

HOUSE No. 3939

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Donaghue

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to music therapy licensure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/17/2025</i>

HOUSE No. 3939

By Representative Donaghue of Westborough, a petition (accompanied by bill, House, No. 3939) of Kate Donaghue for legislation to establish a board of registration for music therapists. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Fourth General Court
(2025-2026)

An Act relative to music therapy licensure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 13 of the General Laws is hereby amended by adding the following
2 section:-

3 Section 111. (a) There shall be within the department of public health a board of
4 registration for music therapists. The board shall consist of 5 members appointed by the governor
5 who are citizens of the United States and residents of the commonwealth including: (i) 1 member
6 shall be a representative of the public, subject to the provisions of section 9B; (ii) 2 members
7 shall be board certified music therapists who have had at least 3 years' experience practicing
8 music therapy in the commonwealth immediately preceding appointment; and (iii) 2 members
9 shall be educators of music therapy who have had at least 3 years' experience teaching music
10 therapy in a post-secondary educational institution in the commonwealth immediately preceding
11 appointment. Appointments of members shall be for a period of 3 years except for the initial
12 appointments of which: (A) 1 member shall be for 1 year; (B) 2 members shall be for 2 years;

and (C) 2 members shall be for 3 years. No member shall be appointed for more than 2 consecutive terms. In the event of a vacancy in the office of a member of the board other than by expiration of a term, the governor shall appoint a person to fill the vacancy for the unexpired term.

(b) The board shall elect annually by majority vote a chair and a secretary. The board shall meet quarterly or more frequently upon the call of the chair of the board. Members shall receive no compensation for their services but shall be entitled to reasonable travel and other expenses provided that the expenses of the members of the board, the cost of personnel providing services to the board and all other expenses associated with the operation of the board are generated by licensure fees.

(c) The board shall establish the requirements for registration, establish ethical standards, investigate complaints, evaluate the qualifications of applicants and grant licenses to those who pass the examination and who are determined to be qualified as music therapists. The board shall also evaluate the qualifications of applicants. In considering the qualifications of applicants for licensure, the board may choose to consider the standards and methods of certification and examination prescribed by the Certification Board of Music Therapists or a successor organization and may implement those standards as it deems appropriate.

(d) The board shall adopt such rules and regulations consistent with law as it deems necessary in the performance of its duties.

SECTION 2. Section 1 of chapter 112 of the General Laws, as appearing in the 2022 Official Edition, is hereby amended by inserting after the word “sanitarians”, in line 23, the following words:- , the board of registration for music therapists.

SECTION 3. Said chapter 112 is hereby further amended by adding the following section:-

Section 298. (a) For the purpose of this section, the following terms shall, unless the context clearly requires otherwise, have the following meanings:

“Board”, the board of licensure for music therapists established in section 111 of chapter 13.

“Board-certified music therapist”, an individual who holds current board certification from the Certification Board for Music Therapists.

“Commissioner”, the commissioner of the department of public health.

“Department”, the department of public health.

“Licensed professional music therapist”, a person who is licensed to practice music therapy pursuant to the provisions of this section.

“Music therapy”, the clinical and evidence-based use of music interventions to accomplish individualized goals for people of all ages and ability levels within a therapeutic relationship by a board-certified music therapist who develops individualized music therapy treatment plans specific to the needs and strengths of the client, who may be seen individually or in groups. The goals, objectives, and potential strategies of music therapy services are appropriate for the client and the setting. Music therapy interventions may include: (i) music improvisation; (ii) receptive music listening; (iii) songwriting; (iv) lyric discussion; (v) music and imagery; (vi) singing; (vii) music performance; (viii) learning through music; (ix) music

combined with other arts; (x) music-assisted relaxation; (xi) music-based patient education; (xii) electronic music technology; (xiii) adapted music intervention; and (xiv) movement to music.

(b) The practice of music therapy does not include the screening, diagnosis or assessment of any physical, mental or communication disorder. Music therapy may include the following:

(i) accepting referrals for music therapy services from: (A) medical, developmental, mental health or education professionals; (B) family members; (C) clients; (D) caregivers; or (E) others involved and authorized to provide client services;

(ii) conducting a music therapy assessment of a client to determine if treatment is indicated and if treatment is indicated, the music therapist shall collect systematic, comprehensive and accurate information to determine the appropriate music therapy services to provide for the client;

(iii) developing an individualized music therapy treatment plan for the client, based on the results of the music therapy assessment in clause (ii), that shall include: (A) individualized goals and objectives that focus on the assessed needs and strengths of the client; and (B) specifies the music therapy approaches and interventions to be used;

(iv) implementing the individualized music therapy treatment plan, which may be consistent with other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness or educational services being provided to the client;

(v) evaluating the client's response to the music therapy treatment plan, documenting changes and progress and suggesting modifications as appropriate;

(vi) developing a plan for determining when music therapy services are no longer needed, in collaboration with: (A) the client; (B) physician or other provider of healthcare or education; (C) family members; and (D) any other appropriate support person;

(vii) minimizing any barriers to ensure that the client receives music therapy services in the least restrictive environment;

(viii) collaborating with and educating the client, the client's family, caregivers or other appropriate persons regarding the needs being addressed in music therapy and how the treatment plan addresses those needs; and

(ix) utilizing appropriate knowledge, skills, research, reasoning and problem-solving abilities to inform practice and determine the best course of action in each specific clinical setting.

(c)(1) The board shall:

(i) evaluate the qualifications of applicants and grant licenses to those persons who are determined to be a qualified licensed professional music therapist based upon applicants passing certification examinations, as prescribed by the Certification Board for Music Therapists or any succeeding organization;

(ii) evaluate the qualifications of applicants and grant license renewals for licensed professional music therapist based upon evidence of the satisfactory completion of continuing education requirements as determined and published by the board;

(iii) require applicants for license renewals for licensed professional music therapist to present evidence of their satisfactory completion of continuing education requirements and current board certification;

(iv) receive and investigate complaints relating to the practice of music therapy and may report complaints and the results of an investigation to the proper prosecuting officers where appropriate; and

(v) prepare annually a list of the names and addresses of persons who are licensed to practice music therapy.

(2) The board may, after a hearing held pursuant to chapter 30A: revoke, suspend or place on probation the license of or reprimand a licensed professional music therapist if such person has: (i) fraudulently procured a license; (ii) violated any laws relative to the practice of music therapy or any rule or regulation adopted thereunder; (iii) committed professional misconduct in the practice of music therapy; or (iv) practiced music therapy while impaired by alcohol or drugs; provided, however, that a person whose license has been revoked may reapply for a license after 1 year from the date of revocation and the board may, in its discretion, grant a license upon such terms and conditions as the board may deem appropriate.

(d) An applicant who desires to be a licensed music therapist shall apply to the board in writing on an application form prescribed and furnished by the board. At the time of filing the application, an applicant for a license shall pay to the board a fee that shall be set by the secretary of administration and finance.

(e) The board may at its discretion and without examination license as a professional music therapist any applicant who is duly licensed or registered under the laws of another state or

territory in the United States, the District of Columbia or the commonwealth of Puerto Rico; provided, however, that the applicant shall meet the requirements for licensure in the commonwealth pursuant to this section and shall pay the appropriate fee set by the secretary of administration and finance.

(f) The board shall license as a professional music therapist each applicant who meets the requirements set forth in subsection (h). The board shall issue a license to each person so licensed, which shall be conclusive evidence of the right of such person to practice.

(g) A licensed professional music therapist shall apply to the board every 2 years on dates determined by the board for renewal of such license and shall pay to the board a fee which shall be set by the secretary of administration and finance.

(h)(1) To be eligible for a license by the board to be a professional music therapist, an applicant shall: (i) be of good moral character; (ii) possess a bachelor's degree or higher in music therapy, or its equivalent, including clinical training hours, from a music therapy program within an accredited college or university; (iii) provide proof: (A) of passing the examination for board certification offered by the Certification Board for Music Therapists or any successor organization; or (B) of being transitioned into board certification; and (iv) provides proof that the applicant is currently a board certified music therapist.

(2) An applicant shall issue a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees and evidence satisfactory to the board that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equal to or greater than those required in this section at the date of application.

(i)(1) The board may issue a provisional license to an applicant who meets the requirements of provisional licensure as a licensed professional music therapist under this section; provided, however, that any provisional license issued shall be in the area in which the applicant will apply for licensure under subsection (h).

(2) To be eligible for a provisional licensure as a licensed professional music therapist, an applicant shall: (i) be of good moral character; and (ii) possess a bachelor's degree or higher in music therapy, or its equivalent, including clinical training hours, from a music therapy program within an accredited college or university.

(3) An applicant for provisional licensure as a licensed professional music therapist shall apply to the board in writing on an application form prescribed by the board. At the time of filing the application, an applicant for provisional licensure shall pay to the board a fee that shall be set by the secretary of administration and finance.

(4) The provisional license shall be valid not longer than 6 months.

(j) The provisions of this section shall not prohibit the activities and services of: (i) a qualified person licensed in the commonwealth from engaging in the profession or business that they are licensed, including activities and services by a physician licensed to practice medicine and surgery and by a person employed by and under the direct supervision of such physician; and (ii) a person engaged in fulfilling the requirements set forth in clauses (ii) and (iii) of subsection (h).

(k) No person without a license as a professional music therapist shall use the title of music therapist, licensed professional music therapist or any similar title or practice music

159 therapy. Nothing in this section may be construed to prohibit or restrict the practice, services or
160 activities of the following:

161 (i) any person licensed, certified or regulated under the laws of the commonwealth in
162 another profession or occupation, including physicians, psychologists, psychoanalysts, registered
163 nurses, marriage and family therapists, social workers, occupational therapists, professional or
164 rehabilitation counselors, speech-language pathologists or audiologists or personnel supervised
165 by a licensed professional, performing work, including the use of music, incidental to the
166 practice of his or her licensed, certified or regulated profession or occupation, if that person does
167 not represent himself or herself as a music therapist;

168 (ii) any person whose training and national certification attests to the individual's
169 preparation and ability to practice their certified profession or occupation, if that person does not
170 represent themselves as a music therapist;

171 (iii) any practice of music therapy as an integral part of a program of study for students
172 enrolled in an accredited music therapy program, if the student does not represent themselves as a
173 music therapist; or

174 (iv) any person who practices music therapy under the supervision of a licensed
175 professional music therapist, if the person does not represent themselves as a music therapist.

176 (l)(1) Before a licensed professional music therapist provides music therapy services: (i)
177 to a client for an identified clinical or developmental need, the licensed professional music
178 therapist shall review the client's diagnosis, treatment needs and treatment plan with the health
179 care providers involved in the client's care.

(2) Before a licensed professional music therapist provides music therapy services to a student for an identified educational need in a special education setting, the licensed professional music therapist shall review with the individualized family service plan team or individualized education program team the student's diagnosis, treatment needs and treatment plan.

(3) During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the client's treatment team, including the client's physician, psychologist, licensed clinical social worker or other mental health professional.

(4) During the provision of music therapy services to a client with a communication disorder, the licensed professional music therapist shall collaborate and discuss the music therapy treatment plan with the client's audiologist or speech-language pathologist so that a music therapist may work with the client and address communication skills.

(5) When providing educational or health care services, a licensed professional music therapist may not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to practice speech-language pathology, music therapists may not evaluate, examine, instruct or counsel on speech, language, communication and swallowing disorders and conditions. An individual licensed as a professional music therapist may not represent to the public that the individual is authorized to treat a communication disorder. This does not prohibit an individual licensed as a professional music therapist from representing to the public that the individual may work with clients who have a communication disorder and address communication skills.

201 (m) Any person who: (i) violates any provision of subsections (c) through (k), inclusive;
202 (ii) willfully makes a false oath or affirmation in any case in which an oath or affirmation is
203 required under said subsections; or (iii) obtains or attempts to obtain registration by any willful
204 fraudulent representation shall be punished by a fine of not less than \$500 and not more than
205 \$1,000.