

AMENDED IN SENATE AUGUST 18, 2015

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, as defined, from using the title of “Board Certified Music Therapist” unless the person has completed specified education and clinical training requirements. 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.~~

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

1 clinical work through preinternship training at an approved degree  
2 program, and internship training through approved national roster  
3 or university affiliated internship programs, or an equivalent.

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

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

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

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

28 4652. It is the intent of the Legislature that this chapter do the  
29 following:

30 (a) Provide a statutory definition of music therapy.

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

33 4653. As used in this chapter:

34 (a) "Music therapy" means the clinical and evidence-based use  
35 of music therapy interventions in developmental, rehabilitative,  
36 habilitative, medical, mental health, preventive, wellness care, or  
37 educational settings to address physical, emotional, cognitive, and  
38 social needs of individuals within a therapeutic relationship. Music  
39 therapy includes 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) Music therapy plans shall establish goals, objectives, and  
5 potential strategies of the music therapy services appropriate for  
6 the client and setting.

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

14 4654. An individual who provides music therapy shall not refer  
15 to himself or herself using the title of “Board Certified Music  
16 Therapist” unless the individual has completed all of the following:

17 (a) A bachelors degree or its equivalent, or higher, from a music  
18 therapy degree program approved by the American Music Therapy  
19 Association using current standards, beginning with those adopted  
20 on April 1, 2015.

21 (b) A minimum of 1,200 hours of supervised clinical work  
22 through preinternship training at an approved degree program and  
23 internship training through an approved national roster or university  
24 affiliated internship program, or the equivalent.

25 (c) The current requirements for certification, beginning with  
26 those adopted on April 1, 2015, established by the CBMT for the  
27 MT-BC credential.

28 4655. ~~(a)~~ This chapter shall not be construed to authorize a  
29 person engaged in music therapy to state or imply that he or she  
30 provides mental health counseling, psychotherapy, or occupational  
31 therapy for which a license is required under this division. While  
32 the use of music is not restricted to any profession, the use of music  
33 shall not imply or suggest that the person is a Board Certified  
34 Music Therapist, if he or she does not meet the criteria specified  
35 in Section 4654.

36 ~~(b) This chapter shall not be construed to impact the State~~  
37 ~~Personnel Board or the Department of Human Resources’~~  
38 ~~classification requirements for music therapists, nor to displace~~  
39 ~~any music therapists who are currently employed with the state,~~  
40 ~~however, a person so employed may not represent himself or~~

1 ~~herself as a Board Certified Music Therapist without meeting the~~  
2 ~~criteria specified in Section 4654.~~  
3 4656. It is an unfair business practice within the meaning of  
4 Chapter 5 (commencing with Section 17200) of Part 2 of Division  
5 7, for a person to use the title “Board Certified Music Therapist”  
6 if he or she does not meet the requirements of Section 4654.

O