

HOUSE BILL NO. 5879

March 08, 2022, Introduced by Reps. Anthony, Rogers, Coleman, Brabec and Jones and referred to the Committee on Regulatory Reform.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending sections 16141 and 16145 (MCL 333.16141 and 333.16145),
as amended by 1993 PA 80, and by adding section 16324a and part
169A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16141. (1) The department shall furnish office services
2 to the committee, the boards, and the task forces; have charge of
3 their offices, records, and money collected; and perform managerial

and administrative functions for them.

(2) The department shall appoint administrative and secretarial staff, clerks, and employees necessary to allow the proper exercise of the powers and duties of the committee, a board, or a task force. Salaries and other expenses incurred by the committee, a board, or a task force and staff and expenses for studies and activities authorized under this article ~~shall~~ **must** be paid out of funds appropriated by the legislature for those purposes.

(3) The department may promulgate rules to promote the effective and consistent administration of this article. However, the department shall not promulgate rules that constitute the licensure, registration, or examination of health professionals **except after consultation with the board or task force for that health profession.**

Sec. 16145. (1) A board may adopt and have an official seal.

(2) A board or task force ~~may promulgate rules~~ **shall consult with the department regarding rules it considers** necessary or appropriate to fulfill its functions ~~as prescribed in~~ **under** this article.

(3) ~~Only a~~ **A** board or task force shall ~~promulgate rules to~~ specify requirements for licenses, registrations, renewals, and examinations ~~, and~~ required passing scores.

Sec. 16324a. Fees for an individual who is licensed or seeking licensure to engage in the practice of music therapy under part 169A are as follows:

(a)	Application processing fee.....	\$	75.00
(b)	License fee, per year.....		148.00

PART 169A

MUSIC THERAPY

Sec. 16931. As used in this part:

(a) "Accredited" means approved by an accrediting body recognized by the United States Department of Education.

(b) "Music therapist" means an individual who is licensed under this article to engage in the practice of music therapy.

(c) Subject to subdivision (d), "practice of music therapy" means the clinical and evidence-based use of music interventions to accomplish individualized goals for individuals of all ages and ability levels within a therapeutic relationship by employing strategies and tools that include, but are not limited to, any of the following:

(i) Developing and implementing individualized music therapy treatment plans that are specific to the needs and strengths of the client and at a minimum include goals, objectives, and potential strategies that are appropriate for the client and setting.

(ii) Using music therapy techniques such as music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, singing, music performance, learning through music, music combined with other arts, music-assisted relaxation, music-based patient education, electronic music technology, adapted music intervention, and movement to music.

(iii) Accepting referrals for music therapy services from medical, developmental, mental health, or education professionals; family members; clients; caregivers; or others who are involved with and authorized to provide services to a client.

(iv) Before providing music therapy services to a client for an identified clinical or developmental need, reviewing with the health care provider involved in the client's care the client's

1 diagnosis, treatment needs, and treatment plan; if the client is a
2 student, before providing music therapy services to the client for
3 an identified educational need, reviewing with the client's
4 individualized education program team or individuated family
5 service plan team the client's diagnosis, treatment needs, and
6 treatment plan; while providing music therapy services to a client,
7 collaborating with, as applicable, the client's treatment team,
8 including a physician, psychologist, licensed master's or
9 bachelor's social worker, or other mental health professional; and
10 while providing music therapy services to a client with a
11 communication disorder, collaborating and discussing the music
12 therapy treatment plan with the client's audiologist or speech-
13 language pathologist.

14 (v) Conducting a music therapy assessment to determine if
15 treatment for a client is indicated, and if treatment for the
16 client is indicated, conducting a music therapy assessment of the
17 client to collect systematic, comprehensive, and accurate
18 information to determine the type of music therapy services that
19 are appropriate for the client.

20 (vi) Developing an individualized music therapy treatment plan
21 for a client that is based on the results of a music therapy
22 assessment described in subparagraph (v) and includes individualized
23 goals and objectives that focus on the assessed needs and strengths
24 of the client and specify the music therapy approaches and
25 interventions to be used to address those goals and objectives.

26 (vii) Implementing an individualized music therapy treatment
27 plan for a client that is consistent with any other developmental,
28 rehabilitative, habilitative, medical, mental health, preventive,
29 wellness care, or educational services the client is receiving.

1 (viii) Evaluating a client's response to music therapy and the
2 music therapy treatment plan, documenting changes and progress, and
3 making suggestions for modifications, as appropriate.

4 (ix) Developing a plan for determining when a client no longer
5 needs music therapy services, in collaboration with the client,
6 physician, or other provider of health care or education of the
7 client, family members of the client, and any other appropriate
8 individual on whom the client relies for support.

9 (x) Minimizing any barriers to ensure that the client receives
10 music therapy services in the least restrictive environment.

11 (xi) Collaborating with and educating a client and the family,
12 caregiver of the client, or any other appropriate individual,
13 regarding the needs of the client that are being addressed in music
14 therapy and the manner in which the music therapy treatment
15 addresses those needs.

16 (d) "Practice of music therapy" does not include the
17 screening, diagnosis, or assessment of any physical, mental, or
18 communication disorder.

19 Sec. 16933. (1) The board of music therapy is created in the
20 department. The board shall consist of 9 voting members who meet
21 the requirements of part 161, as follows:

22 (a) Six music therapists.

23 (b) Three public members.

24 (2) The term of office of each member of the board created
25 under subsection (1), except a member appointed to fill a vacancy,
26 expires 4 years after appointment, on June 30 of the year in which
27 the term expires.

28 Sec. 16935. (1) An individual shall not engage in the practice
29 of music therapy or assume or use any title, words, or

1 abbreviations, including the title or designation "music
2 therapist", that indicate that the individual is authorized to
3 practice music therapy, unless the individual is licensed to engage
4 in the practice of music therapy or otherwise authorized by this
5 article.

6 (2) An individual shall not use the title "licensed music
7 therapist" or any other designation that indicates or implies that
8 the individual is licensed to engage in the practice of music
9 therapy unless he or she is licensed under this article to engage
10 in the practice of music therapy.

11 Sec. 16937. This part does not apply to any of the following:

12 (a) An individual who is licensed, certified, or regulated
13 under the laws of this state in another profession or occupation,
14 or personnel supervised by a licensed professional in this state,
15 performing work, including the use of music, incidental to the
16 practice of his or her licensed, certified, or regulated profession
17 or occupation, if that individual does not represent himself or
18 herself as a music therapist.

19 (b) An individual whose training and national certification
20 attests to the individual's preparation and ability to practice his
21 or her profession or occupation, if that individual does not
22 represent himself or herself as a music therapist.

23 Sec. 16939. If it receives a completed application and payment
24 of the appropriate application processing and license fee, the
25 board shall grant a license under this part to an individual who
26 satisfies the requirements of section 16174 and meets all of the
27 following requirements:

28 (a) If he or she is licensed or certified to engage in the
29 practice of music therapy in any other state, that license or

1 certification is in good standing.

2 (b) Has a bachelor's degree or higher in music therapy, or its
3 equivalent, including clinical training hours, from an accredited
4 college or university with a program approved by the American Music
5 Therapy Association, or from a successor organization as determined
6 by the board.

7 (c) Submits sufficient proof, as determined by the department,
8 that he or she has current certification with the Certification
9 Board for Music Therapists, or from a successor organization as
10 determined by the board.

11 (d) Provides proof satisfactory to the department that he or
12 she passed the examination for board certification offered by the
13 Certification Board for Music Therapists, or from a successor
14 organization as determined by the board, or provides proof that is
15 satisfactory to the department that he or she was transitioned into
16 board certification.

17 (e) Meets any other education or training requirements
18 established by rule.

19 Sec. 16941. (1) A license to engage in the practice of music
20 therapy is valid for 4 years, beginning on the date of issue and
21 ending on the expiration date prescribed for music therapists under
22 section 16194.

23 (2) The department, in consultation with the board, may
24 promulgate rules to require a licensee who is seeking renewal of
25 his or her license to furnish evidence that, during the licensing
26 period immediately preceding the application for renewal, he or she
27 has current certification with the Certification Board for Music
28 Therapists, or meets the standards for that certification, as
29 determined by the board.

1 Enacting section 1. This amendatory act takes effect 90 days
2 after the date it is enacted into law.