

HOUSE BILL No. 2257

By Committee on Health and Human Services

2-1

1 AN ACT concerning health and healthcare; relating to the state board of
2 healing arts; providing for the licensure and regulation of music
3 therapists; establishing the music therapy advisory committee.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) Sections 1 through 7, and amendments thereto, shall be
7 known and may be cited as the music therapy licensure act.

8 (b) As used in the music therapy licensure act:

9 (1) "Advisory committee" means the music therapy advisory
10 committee established by section 2, and amendments thereto.

11 (2) "Board-certified music therapist" means an individual who has
12 completed the educational and clinical training requirements established
13 by the American music therapy association and who holds current board
14 certification from the certification board for music therapists.

15 (3) "Music therapist" means a person licensed by the state board of
16 healing arts to practice music therapy.

17 (4) (A) "Music therapy" means the clinical and evidence-based use of
18 music interventions by a board-certified music therapist to accomplish
19 individualized goals for individuals of all ages and ability levels within a
20 therapeutic relationship. "Music therapy" treatment plans are
21 individualized and developed specific to the needs and strengths of the
22 client, who may be seen individually or as a part of a group, with goals,
23 objectives and potential strategies appropriate for the client and setting.
24 "Music therapy" interventions include, but are not limited to, music
25 improvisation, receptive music listening, songwriting, lyric discussion,
26 music and imagery, singing, music performance, learning through music,
27 music combined with other arts, music-assisted relaxation, music-based
28 patient education, electronic music technology, adaptive music
29 intervention and movement to music.

30 (B) "Music therapy" may include, but is not limited to:

31 (i) Accepting referrals for music therapy services from medical,
32 developmental, mental health or education professionals, family members,
33 clients, caregivers or other individuals involved and authorized with the
34 provision of client services;

35 (ii) conducting a music therapy assessment of a client to determine if
36 treatment is indicated and, if treatment is so indicated, collecting

1 systematic, comprehensive and accurate information to determine the
2 appropriateness and type of music therapy services to provide to the client;

3 (iii) developing an individualized music therapy treatment plan for
4 the client that is based upon the results of a music therapy assessment, and
5 such plan may include individualized goals and objectives that focus on
6 the assessed needs and strengths of the client and specify music therapy
7 approaches and interventions to be used to address such goals and
8 objectives;

9 (iv) implementing an individualized music therapy treatment plan that
10 is consistent with any other developmental, rehabilitative, habilitative,
11 medical, mental health, preventive, wellness care or education services
12 that the client is receiving;

13 (v) evaluating a client's response to music therapy and the music
14 therapy treatment plan, documenting change and progress and suggesting
15 modifications, as appropriate;

16 (vi) developing a plan for determining when the provision of music
17 therapy services is no longer needed in collaboration with the client and
18 the client's healthcare provider, education provider, family members and
19 any other appropriate person upon whom the client relies for support;

20 (vii) ensuring that a client receives music therapy services in the least
21 restrictive environment by minimizing barriers;

22 (viii) collaborating with and educating a client and the client's family
23 or caregiver or any other appropriate person regarding the needs of the
24 client that are being addressed in music therapy and the manner in which
25 the music therapy treatment addresses such needs; and

26 (ix) utilizing appropriate knowledge and skills to inform practice,
27 including the use of research, reasoning and problem-solving skills to
28 determine appropriate actions in the context of each specific clinical
29 setting.

30 (C) "Music therapy" does not include the screening, diagnosis or
31 assessment of any physical, mental or communication disorder.

32 Sec. 2. (a) There is hereby created the music therapy advisory
33 committee to assist the state board of healing arts in administering the
34 provisions of the music therapy licensure act.

35 (b) The advisory committee shall consist of five members appointed
36 by the state board of healing arts. Such members shall be individuals who
37 are familiar with the practice of music therapy and shall include:

38 (1) Three music therapists;

39 (2) one individual who is a healthcare provider licensed, registered,
40 permitted or otherwise authorized to practice a healthcare profession in
41 this state other than music therapy; and

42 (3) one consumer of music therapy services.

43 (c) The state board of healing arts shall appoint members of the

1 advisory committee to serve four-year terms. Members of the advisory
2 committee may serve consecutive terms as appointed by the state board of
3 healing arts.

4 (d) Any vacancy in the membership of the advisory committee shall
5 be filled in the same manner as the original appointment to the position
6 that has been vacated.

7 (e) Members of the advisory committee shall serve without
8 compensation.

9 (f) The advisory committee shall meet at least once per year or as
10 otherwise called by the state board of healing arts.

11 (g) The state board of healing arts shall advise and consult with the
12 advisory committee on issues related to music therapy and prior to setting
13 or changing any fees charged to administer the music therapy licensure act.

14 (h) The advisory committee may facilitate the development of
15 materials that the state board of healing arts may use to educate the public
16 concerning music therapist licensure, the benefits of music therapy and
17 utilization of music therapy by individuals and in facilities or institutional
18 settings.

19 (i) The advisory committee may act as a facilitator of statewide
20 dissemination of information between music therapists, the American
21 music therapy association, or any substantially equivalent or successor
22 organization, the certification board for music therapists, or any
23 substantially equivalent or successor organization, and the state board of
24 healing arts.

25 (j) At least once per year, the advisory committee shall provide
26 analysis of disciplinary actions taken by the state board of healing arts and
27 appeals and denials thereof.

28 Sec. 3. (a) On and after July 1, 2023, no individual shall use the title
29 "music therapist" or any similar title or practice music therapy without a
30 valid license issued by the state board of healing arts.

31 (b) For any individual who does not present themselves to the public
32 as a music therapist, nothing in this section shall be construed to prohibit
33 or restrict the practices, services or activities of such individual:

34 (1) (A) Who is licensed, certified or regulated under the laws of this
35 state in another profession or occupation, including, but not limited to, any
36 individual licensed, certified or regulated by the state board of healing arts,
37 the board of nursing or the behavioral sciences regulatory board, or any
38 individual supervised by such a licensed, certified or regulated individual;
39 and

40 (B) who is performing work, including the use of music, incidental to
41 the practice of the licensed, certified or regulated profession or occupation;

42 (2) whose training and national certification demonstrates the
43 individual's preparation and ability to practice a certified profession or

1 occupation;

2 (3) who practices music therapy as an integral part of a program of
3 study for students enrolled in an accredited music therapy program; or

4 (4) who practices music therapy under the supervision of a music
5 therapist.

6 Sec. 4. (a) Before a music therapist provides music therapy services
7 to a client for an identified clinical or developmental need, the music
8 therapist shall review the client's diagnosis, treatment needs and treatment
9 plan with the healthcare providers involved in the client's care or, for a
10 client who is a student, with the student's individualized family service
11 plan or individualized education program team.

12 (b) During the provision of music therapy services to a client, the
13 music therapist shall collaborate, as applicable, with the client's treatment
14 team, including the client's physician, psychologist, clinical social worker
15 and any other mental health professional. For a client with a
16 communication disorder, the music therapist shall collaborate with the
17 client's audiologist or speech-language pathologist regarding the music
18 therapy treatment plan for the purpose of addressing the client's
19 communication skills.

20 (c) When providing educational or healthcare services, a music
21 therapist shall not replace the services provided by an audiologist or a
22 speech-language pathologist. Unless authorized to practice speech-
23 language pathology, a music therapist shall not evaluate, examine, instruct
24 or counsel on speech, language, communication or swallowing disorders
25 and conditions. A music therapist shall not present themselves to the public
26 that the music therapist is authorized to treat a communication disorder.
27 This subsection shall not prohibit a music therapist from representing to
28 the public that the music therapist may work with clients who have a
29 communication disorder in order to address communication skills.

30 Sec. 5. The state board of healing arts shall issue a license to an
31 applicant for a music therapist license upon application on a form and in a
32 manner prescribed by the board, payment of any required fee and
33 submission of evidence satisfactory to the board that the applicant:

34 (a) (1) Is at least 18 years of age;

35 (2) holds a bachelor's degree or higher in music therapy, or equivalent
36 thereof, including clinical training hours, from a program offered by an
37 accredited college or university and approved by the American music
38 therapy association or any successor organization;

39 (3) is in good standing based on a review of the applicant's music
40 therapy licensure history in other jurisdictions, including a review of any
41 alleged misconduct or neglect in the applicant's practice of music therapy;
42 and

43 (4) (A) has passed the examination for board certification offered by

1 the certification board for music therapists or any successor organization;
2 or

3 (B) has been transitioned into board certification and is currently a
4 board-certified music therapist; or

5 (b) is currently licensed and in good standing as a music therapist in
6 another jurisdiction that has qualifications for such licensure equal to or
7 greater than the requirements established in the music therapy licensure
8 act.

9 Sec. 6. (a) A music therapist license shall be renewed biennially upon
10 application on a form and in a manner prescribed by the state board of
11 healing arts, payment of any required fee and submission of evidence
12 satisfactory to the board that the applicant maintains status as a board-
13 certified music therapist. Each music therapist shall be responsible for
14 timely renewal of such license.

15 (b) A music therapist shall inform the state board of healing arts of
16 any change to the music therapist's address within 30 calendar days after
17 such change.

18 (c) Failure to renew a license shall result in the license being
19 canceled. A license that has been canceled may be reinstated within one
20 year after cancellation upon payment of any required renewal and
21 reinstatement fees. The state board of healing arts may require an applicant
22 whose license has been canceled for more than one year to apply for
23 licensure as a new applicant.

24 (d) There is created the designation of inactive music therapy license.
25 The state board of healing arts may issue an inactive music therapy license
26 to any music therapist upon application on a form and in a manner
27 prescribed by the board and payment of any required inactive license fee.
28 An inactive music therapy license may be issued for not to exceed two
29 years. A music therapist with an inactive music therapy license may apply
30 for an active license upon application on a form and in a manner
31 prescribed by the board and payment of any required fee.

32 Sec. 7. (a) The state board of healing arts may revoke, suspend or
33 limit a music therapy license, publicly censure a music therapist, place a
34 music therapist under probationary conditions, fine a music therapist not
35 less than \$100 but not more than \$1,000 or deny an application for license
36 or renewal or reinstatement of a license upon a finding that the applicant or
37 music therapist:

38 (1) Is ineligible for licensure, including, but not limited to,
39 falsification of information submitted for licensure or failure to maintain
40 status as a board-certified music therapist;

41 (2) has failed to pay any fee required for licensure when due;

42 (3) has failed to provide information requested by the board in a
43 timely manner;

1 (4) has been convicted of a felony;

2 (5) has been convicted of any crime that reflects an inability to
3 practice music therapy with due regard for the health and safety of clients
4 or patients or with due regard for the truth in filing claims with medicare,
5 medicaid or any third-party payor;

6 (6) is unable or has failed to practice music therapy with reasonable
7 skill and consistent with the welfare of clients or patients, including, but
8 not limited to, negligence in the practice of music therapy, intoxication,
9 incapacity or abuse of or engaging in sexual contact with a client or
10 patient; and

11 (7) has been the subject of disciplinary action by another jurisdiction
12 related to the practice of music therapy.

13 (b) The state board of healing arts may conduct investigations into
14 allegations of conduct described in subsection (a).

15 Sec. 8. This act shall take effect and be in force from and after its
16 publication in the statute book.