

[Second Reprint]

ASSEMBLY, No. 783

STATE OF NEW JERSEY
217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman BOB ANDRZEJCZAK

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman ELIZABETH MAHER MUOIO

District 15 (Hunterdon and Mercer)

Assemblyman R. BRUCE LAND

District 1 (Atlantic, Cape May and Cumberland)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Co-Sponsored by:

Assemblywoman Lampitt, Assemblymen Diegnan, Ciattarelli, Mazzeo,

Assemblywoman Jasey, Assemblymen Giblin, Eustace, S.Kean,

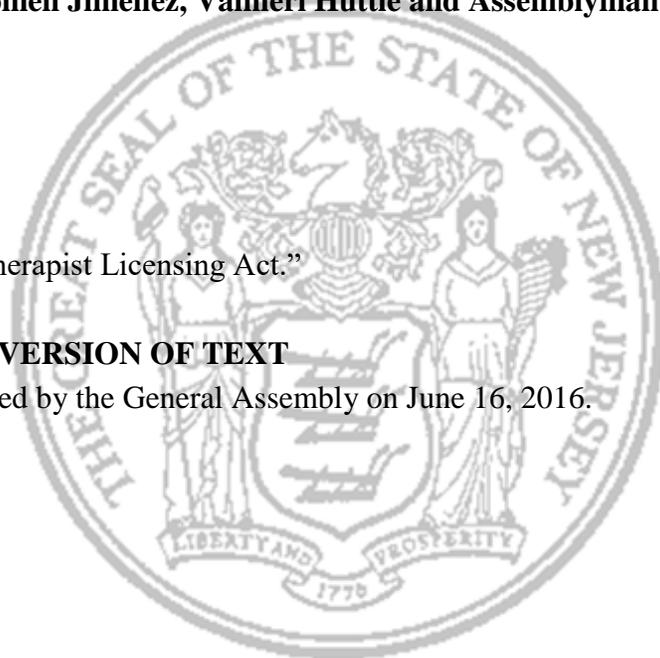
Assemblywomen Jimenez, Vainieri Huttle and Assemblyman Holley

SYNOPSIS

“Music Therapist Licensing Act.”

CURRENT VERSION OF TEXT

As amended by the General Assembly on June 16, 2016.



(Sponsorship Updated As Of: 11/22/2016)

1 AN ACT providing for the licensure of music therapists and
2 supplementing Title 45 of the Revised Statutes.

3

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

6

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

9

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

15

16 3. As used in this act:

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

23 “Committee” means the Music Therapy Advisory Committee
24 established pursuant to section 4 of this act.

25 “Director” means the Director of the Division of Consumer
26 Affairs in the Department of Law and Public Safety.

27 “Licensed professional music therapist” means an individual who
28 holds a current, valid license issued pursuant to section 11 of this
29 act.

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

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

43 (1) accepting referrals for music therapy services from medical,
44 developmental, mental health or education professionals; family
45 members; clients; or caregivers. Before providing music therapy

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:

¹Assembly ARP committee amendments adopted February 4, 2016.

²Assembly floor amendments adopted June 16, 2016.

1 services to a client for a medical, developmental, or mental health
2 condition, the licensed professional music therapist shall
3 collaborate, as applicable, with the client's physician, psychologist,
4 licensed clinical social worker, or other mental health professional
5 to review the client's diagnosis, treatment needs, and treatment
6 plan. ²Before providing music therapy services to a client for a
7 speech, language, voice, fluency, cognitive-linguistic, or
8 swallowing disorder the licensed professional music therapist shall
9 collaborate, as applicable, with the client's speech-language
10 pathologist or audiologist to review the client's diagnosis, treatment
11 needs, and treatment plan.² During the provision of music therapy
12 services to a client, the licensed professional music therapist shall
13 collaborate, as applicable, with the client's ²**[treatment team]**
14 physician, psychologist, licensed clinical social worker, or other
15 mental health professional. During the provision of music therapy
16 services to a client for a speech, language, voice, fluency,
17 cognitive-linguistic, or swallowing disorder the licensed
18 professional music therapist shall collaborate, as applicable, with
19 the client's speech-language pathologist or audiologist²;

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

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

26 (4) carrying out an individualized music therapy treatment plan
27 that is consistent with any other medical, developmental, mental
28 health, ²**[or]**² educational ², or rehabilitation² services being
29 provided to the client ². When providing educational services a
30 music therapist may not replace the services typically provided by a
31 speech-language specialist, and when providing rehabilitation
32 services a music therapist may not replace the services typically
33 provided by a speech-language pathologist; however, nothing in this
34 section shall be construed as prohibiting a music therapist from
35 working with a client diagnosed with a communication disorder²;

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

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

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

47 (8) collaborating with and educating the client, and the family or
48 caregiver of the client, or any other appropriate person, about the

1 needs of the client that are being addressed in music therapy and the
2 manner in which the music therapy addresses those needs.

3
4 4. There is created in the Division of Consumer Affairs in the
5 Department of Law and Public Safety a Music Therapy Advisory
6 Committee, which shall serve as an advisory body to the Director of
7 the Division of Consumer Affairs with respect to the licensure of
8 music therapists. The committee shall consist of five members who
9 are residents of the State as follows: three members who are music
10 therapists, one member who is a licensed health care or mental
11 health care practitioner, and one member who is a public member.
12 Except for the music therapist members first appointed, three of the
13 members shall be licensed music therapists under the provisions of
14 this act and shall have been actively engaged in the practice of
15 music therapy in the State for at least five years immediately
16 preceding their appointment.

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

28
29 5. Members of the committee shall be ¹~~compensated and~~¹
30 reimbursed for expenses and provided with office and meeting
31 facilities pursuant to section 2 of P.L.1977, c.285 (C.45:1-2.5).

32
33 6. The committee shall organize within 30 days after the
34 appointment of its members and shall annually elect from its
35 members a chairperson and a vice-chairperson, and may appoint a
36 secretary, who need not be a member of the committee. The
37 committee shall meet at least twice a year and may hold additional
38 meetings as necessary to discharge its duties. A majority of the
39 committee membership shall constitute a quorum.

40
41 7. The committee may have the following powers and duties,
42 as delegated by the director:

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

45 b. Suspend, revoke or fail to renew the license of a music
46 therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et
47 seq.);

- 1 c. Maintain a record of every music therapist licensed in this
2 State, their place of business, place of residence, and the date and
3 number of their license;
- 4 d. Prescribe or change the charges for licensures, renewal and
5 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
6 seq.);
- 7 e. Establish standards for the continuing education of music
8 therapists; and
- 9 f. Promulgate rules and regulations to carry out matters
10 delegated to the committee by the director concerning any
11 provisions of this act, in conformance with the “Administrative
12 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).
13
- 14 8. a. No person shall engage in the practice of music therapy
15 unless licensed as a professional music therapist pursuant to the
16 provisions of this act.
- 17 b. No person shall use the title “licensed professional music
18 therapist” or the abbreviation “LPMT” or any other title,
19 designation, words, letters, abbreviations or insignia indicating the
20 practice of music therapy unless licensed pursuant to the provisions
21 of this act.
22
- 23 9. Nothing in this act shall be construed to apply to:
- 24 a. The activities and services of qualified members of other
25 professions, including physicians, psychologists, psychoanalysts,
26 registered nurses, marriage and family therapists, social workers,
27 occupational therapists, professional or rehabilitation counselors ²,
28 speech-language pathologists or audiologists,² or any other
29 professional licensed by the State, when acting within the scope of
30 their profession and doing work of a nature consistent with their
31 training, provided they do not hold themselves out to the public as
32 possessing a license issued pursuant to this act or represent
33 themselves by any professional title regulated by this act.
- 34 b. The activities of a music therapy nature on the part of
35 persons enrolled in a recognized training program, provided that
36 these activities and services constitute a part of a supervised course
37 of study and that those persons are designated by a title such as
38 “music therapy intern” or other title clearly indicating the training
39 status appropriate to the level of training.
- 40 c. The activities and services of any person whose training and
41 national certification attests to the individual’s preparation and
42 ability to practice his certified profession or occupation, if that
43 person does not represent himself by any professional title regulated
44 by this act.
45
- 46 10. To be eligible to be licensed as a professional music
47 therapist, an applicant shall fulfill the following requirements:
- 48 a. Is at least 18 years of age;

- 1 b. Is of good moral character;
- 2 c. Holds a bachelor's degree, or higher degree, in music
3 therapy, or its equivalent, from a program approved by the
4 American Music Therapy Association, or any successor
5 organization, within an accredited educational institution that is
6 approved by the committee;
- 7 d. Has successfully completed a minimum of 1,200 hours of
8 clinical training, with not less than 180 hours of pre-internship
9 experience and not less than 900 hours of internship experience, as
10 determined by the committee, provided that the internship is
11 approved by an accredited educational institution approved by the
12 committee, or by the American Music Therapy Association, or any
13 successor organization, or both; and
- 14 e. Provides proof of passing the examination for board
15 certification offered by the Certification Board for Music
16 Therapists, or any successor organization, or that the applicant is a
17 board certified music therapist.
- 18
- 19 11. a. The director, in consultation with the committee, shall
20 issue a license to any applicant who has satisfactorily met all the
21 requirements of this act.
- 22 b. All licenses shall be issued for a two-year period upon the
23 payment of the prescribed licensure fee, and shall be renewed upon
24 filing of a renewal application, the payment of a licensure fee, and
25 presentation of satisfactory evidence to the committee that in the
26 period since the license was issued or last renewed any continuing
27 education requirements have been completed as specified by the
28 committee.
- 29
- 30 12. Upon payment to the director of a fee and the submission of
31 a written application provided by the director, the director shall
32 issue a music therapy license to any person who holds a valid
33 license issued by another state or possession of the United States or
34 the District of Columbia which has standards substantially
35 equivalent to those of this State, as determined by the committee.
- 36
- 37 13. For 360 days after the date procedures are established by the
38 committee for applying for licensure under section 10 of this act,
39 any person may qualify as a licensed professional music therapist,
40 upon application for licensure and payment of the appropriate fee,
41 provided the applicant furnishes satisfactory evidence to the
42 director that he is either:
- 43 a. a board certified music therapist; or
- 44 b. designated as a registered music therapist, certified music
45 therapist, or advanced certified music therapist, and in good
46 standing, with the National Music Therapy Registry.

- 1 14. a. The director, in consultation with the committee, shall
2 require each licensed professional music therapist, as a condition of
3 biennial license renewal to:
- 4 (1) Submit proof of maintenance of the applicant's status as a
5 board certified music therapist; and
- 6 (2) Complete any continuing education requirement imposed by
7 the director, in consultation with the committee, pursuant to this
8 section.
- 9 b. The director, in consultation with the committee, shall
10 promulgate rules and regulations for implementing continuing
11 education requirements as a condition of license renewal for
12 licenses issued pursuant to this act, which shall include a
13 requirement that every applicant for license renewal shall have
14 completed a total of at least 40 continuing education credit hours in
15 a program approved by the Certification Board for Music
16 Therapists, or any successor organization, over the prior two-year
17 period.
- 18
- 19 15. This act shall take effect on the 180th day following
20 enactment.