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AB-1540 Music therapy. (2019-2020)

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Assembly Bill No. 1540

CHAPTER 167

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

[Approved by Governor July 31, 2019. Filed with Secretary of State July 31, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1540, Holden. Music therapy.

Existing law provides for the licensure and regulation of various healing arts licensees 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 skilled nursing facilities 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 they do 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 they provide mental health counseling, psychotherapy, or occupational therapy for which a license is required, as provided. The bill would further prohibit its provisions from being construed to require a music therapist currently employed by the State of California to obtain certification as a Board Certified Music Therapist.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

CHAPTER 10.7. Music Therapy

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

4651. The Legislature finds and declares the following:

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

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

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

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

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

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

(a) Provide a statutory definition of music therapy.

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

4653. As used in this chapter:

(a) "Music therapy" means the clinical and evidence-based use of music therapy interventions in developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational settings to address physical, emotional, cognitive, and social needs of individuals within a therapeutic relationship. Music therapy includes the following:

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

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

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

4654. An individual who provides music therapy shall not refer to oneself using the title of "Board Certified Music Therapist" unless the individual has completed all of the following:

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

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

(c) The current requirements for certification, beginning with those adopted on April 1, 2015, established by the Certification Board for Music Therapists for the Music Therapist-Board Certified credential.

4655. This chapter shall not be construed to authorize a person engaged in music therapy to state or imply that they provide 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 they do not meet the criteria specified in Section 4654.

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 they do not meet the requirements of Section 4654.

4657. This chapter shall not be construed to require a music therapist currently employed by the State of California to obtain certification as a Board Certified Music Therapist.