

## HOUSE AMENDMENTS TO HOUSE BILL 2796

By COMMITTEE ON HEALTH CARE

April 10

- 1 On page 1 of the printed bill, line 2, delete “676.583” and insert “676.580 and 676.992”.
- 2 In line 5, delete “7” and insert “4”.
- 3 Delete line 7.
- 4 In line 8, delete “(2)” and insert “(1)”.
- 5 In line 9, delete “7” and insert “4”.
- 6 In line 10, delete “(3)(a)” and insert “(2)(a)”.
- 7 On page 2, delete lines 2 through 45 and delete pages 3 and 4 and insert:
- 8 **“SECTION 2. The Health Licensing Office shall issue a license to practice music therapy**
- 9 **to an applicant who:**
- 10 **“(1) Is at least 18 years of age;**
- 11 **“(2) Is in good standing in any other states where the applicant is licensed or certified**
- 12 **to practice music therapy;**
- 13 **“(3) Submits sufficient proof, as determined by the office, of:**
- 14 **“(a) Having passed the Certification Board for Music Therapists examination;**
- 15 **“(b) Current certification with the Certification Board for Music Therapists; or**
- 16 **“(c) A professional designation of ‘registered music therapist,’ ‘certified music**
- 17 **therapist’ or ‘advanced certified music therapist’ issued by the National Music Therapy**
- 18 **Registry;**
- 19 **“(4) Pays a licensure fee; and**
- 20 **“(5) Meets other qualifications specified by the office under section 4 of this 2015 Act.**
- 21 **“SECTION 3. (1) A person may not practice music therapy or assume or use any title,**
- 22 **words or abbreviations, including the title or designation ‘music therapist,’ that indicate that**
- 23 **the person is authorized to practice music therapy unless the person is licensed under sec-**
- 24 **tion 2 of this 2015 Act.**
- 25 **“(2) Subsection (1) of this section does not prohibit:**
- 26 **“(a) A person licensed under the laws of this state in a profession or occupation other**
- 27 **than music therapy from using music in a manner incidental to the person’s practice;**
- 28 **“(b) The use of music therapy as an integral part of a music therapy education program;**
- 29 **or**
- 30 **“(c) A person whose training and national certification attest to the person’s preparation**
- 31 **and ability to practice the profession or occupation in which the person is certified, if the**
- 32 **person does not represent that the person is a music therapist.**
- 33 **“SECTION 4. The Health Licensing Office shall adopt rules to:**
- 34 **“(1) Establish a process for issuance of licenses;**
- 35 **“(2) Establish licensure fees;**

1       **“(3) Determine qualifications for applicants for initial licensure and licensure by**  
2 **reciprocity;**

3       **“(4) Approve:**

4       **“(a) The Certification Board for Music Therapists examination;**

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

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

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

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

9       **“SECTION 5.** ORS 676.580 is amended to read:

10       “676.580. As used in ORS 676.575 to 676.625:

11       “(1) ‘Active authorization’ means an authorization that is current and not suspended.

12       “(2) ‘Authorization’ means a certificate, license, permit or registration issued by the Health Li-  
13 censing Office that allows a person to practice:

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

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

17       “(3) ‘Expired authorization’ means an authorization that has been not current for more than  
18 three years.

19       “(4) ‘Inactive authorization’ means an authorization that has been not current for three years  
20 or less.

21       **“SECTION 6.** ORS 676.992 is amended to read:

22       “676.992. (1) Except as provided in subsection (3) of this section, and in addition to any other  
23 penalty or remedy provided by law, the Health Licensing Office may impose a civil penalty not to  
24 exceed \$5,000 for each violation of the following statutes and any rule adopted thereunder:

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

26       “(b) ORS 690.005 to 690.225 (cosmetology);

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

28       “(d) Subject to ORS 676.616 and 687.445, ORS 687.405 to 687.495 (direct entry midwifery);

29       “(e) ORS 690.350 to 690.410 (tattooing, electrolysis, body piercing, earlobe piercing, dermal im-  
30 planting and scarification);

31       “(f) ORS 694.015 to 694.170 (dealing in hearing aids);

32       “(g) ORS 688.800 to 688.840 (respiratory therapy and polysomnography);

33       “(h) ORS chapter 700 (environmental sanitation);

34       “(i) ORS 675.360 to 675.410 (sex offender treatment);

35       “(j) ORS 678.710 to 678.820 (nursing home administrators);

36       “(k) ORS 691.405 to 691.485 (dietitians);

37       “(L) ORS 676.612 (prohibited acts); [and]

38       “(m) ORS 676.800 (applied behavior analysis); **and**

39       **“(n) Sections 1 to 4 of this 2015 Act (music therapy).**

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

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

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

3 “(a) The immediacy and extent to which the violation threatens the public health or safety;

4 “(b) Any prior violations of statutes, rules or orders;

5 “(c) The history of the person incurring a penalty in taking all feasible steps to correct any vi-  
6 olation; and

7 “(d) Any other aggravating or mitigating factors.

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

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

13 **“SECTION 7. (1) Sections 1 to 4 of this 2015 Act and the amendments to ORS 676.580 and  
14 676.992 by sections 5 and 6 of this 2015 Act become operative on January 1, 2016.**

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

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

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