

# SENATE BILL 82

J2

(11r1271)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Health and Government Operations* —

Introduced by **Senator Augustine**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

### CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **State Board of ~~Professional Counselors and Therapists~~ Examiners for**  
3 **Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists -**  
4 **Maryland Music Therapists Act**

5 FOR the purpose of ~~establishing the Music Therapist Advisory Committee within the State~~  
6 ~~Board of Professional Counselors and Therapists~~ renaming the State Board of  
7 Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language  
8 Pathologists to be the State Board of Examiners for Audiologists, Hearing Aid  
9 Dispensers, Speech-Language Pathologists, and Music Therapists; adding music  
10 therapist members to the Board and providing for the appointment of the members;  
11 requiring the Board to adopt certain regulations and a certain code of ethics;  
12 authorizing the Board to facilitate the dissemination of certain information to certain  
13 persons; requiring the Board to set certain fees for services provided by the Board to  
14 music therapists; requiring the Board to pay the fees to the Comptroller; requiring

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#### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber/conference committee amendments.*



1 the Comptroller to distribute the fees to the Board; requiring the fees to be used to  
2 cover certain costs; ~~providing for the composition, appointment, terms,~~  
3 ~~compensation, and removal of the Committee members; requiring the Committee to~~  
4 ~~elect a chair and a vice chair and to determine the manner of election of officers and~~  
5 ~~the duties of each officer; providing that a majority of the members then serving on~~  
6 ~~the Committee is a quorum; providing for meetings of the Committee; establishing~~  
7 ~~certain powers and duties of the Committee;~~ requiring individuals, beginning on a  
8 certain date, to be licensed by the Board as music therapists before performing  
9 certain work in the State except under certain circumstances; establishing certain  
10 certification, education, training, and other requirements to qualify for a license;  
11 establishing certain application fees and requirements for obtaining a license;  
12 establishing certain license terms and procedures for the renewal of a license;  
13 requiring the Board to issue a license to certain applicants; providing that a music  
14 therapist license authorizes the licensee to engage in the practice of music therapy;  
15 specifying the contents of a license; prohibiting the Board from issuing a license if  
16 certain information has not been received; requiring the Board to place a licensee on  
17 inactive status under certain circumstances; providing that a license may not lapse  
18 under certain circumstances; requiring a licensee to notify the Board of a change of  
19 name or address in a certain manner and within a certain time period; authorizing  
20 the Board to deny a license to an applicant, reprimand a licensee, place a licensee on  
21 probation, or suspend or revoke a license under certain circumstances; establishing  
22 certain requirements for reinstatement of a license; providing for certain criminal,  
23 civil, and administrative penalties; establishing certain hearing and appeal  
24 procedures for certain persons; authorizing the Board to issue a cease and desist  
25 order under certain circumstances; authorizing a certain action to be maintained to  
26 enjoin the unauthorized practice of music therapy or certain conduct; providing for  
27 a certain music therapist rehabilitation subcommittee; specifying the manner in  
28 which the music therapist rehabilitation subcommittee may function; providing that  
29 the proceedings, records, and files of the music therapist rehabilitation  
30 subcommittee are not discoverable or admissible in evidence in certain actions under  
31 certain circumstances; providing that a certain individual is not civilly liable for  
32 certain action as a member of the music therapist rehabilitation subcommittee;  
33 prohibiting a person from practicing, attempting to practice, or offering to practice  
34 music therapy in the State unless licensed by the Board except under certain  
35 circumstances; prohibiting an individual from representing to the public that the  
36 individual is a licensed music therapist or using certain titles, abbreviations, signs,  
37 cards, or other representations except under certain circumstances; *prohibiting an*  
38 *individual licensed under a certain provision of law from representing to the public*  
39 *that the individual is authorized to treat a certain disorder;* establishing ~~a~~ and  
40 ~~altering~~ certain short title titles; ~~providing that the Committee is subject to the~~  
41 ~~provisions of the Maryland Program Evaluation Act;~~ providing for the application of  
42 certain provisions of law; defining certain terms; specifying the terms of the initial  
43 members of the Committee; providing for the termination of certain provisions of this  
44 Act; requiring the publisher of the Annotated Code of Maryland, in consultation with  
45 and subject to the approval of the Department of Legislative Services, to correct any  
46 cross-references or terminology rendered incorrect by this Act and to describe any  
47 corrections made in an editor's note following the section affected; and generally

1 relating to the licensing and regulation of music therapists ~~and the Music Therapist~~  
 2 ~~Advisory Committee.~~

3 BY repealing and reenacting, without amendments,  
 4 Article – Health Occupations  
 5 Section 2–101(a)  
 6 Annotated Code of Maryland  
 7 (2014 Replacement Volume and 2020 Supplement)

8 BY repealing and reenacting, with amendments,  
 9 Article – Health Occupations  
 10 Section 2–101(c) and 2–102(a) to be under the amended title “Title 2. Audiologists,  
 11 Hearing Aid Dispensers, Speech–Language Pathologists, and Music  
 12 Therapists”; 2–201, 2–202(a), and 2–206(a) and (d)(2) to be under the amended  
 13 subtitle “Subtitle 2. State Board of Examiners for Audiologists, Hearing Aid  
 14 Dispensers, Speech–Language Pathologists, and Music Therapists”; 2–402.2  
 15 and 2–501  
 16 Annotated Code of Maryland  
 17 (2014 Replacement Volume and 2020 Supplement)

18 BY adding to  
 19 Article – Health Occupations  
 20 Section ~~17–6B–01~~ 2–4A–01 through ~~17–6B–31~~ 2–4A–25 to be under the new subtitle  
 21 “Subtitle ~~6B, 4A.~~ 4A. Music Therapists”  
 22 Annotated Code of Maryland  
 23 (2014 Replacement Volume and 2020 Supplement)

24 ~~BY repealing and reenacting, with amendments,~~  
 25 ~~Article – State Government~~  
 26 ~~Section 8–403(14)~~  
 27 ~~Annotated Code of Maryland~~  
 28 ~~(2014 Replacement Volume and 2020 Supplement)~~

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
 30 That the Laws of Maryland read as follows:

31 **Article – Health Occupations**

32 Title 2. Audiologists, Hearing Aid Dispensers, [and] Speech–Language Pathologists, AND  
 33 MUSIC THERAPISTS.

34 2–101.

35 (a) In this title the following words have the meanings indicated.

1 (c) “Board” means the State Board of Examiners for Audiologists, Hearing Aid  
 2 Dispensers, [and] Speech–Language Pathologists, AND MUSIC THERAPISTS.

3 2–102.

4 (a) This title applies to an individual who practices audiology, hearing aid  
 5 dispensing, [or] speech–language pathology, OR MUSIC THERAPY, or assists in the  
 6 practice of speech–language pathology in the State.

7 Subtitle 2. State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and]  
 8 Speech–Language Pathologists, AND MUSIC THERAPISTS.

9 2–201.

10 There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers, [and]  
 11 Speech–Language Pathologists, AND MUSIC THERAPISTS in the Department.

12 2–202.

13 (a) (1) The Board consists of [13] 15 members.

14 (2) Of the [13] 15 Board members:

15 (i) 3 shall be licensed audiologists who have at least 5 years’ paid  
 16 work experience in audiology and are currently practicing audiology in the State;

17 (ii) 3 shall be licensed speech–language pathologists who have at  
 18 least 5 years’ paid work experience in speech–language pathology and are currently  
 19 practicing speech–language pathology in the State;

20 (iii) 2 shall be physicians who shall be voting members of the Board,  
 21 except on proposals that expand or restrict the practice of audiology as defined in § 2–101(q)  
 22 of this title or that expand or restrict the practice of speech–language pathology as defined  
 23 in § 2–101(r) of this title, and who:

24 1. Are licensed to practice medicine in the State;

25 2. Hold a certificate of qualification from the American Board  
 26 of Otolaryngology; and

27 3. Are currently practicing in the State;

28 (iv) 2 shall be consumer members, 1 of whom shall be a consumer of  
 29 services provided by an individual licensed by the Board; [and]

1                   (v)     3 shall be licensed hearing aid dispensers who have at least 5  
2 years' paid work experience in dispensing hearing aids and are currently practicing hearing  
3 aid dispensing in the State; AND

4                   (VI)   2 SHALL BE LICENSED MUSIC THERAPISTS WHO HAVE AT  
5 LEAST 5 YEARS' PAID WORK EXPERIENCE IN MUSIC THERAPY AND ARE CURRENTLY  
6 PRACTICING MUSIC THERAPY IN THE STATE.

7                   (3)     The Governor shall appoint the physician members, with the advice of  
8 the Secretary, from a list submitted to the Secretary and the Governor by the Maryland  
9 Society of Otolaryngology. There shall be at least 3 names on the list.

10                  (4)     The Governor shall appoint the speech–language pathologist members,  
11 with the advice of the Secretary, from a list submitted to the Secretary and the Governor  
12 by the Maryland Speech–Language and Hearing Association. The number of names on the  
13 list shall be at least 3 times the number of vacancies.

14                  (5)     (i)     Subject to subparagraph (ii) of this paragraph, the Governor  
15 shall appoint the audiologist members, with the advice of the Secretary, from a list  
16 submitted to the Secretary and the Governor, jointly by the Maryland Academy of  
17 Audiology and the Maryland Speech–Language and Hearing Association. The number of  
18 names on the list shall be at least 3 times the number of vacancies.

19                         (ii)   For each audiologist vacancy, the Maryland Academy of  
20 Audiology and the Maryland Speech–Language and Hearing Association shall:

21                                 1.     Notify all licensed audiologists in the State of the vacancy  
22 to solicit nominations to fill the vacancy; and

23                                 2.     Conduct a balloting process by which every licensed  
24 audiologist in the State is eligible to vote on the names of the licensed audiologists to be  
25 submitted to the Secretary and the Governor.

26                  (6)     (i)     The Governor shall appoint the hearing aid dispenser members,  
27 with the advice of the Secretary, from a list submitted to the Secretary and the Governor  
28 by the Maryland members of the Hearing Society of Maryland, Washington, D.C., and  
29 Delaware.

30                                 (ii)   The number of names on the list shall be at least 3 times the  
31 number of vacancies.

32                  (7)     (i)     The Governor shall appoint the consumer members with the  
33 advice of the Secretary and the advice and consent of the Senate.

1                   (ii) 1. The Governor shall appoint the consumer member who is  
2 a consumer of services provided by an individual licensed by the Board from a list submitted  
3 to the Secretary and the Governor by the Department of Disabilities.

4                   2. The Department of Disabilities shall solicit nominees from  
5 associations representing hearing or communication impaired individuals in the State.

6                   **(8) (I) THE GOVERNOR SHALL APPOINT THE MUSIC THERAPIST**  
7 **MEMBERS, WITH THE ADVICE OF THE SECRETARY, FROM A LIST SUBMITTED TO THE**  
8 **SECRETARY AND THE GOVERNOR BY THE MARYLAND ASSOCIATION FOR MUSIC**  
9 **THERAPY.**

10                   **(II) THE NUMBER OF NAMES ON THE LIST SHALL BE AT LEAST 3**  
11 **TIMES THE NUMBER OF VACANCIES.**

12                   **(III) ON OR BEFORE DECEMBER 31, 2021, THE MUSIC**  
13 **THERAPIST MEMBERS SHALL BE BOARD CERTIFIED MUSIC THERAPISTS, AS DEFINED**  
14 **IN § 2-4A-01 OF THIS TITLE.**

15                   **(IV) ON OR AFTER JANUARY 1, 2022, THE MUSIC THERAPIST**  
16 **MEMBERS SHALL BE LICENSED PROFESSIONAL MUSIC THERAPISTS, AS DEFINED IN**  
17 **§ 2-4A-01 OF THIS TITLE.**

18 2-206.

19                   (a) There is a State Board of Examiners for Audiologists, Hearing Aid Dispensers,  
20 [and] Speech–Language Pathologists, AND MUSIC THERAPISTS Fund.

21                   (d) (2) The Comptroller shall distribute the fees to the State Board of  
22 Examiners for Audiologists, Hearing Aid Dispensers, [and] Speech–Language  
23 Pathologists, AND MUSIC THERAPISTS Fund.

24 2-402.2.

25                   (a) [Unless] SUBJECT TO SUBSECTION (D) OF THIS SECTION, UNLESS  
26 authorized to practice speech–language pathology under this title or unless otherwise  
27 provided for under this article, a person may not represent to the public by title, by  
28 description of services, methods, or procedures, or otherwise that the person:

29                   (1) Is authorized to practice speech–language pathology in this State; or

30                   (2) Evaluates, examines, instructs, or counsels individuals suffering from  
31 disorders or conditions that affect speech, language, communication, and swallowing.

1           **(b) [Unless] SUBJECT TO SUBSECTION (D) OF THIS SECTION, UNLESS**  
2 **authorized to practice speech–language pathology under this title or unless otherwise**  
3 **provided for under this article, a person may not use any word or term connoting**  
4 **professional proficiency in speech–language pathology, including but not limited to:**

5           **(1) “Communication disorders”;**

6           **(2) “Communicologist”;**

7           **(3) “Dysphagist”;**

8           **(4) “Language pathologist”;**

9           **(5) “Logopedist”;**

10          **(6) “Speech and language clinician”;**

11          **(7) “Speech and language therapist”;**

12          **(8) “Speech clinic”;**

13          **(9) “Speech clinician”;**

14          **(10) “Speech correction”;**

15          **(11) “Speech correctionist”;**

16          **(12) “Speech pathology”;**

17          **(13) “Speech–language pathology”;**

18          **(14) “Speech therapist”;**

19          **(15) “Speech therapy”;** or

20          **(16) “Swallowing therapist”.**

21           **(c) While performing the duties of that employment, an individual employed by**  
22 **any agency of the federal government may use any of the titles listed in subsection (b) of this**  
23 **section.**

24           **(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION,**  
25 **AN INDIVIDUAL LICENSED UNDER SUBTITLE 4A OF THIS TITLE TO ENGAGE IN THE**  
26 **PRACTICE OF MUSIC THERAPY MAY NOT REPRESENT TO THE PUBLIC THAT THE**  
27 **INDIVIDUAL IS AUTHORIZED TO TREAT A COMMUNICATION DISORDER.**



1           **(8) MOVEMENT TO MUSIC.**

2           ~~(E)~~ **(D)**       **“LICENSE” MEANS A LICENSE ISSUED BY THE BOARD TO ENGAGE**  
3 **IN THE PRACTICE OF MUSIC THERAPY.**

4           ~~(F)~~ **(E)**       **“LICENSED PROFESSIONAL MUSIC THERAPIST” OR “LICENSEE”**  
5 **MEANS AN INDIVIDUAL WHO IS LICENSED BY THE BOARD TO ENGAGE IN THE**  
6 **PRACTICE OF MUSIC THERAPY.**

7           ~~(G)~~ **(F)**       **(1) “PRACTICE OF MUSIC THERAPY” MEANS THE CLINICAL AND**  
8 **EVIDENCE-BASED USE OF MUSIC THERAPY INTERVENTIONS TO ACCOMPLISH**  
9 **INDIVIDUALIZED GOALS FOR INDIVIDUALS OF ALL AGES AND ABILITY LEVELS**  
10 **WITHIN A THERAPEUTIC RELATIONSHIP.**

11           **(2) “PRACTICE OF MUSIC THERAPY” INCLUDES:**

12                   **(I) ACCEPTING REFERRALS FOR MUSIC THERAPY SERVICES**  
13 **FROM:**

14                           1. **MEDICAL, DEVELOPMENTAL, MENTAL HEALTH, OR**  
15 **EDUCATION PROFESSIONALS;**

16                           2. **FAMILY MEMBERS;**

17                           3. **CLIENTS;**

18                           4. **CAREGIVERS; OR**

19                           5. **OTHERS INVOLVED WITH THE PROVISION OF AND**  
20 **AUTHORIZED TO PROVIDE CLIENT SERVICES;**

21                           **(II) COLLABORATING WITH A CLIENT’S TREATMENT TEAM TO**  
22 **REVIEW THE CLIENT’S DIAGNOSIS, TREATMENT NEEDS, AND TREATMENT PLAN**  
23 **BEFORE PROVIDING MUSIC THERAPY SERVICES TO A CLIENT FOR AN IDENTIFIED**  
24 **CLINICAL OR DEVELOPMENTAL NEED;**

25                           **(III) COLLABORATING WITH A CLIENT’S TREATMENT TEAM**  
26 **DURING THE PROVISION OF MUSIC THERAPY SERVICES TO THE CLIENT, INCLUDING**  
27 **COLLABORATING WITH AND DISCUSSING THE MUSIC THERAPY TREATMENT PLAN**  
28 **WITH THE AUDIOLOGIST OR SPEECH-LANGUAGE PATHOLOGIST OF A CLIENT WITH A**  
29 **COMMUNICATION DISORDER SO THAT A MUSIC THERAPIST MAY WORK WITH THE**  
30 **CLIENT AND ADDRESS COMMUNICATION SKILLS;**

1           **(IV) CONDUCTING A MUSIC THERAPY ASSESSMENT OF A CLIENT**  
2 **TO COLLECT SYSTEMATIC, COMPREHENSIVE, AND ACCURATE INFORMATION**  
3 **NECESSARY TO DETERMINE THE APPROPRIATE TYPE OF MUSIC THERAPY SERVICES**  
4 **TO PROVIDE FOR THE CLIENT;**

5           **(V) DEVELOPING AN INDIVIDUALIZED MUSIC THERAPY**  
6 **TREATMENT PLAN FOR A CLIENT THAT IS BASED ON THE MUSIC THERAPY**  
7 **ASSESSMENT;**

8           **(VI) IMPLEMENTING AN INDIVIDUALIZED MUSIC THERAPY**  
9 **TREATMENT PLAN THAT:**

10           **1. IS CONSISTENT WITH ANY OTHER DEVELOPMENTAL,**  
11 **REHABILITATIVE, HABILITATIVE, MEDICAL, MENTAL HEALTH, PREVENTIVE, OR**  
12 **WELLNESS CARE OR EDUCATIONAL SERVICES BEING PROVIDED TO A CLIENT; AND**

13           **2. DOES NOT REPLACE THE SERVICES PROVIDED BY AN**  
14 **AUDIOLOGIST OR A SPEECH-LANGUAGE PATHOLOGIST;**

15           **(VII) EVALUATING A CLIENT'S RESPONSE TO MUSIC THERAPY**  
16 **AND THE INDIVIDUALIZED MUSIC THERAPY TREATMENT PLAN, DOCUMENTING**  
17 **CHANGE AND PROGRESS, AND SUGGESTING MODIFICATIONS, AS APPROPRIATE;**

18           **(VIII) DEVELOPING A PLAN FOR DETERMINING WHEN THE**  
19 **PROVISION OF MUSIC THERAPY SERVICES IS NO LONGER NEEDED IN**  
20 **COLLABORATION WITH A CLIENT, THE CLIENT'S PHYSICIAN OR ANOTHER PROVIDER**  
21 **OF HEALTH CARE OR EDUCATION FOR THE CLIENT, AN APPROPRIATE MEMBER OF**  
22 **THE CLIENT'S FAMILY, AND ANY OTHER APPROPRIATE INDIVIDUAL ON WHOM THE**  
23 **CLIENT RELIES FOR SUPPORT;**

24           **(IX) MINIMIZING ANY BARRIERS TO ENSURE THAT A CLIENT**  
25 **RECEIVES MUSIC THERAPY SERVICES IN THE LEAST RESTRICTIVE ENVIRONMENT;**

26           **(X) COLLABORATING WITH AND EDUCATING A CLIENT, THE**  
27 **FAMILY OR CAREGIVER OF THE CLIENT, OR ANY OTHER APPROPRIATE INDIVIDUAL**  
28 **ABOUT THE NEEDS OF THE CLIENT THAT ARE BEING ADDRESSED IN MUSIC THERAPY**  
29 **AND THE MANNER IN WHICH THE MUSIC THERAPY ADDRESSES THOSE NEEDS; AND**

30           **(XI) USING APPROPRIATE KNOWLEDGE AND SKILLS, INCLUDING**  
31 **RESEARCH, REASONING, AND PROBLEM-SOLVING SKILLS, TO INFORM PRACTICE**  
32 **AND DETERMINE APPROPRIATE ACTIONS IN THE CONTEXT OF EACH SPECIFIC**  
33 **CLINICAL SETTING.**

1           (3) "PRACTICE OF MUSIC THERAPY" DOES NOT INCLUDE THE  
2 SCREENING, DIAGNOSIS, OR ASSESSMENT OF ANY PHYSICAL, MENTAL, OR  
3 COMMUNICATION DISORDER.

4 ~~17-6B-02.~~ 2-4A-02.

5           THIS SUBTITLE DOES NOT PROHIBIT OR RESTRICT THE PRACTICE, SERVICES,  
6 OR ACTIVITIES OF:

7           (1) AN INDIVIDUAL LICENSED, CERTIFIED, OR REGULATED UNDER  
8 THE LAWS OF THE STATE IN ANOTHER PROFESSION OR OCCUPATION OR PERSONNEL  
9 SUPERVISED BY A LICENSED PROFESSIONAL IN THE STATE PERFORMING WORK  
10 INCLUDING THE USE OF MUSIC INCIDENTAL TO THE PRACTICE OF THE INDIVIDUAL'S  
11 LICENSED, CERTIFIED, OR REGULATED PROFESSION OR OCCUPATION, IF THE  
12 INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC  
13 THERAPIST;

14           (2) ANY INDIVIDUAL WHOSE TRAINING AND NATIONAL  
15 CERTIFICATION ATTEST TO THE INDIVIDUAL'S PREPARATION AND ABILITY TO  
16 PRACTICE THE CERTIFIED PROFESSION OR OCCUPATION OF THE INDIVIDUAL, IF  
17 THE INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED  
18 MUSIC THERAPIST;

19           (3) ANY PRACTICE OF MUSIC THERAPY AS AN INTEGRAL PART OF A  
20 PROGRAM OF STUDY FOR STUDENTS ENROLLED IN AN ACCREDITED MUSIC THERAPY  
21 PROGRAM, IF THE STUDENT DOES NOT REPRESENT THAT THE STUDENT IS A  
22 LICENSED MUSIC THERAPIST; OR

23           (4) ANY INDIVIDUAL WHO ENGAGES IN THE PRACTICE OF MUSIC  
24 THERAPY UNDER THE SUPERVISION OF A LICENSED MUSIC THERAPIST, IF THE  
25 INDIVIDUAL DOES NOT REPRESENT THAT THE INDIVIDUAL IS A LICENSED MUSIC  
26 THERAPIST.

27 ~~17-6B-03.~~ 2-4A-03.

28           THE BOARD ~~SHALL ADOPT:~~

29           (1) ~~REGULATIONS~~ SHALL ADOPT REGULATIONS FOR THE LICENSURE  
30 AND PRACTICE OF MUSIC THERAPY; ~~AND~~

31           (2) ~~A~~ SHALL ADOPT A CODE OF ETHICS FOR THE PRACTICE OF MUSIC  
32 THERAPY; AND

1           **(3) MAY FACILITATE THE STATEWIDE DISSEMINATION OF MUSIC**  
2 **THERAPY INFORMATION TO MUSIC THERAPISTS, THE AMERICAN MUSIC THERAPY**  
3 **ASSOCIATION OR ANY SUCCESSOR ORGANIZATION, AND THE CERTIFICATION**  
4 **BOARD FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION.**

5 ~~17-6B-04, 2-4A-04.~~

6           **(A) (1) THE BOARD SHALL SET REASONABLE FEES FOR THE ISSUANCE**  
7 **AND RENEWAL OF LICENSES AND THE OTHER SERVICES THE BOARD PROVIDES TO**  
8 **MUSIC THERAPISTS.**

9           **(2) THE FEES CHARGED SHALL BE SET SO AS TO PRODUCE FUNDS TO**  
10 **APPROXIMATE THE COST OF MAINTAINING THE LICENSURE PROGRAM AND THE**  
11 **OTHER SERVICES PROVIDED TO MUSIC THERAPISTS.**

12           **(B) (1) THE BOARD SHALL PAY ALL FEES COLLECTED UNDER THE**  
13 **PROVISIONS OF THIS SUBTITLE TO THE COMPTROLLER.**

14           **(2) THE COMPTROLLER SHALL DISTRIBUTE ALL FEES TO THE**  
15 **BOARD.**

16           **(C) THE FEES SHALL BE USED TO COVER THE ACTUAL DOCUMENTED**  
17 **DIRECT AND INDIRECT COSTS OF FULFILLING THE STATUTORY AND REGULATORY**  
18 **DUTIES OF THE BOARD UNDER THIS SUBTITLE.**

19 ~~17-6B-05.~~

20 ~~THERE IS A MUSIC THERAPIST ADVISORY COMMITTEE WITHIN THE BOARD.~~

21 ~~17-6B-06.~~

22 ~~(A) THE COMMITTEE CONSISTS OF FIVE MEMBERS APPOINTED BY THE~~  
23 ~~BOARD WHO ARE FAMILIAR WITH THE PRACTICE OF MUSIC THERAPY, INCLUDING:~~

24 ~~(1) THREE MEMBERS WHO PRACTICE AS MUSIC THERAPISTS IN THE~~  
25 ~~STATE;~~

26 ~~(2) ONE MEMBER WHO IS A LICENSED HEALTH CARE PRACTITIONER~~  
27 ~~WHO IS NOT A MUSIC THERAPIST; AND~~

28 ~~(3) ONE MEMBER WHO IS A CONSUMER.~~

29 ~~(B) (1) ON OR BEFORE DECEMBER 31, 2021, THE MUSIC THERAPIST~~  
30 ~~MEMBERS OF THE COMMITTEE SHALL BE BOARD CERTIFIED MUSIC THERAPISTS.~~

1 ~~(2) ON AND AFTER JANUARY 1, 2022, THE MUSIC THERAPIST~~  
2 ~~MEMBERS OF THE COMMITTEE SHALL BE LICENSED MUSIC THERAPISTS.~~

3 ~~(C) THE CONSUMER MEMBER OF THE COMMITTEE:~~

4 ~~(1) SHALL BE A MEMBER OF THE GENERAL PUBLIC;~~

5 ~~(2) MAY NOT BE OR EVER HAVE BEEN A MUSIC THERAPIST OR IN~~  
6 ~~TRAINING TO BECOME A MUSIC THERAPIST;~~

7 ~~(3) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A MUSIC~~  
8 ~~THERAPIST OR IN TRAINING TO BECOME A MUSIC THERAPIST; AND~~

9 ~~(4) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT TO~~  
10 ~~THE COMMITTEE A SUBSTANTIAL FINANCIAL INTEREST IN A PERSON REGULATED~~  
11 ~~BY THE BOARD.~~

12 ~~(D) (1) THE TERM OF A MEMBER IS 4 YEARS.~~

13 ~~(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE~~  
14 ~~TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON OCTOBER 1, 2021.~~

15 ~~(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL~~  
16 ~~A SUCCESSOR IS APPOINTED AND QUALIFIES.~~

17 ~~(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES~~  
18 ~~ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND~~  
19 ~~QUALIFIES.~~

20 ~~(5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL~~  
21 ~~TERMS.~~

22 ~~(E) THE BOARD MAY REMOVE A MEMBER FOR INCOMPETENCE OR~~  
23 ~~MISCONDUCT.~~

24 ~~17-6B-07.~~

25 ~~(A) FROM AMONG ITS MEMBERS, THE COMMITTEE SHALL ELECT ANNUALLY~~  
26 ~~A CHAIR AND A VICE CHAIR.~~

27 ~~(B) THE COMMITTEE SHALL DETERMINE:~~

28 ~~(1) THE MANNER OF ELECTION OF OFFICERS; AND~~

1           ~~(2) THE DUTIES OF EACH OFFICER.~~

2 ~~17-6B-08.~~

3           ~~(A) A MAJORITY OF THE MEMBERS THEN SERVING ON THE COMMITTEE IS A~~  
4 ~~QUORUM.~~

5           ~~(B) (1) THE COMMITTEE SHALL MEET AT LEAST ONCE A YEAR, AT THE~~  
6 ~~TIMES AND PLACES THAT IT DETERMINES.~~

7           ~~(2) THE COMMITTEE MAY HOLD SPECIAL MEETINGS IF:~~

8                   ~~(I) REQUESTED BY THE BOARD; OR~~

9                   ~~(II) THE CHAIR OR A MAJORITY OF THE MEMBERS THEN~~  
10 ~~SERVING ON THE COMMITTEE CONSIDER A MEETING TO BE NECESSARY OR~~  
11 ~~ADVISABLE.~~

12           ~~(3) REASONABLE NOTICE OF ALL COMMITTEE MEETINGS SHALL BE~~  
13 ~~GIVEN IN THE MANNER DETERMINED BY THE COMMITTEE.~~

14           ~~(C) A MEMBER OF THE COMMITTEE:~~

15                   ~~(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE~~  
16 ~~COMMITTEE; BUT~~

17                   ~~(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE~~  
18 ~~STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

19 ~~17-6B-09.~~

20           ~~IN ADDITION TO THE POWERS AND DUTIES SET FORTH ELSEWHERE IN THIS~~  
21 ~~SUBTITLE, THE COMMITTEE:~~

22                   ~~(1) SHALL DEVELOP AND RECOMMEND TO THE BOARD REGULATIONS~~  
23 ~~TO CARRY OUT THIS SUBTITLE;~~

24                   ~~(2) SHALL DEVELOP AND RECOMMEND TO THE BOARD A CODE OF~~  
25 ~~ETHICS FOR THE PRACTICE OF MUSIC THERAPY;~~

26                   ~~(3) SHALL PROVIDE TO THE BOARD RECOMMENDATIONS~~  
27 ~~CONCERNING;~~

~~(I) THE PRACTICE OF MUSIC THERAPY; AND~~

~~(H) REASONABLE FEES FOR THE ISSUANCE AND RENEWAL OF LICENSES AND THE OTHER SERVICES THAT THE BOARD PROVIDES TO MUSIC THERAPISTS;~~

~~(4) SHALL KEEP A RECORD OF ITS PROCEEDINGS;~~

~~(5) SHALL REPORT TO THE BOARD AS REQUIRED IN REGULATIONS ADOPTED BY THE BOARD;~~

~~(6) MAY FACILITATE THE DEVELOPMENT OF MATERIALS THAT THE BOARD MAY USE TO EDUCATE THE PUBLIC CONCERNING MUSIC THERAPIST LICENSURE, THE BENEFITS OF MUSIC THERAPY, AND THE USE OF MUSIC THERAPY; AND~~

~~(7) MAY ACT AS A FACILITATOR OF STATEWIDE DISSEMINATION OF INFORMATION AMONG MUSIC THERAPISTS, THE AMERICAN MUSIC THERAPY ASSOCIATION OR ANY SUCCESSOR ORGANIZATION, THE CERTIFICATION BOARD FOR MUSIC THERAPISTS OR ANY SUCCESSOR ORGANIZATION, AND THE BOARD.~~

~~17-6B-10. 2-4A-05.~~

EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, BEGINNING JANUARY 1, 2022, AN INDIVIDUAL SHALL BE LICENSED BY THE BOARD BEFORE THE INDIVIDUAL MAY ENGAGE IN THE PRACTICE OF MUSIC THERAPY IN THE STATE.

~~17-6B-11. 2-4A-06.~~

(A) TO QUALIFY FOR A LICENSE, AN APPLICANT SHALL BE AN INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

(B) THE APPLICANT SHALL:

(1) BE OF GOOD MORAL CHARACTER; AND

(2) BE AT LEAST 18 YEARS OLD.

(C) THE APPLICANT SHALL:

(1) (I) BE A BOARD CERTIFIED MUSIC THERAPIST; AND

(II) PROVIDE PROOF:

1                   1.    A.    OF PASSING THE EXAMINATION FOR BOARD  
2 CERTIFICATION OFFERED BY THE CERTIFICATION BOARD FOR MUSIC THERAPISTS  
3 OR ANY SUCCESSOR ORGANIZATION; OR

4                   B.    OF    BEING    TRANSITIONED    INTO    BOARD  
5 CERTIFICATION; AND

6                   2.    THAT THE APPLICANT IS CURRENTLY A BOARD  
7 CERTIFIED MUSIC THERAPIST;

8                   (2)   HOLD A BACHELOR'S DEGREE OR HIGHER IN MUSIC THERAPY, OR  
9 ITS EQUIVALENT, INCLUDING CLINICAL TRAINING, FROM AN EDUCATIONAL  
10 PROGRAM THAT IS:

11                   (I)   APPROVED BY THE AMERICAN MUSIC THERAPY  
12 ASSOCIATION OR ANY SUCCESSOR ORGANIZATION; AND

13                   (II)   WITHIN AN ACCREDITED COLLEGE OR UNIVERSITY;

14                   ~~(3)   HAVE SUCCESSFULLY COMPLETED AT LEAST 1,200 HOURS OF  
15 CLINICAL TRAINING, INCLUDING:~~

16                   ~~(I)   AT LEAST 180 HOURS OF PRE-INTERNSHIP EXPERIENCE;~~  
17 ~~AND~~

18                   ~~(II)   AT LEAST 900 HOURS OF EXPERIENCE IN INTERNSHIPS~~  
19 ~~APPROVED BY:~~

20                   ~~1.    AN ACADEMIC INSTITUTION; OR~~

21                   ~~2.    THE AMERICAN MUSIC THERAPY ASSOCIATION OR~~  
22 ~~ANY SUCCESSOR ORGANIZATION;~~

23                   ~~(4)~~ (3)    BE IN GOOD STANDING BASED ON A REVIEW OF THE  
24 APPLICANT'S MUSIC THERAPY LICENSURE, CERTIFICATION, OR REGISTRATION  
25 HISTORY IN OTHER JURISDICTIONS, INCLUDING A REVIEW OF ANY DISCIPLINARY  
26 ACTIONS IN THE PRACTICE OF MUSIC THERAPY; AND

27                   ~~(5)~~ (4)    MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE  
28 BOARD.

29 ~~17-6B-12. 2-4A-07.~~

30                   TO APPLY FOR A LICENSE, AN APPLICANT SHALL:

1 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE  
2 BOARD REQUIRES;

3 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD;  
4 AND

5 (3) SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
6 ACCORDANCE WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE.

7 ~~17-6B-13, 2-4A-08.~~

8 (A) THE BOARD SHALL ISSUE A LICENSE TO ANY APPLICANT WHO:

9 (1) MEETS THE REQUIREMENTS OF THIS SUBTITLE; OR

10 (2) (I) MEETS THE REQUIREMENTS OF ~~§ 17-6B-12~~ § 2-4A-07 OF  
11 THIS SUBTITLE; AND

12 (II) PROVIDES EVIDENCE SATISFACTORY TO THE BOARD THAT  
13 THE APPLICANT IS LICENSED AND IN GOOD STANDING AS A MUSIC THERAPIST IN  
14 ANOTHER JURISDICTION WHERE THE QUALIFICATIONS REQUIRED ARE EQUAL TO  
15 OR GREATER THAN THOSE REQUIRED IN THIS SUBTITLE.

16 (B) THE BOARD SHALL INCLUDE ON EACH LICENSE THAT THE BOARD  
17 ISSUES:

18 (1) THE FULL NAME OF THE LICENSED MUSIC THERAPIST;

19 (2) THE DATES OF ISSUANCE AND EXPIRATION; AND

20 (3) A ~~SERIAL~~ LICENSE NUMBER;

21 ~~(4) THE SIGNATURES OF THE CHAIR AND THE VICE CHAIR OF THE~~  
22 ~~BOARD; AND~~

23 ~~(5) THE SEAL OF THE BOARD.~~

24 (C) (1) ON RECEIPT OF THE CRIMINAL HISTORY RECORD INFORMATION  
25 OF AN APPLICANT FOR LICENSURE FORWARDED TO THE BOARD IN ACCORDANCE  
26 WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE, IN DETERMINING WHETHER TO GRANT A  
27 LICENSE, THE BOARD SHALL CONSIDER:

28 (I) THE AGE AT WHICH THE CRIME WAS COMMITTED;

- 1 (II) THE CIRCUMSTANCES SURROUNDING THE CRIME;
- 2 (III) THE LENGTH OF TIME THAT HAS PASSED SINCE THE CRIME;
- 3 (IV) SUBSEQUENT WORK HISTORY;
- 4 (V) EMPLOYMENT AND CHARACTER REFERENCES; AND
- 5 (VI) OTHER EVIDENCE THAT DEMONSTRATES WHETHER THE  
6 APPLICANT POSES A THREAT TO THE PUBLIC HEALTH OR SAFETY.

7 (2) THE BOARD MAY NOT ISSUE A LICENSE IF THE CRIMINAL HISTORY  
8 RECORD INFORMATION REQUIRED UNDER ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE HAS  
9 NOT BEEN RECEIVED.

10 ~~17-6B-14~~ 2-4A-09.

11 A MUSIC THERAPIST LICENSE AUTHORIZES THE LICENSEE TO ENGAGE IN THE  
12 PRACTICE OF MUSIC THERAPY WHILE THE LICENSE IS EFFECTIVE.

13 ~~17-6B-15~~ 2-4A-10.

14 (A) (1) A LICENSE EXPIRES ON A DATE SET BY THE BOARD UNLESS THE  
15 LICENSE IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED IN THIS SECTION.

16 (2) A LICENSE MAY NOT BE RENEWED FOR A TERM LONGER THAN 2  
17 YEARS.

18 (B) AT LEAST 1 MONTH BEFORE A LICENSE EXPIRES, THE BOARD SHALL  
19 SEND TO THE LICENSEE, BY FIRST-CLASS MAIL OR E-MAIL TO THE LAST KNOWN  
20 ADDRESS OF THE LICENSEE, A RENEWAL NOTICE THAT STATES:

21 (1) THE DATE ON WHICH THE CURRENT LICENSE EXPIRES;

22 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE  
23 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
24 THE LICENSE EXPIRES; AND

25 (3) THE AMOUNT OF THE RENEWAL FEE.

26 (C) BEFORE A LICENSE EXPIRES, THE LICENSEE PERIODICALLY MAY  
27 RENEW THE LICENSE FOR AN ADDITIONAL TERM IF THE LICENSEE:

1           **(1) OTHERWISE IS ENTITLED TO BE LICENSED;**

2           **(2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND**

3           **(3) SUBMITS TO THE BOARD:**

4                   **(I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD**  
5 **REQUIRES; AND**

6                   **(II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY**  
7 **CONTINUING EDUCATION REQUIREMENTS ESTABLISHED BY THE BOARD UNDER**  
8 **SUBSECTION (D) OF THIS SECTION.**

9           **(D) (1) THE BOARD SHALL ESTABLISH CONTINUING EDUCATION**  
10 **REQUIREMENTS AS A CONDITION OF THE RENEWAL OF LICENSES UNDER THIS**  
11 **SECTION.**

12                   **(2) THE CONTINUING EDUCATION REQUIREMENTS SHALL INCLUDE**  
13 **PROOF OF COMPLETION OF AT LEAST 40 HOURS OF CONTINUING EDUCATION IN A**  
14 **PROGRAM APPROVED BY THE CERTIFICATION BOARD OF MUSIC THERAPISTS OR**  
15 **ANY SUCCESSOR ORGANIZATION.**

16           **(E) THE BOARD SHALL RENEW THE LICENSE OF EACH LICENSEE WHO**  
17 **MEETS THE REQUIREMENTS OF THIS SECTION.**

18 ~~17-6B-16. 2-4A-11.~~

19           **(A) (1) THE BOARD SHALL PLACE A LICENSEE ON INACTIVE STATUS IF**  
20 **THE LICENSEE SUBMITS TO THE BOARD:**

21                   **(I) AN APPLICATION FOR INACTIVE STATUS ON THE FORM**  
22 **THAT THE BOARD REQUIRES; AND**

23                   **(II) THE INACTIVE STATUS FEE SET BY THE BOARD.**

24                   **(2) (I) THE BOARD SHALL LICENSE AN INDIVIDUAL ON INACTIVE**  
25 **STATUS WHO APPLIES FOR A LICENSE IF THE INDIVIDUAL:**

26                               **1. MEETS THE RENEWAL REQUIREMENTS OF §**  
27 ~~17-6B-15 § 2-4A-10~~ **OF THIS SUBTITLE; AND**

28                               **2. MEETS ANY CONTINUING EDUCATION**  
29 **REQUIREMENTS ESTABLISHED BY THE BOARD.**

1 (ii) THE BOARD MAY NOT REQUIRE PAYMENT OF A LATE FEE BY  
2 AN INDIVIDUAL AS A CONDITION TO LICENSING UNDER THIS PARAGRAPH.

3 (b) THE BOARD SHALL REINSTATE THE LICENSE OF AN INDIVIDUAL WHO  
4 HAS NOT BEEN PUT ON INACTIVE STATUS AND WHO HAS FAILED TO RENEW THE  
5 LICENSE FOR ANY REASON IF THE INDIVIDUAL:

6 (1) MEETS THE RENEWAL REQUIREMENTS OF ~~§ 17-6B-15~~ § 2-4A-10  
7 OF THIS SUBTITLE;

8 (2) PAYS TO THE BOARD A REINSTATEMENT FEE SET BY THE BOARD;  
9 AND

10 (3) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE LICENSE  
11 WITHIN 5 YEARS AFTER THE LICENSE EXPIRES.

12 (c) (1) THE BOARD MAY NOT REINSTATE THE LICENSE OF AN INDIVIDUAL  
13 WHO FAILS TO APPLY FOR REINSTATEMENT OF THE LICENSE WITHIN 5 YEARS AFTER  
14 THE LICENSE EXPIRES.

15 (2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, AN  
16 INDIVIDUAL MAY BECOME LICENSED BY MEETING THE REQUIREMENTS OF ~~§~~  
17 ~~17-6B-11~~ § 2-4A-06 OF THIS SUBTITLE FOR OBTAINING A NEW LICENSE.

18 ~~17-6B-17.~~ 2-4A-12.

19 (A) A LICENSEE SHALL NOTIFY THE BOARD IN WRITING OF A CHANGE IN  
20 NAME OR ADDRESS WITHIN 60 DAYS AFTER THE CHANGE OCCURS.

21 (B) A LICENSEE WHO FAILS TO COMPLY WITH SUBSECTION (A) OF THIS  
22 SECTION IS SUBJECT TO AN ADMINISTRATIVE PENALTY OF \$100.

23 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
24 SECTION TO THE GENERAL FUND OF THE STATE.

25 ~~17-6B-18.~~ 2-4A-13.

26 UNLESS THE BOARD ACCEPTS THE SURRENDER OF A LICENSE, THE LICENSE  
27 MAY NOT LAPSE BY OPERATION OF LAW WHILE THE LICENSEE IS UNDER  
28 INVESTIGATION OR WHILE CHARGES ARE PENDING AGAINST THE LICENSEE.

29 ~~17-6B-19.~~ 2-4A-14.

1           SUBJECT TO THE HEARING PROVISIONS OF ~~§ 17-6B-21~~ § 2-4A-16 OF THIS  
2 SUBTITLE, THE BOARD, ON THE AFFIRMATIVE VOTE OF A MAJORITY OF ITS  
3 MEMBERS THEN SERVING, MAY DENY A LICENSE TO AN APPLICANT, REPRIMAND A  
4 LICENSEE, PLACE A LICENSEE ON PROBATION, OR SUSPEND OR REVOKE THE  
5 LICENSE OF A LICENSEE IF THE APPLICANT OR LICENSEE:

6           (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO  
7 OBTAIN A LICENSE FOR THE APPLICANT OR LICENSEE OR FOR ANOTHER;

8           (2) FRAUDULENTLY OR DECEPTIVELY USES A LICENSE;

9           (3) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO  
10 A FELONY OR A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT AN  
11 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA  
12 SET ASIDE;

13           (4) AIDS OR ABETS AN UNAUTHORIZED PERSON IN PRACTICING  
14 MUSIC THERAPY OR SELF-REPRESENTING AS A MUSIC THERAPIST;

15           (5) PRACTICES MUSIC THERAPY FRAUDULENTLY OR DECEITFULLY;

16           (6) VIOLATES THE CODE OF ETHICS ADOPTED BY THE BOARD UNDER  
17 ~~§ 17-6B-03(2)~~ § 2-4A-03(2) OF THIS SUBTITLE;

18           (7) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED  
19 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF A  
20 REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD A REPORT;

21           (8) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

22           (9) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD IN THE  
23 PRACTICE OF MUSIC THERAPY;

24           (10) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF  
25 ANY STATE OR COUNTRY, CONVICTED OR DISCIPLINED BY A COURT OF ANY STATE  
26 OR COUNTRY, OR DISCIPLINED BY ANY BRANCH OF THE UNITED STATES  
27 UNIFORMED SERVICES OR THE UNITED STATES DEPARTMENT OF VETERANS  
28 AFFAIRS FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY ACTION UNDER  
29 THIS SECTION;

30           (11) VIOLATES ANY PROVISION OF THIS SUBTITLE OR ANY  
31 REGULATION ADOPTED BY THE BOARD;

1 (12) USES OR PROMOTES OR CAUSES THE USE OR PROMOTION OF ANY  
 2 MISLEADING, DECEIVING, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL  
 3 LITERATURE, OR TESTIMONIAL;

4 (13) IS PROFESSIONALLY, PHYSICALLY, OR MENTALLY INCOMPETENT;

5 (14) PROMOTES THE SALE OF DEVICES, APPLIANCES, OR GOODS TO A  
 6 PATIENT SO AS TO EXPLOIT THE PATIENT FOR FINANCIAL GAIN;

7 (15) BEHAVES IMMORALLY IN THE PRACTICE OF MUSIC THERAPY;

8 (16) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN THE  
 9 PRACTICE OF MUSIC THERAPY;

10 (17) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES  
 11 AGAINST AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL  
 12 SERVICES FOR WHICH THE LICENSEE IS LICENSED AND QUALIFIED TO RENDER  
 13 BECAUSE THE INDIVIDUAL IS HIV POSITIVE;

14 (18) FAILS TO COOPERATE WITH A LAWFUL INVESTIGATION  
 15 CONDUCTED BY THE BOARD;

16 (19) COMMITS AN ACT THAT IS INCONSISTENT WITH GENERALLY  
 17 ACCEPTED PROFESSIONAL STANDARDS IN THE PRACTICE OF MUSIC THERAPY;

18 (20) FAILS TO SUBMIT TO A CRIMINAL HISTORY RECORDS CHECK IN  
 19 ACCORDANCE WITH ~~§ 17-501.1~~ § 2-303.1 OF THIS TITLE;

20 (21) HABITUALLY IS INTOXICATED;

21 (22) PROVIDES PROFESSIONAL SERVICES WHILE UNDER THE  
 22 INFLUENCE OF ALCOHOL OR WHILE USING ANY NARCOTIC OR CONTROLLED  
 23 DANGEROUS SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE,  
 24 OR OTHER DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID  
 25 MEDICAL INDICATION; OR

26 (23) KNOWINGLY FAILS TO REPORT SUSPECTED CHILD ABUSE IN  
 27 VIOLATION OF § 5-704 OF THE FAMILY LAW ARTICLE.

28 ~~17-6B-20~~ 2-4A-15.

29 (A) IF, AFTER A HEARING UNDER ~~§ 17-6B-21~~ § 2-4A-16 OF THIS SUBTITLE,  
 30 THE BOARD FINDS THAT THERE ARE GROUNDS UNDER ~~§ 17-6B-19~~ § 2-4A-14 OF

1 THIS SUBTITLE TO SUSPEND OR REVOKE A LICENSE OR TO REPRIMAND A LICENSEE,  
2 THE BOARD MAY IMPOSE A MONETARY PENALTY NOT EXCEEDING ~~\$10,000~~ \$5,000:

3 (1) INSTEAD OF SUSPENDING THE LICENSE; OR

4 (2) IN ADDITION TO SUSPENDING OR REVOKING THE LICENSE.

5 (B) THE BOARD SHALL ADOPT REGULATIONS TO SET STANDARDS FOR THE  
6 IMPOSITION OF MONETARY PENALTIES UNDER THIS SECTION.

7 (C) THE BOARD SHALL PAY ANY PENALTY COLLECTED UNDER THIS  
8 SECTION INTO THE GENERAL FUND OF THE STATE.

9 ~~17-6B-21, 2-4A-16.~~

10 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE  
11 PROCEDURE ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER ~~§ 17-6B-19~~ §  
12 2-4A-14 OF THIS SUBTITLE, IT SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE  
13 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

14 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN  
15 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

16 (C) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

17 (D) (1) OVER THE SIGNATURE OF AN OFFICER OR THE ADMINISTRATOR  
18 OF THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN  
19 CONNECTION WITH ANY INVESTIGATION UNDER THIS SUBTITLE AND ANY HEARINGS  
20 OR PROCEEDINGS BEFORE THE BOARD.

21 (2) THE BOARD SHALL ISSUE SUBPOENAS ON BEHALF OF THE  
22 INDIVIDUAL IF THE INDIVIDUAL:

23 (I) REQUESTS THAT THE BOARD DO SO; AND

24 (II) STATES UNDER OATH THAT THE TESTIMONY OR EVIDENCE  
25 SOUGHT IS NECESSARY TO THE INDIVIDUAL'S DEFENSE.

26 (3) IF, WITHOUT LAWFUL EXCUSE, AN INDIVIDUAL DISOBEYS A  
27 SUBPOENA FROM THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH,  
28 TESTIFY, OR ANSWER A QUESTION, A COURT OF COMPETENT JURISDICTION MAY  
29 COMPEL, ON PETITION OF THE BOARD, COMPLIANCE WITH THE SUBPOENA.

1 (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
2 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD NEVERTHELESS MAY  
3 HEAR AND DETERMINE THE MATTER.

4 (F) THE HEARING OF CHARGES MAY NOT BE STAYED OR CHALLENGED BY  
5 ANY PROCEDURAL DEFECT ALLEGED TO HAVE OCCURRED BEFORE THE FILING OF  
6 CHARGES.

7 ~~17-6B-22.~~ 2-4A-17.

8 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER §  
9 ~~17-6B-19~~ § 2-4A-14 OF THIS SUBTITLE, A PERSON AGGRIEVED BY A FINAL  
10 DECISION OF THE BOARD IN A CONTESTED CASE, AS DEFINED IN THE  
11 ADMINISTRATIVE PROCEDURE ACT, MAY PETITION FOR JUDICIAL REVIEW AS  
12 ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

13 (B) A PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD UNDER §  
14 ~~17-6B-19~~ § 2-4A-14 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY BUT  
15 MAY TAKE A DIRECT JUDICIAL APPEAL AS PROVIDED BY THE ADMINISTRATIVE  
16 PROCEDURE ACT.

17 (C) A DECISION OF THE BOARD TO DENY A LICENSE, ENFORCE A  
18 SUSPENSION OF A LICENSE FOR MORE THAN 1 YEAR, OR REVOKE A LICENSE MAY  
19 NOT BE STAYED PENDING JUDICIAL REVIEW.

20 ~~17-6B-23.~~ 2-4A-18.

21 FOR REASONS THE BOARD CONSIDERS SUFFICIENT, AND ON THE  
22 AFFIRMATIVE VOTE OF A MAJORITY OF ITS MEMBERS THEN SERVING, THE BOARD  
23 MAY:

24 (1) REINSTATE A LICENSE THAT HAS BEEN REVOKED;

25 (2) REDUCE THE PERIOD OF A SUSPENSION; OR

26 (3) WITHDRAW A REPRIMAND.

27 ~~17-6B-24.~~ 2-4A-19.

28 THE BOARD MAY ISSUE A CEASE AND DESIST ORDER FOR A VIOLATION OF THIS  
29 SUBTITLE.

30 ~~17-6B-25.~~ 2-4A-20.

1 (A) AN ACTION MAY BE MAINTAINED IN THE NAME OF THE STATE OR THE  
2 BOARD TO ENJOIN:

3 (1) THE UNAUTHORIZED PRACTICE OF MUSIC THERAPY; OR

4 (2) CONDUCT THAT IS A GROUND FOR DISCIPLINARY ACTION UNDER  
5 ~~§ 17-6B-19~~ § 2-4A-14 OF THIS SUBTITLE.

6 (B) AN ACTION UNDER THIS SECTION MAY BE BROUGHT BY:

7 (1) THE BOARD, IN ITS OWN NAME;

8 (2) THE ATTORNEY GENERAL, IN THE NAME OF THE STATE; OR

9 (3) A STATE'S ATTORNEY, IN THE NAME OF THE STATE.

10 (C) AN ACTION UNDER THIS SECTION SHALL BE BROUGHT IN THE COUNTY  
11 WHERE THE DEFENDANT:

12 (1) RESIDES; OR

13 (2) ENGAGES IN THE ACTS SOUGHT TO BE ENJOINED.

14 (D) PROOF OF ACTUAL DAMAGE OR THAT ANY PERSON WILL SUSTAIN ANY  
15 DAMAGE IF AN INJUNCTION IS NOT GRANTED IS NOT REQUIRED FOR AN ACTION  
16 UNDER THIS SECTION.

17 (E) AN ACTION UNDER THIS SECTION IS IN ADDITION TO AND NOT INSTEAD  
18 OF CRIMINAL PROSECUTION FOR THE UNAUTHORIZED PRACTICE OF MUSIC  
19 THERAPY UNDER ~~§ 17-6B-27~~ § 2-4A-22 OF THIS SUBTITLE OR DISCIPLINARY  
20 ACTION UNDER ~~§ 17-6B-19~~ § 2-4A-14 OF THIS SUBTITLE.

21 ~~17-6B-26. 2-4A-21.~~

22 (A) IN THIS SECTION, "MUSIC THERAPIST REHABILITATION  
23 SUBCOMMITTEE" MEANS A SUBCOMMITTEE OF THE ~~COMMITTEE~~ BOARD THAT:

24 (1) IS RECOGNIZED BY THE BOARD;

25 (2) INCLUDES MUSIC THERAPISTS; AND

26 (3) EVALUATES AND PROVIDES ASSISTANCE TO ANY MUSIC  
27 THERAPIST IN NEED OF TREATMENT AND REHABILITATION FOR ALCOHOLISM, DRUG

1 ABUSE, CHEMICAL DEPENDENCY, OR OTHER PHYSICAL, EMOTIONAL, OR MENTAL  
2 CONDITION.

3 (B) THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE MAY  
4 FUNCTION:

5 (1) SOLELY FOR THE ~~COMMITTEE~~ BOARD; OR

6 (2) JOINTLY WITH A REHABILITATION COMMITTEE REPRESENTING  
7 ANOTHER BOARD OR BOARDS.

8 (C) (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE  
9 PROCEEDINGS, RECORDS, AND FILES OF THE MUSIC THERAPIST REHABILITATION  
10 SUBCOMMITTEE ARE NOT DISCOVERABLE AND ARE NOT ADMISSIBLE IN EVIDENCE  
11 IN ANY CIVIL ACTION ARISING OUT OF THE MATTERS THAT ARE BEING OR HAVE BEEN  
12 REVIEWED AND EVALUATED BY THE MUSIC THERAPIST REHABILITATION  
13 SUBCOMMITTEE.

14 (2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO ANY  
15 RECORD OR DOCUMENT THAT IS CONSIDERED BY THE MUSIC THERAPIST  
16 REHABILITATION SUBCOMMITTEE AND THAT OTHERWISE WOULD BE SUBJECT TO  
17 DISCOVERY OR INTRODUCTION INTO EVIDENCE IN A CIVIL ACTION.

18 (3) FOR PURPOSES OF THIS SUBSECTION, CIVIL ACTION DOES NOT  
19 INCLUDE A PROCEEDING BEFORE THE BOARD OR JUDICIAL REVIEW OF A  
20 PROCEEDING BEFORE THE BOARD.

21 (D) AN INDIVIDUAL WHO ACTS IN GOOD FAITH AND WITHIN THE SCOPE OF  
22 JURISDICTION OF THE MUSIC THERAPIST REHABILITATION SUBCOMMITTEE IS NOT  
23 CIVILLY LIABLE FOR ANY ACTION AS A MEMBER OF THE MUSIC THERAPIST  
24 REHABILITATION SUBCOMMITTEE OR FOR GIVING INFORMATION TO,  
25 PARTICIPATING IN, OR CONTRIBUTING TO THE FUNCTION OF THE MUSIC THERAPIST  
26 REHABILITATION SUBCOMMITTEE.

27 ~~17-6B-27. 2-4A-22.~~

28 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL  
29 MAY NOT PRACTICE, ATTEMPT TO PRACTICE, OR OFFER TO PRACTICE MUSIC  
30 THERAPY IN THE STATE UNLESS LICENSED BY THE BOARD.

31 (B) EACH VIOLATION OF THIS SECTION IS A SEPARATE OFFENSE.

32 ~~17-6B-28. 2-4A-23.~~

1 UNLESS AUTHORIZED TO PRACTICE MUSIC THERAPY UNDER THIS SUBTITLE,  
2 AN INDIVIDUAL MAY NOT:

3 (1) REPRESENT TO THE PUBLIC THAT THE INDIVIDUAL IS A LICENSED  
4 MUSIC THERAPIST; OR

5 (2) USE ANY TITLE, ABBREVIATION, SIGN, CARD, OR OTHER  
6 REPRESENTATION THAT THE INDIVIDUAL IS A LICENSED MUSIC THERAPIST.

7 ~~17-6B-29. 2-4A-24.~~

8 (A) AN INDIVIDUAL WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS  
9 GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT  
10 EXCEEDING ~~\$10,000~~ \$5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH.

11 (B) ~~AN INDIVIDUAL WHO VIOLATES § 17-6B-27 § 2-4A-22 OF THIS~~  
12 ~~SUBTITLE IS SUBJECT TO A CIVIL FINE OF NOT MORE THAN \$50,000 TO BE ASSESSED~~  
13 ~~BY THE BOARD IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD.~~

14 ~~17-6B-30. 2-4A-25.~~

15 THIS SUBTITLE MAY BE CITED AS THE MARYLAND MUSIC THERAPISTS ACT.

16 ~~17-6B-31.~~

17 ~~SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE~~  
18 ~~MARYLAND PROGRAM EVALUATION ACT, THIS SUBTITLE AND ALL RULES AND~~  
19 ~~REGULATIONS ADOPTED UNDER THIS SUBTITLE SHALL TERMINATE AND BE OF NO~~  
20 ~~EFFECT AFTER JULY 1, 2031.~~

21 2-501.

22 This title may be cited as the “Maryland Audiology, Hearing Aid Dispensing, [and]  
23 Speech–Language Pathology, AND MUSIC THERAPY Act”.

24 ~~Article—State Government~~

25 ~~§ 403.~~

26 ~~This subtitle applies only to the following governmental activities and units:~~

27 (14) ~~Counselors and Therapists, State Board of Professional (§ 17-201 of the~~  
28 ~~Health Occupations Article), INCLUDING THE MUSIC THERAPIST ADVISORY~~  
29 ~~COMMITTEE;~~

1 ~~SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial~~  
 2 ~~members of the Music Therapist Advisory Committee shall expire as follows:~~

3 ~~(1) one music therapist member in 2022;~~

4 ~~(2) one music therapist member and the consumer member in 2023; and~~

5 ~~(3) one music therapist member and the licensed health care practitioner~~  
 6 ~~who is not a music therapist member in 2024.~~

7 SECTION 2. AND BE IT FURTHER ENACTED, That the publisher of the  
 8 Annotated Code of Maryland, in consultation with and subject to the approval of the  
 9 Department of Legislative Services, shall correct, with no further action required by the  
 10 General Assembly, cross-references and terminology rendered incorrect by this Act or by  
 11 any other Act of the General Assembly of 2021 that affects provisions enacted by the Act.  
 12 The publisher shall adequately describe any correction that is made in an editor's note  
 13 following the section affected.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 15 October 1, 2021.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.