

Enrolled
House Bill 2796

Sponsored by Representative PARRISH, Senator STEINER HAYWARD; Senators JOHNSON, MONNES ANDERSON (Pre-session filed.)

CHAPTER

AN ACT

Relating to music therapy; creating new provisions; amending ORS 676.580 and 676.992; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in sections 1 to 4 of this 2015 Act, unless the context requires otherwise:

(1) “Music therapist” means a person licensed to practice music therapy under sections 1 to 4 of this 2015 Act.

(2)(a) “Music therapy” means the clinical and evidence-based use of specialized music techniques to accomplish individualized goals of music therapy clients by employing strategies and tools that include but are not limited to:

(A) Acceptance of clients referred for music therapy by other health care or educational professionals, family members or caregivers;

(B) Assessment of clients to determine appropriate music therapy services;

(C) Development and implementation of individualized music therapy treatment plans that identify goals, objectives and strategies of music therapy that are appropriate for clients;

(D) Use of music therapy techniques such as improvisation, performance, receptive music listening, song writing, lyric discussion, guided imagery with music, learning through music and movement to music;

(E) Evaluation of a client’s response to music therapy techniques and to the client’s individualized music therapy treatment plan;

(F) Any necessary modification of the client’s individualized music therapy treatment plan;

(G) Any necessary collaboration with other health care professionals treating a client; and

(H) Minimizing of barriers that may restrict a client’s ability to receive or fully benefit from music therapy services.

(b) “Music therapy” does not include the diagnosis of physical, mental or communication disorders.

SECTION 2. The Health Licensing Office shall issue a license to practice music therapy to an applicant who:

(1) Is at least 18 years of age;

(2) Is in good standing in any other states where the applicant is licensed or certified to practice music therapy;

(3) Submits sufficient proof, as determined by the office, of:

(a) Having passed the Certification Board for Music Therapists examination;

(b) Current certification with the Certification Board for Music Therapists; or

(c) A professional designation of “registered music therapist,” “certified music therapist” or “advanced certified music therapist” issued by the National Music Therapy Registry;

(4) Pays a licensure fee; and

(5) Meets other qualifications specified by the office under section 4 of this 2015 Act.

SECTION 3. (1) A person may not practice music therapy or assume or use any title, words or abbreviations, including the title or designation “music therapist,” that indicate that the person is authorized to practice music therapy unless the person is licensed under section 2 of this 2015 Act.

(2) Subsection (1) of this section does not prohibit:

(a) A person licensed under the laws of this state in a profession or occupation other than music therapy from using music in a manner incidental to the person’s practice;

(b) The use of music therapy as an integral part of a music therapy education program; or

(c) A person whose training and national certification attest to the person’s preparation and ability to practice the profession or occupation in which the person is certified, if the person does not represent that the person is a music therapist.

SECTION 4. The Health Licensing Office shall adopt rules to:

(1) Establish a process for issuance of licenses;

(2) Establish licensure fees;

(3) Determine qualifications for applicants for initial licensure and licensure by reciprocity;

(4) Approve:

(a) The Certification Board for Music Therapists examination;

(b) The certification issued by the Certification Board for Music Therapists; and

(c) The professional designations issued by the National Music Therapy Registry;

(5) Develop and maintain a publicly available record of music therapists; and

(6) Establish standards of practice and professional responsibility for music therapists.

SECTION 5. ORS 676.580 is amended to read:

676.580. As used in ORS 676.575 to 676.625:

(1) “Active authorization” means an authorization that is current and not suspended.

(2) “Authorization” means a certificate, license, permit or registration issued by the Health Licensing Office that allows a person to practice:

(a) One of the occupations or professions or maintain a facility subject to the authority of the boards and councils listed in ORS 676.583; or

(b) A profession or occupation subject to direct oversight by the office.

(3) “Expired authorization” means an authorization that has been not current for more than three years.

(4) “Inactive authorization” means an authorization that has been not current for three years or less.

SECTION 6. ORS 676.992 is amended to read:

676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to exceed \$5,000 for each violation of the following statutes and any rule adopted thereunder:

(a) ORS 688.701 to 688.734 (athletic training);

(b) ORS 690.005 to 690.225 (cosmetology);

(c) ORS 680.500 to 680.565 (denture technology);

- (d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);
- (e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal implanting and scarification);
- (f) ORS 694.015 to 694.170 (dealing in hearing aids);
- (g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);
- (h) ORS chapter 700 (environmental sanitation);
- (i) ORS 675.360 to 675.410 (sex offender treatment);
- (j) ORS 678.710 to 678.820 (nursing home administrators);
- (k) ORS 691.405 to 691.485 (dietitians);
- (L) ORS 676.612 (prohibited acts); [*and*]
- (m) ORS 676.800 (applied behavior analysis); **and**
- (n) Sections 1 to 4 of this 2015 Act (music therapy).**

(2) The office may take any other disciplinary action that it finds proper, including but not limited to assessment of costs of disciplinary proceedings, not to exceed \$5,000, for violation of any statute listed in subsection (1) of this section or any rule adopted under any statute listed in subsection (1) of this section.

(3) Subsection (1) of this section does not limit the amount of the civil penalty resulting from a violation of ORS 694.042.

(4) In imposing a civil penalty pursuant to this section, the office shall consider the following factors:

- (a) The immediacy and extent to which the violation threatens the public health or safety;
- (b) Any prior violations of statutes, rules or orders;
- (c) The history of the person incurring a penalty in taking all feasible steps to correct any violation; and
- (d) Any other aggravating or mitigating factors.

(5) Civil penalties under this section shall be imposed as provided in ORS 183.745.

(6) The moneys received by the office from civil penalties under this section shall be deposited in the Health Licensing Office Account and are continuously appropriated to the office for the administration and enforcement of the laws the office is charged with administering and enforcing that govern the person against whom the penalty was imposed.

SECTION 7. (1) Sections 1 to 4 of this 2015 Act and the amendments to ORS 676.580 and 676.992 by sections 5 and 6 of this 2015 Act become operative on January 1, 2016.

(2) The Health Licensing Office may take any action before the operative date specified in subsection (1) of this section that is necessary to enable the office to exercise, on or after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the office by sections 1 to 4 of this 2015 Act and the amendments to ORS 676.580 and 676.992 by sections 5 and 6 of this 2015 Act.

SECTION 8. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.

Passed by House June 18, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 23, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State