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To: Public Health and Human
Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 906

1 AN ACT TO PROVIDE FOR THE LICENSURE OF PROFESSIONAL MUSIC
2 THERAPISTS BY THE STATE DEPARTMENT OF HEALTH; TO PROVIDE FOR
3 DEFINITIONS; TO PROVIDE FOR THE ESTABLISHMENT, APPOINTMENT AND
4 MEMBERSHIP OF THE MUSIC THERAPY ADVISORY COMMITTEE; TO DIRECT THE
5 DEPARTMENT TO SEEK THE ADVICE OF THE ADVISORY COMMITTEE FOR ISSUES
6 RELATED TO MUSIC THERAPY; TO PROVIDE THE POWERS AND DUTIES OF THE
7 ADVISORY COMMITTEE; TO PROVIDE THAT BEGINNING ON JANUARY 1, 2025,
8 NO PERSON WITHOUT A LICENSE AS A PROFESSIONAL MUSIC THERAPIST
9 SHALL PRACTICE MUSIC THERAPY OR USE ANY TITLE THAT IMPLIES THAT
10 THE PERSON IS A PROFESSIONAL MUSIC THERAPIST; TO PRESCRIBE CERTAIN
11 REQUIREMENTS FOR PROFESSIONAL MUSIC THERAPISTS IN THE PROVISION OF
12 MUSIC THERAPY SERVICES; TO PROVIDE FOR LICENSURE APPLICATION AND
13 QUALIFICATIONS FOR LICENSURE; TO PROVIDE FOR LICENSE RENEWAL; TO
14 PROVIDE FOR DISCIPLINARY ACTIONS AGAINST LICENSEES; TO DIRECT THE
15 STATE BOARD OF HEALTH TO SET CERTAIN FEES; TO CREATE A SPECIAL
16 FUND IN THE STATE TREASURY; TO REQUIRE THAT ALL FEES COLLECTED BY
17 THE DEPARTMENT UNDER THIS ACT SHALL BE DEPOSITED INTO THE SPECIAL
18 FUND; AND FOR RELATED PURPOSES.

19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

20 **SECTION 1.** The intent of this chapter is to recognize that
21 music therapy affects public health, safety, and welfare and that
22 the practice of music therapy should be subject to regulation; to
23 assure the highest degree of professional conduct on the part of
24 music therapists; to guarantee the availability of music therapy
25 services provided by a qualified professional to persons in need



26 of those services; and to protect the public from the practice of
27 music therapy by unqualified individuals.

28 **SECTION 2.** As used in this chapter, the following terms
29 shall be defined as provided in this section:

30 (a) "Advisory committee" means the Music Therapy
31 Advisory Committee.

32 (b) "Board" means the State Board of Health.

33 (c) "Board-certified music therapist" means an
34 individual who holds current board certification from the
35 Certification Board for Music Therapists.

36 (d) "Department" means the State Department of Health.

37 (e) "Director" means the Executive Director of the
38 State Department of Health or his or her designee.

39 (f) "Licensed professional music therapist" (LPMT)
40 means a person licensed to practice music therapy under this
41 chapter.

42 (g) "Music therapy" means the clinical and
43 evidence-based use of music interventions to accomplish
44 individualized goals for people of all ages and ability levels
45 within a therapeutic relationship by a board-certified music
46 therapist. Music therapists develop music therapy treatment plans
47 specific to the needs and strengths of the client, who may be seen
48 individually or in groups. Music therapy treatment plans are
49 individualized for each client. The goals, objectives, and
50 potential strategies of the music therapy services are appropriate



51 for the client and setting. The music therapy interventions may
52 include, but are not limited to, music improvisation, receptive
53 music listening, song writing, lyric discussion, music and
54 imagery, singing, music performance, learning through music, music
55 combined with other arts, music-assisted relaxation, music-based
56 patient education, electronic music technology, adapted music
57 intervention and movement to music. The practice of music therapy
58 does not include the screening, diagnosis or assessment of any
59 physical, mental, or communication disorder. The term "music
60 therapy" may include, but is not limited to:

61 (i) Accepting referrals for music therapy services
62 from medical, developmental, mental health, or education
63 professionals, family members, clients, caregivers or others
64 involved and authorized with provision of client services;

65 (ii) Conducting a music therapy assessment of a
66 client to determine if treatment is indicated. If treatment is
67 indicated, the licensee collects systematic, comprehensive, and
68 accurate information to determine the appropriateness and type of
69 music therapy services to provide for the client;

70 (iii) Developing an individualized music therapy
71 treatment plan for the client that is based upon the results of
72 the music therapy assessment. The music therapy treatment plan
73 includes individualized goals and objectives that focus on the
74 assessed needs and strengths of the client and specify music



75 therapy approaches and interventions to be used to address these
76 goals and objectives;

77 (iv) Implementing an individualized music therapy
78 treatment plan that is consistent with any other developmental,
79 rehabilitative, habilitative, medical, mental health, preventive,
80 wellness care, or educational services being provided to the
81 client;

82 (v) Evaluating the client's response to music
83 therapy and the music therapy treatment plan, documenting change
84 and progress and suggesting modifications, as appropriate;

85 (vi) Developing a plan for determining when the
86 provision of music therapy services is no longer needed in
87 collaboration with the client, physician, or other provider of
88 health care or education of the client, family members of the
89 client, and any other appropriate person upon whom the client
90 relies for support;

91 (vii) Minimizing any barriers to ensure that the
92 client receives music therapy services in the least restrictive
93 environment;

94 (viii) Collaborating with and educating the client
95 and the family, caregiver of the client, or any other appropriate
96 person regarding the needs of the client that are being addressed
97 in music therapy and the manner in which the music therapy
98 treatment addresses those needs; and



99 (ix) Using appropriate knowledge and skills to
100 inform practice including use of research, reasoning, and problem
101 solving skills to determine appropriate actions in the context of
102 each specific clinical setting.

103 **SECTION 3.** (1) There is created within the department the
104 Music Therapy Advisory Committee, which shall consist of five (5)
105 members.

106 (2) The director shall appoint all members of the advisory
107 committee. The advisory committee shall consist of persons
108 familiar with the practice of music therapy to provide the
109 department with expertise and assistance in carrying out its
110 duties under this chapter.

111 (3) The director shall appoint members of the advisory
112 committee to serve for terms of four (4) years. Three (3) members
113 shall be licensed to practice as music therapists in this state;
114 one (1) member shall be a licensed health care provider who is not
115 a music therapist; and one (1) member shall be a consumer of music
116 therapy services.

117 (4) Members shall receive no compensation for their
118 services, but shall be reimbursed for their expenses actually
119 incurred in the performance of their duties, including mileage, as
120 provided in Section 25-3-41.

121 (5) Members may serve consecutive terms in the discretion of
122 the director. Any vacancy shall be filled in the same manner as
123 the regular appointments.



124 (6) The initial appointments to the advisory committee shall
125 consist of three (3) music therapists who are not licensed under
126 this chapter but who have been engaged in their respective
127 practices for at least three (3) years. Once licensing under this
128 chapter is implemented, music therapists appointed to the advisory
129 committee must hold the requisite license.

130 **SECTION 4.** (1) The advisory committee shall meet at least
131 once per year or as otherwise called by the director.

132 (2) The department shall seek the advice of the advisory
133 committee for issues related to music therapy.

134 (3) The board shall consult with the advisory committee
135 before setting or changing fees in this chapter.

136 (4) The advisory committee may facilitate the development of
137 materials that the department may use to educate the public
138 concerning music therapist licensure, the benefits of music
139 therapy, and use of music therapy by individuals and in facilities
140 or institutional settings.

141 (5) The advisory committee may act as a facilitator of
142 statewide dissemination of information between music therapists,
143 the American Music Therapy Association or any successor
144 organization, the Certification Board for Music Therapists or any
145 successor organization, and the department.

146 (6) The advisory committee shall provide an analysis of
147 disciplinary actions taken, appeals and denials, or revocation of
148 licenses at least once per year.



149 **SECTION 5.** Beginning on January 1, 2025, no person without a
150 license as a professional music therapist shall practice music
151 therapy or use the title "music therapist," "licensed professional
152 music therapist," "LPMT" or similar title that implies that the
153 person is a professional music therapist. Nothing in this chapter
154 may be construed to prohibit or restrict the practice, services,
155 or activities of the following:

156 (a) Any person licensed, certified, or regulated under
157 the laws of this state in another profession or occupation,
158 including physicians, psychologists, psychoanalysts, registered
159 nurses, marriage and family therapists, social workers,
160 occupational therapists, professional or rehabilitation
161 counselors, speech-language pathologists or audiologists, or
162 personnel supervised by a licensed professional, performing work,
163 including the use of music, incidental to the practice of his or
164 her licensed, certified, or regulated profession or occupation, if
165 that person does not represent himself or herself as a music
166 therapist; or

167 (b) Any person whose training and national
168 certification attests to the individual's preparation and ability
169 to practice his or her certified profession or occupation, if that
170 person does not represent himself or herself as a music therapist;
171 or

172 (c) Any practice of music therapy as an integral part
173 of a program of study for students enrolled in an accredited music



174 therapy program, if the student does not represent himself or
175 herself as a music therapist; or

176 (d) Any person who practices music therapy under the
177 supervision of a licensed professional music therapist, if the
178 person does not represent himself or herself as a music therapist.

179 **SECTION 6.** (1) Before a licensed professional music
180 therapist provides music therapy services to a client for an
181 identified clinical or developmental need, the licensee shall
182 review the client's diagnosis, treatment needs, and treatment plan
183 with the health care providers involved in the client's care.
184 Before a licensed professional music therapist provides music
185 therapy services to a student for an identified educational need
186 in a special education setting, the licensee shall review with the
187 individualized family service plan or individualized education
188 program team the student's diagnosis, treatment needs, and
189 treatment plan.

190 (2) During the provision of music therapy services to a
191 client, the licensed professional music therapist shall
192 collaborate, as applicable, with the client's treatment team,
193 including the client's physician, psychologist, licensed clinical
194 social worker, or other mental health professional. During the
195 provision of music therapy services to a client with a
196 communication disorder, the licensed professional music therapist
197 shall collaborate and discuss the music therapy treatment plan
198 with the client's audiologist or speech-language pathologist so



199 that a music therapist may work with the client and address
200 communication skills.

201 (3) When providing educational or health care services, a
202 licensed professional music therapist may not replace the services
203 provided by an audiologist, a speech-language pathologist or an
204 occupational therapy practitioner. Unless authorized to practice
205 speech-language pathology, music therapists may not evaluate,
206 examine, instruct, or counsel on speech, language, communication,
207 and swallowing disorders and conditions. An individual licensed
208 as a professional music therapist may not represent to the public
209 that the individual is authorized to treat a communication
210 disorder. This does not prohibit an individual licensed as a
211 professional music therapist from representing to the public that
212 the individual may work with clients who have a communication
213 disorder and address communication skills.

214 **SECTION 7.** (1) The department shall issue a license to an
215 applicant for a music therapy license when the applicant has
216 completed and submitted an application upon a form and in such
217 manner as prescribed by the department, accompanied by applicable
218 fees, and evidence satisfactory to the department that:

219 (a) The applicant is at least eighteen (18) years of
220 age;

221 (b) The applicant holds a bachelor's degree or higher
222 in music therapy, or its equivalent, including clinical training



223 hours, from a music therapy program within an accredited college
224 or university;

225 (c) The applicant is in good standing based on a review
226 of the applicant's music therapy licensure history in other
227 jurisdictions, including a review of any alleged misconduct or
228 neglect in the practice of music therapy on the part of the
229 applicant; and

230 (d) The applicant provides proof of passing the
231 examination for board certification offered by the Certification
232 Board for Music Therapists or any successor organization or
233 provides proof of being transitioned into board certification, and
234 provides proof that the applicant is currently a board-certified
235 music therapist.

236 (2) The department shall issue a license to an applicant for
237 a music therapy license when the applicant has completed and
238 submitted an application upon a form and in such manner as
239 prescribed by the department, accompanied by applicable fees, and
240 evidence satisfactory to the department that the applicant is
241 licensed and in good standing as a music therapist in another
242 jurisdiction where the qualifications required are equal to or
243 greater than those required in this chapter at the date of
244 application. The issuance of a license by reciprocity to a
245 military-trained applicant, military spouse or person who
246 establishes residence in this state shall be subject to the
247 provisions of Section 73-50-1 or 73-50-2, as applicable.



248 (3) The department shall issue a license to an applicant for
249 a music therapy license when the applicant has completed and
250 submitted an application not later than January 1, 2025, upon a
251 form and in such manner as prescribed by the department,
252 accompanied by applicable fees, and evidence satisfactory to the
253 department that the applicant has practiced music therapy for ten
254 (10) or more years before July 1, 2024, with at least five (5)
255 years' practice immediately before July 1, 2024, and that the
256 applicant's practice during that time was substantially the same
257 as that which would require a license under this act, as
258 determined by the advisory committee and certified to the
259 department.

260 **SECTION 8.** (1) Every license issued under this chapter
261 shall be renewed biennially. A license shall be renewed upon (a)
262 payment of a renewal fee if the applicant is not in violation of
263 any of the terms of this chapter at the time of application for
264 renewal; and (b) proof of maintenance of the applicant's status as
265 a board-certified music therapist.

266 (2) A licensee shall inform the department of any changes to
267 his or her address. Each licensee shall be responsible for timely
268 renewal of his or her license.

269 (3) Failure to renew a license shall result in forfeiture of
270 the license. Licenses that have been forfeited may be restored
271 within one (1) year after the expiration date upon payment of
272 renewal and restoration fees. Failure to restore a forfeited



273 license within one (1) year after the date of its expiration shall
274 result in the automatic termination of the license, and the
275 department may require the individual to reapply for licensure as
276 a new applicant.

277 (4) Upon written request of a licensee, the department may
278 place an active license on an inactive status subject to an
279 inactive status fee established by the board. The licensee, upon
280 request and payment of the inactive license fee, may continue on
281 inactive status for a period up to two (2) years. An inactive
282 license may be reactivated at any time by making a written request
283 to the department and by fulfilling requirements established by
284 the department.

285 **SECTION 9.** (1) The board may sanction a licensee for any of
286 the following acts:

287 (a) Ineligibility for licensure, including, but not
288 limited to, falsification of information submitted for licensure
289 or failure to maintain status as a board-certified music
290 therapist;

291 (b) Failure to pay fees when due;

292 (c) Failure to provide requested information in a
293 timely manner;

294 (d) Conviction of a felony;

295 (e) Conviction of any crime that reflects an inability
296 to practice music therapy with due regard for the health and
297 safety of clients and patients, or with due regard for the truth



298 in filing claims with Medicare, Medicaid, or any third party
299 payor;

300 (f) Inability or failure to practice music therapy with
301 reasonable skill and consistent with the welfare of clients and
302 patients, including, but not limited to, negligence in the
303 practice of music therapy; intoxication; incapacity; and abuse of
304 or engaging in sexual contact with a client or patient; and

305 (g) Disciplinary action by another jurisdiction.

306 (2) The department is authorized to conduct investigations
307 into allegations of conduct described in subsection (1) of this
308 section.

309 (3) The board may impose one or more of the following
310 sanctions upon a licensee for a violation of this chapter:

311 (a) Suspension of a license;

312 (b) Revocation of a license;

313 (c) Denial of a license;

314 (d) Refusal to renew a license;

315 (e) Probation with conditions;

316 (f) Reprimand; or

317 (g) A fine of not less than One Hundred Dollars
318 (\$100.00) or more than One Thousand Dollars (\$1,000.00) for each
319 violation.

320 **SECTION 10.** (1) The board shall set fees for the following
321 purposes: application; initial license; license renewal; late



322 renewal; license restoration; inactive status; and such other
323 purposes as determined by the board.

324 (2) All fees collected by the department under this chapter
325 shall be deposited in a special fund that is created in the State
326 Treasury, and shall be expended by the department, upon
327 appropriation of the Legislature, for the implementation and
328 administration of this chapter. Unexpended amounts remaining in
329 the special fund at the end of a fiscal year shall not lapse into
330 the State General Fund, and any interest earned on amounts in the
331 special fund shall be deposited to the credit of the special fund.

332 (3) All penalties collected by the department for violations
333 of this chapter shall be deposited into the State General Fund.

334 **SECTION 11.** This act shall be codified as a new chapter in
335 Title 73, Mississippi Code of 1972.

336 **SECTION 12.** This act shall take effect and be in force from
337 and after July 1, 2024.

