

1       AN ACT relating to music therapy.

2       *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3           ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
4       READ AS FOLLOWS:

5       *As used in Sections 1 to 11 of this Act, unless the context requires otherwise:*

6       *(1) "Board" means the Kentucky Board of Licensure for Professional Music*  
7       *Therapists created under Section 2 of this Act;*

8       *(2) "Board-certified music therapist" means a person who holds current board*  
9       *certification from the Certification Board for Music Therapists;*

10       *(3) "Licensed professional music therapist" or "LPMT" means a person who has*  
11       *been issued a license by the board for the practice of music therapy as an allied*  
12       *health professional;*

13       *(4) "Music therapy" means the clinical and evidence-based use of music therapy*  
14       *interventions to accomplish individualized goals for people of all ages and ability*  
15       *levels within a therapeutic relationship by a board-certified music therapist;*

16       *(5) "Music therapy interventions" include but are not limited to:*

17       *(a) Music improvisation;*

18       *(b) Receptive music listening;*

19       *(c) Songwriting;*

20       *(d) Song lyric discussion;*

21       *(e) Imagery and music;*

22       *(f) Singing;*

23       *(g) Music performance;*

24       *(h) Learning through music;*

25       *(i) Music combined with other arts;*

26       *(j) Music-assisted relaxation;*

27       *(k) Music-based patient education;*

- 1        (l)    *Electronic music technology;*
- 2        (m)    *Adapted music intervention; and*
- 3        (n)    *Movement to music;*
- 4        (6)    *"Music therapy treatment plan" means an individualized treatment plan within*  
5        *an interdisciplinary team, as applicable, with goals, objectives, and potential*  
6        *strategies of the music therapy interventions that are appropriate for the client*  
7        *and setting; and*
- 8        (7)    *"Practice of music therapy":*
- 9        (a)    *Includes but is not limited to:*
  - 10        *1. Accepting referrals for music therapy services from:*
    - 11        *a. Medical, mental health, or education professionals;*
    - 12        *b. Family members;*
    - 13        *c. Clients;*
    - 14        *d. Caregivers; and*
    - 15        *e. Others involved and authorized with the provision of client*  
*services;*
  - 17        *2. Conducting a music therapy assessment of a client to determine if*  
*music therapy treatment is indicated. If treatment is indicated,*  
*collecting systematic, comprehensive, and accurate information to*  
*determine the type of music therapy service to provide;*
  - 21        *3. Developing a music therapy treatment plan;*
  - 22        *4. Implementing a music therapy treatment plan that is consistent with*  
*any other services being provided;*
  - 24        *5. Evaluating the client's response to the music therapy treatment plan,*  
*documenting any change or progress, and suggesting modifications as*  
*appropriate;*
  - 27        *6. Developing a plan for determining when the provision of music*

1                   therapy services is no longer needed in collaboration with the client,  
2                   physician, other health care provider, and any other appropriate  
3                   person the client relies on for support;

4                   7. Minimizing any barriers to ensure that the client receives music  
5                   therapy services in the least restrictive environment; and

6                   8. Collaborating with and educating a client's support system on the  
7                   needs of the client that are being addressed in music therapy and the  
8                   manner in which the treatment plan is addressing those needs; and

9                   (b) Does not include the screening, diagnosis, or assessment of any physical,  
10                   mental, or communication disorder, or the administration of psychological  
11                   testing.

12                  ➔ SECTION 2. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
13                  READ AS FOLLOWS:

14                  (1) There is hereby created the Kentucky Board of Licensure for Professional Music  
15                  Therapists that shall be attached to the Department of Professional Licensing in  
16                  the Public Protection Cabinet for administrative purposes. The board shall  
17                  consist of five (5) members who are United States citizens and have been  
18                  Kentucky residents for at least five (5) years prior to appointment. The board  
19                  membership shall be as follows:

20                  (a) Three (3) members shall be music therapists who are licensed under Section  
21                  4 of this Act and have engaged in the teaching or practice of music therapy  
22                  for at least three (3) years. The member shall not hold any elected or  
23                  appointed office in any professional organization of music therapy or  
24                  closely related field during his or her tenure on the board;

25                  (b) One (1) member shall be a health care provider as defined in KRS 304.17A-  
26                  005 who is not a music therapist. This member shall not hold any elected or  
27                  appointed office in any professional organization of music therapy or

1                   closely related field during his or her tenure on the board; and

2                   (c) One (1) member shall represent the public. The public member shall not  
3                   have been licensed or have practiced as a music therapist, nor have any  
4                   significant financial interest, either direct or indirect, in the profession of  
5                   music therapy.

6                   (2) All members of the board shall be appointed by the Governor for staggered terms  
7                   of four (4) years.

8                   (3) Each member shall hold office until a successor is appointed. Vacancies shall be  
9                   filled in the same manner as original appointments. Members may serve  
10                   consecutive terms.

11                   (4) Members of the board shall receive no compensation, perquisite, or allowance.

12                   (5) The board shall annually elect from its membership a chairperson, secretary, and  
13                   other officers as necessary to carry out its duties.

14                   (6) (a) The board shall meet at least four (4) times each year. Additional meetings  
15                   may be called by the chairperson upon the written request of at least (2)  
16                   members of the board.

17                   (b) A simple majority of the board members shall constitute a quorum of the  
18                   board.

19                   ➔ SECTION 3. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
20                   READ AS FOLLOWS:

21                   (1) The board shall promulgate administrative regulations in accordance with KRS  
22                   Chapter 13A as necessary to carry out the provisions of Sections 1 to 11 of this  
23                   Act, including:

24                   (a) Issuing and renewing licenses to applicants who meet the requirements of  
25                   Sections 4 and 5 of this Act;

26                   (b) Denying, suspending, or revoking a license to practice music therapy;

27                   (c) Censuring, reprimanding, or placing a license holder or applicant on

1                   *probation or under supervisory conditions for a period not to exceed one (1)*  
2                   *year;*  
3                   *(d) Maintaining a current register of license holders as a matter of public*  
4                   *record;*  
5                   *(e) Establishing procedures for receiving, investigating, and resolving*  
6                   *complaints against license holders;*  
7                   *(f) Conducting administrative hearings in accordance with KRS Chapter 13B*  
8                   *for disciplinary actions taken under authority of paragraphs (b) and (c) of*  
9                   *this subsection and Sections 7 and 8 of this Act;*  
10                   *(g) 1. Assessing fees for the issuance and renewal of licenses to cover*  
11                   *administrative and operating expenses of the board; and*  
12                   *2. Authorizing all disbursements necessary to carry out the provisions of*  
13                   *Sections 1 to 11 of this Act; and*  
14                   *(h) Establishing:*  
15                   *1. A code of ethics for license holders;*  
16                   *2. Continuing education requirements by adopting the Certification*  
17                   *Board for Music Therapists guidelines on continuing education; and*  
18                   *3. Conditions for inactive status and return to active status for license*  
19                   *holders.*  
20                   *(2) The board shall set through administrative regulation the amount of the fees*  
21                   *required to be paid by applicants for licensure and license holders, including but*  
22                   *not limited to:*  
23                   *(a) For an application for initial licensure as a licensed professional music*  
24                   *therapist, a nonrefundable fee not to exceed two hundred dollars (\$200);*  
25                   *(b) A renewal fee for a licensed professional music therapist not to exceed two*  
26                   *hundred dollars (\$200);*  
27                   *(c) For a duplicate or replacement license, a fee not to exceed twenty-five*

1                   **dollars (\$25);**

2                   **(d) For failure to renew a license for a licensed professional music therapist**  
3                   **within the allotted grace period pursuant to Section 5 of this Act, a**  
4                   **reinstatement fee not to exceed one hundred dollars (\$100); and**

5                   **(e) Other reasonable fees for administrative services.**

6                   → SECTION 4. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
7 READ AS FOLLOWS:

8                   **(1) The board shall issue a license, for a period of two (2) years, as a music therapist**  
9                   **to any person who files a completed application, accompanied by the required**  
10                   **fees, and who submits satisfactory evidence that the applicant is at least eighteen**  
11                   **(18) years of age and demonstrates professional competence by:**

12                   **(a) Holding a bachelor's degree or higher in music therapy or its equivalent,**  
13                   **including clinical training hours from a program approved by the American**  
14                   **Music Therapy Association or any successor organization within an**  
15                   **accredited college or university; and**

16                   **(b) Providing proof:**

17                   **1. Of:**

18                   **a. Passing the examination for board certification offered by the**  
19                   **Certification Board for Music Therapists or any successor**  
20                   **organization; or**

21                   **b. Being transitioned into board certification; and**

22                   **2. That the applicant is currently a board-certified music therapist.**

23                   **(2) The board may issue a license to an applicant without examination by the**  
24                   **Certification Board for Music Therapists or who has not met the requirements**  
25                   **established by the American Music Therapy Association if the person possesses a**  
26                   **valid regulatory document issued by the appropriate examining board under the**  
27                   **laws of any other state or territory of the United States, the District of Columbia,**

1        or any foreign nation that, in the judgment of the board, has requirements  
2        substantially equivalent to or exceeding the requirements in this section.

3        (3) The board may facilitate the development of materials to educate the public  
4        concerning music therapist licensure.

5        ➔ SECTION 5. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
6        READ AS FOLLOWS:

7        (1) After December 31, 2027, each license holder shall renew his or her license to  
8        practice music therapy biennially by:

- 9        (a) Submitting a renewal application on a form provided by the board;
- 10      (b) Paying the license renewal fee; and
- 11      (c) Producing evidence of maintenance of the applicant's status as a board-  
12        certified music therapist.

13      (2) A ninety (90) day grace period shall be allowed for each license holder after the  
14        licensure period, during which time the license may be renewed upon payment of  
15        the renewal fee, the late fee, and compliance with all renewal requirements.

16      (3) (a) Any license granted by the board shall be automatically suspended if the  
17        holder fails to apply for the license renewal pursuant to this section within a  
18        period of ninety (90) days after the renewal deadline.

19      (b) Any suspended license may be restored by the board upon payment of a  
20        reinstatement fee, not to exceed one hundred dollars (\$100), in addition to  
21        any unpaid renewal or late fees.

22      (c) Failure to renew a license within ninety (90) days from the date of  
23        suspension as provided in this section shall cause the license to be  
24        automatically revoked.

25      (d) Reinstatement of a revoked license shall require the license holder to  
26        reapply and meet all current standards for licensure required by Sections 1  
27        to 11 of this Act.

1        (4) A person licensed under Section 4 of this Act who intends to retire as a licensed  
2        professional music therapist shall notify the board in writing before the  
3        expiration of his or her current license. If, within a period of five (5) years from  
4        the year of retirement, the license holder wishes to resume practice as a licensed  
5        professional music therapist, he or she shall notify the board in writing and upon  
6        giving proof of completing the required continuing education and the payment of  
7        an amount equivalent to elapsed renewal fees, the license shall be restored in full  
8        effect.

9        ➔ SECTION 6. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
10      READ AS FOLLOWS:

11      (1) After December 31, 2027, a person shall not:

12        (a) Engage in the practice of music therapy; or  
13        (b) Use the title "board-certified music therapist," "licensed professional music  
14        therapist," "LPMT," or a title or letters that are substantially the same, or  
15        hold himself or herself out as having this status;  
16        unless he or she is licensed by the board under Sections 1 to 11 of this Act.

17      (2) (a) Sections 1 to 11 of this Act shall not apply to a person licensed, certified, or  
18        registered under any other provision of the Kentucky Revised Statutes, or  
19        personnel supervised by a licensed professional, who is performing work,  
20        including the use of music, incidental to the practice of his or her licensed,  
21        certified, or regulated profession or occupation if that person does not  
22        represent himself or herself as a music therapist. This includes but is not  
23        limited to:

- 24        1. Physicians;
- 25        2. Psychologists;
- 26        3. Psychoanalysts;
- 27        4. Registered nurses;

- 1       5. Physical therapists;
- 2       6. Marriage and family therapists;
- 3       7. Social workers;
- 4       8. Occupational therapists;
- 5       9. Professional or rehabilitation counselors; and
- 6       10. Speech-language pathologists or audiologists.

7       (b) Sections 1 to 11 of this Act shall not be construed to limit, interfere with, or  
8       restrict the practice, descriptions of services, or manner in which a person  
9       described in paragraph (a) of this subsection holds himself or herself out to  
10       the public.

11       (c) Sections 1 to 11 of this Act shall not apply to a person whose training and  
12       national certification attests to his or her preparation and ability to practice  
13       his or her certified profession or occupation if that person does not  
14       represent himself or herself as a music therapist.

15       (d) Sections 1 to 11 of this Act shall not be construed to alter, amend, or  
16       interfere with the practice of employment counseling, job placement  
17       counseling, or school counseling.

18       (3) Sections 1 to 11 of this Act shall not be construed to apply to the activities and  
19       services of a student intern or trainee in music therapy who is pursuing a  
20       program of studies in music therapy if the:

21       (a) Activities are performed under the supervision of a licensed professional  
22       music therapist;

23       (b) Activities constitute a part of the supervised program of study; and

24       (c) Person is designated as a music therapist intern or student in training.

25       ➔ SECTION 7. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO

26       READ AS FOLLOWS:

27       (1) The board may refuse to issue, deny, suspend or revoke, impose probationary

1       conditions upon, issue a written reprimand or admonishment, or perform any  
2       combination thereof regarding any license held or applied for under the  
3       provisions of Section 4 of this Act if the person:

4       (a) Is found guilty of fraud, deceit, or misrepresentation in procuring or  
5       renewing or attempting to procure or renew a license to practice music  
6       therapy;

7       (b) Committed any unfair, false, misleading, or deceptive act or practice;

8       (c) Has been negligent in the practice of music therapy;

9       (d) Is adjudicated mentally incompetent by a court;

10       (e) Has been convicted of a misdemeanor or felony involving sexual  
11       misconduct or where dishonesty is a necessary element, if in accordance  
12       with KRS Chapter 335B. Conviction shall include all instances in which a  
13       plea of no contest is the basis of the conviction. A certified copy of the  
14       record of conviction shall be conclusive evidence of the conviction;

15       (f) Is found guilty of unprofessional or unethical conduct in this or any other  
16       jurisdiction;

17       (g) Has been using any controlled substance or alcoholic beverage to an extent  
18       or in a manner dangerous to the person, any other person, or the public, or  
19       to an extent that the use impairs the ability to perform as a licensed  
20       professional music therapist;

21       (h) Has violated any provision of Sections 1 to 11 of this Act or administrative  
22       regulations promulgated thereunder;

23       (i) Failed to comply with an order issued by the board or an assurance of  
24       voluntary compliance; or

25       (j) Willfully or negligently divulges a professional confidence.

26       (2) Disciplinary proceedings may be initiated upon the receipt by the board of a  
27       sworn complaint by any person, including members of the board.

1        (3) No sooner than two (2) years from the date of revocation, any person whose  
2        license has been revoked may petition the board for reinstatement. The board  
3        shall investigate the petition and may reinstate the licensee if the board finds that  
4        the individual has complied with any terms prescribed by the board and is able to  
5        competently engage in the practice of music therapy.

6        (4) If, after an investigation that includes an opportunity for the licensee to respond,  
7        the board determines that a violation took place but was not of a serious nature, it  
8        may issue a written admonishment to the licensee. A copy of the admonishment  
9        shall be placed in the permanent file of the licensee. The licensee shall have the  
10        right to file a response to the admonishment within thirty (30) days of its receipt  
11        and to have the response placed in the permanent file of the licensee. The  
12        licensee may alternatively, within thirty (30) days of the receipt, file a request for  
13        a hearing with the board. Upon receipt of this request, the board shall set aside  
14        the written admonishment and set the matter for a hearing under KRS Chapter  
15        13B.

16        (5) The surrender of a license shall not deprive the board of its jurisdiction to  
17        proceed with actions authorized under Sections 1 to 11 of this Act.

18        ➔ SECTION 8. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
19        READ AS FOLLOWS:

20        (1) Before denying, revoking, suspending, imposing probationary or supervisory  
21        conditions upon a license, issuing a written reprimand or admonishment, or  
22        doing any combination of those regarding any licensee or applicant under  
23        Sections 1 to 11 of this Act, the board shall set the matter for hearing under KRS  
24        Chapter 13B.

25        (2) After revoking, suspending, imposing probationary or supervisory conditions  
26        upon a license, issuing a written reprimand or admonishment, or doing any  
27        combination of those regarding any licensee or applicant, the board shall set the

1        matter for a hearing upon the written request of the applicant or licensee within  
2        thirty (30) days of the applicant's or licensee's receipt of the letter advising him or  
3        her of the denial, refusal, admonishment, revocation, suspension, or other  
4        disciplinary action taken.

5        (3) Any party aggrieved by a final order of the board may appeal to the Circuit Court  
6        of the county where the alleged violation occurred as provided under KRS  
7        Chapter 13B.

8        ➔ SECTION 9. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
9        READ AS FOLLOWS:

10        (1) Before a licensed professional music therapist provides music therapy services to  
11        a client for an identified clinical or developmental need, or a mental health or  
12        substance use disorder, the licensee shall review the client's diagnosis, treatment  
13        needs, and treatment plan with the health care providers involved in the client's  
14        care.

15        (2) Before a licensed professional music therapist provides music therapy services to  
16        a student for an identified educational need in a special education setting, the  
17        licensee shall review the individualized family service plan or review with the  
18        education program team the student's diagnosis, treatment needs, and treatment  
19        plan.

20        (3) During the provision of music therapy services to a client, the licensed  
21        professional music therapist shall:

22        (a) Collaborate, as applicable, with the client's health care providers;  
23        (b) If the client has a communication disorder, collaborate and discuss the  
24        music therapy treatment plan with the client's audiologist or speech-  
25        language pathologist so that a music therapist may work with the client and  
26        address communication skills; and

27        (c) If the client has a mental health or substance use disorder, collaborate and

1                   discuss the music therapy treatment plan with the client's primary mental  
2                   health or substance use disorder professional so that a music therapist may  
3                   work with the client to help address mental health or substance use disorder  
4                   needs.

5                   (4) When providing educational or health care services, a licensed professional  
6                   music therapist shall not replace the services provided by an audiologist or a  
7                   speech-language pathologist.

8                   (5) Unless authorized to practice speech-language pathology, Sections 1 to 11 of this  
9                   Act shall not authorize a licensed professional music therapist to evaluate,  
10                   examine, instruct, or counsel on speech, language, communication, or  
11                   swallowing disorders and conditions.

12                   (6) A licensed professional music therapist shall not represent himself or herself as  
13                   authorized to treat a communication disorder, but may represent himself or  
14                   herself as working with clients who have communication disorders and address  
15                   communication skills.

16                   (7) A licensed professional music therapist shall not represent himself or herself as  
17                   authorized to treat a mental health or substance use disorder, but may represent  
18                   himself or herself as working with clients who have a mental health or substance  
19                   use disorder when in communication with a client's primary mental health or  
20                   substance use disorder professional.

21                   ➔ SECTION 10. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
22                   READ AS FOLLOWS:

23                   (1) There is hereby created in the State Treasury a trust and agency account to be  
24                   known as the Kentucky Board of Licensure for Professional Music Therapists  
25                   fund. All moneys received by the board under Sections 1 to 11 of this Act shall be  
26                   deposited into this fund and shall be used by the board for the administration of  
27                   the board and for carrying out the provisions of Sections 1 to 11 of this Act.

1        (2) The fund shall be administered by the Department of Professional Licensing in  
2        the Public Protection Cabinet.

3        (3) Notwithstanding KRS 45.229, amounts in the fund at the close of any fiscal year  
4        shall not lapse but shall be carried forward into the next fiscal year.

5           ➔ SECTION 11. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO  
6        READ AS FOLLOWS:

7        Any person who violates or aids in the violation of Sections 1 to 11 of this Act shall,  
8        upon conviction, be fined not less than five hundred dollars (\$500) nor more than one  
9        thousand dollars (\$1,000).

10          ➔ Section 12. The initial appointments to the Kentucky Board of Licensure for  
11        Professional Music Therapists shall consist of three (3) music therapists who are not  
12        licensed under Section 4 of this Act but who have been engaged in their respective  
13        practices for at least five (5) years. Once licensing under this Act is implemented, music  
14        therapists appointed to the board shall hold the requisite license. The initial appointments  
15        of board members shall have staggered terms as follows:

- 16            (1) Two (2) members shall serve a term of three (3) years;
- 17            (2) Two (2) members shall serve a term of two (2) years; and
- 18            (3) One (1) member shall serve a term of one (1) year.