

[First Reprint]

ASSEMBLY, No. 2183

STATE OF NEW JERSEY
218th LEGISLATURE

INTRODUCED JANUARY 29, 2018

Sponsored by:

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Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

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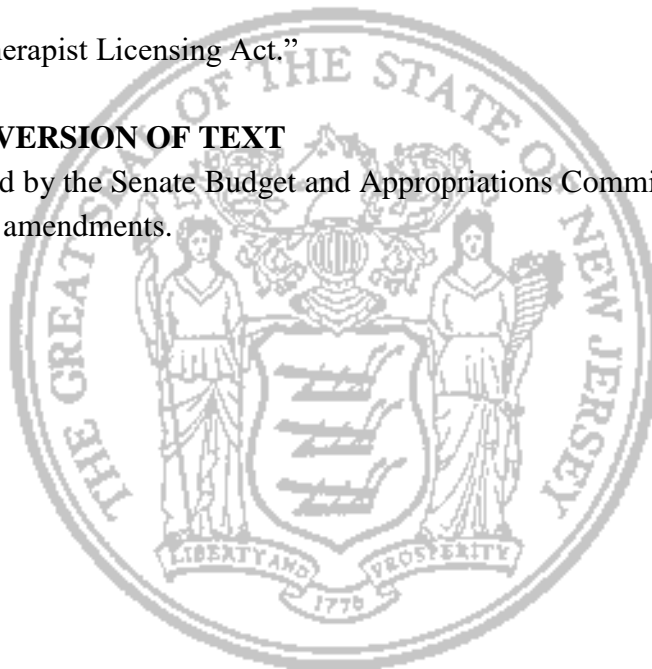
**Assemblyman Mukherji, Assemblywoman Murphy, Senators Van Drew,
T.Kean, Diegnan, Ruiz, Bateman, A.M.Bucco, Stack and Cunningham**

SYNOPSIS

“Music Therapist Licensing Act.”

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on January 6, 2020, with amendments.



(Sponsorship Updated As Of: 1/14/2020)

1 AN ACT providing for the licensure of music therapists ¹, amending
2 P.L.2019, c.273,¹ and supplementing Title 45 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. This act shall be known and may be cited as the “Music
9 Therapist Licensing Act.”

10
11 2. The profession of music therapy in the State of New Jersey
12 is determined to affect the public safety and welfare, and to be
13 subject to regulation and control in the public interest in order to
14 protect the public by setting standards of qualification, education,
15 training, and experience for music therapists.

16
17 3. As used in this act:

18 ¹“Board” means the State Board of Creative Arts Therapies
19 established in section 4 of P.L.2019, c.273 (C. _____).¹

20 “Board certified music therapist” means an individual who has
21 completed the education and clinical training requirements
22 established by the American Music Therapy Association, has passed
23 the Certification Board for Music Therapists certification
24 examination or transitioned into board certification, and remains
25 actively certified by the Certification Board for Music Therapists.

26 ¹**“Committee” means the Music Therapy Advisory Committee**
27 **established pursuant to section 4 of this act.**¹

28 “Licensed professional music therapist” means an individual who
29 holds a current, valid license issued pursuant to section ¹**[11] 8**¹ of
30 this act.

31 “Music therapist” means any person licensed to practice music
32 therapy pursuant to the provisions of this act.

33 “Music therapy” means the clinical and evidence based use of
34 music interventions to accomplish individualized goals within a
35 therapeutic relationship through an individualized music therapy
36 treatment plan for the client that identifies the goals, objectives, and
37 potential strategies of the music therapy services appropriate for the
38 client using music therapy interventions, which may include music
39 improvisation, receptive music listening, song writing, lyric
40 discussion, music and imagery, music performance, learning
41 through music, and movement to music. The practice of music
42 therapy does not include the diagnosis of any physical, mental, or
43 communication disorder. This term may include:

44 (1) accepting referrals for music therapy services from medical,
45 developmental, mental health or education professionals; family

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted January 6, 2020.

1 members; clients; or caregivers. Before providing music therapy
2 services to a client for a medical, developmental, or mental health
3 condition, the licensed professional music therapist shall
4 collaborate, as applicable, with the client's physician, psychologist,
5 licensed clinical social worker, or other mental health professional
6 to review the client's diagnosis, treatment needs, and treatment
7 plan. Before providing music therapy services to a client for a
8 speech, language, voice, fluency, cognitive-linguistic, or
9 swallowing disorder the licensed professional music therapist shall
10 collaborate, as applicable, with the client's speech-language
11 pathologist or audiologist to review the client's diagnosis, treatment
12 needs, and treatment plan. During the provision of music therapy
13 services to a client, the licensed professional music therapist shall
14 collaborate, as applicable, with the client's physician, psychologist,
15 licensed clinical social worker, or other mental health professional.
16 During the provision of music therapy services to a client for a
17 speech, language, voice, fluency, cognitive-linguistic, or
18 swallowing disorder the licensed professional music therapist shall
19 collaborate, as applicable, with the client's speech-language
20 pathologist or audiologist;

21 (2) conducting a music therapy assessment of a client to collect
22 systematic, comprehensive, and accurate information necessary to
23 determine the appropriate type of music therapy services to provide
24 for the client;

25 (3) developing an individualized music therapy treatment plan
26 for the client;

27 (4) carrying out an individualized music therapy treatment plan
28 that is consistent with any other medical, developmental, mental
29 health, educational, or rehabilitation services being provided to the
30 client. When providing educational services a music therapist may
31 not replace the services typically provided by a speech-language
32 specialist, and when providing rehabilitation services a music
33 therapist may not replace the services typically provided by a
34 speech-language pathologist; however, nothing in this section shall
35 be construed as prohibiting a music therapist from working with a
36 client diagnosed with a communication disorder;

37 (5) evaluating the client's response to music therapy and the
38 individualized music therapy treatment plan, and suggesting
39 modifications, as appropriate;

40 (6) developing a plan for determining when the provision of
41 music therapy services is no longer needed in collaboration with the
42 client, any physician, or other provider of health care or education
43 of the client, any appropriate member of the family of the client,
44 and any other appropriate person upon whom the client relies for
45 support;

46 (7) minimizing any barriers so that the client may receive music
47 therapy services in the least restrictive environment; and

1 (8) collaborating with and educating the client, and the family or
2 caregiver of the client, or any other appropriate person, about the
3 needs of the client that are being addressed in music therapy and the
4 manner in which the music therapy addresses those needs.
5

6 ¹4. There is created in the Division of Consumer Affairs in the
7 Department of Law and Public Safety under the State Board of
8 Medical Examiners, a Music Therapy Advisory Committee. The
9 committee shall consist of five members who are residents of the
10 State as follows: three members who are music therapists, one
11 member who is a licensed health care or mental health care
12 practitioner, and one member who is a public member. Except for
13 the music therapist members first appointed, three of the members
14 shall be licensed music therapists under the provisions of this act
15 and shall have been actively engaged in the practice of music
16 therapy in the State for at least five years immediately preceding
17 their appointment.

18 The Governor shall appoint the members with the advice and
19 consent of the Senate. Each member shall be appointed for a term
20 of three years, except that of the members first appointed, two shall
21 serve for a term of three years, two shall serve a term of two years
22 and one shall serve for a term of one year. Each member shall hold
23 office until his successor has been qualified and appointed. Any
24 vacancy in the membership of the committee shall be filled for the
25 unexpired term in the manner provided for in the original
26 appointment. No member of the committee may serve more than
27 two successive terms in addition to any unexpired term to which he
28 has been appointed.】¹
29

30 ¹5. Members of the committee shall be reimbursed for
31 expenses and provided with office and meeting facilities pursuant to
32 section 2 of P.L.1977, c.285 (C.45:1-2.5).】¹
33

34 ¹6. The committee shall organize within 30 days after the
35 appointment of its members and shall annually elect from its
36 members a chairperson and a vice-chairperson, and may appoint a
37 secretary, who need not be a member of the committee. The
38 committee shall meet at least twice a year and may hold additional
39 meetings as necessary to discharge its duties. A majority of the
40 committee membership shall constitute a quorum.】¹
41

42 ¹7.】^{4.1} The ¹committee may have the following powers and
43 duties, as delegated by the State Board of Medical Examiners】State
44 Board of Creative Arts Therapies shall¹:

45 a. Issue and renew licenses to music therapists pursuant to the
46 provisions of this act;

- 1 b. Suspend, revoke or fail to renew the license of a music
2 therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-
3 14 et seq.);
- 4 c. Maintain a record of every music therapist licensed in this
5 State, their place of business, place of residence, and the date and
6 number of their license;
- 7 d. Prescribe or change the charges for licensures, renewal and
8 other services performed pursuant to P.L.1974, c.46 (C.45:1-
9 3.1 et seq.);
- 10 e. Establish standards for the continuing education of music
11 therapists; and
- 12 f. Promulgate rules and regulations ¹[to carry out matters
13 delegated to the committee by the State Board of Medical
14 Examiners]¹ concerning any provisions of this act, in conformance
15 with the “Administrative Procedure Act,” P.L.1968, c.410
16 (C.52:14B-1 et seq.).

17

18 ¹[8.] 5.¹ a. No person shall engage in the practice of music
19 therapy unless licensed as a professional music therapist pursuant to
20 the provisions of this act.

21 b. No person shall use the title “licensed professional music
22 therapist” or the abbreviation “LPMT” or any other title,
23 designation, words, letters, abbreviations or insignia indicating the
24 practice of music therapy unless licensed pursuant to the provisions
25 of this act.

26

27 ¹[9.] 6.¹ Nothing in this act shall be construed to apply to:

28 a. The activities and services of qualified members of other
29 professions, including physicians, psychologists, psychoanalysts,
30 registered nurses, marriage and family therapists, social workers,
31 occupational therapists, professional or rehabilitation counselors,
32 speech-language pathologists or audiologists, or any other
33 professional licensed by the State, when acting within the scope of
34 their profession and doing work of a nature consistent with their
35 training, provided they do not hold themselves out to the public as
36 possessing a license issued pursuant to this act or represent
37 themselves by any professional title regulated by this act.

38 b. The activities of a music therapy nature on the part of
39 persons enrolled in a recognized training program, provided that
40 these activities and services constitute a part of a supervised course
41 of study and that those persons are designated by a title such as
42 “music therapy intern” or other title clearly indicating the training
43 status appropriate to the level of training.

44 c. The activities and services of any person whose training and
45 national certification attests to the individual’s preparation and
46 ability to practice his certified profession or occupation, if that
47 person does not represent himself by any professional title regulated
48 by this act.

1 ¹**[10.] 7.**¹ To be eligible to be licensed as a professional music
2 therapist, an applicant shall ¹**[fulfill the following requirements]**¹:

3 a. ¹**[Is]** be¹ at least 18 years of age;

4 b. ¹**[Is]** be¹ of good moral character;

5 c. ¹**[Holds]** hold¹ a bachelor's degree, or higher degree, in
6 music therapy, or its equivalent, from a program approved by the
7 American Music Therapy Association, or any successor
8 organization, within an accredited educational institution that is
9 approved by the ¹**[committee]** board¹;

10 d. ¹**[Has successfully completed]** complete¹ a minimum of
11 1,200 hours of clinical training, with not less than 180 hours of pre-
12 internship experience and not less than 900 hours of internship
13 experience, as determined by the ¹**[committee]** board¹, provided
14 that the internship is approved by an accredited educational
15 institution approved by the ¹**[committee]** board¹, or by the
16 American Music Therapy Association, or any successor
17 organization, or both; and

18 e. ¹**[Provides]** provide¹ proof of passing the examination for
19 board certification offered by the Certification Board for Music
20 Therapists, or any successor organization, or that the applicant is a
21 board certified music therapist.

22
23 ¹**[11.] 8.**¹ a. The ¹**[State Board of Medical Examiners, in**
24 **consultation with the committee,]** board¹ shall issue a license to any
25 applicant who has satisfactorily met all the requirements of this act.

26 b. All licenses shall be issued for a two-year period upon the
27 payment of the prescribed licensure fee, and shall be renewed upon
28 filing of a renewal application, the payment of a licensure fee, and
29 presentation of satisfactory evidence to the ¹**[State Board of**
30 **Medical Examiners]** board¹ that in the period since the license was
31 issued or last renewed any continuing education requirements have
32 been completed as specified by the ¹**[State Board of Medical**
33 **Examiners]** board¹.

34
35 ¹**[12.] 9.**¹ Upon payment to the ¹**[State Board of Medical**
36 **Examiners]** board¹ of a fee and the submission of a written
37 application provided by the ¹**[State Board of Medical Examiners]**
38 board¹, the ¹**[State Board of Medical Examiners]** board¹ shall issue
39 a music therapy license to any person who holds a valid license
40 issued by another state or possession of the United States or the
41 District of Columbia which has standards substantially equivalent to
42 those of this State, as determined by the ¹**[committee]** board¹.

43
44 ¹**[13.] 10.**¹ For 360 days after the date procedures are
45 established by the ¹**[State Board of Medical Examiners]** board¹ for
46 applying for licensure under section ¹**[10]** 7¹ of this act, any person

1 may qualify as a licensed professional music therapist, upon
2 application for licensure and payment of the appropriate fee,
3 provided the applicant furnishes satisfactory evidence to the ¹【State
4 Board of Medical Examiners】 board¹ that he is either:

- 5 a. a board certified music therapist; or
6 b. designated as a registered music therapist, certified music
7 therapist, or advanced certified music therapist, and in good
8 standing, with the National Music Therapy Registry.
9

10 ¹【14.】 11.¹ a. The ¹【State Board of Medical Examiners, in
11 consultation with the committee,】 board¹ shall require each licensed
12 professional music therapist, as a condition of biennial license
13 renewal to:

14 (1) Submit proof of maintenance of the applicant’s status as a
15 board certified music therapist; and

16 (2) Complete any continuing education requirement imposed by
17 the ¹【State Board of Medical Examiners, in consultation with the
18 committee,】 board¹ pursuant to this section.

19 b. The ¹【State Board of Medical Examiners, in consultation
20 with the committee,】 board¹ shall promulgate rules and regulations
21 for implementing continuing education requirements as a condition
22 of license renewal for licenses issued pursuant to this act, which
23 shall include a requirement that every applicant for license renewal
24 shall have completed a total of at least 40 continuing education
25 credit hours in a program approved by the Certification Board for
26 Music Therapists, or any successor organization, over the prior two-
27 year period.
28

29 ¹12. Section 4 of P.L.2019, c.273 (C.) is amended to read
30 as follows:

31 4. There is created within the Division of Consumer Affairs in
32 the Department of Law and Public Safety, the State Board of
33 Creative Arts Therapies. The board shall consist of eleven
34 members who are residents of the State. Except for the members
35 first appointed: eight of the members shall be therapists who are
36 licensed in creative arts therapies, including but not limited to two
37 members licensed in art therapy, two members licensed in
38 dance/movement therapy, two members licensed in drama therapy,
39 and two members licensed in music therapy under the provisions of
40 **【this act】** the “Art Therapist Licensing Act,” P.L.2015, c.199
41 (C.45:8B-51 et seq.), the “Creative Arts Therapies Licensing Act,”
42 P.L.2019, c.273 (C.), or the “Music Therapist Licensing Act,”
43 P.L. , c. (C.) (pending before the Legislature as this bill), as
44 applicable, and shall have been actively engaged in the practice of a
45 creative arts therapy for at least five years immediately preceding
46 their appointment. The remaining members shall be public
47 members. The members first appointed shall include: two members

1 licensed in art therapy, two members who practice dance/movement
2 therapy, two members who practice drama therapy, and two
3 members who practice music therapy.

4 The Governor shall appoint the members with the advice and
5 consent of the Senate. Each member shall be appointed for a term
6 of three years, except that of the members first appointed, **[three]**
7 five shall serve for a term of three years, **[two]** four shall serve for
8 a term of two years and **[one]** two shall serve for a term of one
9 year. Each member shall hold office until his successor has been
10 qualified and appointed. Any vacancy in the membership of the
11 board shall be filled for the unexpired term in the manner provided
12 for in the original appointment. No member of the board may serve
13 more than two successive terms in addition to any unexpired term to
14 which the member has been appointed.¹

15 (cf: P.L.2019, c.273, s.4)

16

17 ¹**[15.] 13.**¹ This act shall take effect on the 180th day following
18 enactment.