
22 ~~completed the education and clinical training requirements~~  
23 ~~established by the American Music Therapy Association and who~~  
24 ~~holds current board certification from the Certification Board for~~  
25 ~~Music Therapists.~~

26 4654. An individual ~~providing~~ *who provides* music therapy  
27 ~~interventions~~ shall not refer to himself or herself using the title of  
28 “Board Certified Music Therapist” unless the individual has  
29 completed all of the following:

30 (a) A bachelors degree or its equivalent, or higher, from a music  
31 therapy degree program approved by the American Music Therapy  
32 Association using ~~standards as of January 1, 2016.~~ *current*  
33 *standards, beginning with those adopted on April 1, 2015.*

34 (b) A minimum of 1,200 hours of supervised clinical work  
35 through preinternship training at an approved degree program ~~or~~  
36 ~~and~~ internship training through an approved national roster or  
37 university affiliated internship program, or the equivalent.

38 (c) The ~~current~~ requirements for ~~certification on January 1,~~  
39 ~~2016,~~ *certification, beginning with those adopted on April 1, 2015,*  
40 established by the CBMT for the MT-BC credential.

4655. (a) This chapter shall not be construed to authorize a person engaged in music therapy to state or imply that he or she provides mental health counseling, psychotherapy, or occupational therapy for which a license is required under this division. While the use of music is not restricted to any profession, the use of music shall not imply or suggest that the person is a Board Certified Music Therapist, if he or she does not meet the criteria specified in ~~subdivision (c) of Section 4653.~~ Section 4654.

(b) *This chapter shall not be construed to impact the State Personnel Board or the Department of Human Resources' classification requirements for music therapists, nor to displace any music therapists who are currently employed with the state, however, a person so employed may not represent himself or herself as a Board Certified Music Therapist without meeting the criteria specified in Section 4654.*

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

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

*4656. It is an unfair business practice within the meaning of Chapter 5 (commencing with Section 17200) of Part 2 of Division 7, for a person to use the title "Board Certified Music Therapist" if he or she does not meet the requirements of Section 4654.*