

Department of Legislative Services
 Maryland General Assembly
 2021 Session

FISCAL AND POLICY NOTE
Third Reader - Revised

Senate Bill 82 (Senator Augustine)
 Education, Health, and Environmental Affairs

State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists - Maryland Music Therapists Act

This bill requires individuals to be licensed with the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists by January 1, 2022, in order to practice music therapy in the State. The bill alters the name of the board and the board’s special fund to reflect the addition of the new license. The bill also adds two board members who are music therapists (board certified before January 1, 2022, and licensed on or thereafter) practicing in the State with specified work experiences and appointed by the Governor from a specified list with the advice of the Secretary of Health.

Fiscal Summary

State Effect: Special fund revenues increase by \$22,500 in FY 2022 from initial licensure fees; future year revenues reflect biennial renewal fees and an unknown number of new applicants. Special fund expenditures increase by \$1,900 in FY 2022 for reimbursement of new board members; future year expenditures reflect annualization.

(in dollars)	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
SF Revenue	\$22,500	\$0	\$37,500	\$0	\$37,500
SF Expenditure	\$1,900	\$2,600	\$2,600	\$2,600	\$2,600
Net Effect	\$20,600	(\$2,600)	\$34,900	(\$2,600)	\$34,900

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease

Local Effect: None.

Small Business Effect: Meaningful.

Analysis

Bill Summary: “Board certified music therapist” means an individual who (1) has completed the education and clinical training requirements established by the American Music Therapy Association (AMTA) and (2) holds current board certification from the Certification Board for Music Therapists (CBMT).

“Practice of music therapy” means the clinical and evidence-based use of music therapy to accomplish individualized goals for individuals of all ages and ability levels within a therapeutic relationship. The term does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

Requirements of the Board

The board must adopt regulations for the licensure and practice of music therapy and a code of ethics for the practice of music therapy. The board may also facilitate the statewide dissemination of music therapy information to music therapists, AMTA, and CBMT (or any successor organizations). Additionally, the board must set reasonable fees for the issuance and renewal of licenses and the other services the board provides to music therapists. The fees charged must be set to approximate the cost of maintaining the licensure program and the other services provided to music therapists.

Qualifications for Licensure

To qualify for a license, an applicant must be of good moral character and at least 18 years old. The applicant must:

- be a board certified music therapist and provide proof that the applicant has either passed the examination for board certification offered by CBMT (or any successor organization) or is being transitioned into board certification, as well as proof that the applicant is *currently* a board certified music therapist;
- hold a bachelor’s degree or higher in music therapy, or its equivalent, including clinical training, from an educational program that is approved by AMTA (or any successor organization) and within an accredited college or university;
- be in good standing based on a review of the applicant’s licensure, certification, or registration history in other jurisdictions; and
- meet any other requirements established by the board.

Application Process and Criminal History Records Check

To apply for a license, an applicant must (1) submit an application to the board; (2) pay the application fee set by the board; and (3) submit to a criminal history records check. The board may not issue a license if the criminal history record information (CHRI) has not been received. On receipt of the CHRI of an applicant, when determining whether to grant a license, the board must consider specified factors.

Renewal, Inactive Status, and Reinstatement of Licenses

A license may not be renewed for a term longer than two years. The board must establish continuing education requirements as a condition of license renewal, which must include proof of completion of at least 40 hours of continuing education in an approved program. The bill also specifies procedures for inactive status and reinstatement of a license.

Disciplinary Authority

Subject to specified hearing requirements, the board may deny any applicant a license, reprimand a licensee, place a licensee on probation, or suspend or revoke a license, if the applicant or licensee engages in specified conduct.

If the board finds grounds to suspend or revoke a license, the board may impose a monetary penalty of up to \$10,000 instead of suspending or in addition to suspending or revoking the license. The board must pay any penalties into the general fund. The board may also issue a cease and desist order for a violation of the bill's provisions.

With limited exceptions, a person aggrieved by a final decision of the board in a contested case is entitled to judicial review. A decision of the board to deny a license, enforce a suspension for more than one year, or revoke a license may not be stayed pending judicial review. On the affirmative vote of a majority of its full appointed membership, the board may reinstate the license of an individual whose license has been revoked, reduce a suspension, or withdraw a reprimand. Unless the board accepts the surrender of a license, the license may not lapse by operation of law while the licensee is under investigation or while charges are pending against the licensee.

Prohibited Acts and Penalties

With specified exceptions, unless a person is licensed by the board, a person may not practice music therapy in the State, represent to the public that the person is a licensed music therapist, or use any title or other representation that the person is a licensed music therapist. A person who violates any of the bill's provisions is guilty of a misdemeanor and on conviction is subject to a fine of up to \$10,000 and/or imprisonment for up to one year.

A person who violates the prohibition against practicing without a license is subject to a civil fine of up to \$50,000 to be assessed by the board in accordance with regulations adopted by the board.

Current Law: In general, an individual must be licensed by the board to practice audiology or speech-language pathology or provide hearing aid services. Licenses must be renewed every two years. The board consists of 13 members: 3 licensed audiologists; 3 licensed speech-language pathologists; 2 physicians; 2 consumer members; and 3 licensed hearing aid dispensers.

State Revenues: The bill authorizes the board to set reasonable fees for licensure sufficient to produce funds to approximate the cost of maintaining the licensure program and other services provided to music therapists. CBMT, an independent organization, certifies music therapists to practice music therapy and administers a national music therapy examination. According to CBMT, 152 individuals with CBMT certification practice in Maryland. Thus, DLS estimates that approximately 150 individuals will seek licensure in fiscal 2022.

The board advises that license fees will be \$150 for an initial license and \$250 for a renewal license. Thus, board special fund revenues increase by \$22,500 in fiscal 2022, and \$37,500 in fiscal 2024 and 2026 (and biennially thereafter).

State Expenditures: The board advises it is able to license music therapists with existing staff resources. However, special fund expenditures for the board increase by \$1,931 in fiscal 2022, and by \$2,574 annually thereafter to cover board member reimbursements for the two additional board members to attend 11 annual meetings.

Small Business Effect: As of January 1, 2022, to be able to continue to practice music therapy in Maryland, an individual must be licensed by the board and is subject to various fees and to regulatory oversight and disciplinary action by the board. The bill *does not* waive licensure requirements for credentialed music therapists who are already practicing in the State.

Additional Information

Prior Introductions: HB 1102 of 2020, a similar bill, received a hearing in the House Health and Government Operations Committee, but no further action was taken. Its cross file, SB 766, received a hearing in the Senate Finance Committee, but no further action was taken.

Designated Cross File: HB 233 (Delegate Sample-Hughes) - Health and Government Operations.

Information Source(s): Maryland Department of Health; Department of Legislative Services

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