SENATE BILL 766

J2 0lr3649
CF HB 1102

By: **Senator Augustine**
Introduced and read first time: February 3, 2020
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

AN ACT concerning

State Board of Professional Counselors and Therapists – Maryland Music Therapists Act

FOR the purpose of establishing the Music Therapist Advisory Committee within the State Board of Professional Counselors and Therapists; requiring the Board to adopt certain regulations and a certain code of ethics; requiring the Board to set certain fees for services provided by the Board to music therapists; requiring the Board to pay the fees to the Comptroller; requiring the Comptroller to distribute the fees to the Board; requiring the fees to be used to cover certain costs; providing for the composition, appointment, terms, compensation, and removal of the Committee members; requiring the Committee to elect a chair and a vice chair and to determine the manner of election of officers and the duties of each officer; providing that a majority of the members then serving on the Committee is a quorum; providing for meetings of the Committee; establishing certain powers and duties of the Committee; requiring individuals, beginning on a certain date, to be licensed by the Board as music therapists before performing certain work in the State except under certain circumstances; establishing certain certification, education, training, and other requirements to qualify for a license; establishing certain application fees and requirements for obtaining a license; establishing certain license terms and procedures for the renewal of a license; requiring the Board to issue a license to certain applicants; providing that a music therapist license authorizes the licensee to engage in the practice of music therapy; specifying the contents of a license; prohibiting the Board from issuing a license if certain information has not been received; requiring the Board to place a licensee on inactive status under certain circumstances; providing that a license may not lapse under certain circumstances; requiring a licensee to notify the Board of a change of name or address in a certain manner and within a certain time period; authorizing the Board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license under certain circumstances; establishing certain requirements for reinstatement of a license; providing for certain criminal, civil, and administrative penalties; establishing certain hearing and appeal procedures for certain persons;

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

authorizing the Board to issue a cease and desist order under certain circumstances; authorizing a certain action to be maintained to enjoin the unauthorized practice of music therapy or certain conduct; providing for a certain music therapist rehabilitation subcommittee; specifying the manner in which the music therapist rehabilitation subcommittee may function; providing that the proceedings, records, and files of the music therapist rehabilitation subcommittee are not discoverable or admissible in evidence in certain actions under certain circumstances; providing that a certain individual is not civilly liable for certain action as a member of the music therapist rehabilitation subcommittee; prohibiting a person from practicing, attempting to practice, or offering to practice music therapy in the State unless licensed by the Board except under certain circumstances; prohibiting an individual from representing to the public that the individual is a licensed music therapist or using certain titles, abbreviations, signs, cards, or other representations except under certain circumstances; establishing a certain short title; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act; defining certain terms; specifying the terms of the initial members of the Committee; providing for the termination of certain provisions of this Act; and generally relating to the licensing and regulation of music therapists and the Music Therapist Advisory Committee.

BY adding to
Article – Health Occupations
Section 17–6B–01 through 17–6B–31 to be under the new subtitle "Subtitle 6B. Music Therapists"
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–403(14)
Annotated Code of Maryland
(2014 Replacement Volume and 2019 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Health Occupations

SUBTITLE 6B. MUSIC THERAPISTS.

17–6B–01.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BOARD CERTIFIED MUSIC THERAPIST" MEANS AN INDIVIDUAL WHO:

(1) HAS COMPLETED THE EDUCATION AND CLINICAL TRAINING REQUIREMENTS ESTABLISHED BY THE AMERICAN MUSIC THERAPY ASSOCIATION; AND

(2) HOLDS CURRENT BOARD CERTIFICATION FROM THE CERTIFICATION BOARD FOR MUSIC THERAPISTS.

(C) "COMMITTEE" MEANS THE MUSIC THERAPIST ADVISORY COMMITTEE ESTABLISHED UNDER § 17–6B–05 OF THIS SUBTITLE.

(D) "INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN" MEANS A MUSIC THERAPY TREATMENT PLAN FOR A CLIENT THAT IDENTIFIES THE GOALS, OBJECTIVES, AND POTENTIAL STRATEGIES FOR THE MUSIC THERAPY SERVICES APPROPRIATE FOR THE CLIENT USING MUSIC THERAPY INTERVENTIONS, INCLUDING:

(1) MUSIC IMPROVISATION;

(2) RECEPTIVE MUSIC LISTENING;

(3) SONGWRITING;

(4) LYRIC DISCUSSION;

(5) MUSIC AND IMAGERY;

(6) MUSIC PERFORMANCE;

(7) LEARNING THROUGH MUSIC; AND

(8) MOVEMENT TO MUSIC.

(E) "LICENSE" MEANS A LICENSE ISSUED BY THE BOARD TO ENGAGE IN THE PRACTICE OF MUSIC THERAPY.

(F) "LICENSED PROFESSIONAL MUSIC THERAPIST" OR "LICENSEE" MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO ENGAGE IN THE PRACTICE OF MUSIC THERAPY.

(G) (1) "PRACTICE OF MUSIC THERAPY" MEANS THE CLINICAL AND EVIDENCE–BASED USE OF MUSIC THERAPY INTERVENTIONS TO ACCOMPLISH INDIVIDUALIZED GOALS FOR INDIVIDUALS OF ALL AGES AND ABILITY LEVELS

WITHIN A THERAPEUTIC RELATIONSHIP.

(2) "PRACTICE OF MUSIC THERAPY" INCLUDES:

(I) ACCEPTING REFERRALS FOR MUSIC THERAPY SERVICES FROM:

1. MEDICAL, DEVELOPMENTAL, MENTAL HEALTH, OR EDUCATION PROFESSIONALS;

2. FAMILY MEMBERS;

3. CLIENTS;

4. CAREGIVERS; OR

5. OTHERS INVOLVED WITH THE PROVISION OF AND AUTHORIZED TO PROVIDE CLIENT SERVICES;

(II) COLLABORATING WITH A CLIENT'S TREATMENT TEAM TO REVIEW THE CLIENT'S DIAGNOSIS, TREATMENT NEEDS, AND TREATMENT PLAN BEFORE PROVIDING MUSIC THERAPY SERVICES TO A CLIENT FOR AN IDENTIFIED CLINICAL OR DEVELOPMENTAL NEED;

(III) COLLABORATING WITH A CLIENT'S TREATMENT TEAM DURING THE PROVISION OF MUSIC THERAPY SERVICES TO THE CLIENT, INCLUDING COLLABORATING WITH AND DISCUSSING THE MUSIC THERAPY TREATMENT PLAN WITH THE AUDIOLOGIST OR SPEECH–LANGUAGE PATHOLOGIST OF A CLIENT WITH A COMMUNICATION DISORDER;

(IV) CONDUCTING A MUSIC THERAPY ASSESSMENT OF A CLIENT TO COLLECT SYSTEMATIC, COMPREHENSIVE, AND ACCURATE INFORMATION NECESSARY TO DETERMINE THE APPROPRIATE TYPE OF MUSIC THERAPY SERVICES TO PROVIDE FOR THE CLIENT;

(V) DEVELOPING AN INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN FOR A CLIENT THAT IS BASED ON THE MUSIC THERAPY ASSESSMENT;

(VI) IMPLEMENTING AN INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN THAT:

1. IS CONSISTENT WITH ANY OTHER DEVELOPMENTAL,

REHABILITATIVE, HABILITATIVE, MEDICAL, MENTAL HEALTH, PREVENTIVE, OR WELLNESS CARE OR EDUCATIONAL SERVICES BEING PROVIDED TO A CLIENT; AND

2. DOES NOT REPLACE THE SERVICES PROVIDED BY AN AUDIOLOGIST OR A SPEECH–LANGUAGE PATHOLOGIST;

(VII) EVALUATING A CLIENT'S RESPONSE TO MUSIC THERAPY AND THE INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN, DOCUMENTING CHANGE AND PROGRESS, AND SUGGESTING MODIFICATIONS, AS APPROPRIATE;

(VIII) DEVELOPING A PLAN FOR DETERMINING WHEN THE PROVISION OF MUSIC THERAPY SERVICES IS NO LONGER NEEDED IN COLLABORATION WITH A CLIENT, THE CLIENT'S PHYSICIAN OR ANOTHER PROVIDER OF HEALTH CARE OR EDUCATION FOR THE CLIENT, AN APPROPRIATE MEMBER OF THE CLIENT'S FAMILY, AND ANY OTHER APPROPRIATE INDIVIDUAL ON WHOM THE CLIENT RELIES FOR SUPPORT;

(IX) MINIMIZING ANY BARRIERS TO ENSURE THAT A CLIENT RECEIVES MUSIC THERAPY SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT;

(X) COLLABORATING WITH AND EDUCATING A CLIENT, THE FAMILY OR CAREGIVER OF THE CLIENT, OR ANY OTHER APPROPRIATE INDIVIDUAL ABOUT THE NEEDS OF THE CLIENT THAT ARE BEING ADDRESSED IN MUSIC THERAPY AND THE MANNER IN WHICH THE MUSIC THERAPY ADDRESSES THOSE NEEDS; AND

(XI) USING APPROPRIATE KNOWLEDGE AND SKILLS, INCLUDING RESEARCH, REASONING, AND PROBLEM–SOLVING SKILLS, TO INFORM PRACTICE AND DETERMINE APPROPRIATE ACTIONS IN THE CONTEXT OF EACH SPECIFIC CLINICAL SETTING.

(3) "PRACTICE OF MUSIC THERAPY" DOES NOT INCLUDE THE SCREENING, DIAGNOSIS, OR ASSESSMENT OF ANY PHYSICAL, MENTAL, OR COMMUNICATION DISORDER.

17–6B–02.

THIS SUBTITLE DOES NOT PROHIBIT OR RESTRICT THE PRACTICE, SERVICES, OR ACTIVITIES OF:

(1) AN INDIVIDUAL LICENSED, CERTIFIED, OR REGULATED UNDER THE LAWS OF THE STATE IN ANOTHER PROFESSION OR OCCUPATION OR PERSONNEL SUPERVISED BY A LICENSED PROFESSIONAL IN THE STATE PERFORMING WORK INCLUDING THE USE OF MUSIC INCIDENTAL TO THE PRACTICE OF THE INDIVIDUAL'S

LICENSED, CERTIFIED, OR REGULATED PROFESSION OR OCCUPATION, IF THE INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST;

(2) ANY INDIVIDUAL WHOSE TRAINING AND NATIONAL CERTIFICATION ATTEST TO THE INDIVIDUAL'S PREPARATION AND ABILITY TO PRACTICE THE CERTIFIED PROFESSION OR OCCUPATION OF THE INDIVIDUAL, IF THE INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST;

(3) ANY PRACTICE OF MUSIC THERAPY AS AN INTEGRAL PART OF A PROGRAM OF STUDY FOR STUDENTS ENROLLED IN AN ACCREDITED MUSIC THERAPY PROGRAM, IF THE STUDENT DOES NOT REPRESENT THAT THE STUDENT IS A LICENSED MUSIC THERAPIST; OR

(4) ANY INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF MUSIC THERAPY UNDER THE SUPERVISION OF A LICENSED MUSIC THERAPIST, IF THE INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST.

17–6B–03.

THE BOARD SHALL ADOPT:

(1) REGULATIONS FOR THE LICENSURE AND PRACTICE OF MUSIC THERAPY; AND

(2) A CODE OF ETHICS FOR THE PRACTICE OF MUSIC THERAPY.

17–6B–04.

(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO MUSIC THERAPISTS.

(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE OTHER SERVICES PROVIDED TO MUSIC THERAPISTS.

(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.

(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE

BOARD.

(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY DUTIES OF THE BOARD UNDER THIS SUBTITLE.

17–6B–05.

THERE IS A MUSIC THERAPIST ADVISORY COMMITTEE WITHIN THE BOARD.

17–6B–06.

(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE BOARD WHO ARE FAMILIAR WITH THE PRACTICE OF MUSIC THERAPY, INCLUDING:

(1) THREE MEMBERS WHO PRACTICE AS MUSIC THERAPISTS IN THE STATE;

(2) ONE MEMBER WHO IS A LICENSED HEALTH CARE PRACTITIONER WHO IS NOT A MUSIC THERAPIST; AND

(3) ONE MEMBER WHO IS A CONSUMER.

(B) (1) ON OR BEFORE DECEMBER 31, 2020, THE MUSIC THERAPIST MEMBERS OF THE COMMITTEE SHALL BE BOARD CERTIFIED MUSIC THERAPISTS.

(2) ON AND AFTER JANUARY 1, 2021, THE MUSIC THERAPIST MEMBERS OF THE COMMITTEE SHALL BE LICENSED MUSIC THERAPISTS.

(C) THE CONSUMER MEMBER OF THE COMMITTEE:

(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;

(2) MAY NOT BE OR EVER HAVE BEEN A MUSIC THERAPIST OR IN TRAINING TO BECOME A MUSIC THERAPIST;

(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MUSIC THERAPIST OR IN TRAINING TO BECOME A MUSIC THERAPIST; AND

(4) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT TO THE COMMITTEE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED BY THE BOARD.

(D) (1) THE TERM OF A MEMBER IS 4 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2020.

(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL TERMS.

(E) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR MISCONDUCT.

17–6B–07.

(A) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT ANNUALLY A CHAIR AND A VICE CHAIR.

(B) THE COMMITTEE SHALL DETERMINE:

(1) THE MANNER OF ELECTION OF OFFICERS; AND

(2) THE DUTIES OF EACH OFFICER.

17–6B–08.

(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE IS A QUORUM.

(B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT THE TIMES AND PLACES THAT IT DETERMINES.

(2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:

(I) REQUESTED BY THE BOARD; OR

(II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR

ADVISABLE.

(3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL BE GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.

(C) A MEMBER OF THE COMMITTEE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMITTEE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

17–6B–09.

IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS SUBTITLE, THE COMMITTEE:

(1) SHALL DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS TO CARRY OUT THIS SUBTITLE;

(2) SHALL DEVELOP AND RECOMMEND TO THE BOARD A CODE OF ETHICS FOR THE PRACTICE OF MUSIC THERAPY;

(3) SHALL PROVIDE TO THE BOARD RECOMMENDATIONS CONCERNING:

(I) THE PRACTICE OF MUSIC THERAPY; AND

(II) REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THAT THE BOARD PROVIDES TO MUSIC THERAPISTS;

(4) SHALL KEEP A RECORD OF ITS PROCEEDINGS;

(5) SHALL REPORT TO THE BOARD AS REQUIRED IN REGULATIONS ADOPTED BY THE BOARD;

(6) MAY FACILITATE THE DEVELOPMENT OF MATERIALS THAT THE BOARD MAY USE TO EDUCATE THE PUBLIC CONCERNING MUSIC THERAPIST LICENSURE, THE BENEFITS OF MUSIC THERAPY, AND THE USE OF MUSIC THERAPY; AND

(7) MAY ACT AS A FACILITATOR OF STATEWIDE DISSEMINATION OF INFORMATION AMONG MUSIC THERAPISTS, THE AMERICAN MUSIC THERAPY ASSOCIATION OR ANY SUCCESSOR ORGANIZATION, THE CERTIFICATION BOARD FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION, AND THE BOARD.

17–6B–10.

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING JANUARY 1, 2021, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY ENGAGE IN THE PRACTICE OF MUSIC THERAPY IN THE STATE.

17–6B–11.

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) BE AT LEAST 18 YEARS OLD.

(C) THE APPLICANT SHALL:

(1) (I) BE A BOARD CERTIFIED MUSIC THERAPIST; AND

(II) PROVIDE PROOF:

1. A. OF PASSING THE EXAMINATION FOR BOARD CERTIFICATION OFFERED BY THE CERTIFICATION BOARD FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION; OR

B. OF BEING TRANSITIONED INTO BOARD CERTIFICATION; AND

2. THAT THE APPLICANT IS CURRENTLY A BOARD CERTIFIED MUSIC THERAPIST;

(2) HOLD A BACHELOR'S DEGREE OR HIGHER IN MUSIC THERAPY, OR ITS EQUIVALENT, FROM AN EDUCATIONAL PROGRAM THAT IS:

(I) APPROVED BY THE AMERICAN MUSIC THERAPY ASSOCIATION OR ANY SUCCESSOR ORGANIZATION; AND

(II) WITHIN AN ACCREDITED COLLEGE OR UNIVERSITY;

(3) HAVE SUCCESSFULLY COMPLETED AT LEAST 1,200 HOURS OF CLINICAL TRAINING, INCLUDING:

(I) AT LEAST 180 HOURS OF PRE–INTERNSHIP EXPERIENCE; AND

(II) AT LEAST 900 HOURS OF EXPERIENCE IN INTERNSHIPS APPROVED BY:

1. AN ACADEMIC INSTITUTION; OR

2. THE AMERICAN MUSIC THERAPY ASSOCIATION OR ANY SUCCESSOR ORGANIZATION;

(4) BE IN GOOD STANDING BASED ON A REVIEW OF THE APPLICANT'S MUSIC THERAPY LICENSURE, CERTIFICATION, OR REGISTRATION HISTORY IN OTHER JURISDICTIONS, INCLUDING A REVIEW OF ANY DISCIPLINARY ACTIONS IN THE PRACTICE OF MUSIC THERAPY; AND

(5) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE BOARD.

17–6B–12.

TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

(1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE BOARD REQUIRES;

(2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD; AND

(3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 17–501.1 OF THIS TITLE.

17–6B–13.

(A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

(1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; OR

(2) (I) MEETS THE REQUIREMENTS OF § 17–6B–12 OF THIS SUBTITLE; AND

(II) PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT THE APPLICANT IS LICENSED AND IN GOOD STANDING AS A MUSIC THERAPIST IN ANOTHER JURISDICTION WHERE THE QUALIFICATIONS REQUIRED ARE EQUAL TO OR GREATER THAN THOSE REQUIRED IN THIS SUBTITLE.

(B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD ISSUES:

(1) THE FULL NAME OF THE LICENSED MUSIC THERAPIST;

(2) THE DATES OF ISSUANCE AND EXPIRATION;

(3) A SERIAL NUMBER;

(4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE BOARD; AND

(5) THE SEAL OF THE BOARD.

(C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE WITH § 17–501.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A LICENSE, THE BOARD SHALL CONSIDER:

(I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

(II) THE CIRCUMSTANCES SURROUNDING THE CRIME;

(III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;

(IV) SUBSEQUENT WORK HISTORY;

(V) EMPLOYMENT AND CHARACTER REFERENCES; AND

(VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

(2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY RECORD INFORMATION REQUIRED UNDER § 17–501.1 OF THIS TITLE HAS NOT BEEN RECEIVED.

17–6B–14.

A MUSIC THERAPIST LICENSE AUTHORIZES THE LICENSEE TO ENGAGE IN THE PRACTICE OF MUSIC THERAPY WHILE THE LICENSE IS EFFECTIVE.

17–6B–15.

(A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD UNLESS THE LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

(2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2 YEARS.

(B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL SEND TO THE LICENSEE, BY FIRST–CLASS MAIL OR E–MAIL TO THE LAST KNOWN ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

(1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

(2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE THE LICENSE EXPIRES; AND

(3) THE AMOUNT OF THE RENEWAL FEE.

(C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

(1) OTHERWISE IS ENTITLED TO BE LICENSED;

(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

(3) SUBMITS TO THE BOARD:

(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD REQUIRES; AND

(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD UNDER SUBSECTION (D) OF THIS SECTION.

(D) (1) THE BOARD SHALL ESTABLISH CONTINUING EDUCATION

REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS SECTION.

(2) THE CONTINUING EDUCATION REQUIREMENTS SHALL INCLUDE PROOF OF COMPLETION OF AT LEAST 40 HOURS OF CONTINUING EDUCATION IN A PROGRAM APPROVED BY THE CERTIFICATION BOARD OF MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION.

(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO MEETS THE REQUIREMENTS OF THIS SECTION.

17–6B–16.

(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF THE LICENSEE SUBMITS TO THE BOARD:

(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM THAT THE BOARD REQUIRES; AND

(II) THE INACTIVE STATUS FEE SET BY THE BOARD.

(2) (I) THE BOARD SHALL LICENSE AN INDIVIDUAL ON INACTIVE STATUS WHO APPLIES FOR A LICENSE IF THE INDIVIDUAL:

1. MEETS THE RENEWAL REQUIREMENTS OF § 17–6B–15 OF THIS SUBTITLE; AND

2. MEETS ANY CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD.

(II) THE BOARD MAY NOT REQUIRE PAYMENT OF A LATE FEE BY AN INDIVIDUAL AS A CONDITION TO LICENSING UNDER THIS PARAGRAPH.

(B) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO HAS FAILED TO RENEW THE LICENSE FOR ANY REASON IF THE INDIVIDUAL:

(1) MEETS THE RENEWAL REQUIREMENTS OF § 17–6B–15 OF THIS SUBTITLE;

(2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD; AND

(3) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

(C) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN INDIVIDUAL MAY BECOME LICENSED BY MEETING THE REQUIREMENTS OF § 17–6B–11 OF THIS SUBTITLE FOR OBTAINING A NEW LICENSE.

17–6B–17.

(A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

(B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF $100.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION TO THE GENERAL FUND OF THE STATE.

17–6B–18.

UNLESS THE BOARD ACCEPTS THE SURRENDER OF A LICENSE, THE LICENSE MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

17–6B–19.

SUBJECT TO THE HEARING PROVISIONS OF § 17–6B–21 OF THIS SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE THE LICENSE OF A LICENSEE IF THE APPLICANT OR LICENSEE:

(1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

(2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

(3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT AN

APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA SET ASIDE;

(4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN PRACTICING MUSIC THERAPY OR SELF–REPRESENTING AS A MUSIC THERAPIST;

(5) PRACTICES MUSIC THERAPY FRAUDULENTLY OR DECEITFULLY;

(6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD UNDER § 17–6B–03(2) OF THIS SUBTITLE;

(7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

(8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

(9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE PRACTICE OF MUSIC THERAPY;

(10) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE OR COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES UNIFORMED SERVICES OR THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER THIS SECTION;

(11) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY REGULATION ADOPTED BY THE BOARD;

(12) USES OR PROMOTES OR CAUSES THE USE OR PROMOTION OF ANY MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE, OR TESTIMONIAL;

(13) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

(14) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

(15) BEHAVES IMMORALLY IN THE PRACTICE OF MUSIC THERAPY;

(16) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE PRACTICE OF MUSIC THERAPY;

(17) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

(18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION CONDUCTED BY THE BOARD;

(19) COMMITS AN ACT THAT IS INCONSISTENT WITH GENERALLY ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF MUSIC THERAPY;

(20) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN ACCORDANCE WITH § 17–501.1 OF THIS TITLE;

(21) HABITUALLY IS INTOXICATED;

(22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED DANGEROUS SUBSTANCE, AS DEFINED IN § 5–101 OF THE CRIMINAL LAW ARTICLE, OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL INDICATION; OR

(23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN VIOLATION OF § 5–704 OF THE FAMILY LAW ARTICLE.

17–6B–20.

(A) IF, AFTER A HEARING UNDER § 17–6B–21 OF THIS SUBTITLE, THE BOARD FINDS THAT THERE ARE GROUNDS UNDER § 17–6B–19 OF THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO REPRIMAND A LICENSEE, THE BOARD MAY IMPOSE A MONETARY PENALTY NOT EXCEEDING $10,000:

(1) INSTEAD OF SUSPENDING THE LICENSE; OR

(2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

(B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.

(C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS SECTION INTO THE GENERAL FUND OF THE STATE.

17–6B–21.

(A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 17–6B–19 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

(B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

(C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

(D) (1) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS OR PROCEEDINGS BEFORE THE BOARD.

(2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE INDIVIDUAL IF THE INDIVIDUAL:

(I) REQUESTS THAT THE BOARD DO SO; AND

(II) STATES UNDER OATH THAT THE TESTIMONY OR EVIDENCE SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

(3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH, TESTIFY, OR ANSWER A QUESTION, A COURT OF COMPETENT JURISDICTION MAY COMPEL, ON PETITION OF THE BOARD, COMPLIANCE WITH THE SUBPOENA.

(E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD NEVERTHELESS MAY HEAR AND DETERMINE THE MATTER.

(F) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY ANY PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED BEFORE THE FILING OF CHARGES.

17–6B–22.

(A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 17–6B–19 OF THIS SUBTITLE, A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE

ACT, MAY PETITION FOR JUDICIAL REVIEW AS ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

(B) A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER § 17–6B–19 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT.

(C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY NOT BE STAYED PENDING JUDICIAL REVIEW.

17–6B–23.

FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE BOARD MAY:

(1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;

(2) REDUCE THE PERIOD OF A SUSPENSION; OR

(3) WITHDRAW A REPRIMAND.

17–6B–24.

THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF THIS SUBTITLE.

17–6B–25.

(A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE BOARD TO ENJOIN:

(1) THE UNAUTHORIZED PRACTICE OF MUSIC THERAPY; OR

(2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER § 17–6B–19 OF THIS SUBTITLE.

(B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

(1) THE BOARD, IN ITS OWN NAME;

(2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

(3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

(C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY WHERE THE DEFENDANT:

(1) RESIDES; OR

(2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

(D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION UNDER THIS SECTION.

(E) AN ACTION UNDER THIS SECTION IS IN addition TO AND NOT INSTEAD OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MUSIC THERAPY UNDER § 17–6B–27 OF THIS SUBTITLE OR DISCIPLINARY ACTION UNDER § 17–6B–19 OF THIS SUBTITLE.

17–6B–26.

(A) IN THIS SECTION, "MUSIC THERAPIST REHABILITATION SUBCOMMITTEE" MEANS A SUBCOMMITTEE OF THE COMMITTEE THAT:

(1) IS RECOGNIZED BY THE BOARD;

(2) INCLUDES MUSIC THERAPISTS; AND

(3) EVALUATES AND PROVIDES ASSISTANCE TO ANY MUSIC THERAPIST IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL CONDITION.

(B) THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE MAY FUNCTION:

(1) SOLELY FOR THE COMMITTEE; OR

(2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING ANOTHER BOARD OR BOARDS.

(C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE

PROCEEDINGS, RECORDS, AND FILES OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS THAT ARE BEING OR HAVE BEEN REVIEWED AND EVALUATED BY THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE.

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY RECORD OR DOCUMENT THAT IS CONSIDERED BY THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

(3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A PROCEEDING BEFORE THE BOARD.

(D) AN INDIVIDUAL WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF JURISDICTION OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE IS NOT CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE OR FOR GIVING INFORMATION TO, PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE.

17–6B–27.

(A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MUSIC THERAPY IN THE STATE UNLESS LICENSED BY THE BOARD.

(B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

17–6B–28.

UNLESS AUTHORIZED TO PRACTICE MUSIC THERAPY UNDER THIS SUBTITLE, AN INDIVIDUAL MAY NOT:

(1) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST; OR

(2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST.

17–6B–29.

(A) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $10,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

(B) AN INDIVIDUAL WHO VIOLATES § 17–6B–27 OF THIS SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN $50,000 TO BE ASSESSED BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.

17–6B–30.

THIS SUBTITLE MAY BE CITED AS THE MARYLAND MUSIC THERAPISTS ACT.

17–6B–31.

SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2030.

Article – State Government

8–403.

This subtitle applies only to the following governmental activities and units:

(14) Counselors and Therapists, State Board of Professional (§ 17–201 of the Health Occupations Article)**, INCLUDING THE MUSIC THERAPIST ADVISORY COMMITTEE**;

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial members of the Music Therapist Advisory Committee shall expire as follows:

(1) one music therapist member in 2021;

(2) one music therapist member and the consumer member in 2022; and

(3) one music therapist member and the licensed health care practitioner who is not a music therapist member in 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.