

LICENSING AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rebecca P. Edwards

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies Title 58, Occupations and Professions, by creating a state certification designation for music therapists.

Highlighted Provisions:

This bill:

▶ defines terms, including "state certification," which means a designation granted by the division on behalf of the state to an individual who has met the requirements for state certification related to an occupation or profession;

▶ requires the Division of Occupational and Professional Licensing to grant state certification to a person who qualifies under this chapter to engage in the practice of music therapy as a state certified music therapist;

▶ provides the qualifications and renewal requirements for being a state certified music therapist, which include the applicant providing satisfactory documentation of being board certified in good standing with the Certification Board for Music Therapists or an equivalent board as determined by division rule;

▶ provides that this act may not be construed to prevent a person from lawfully engaging in the practice of music therapy without state certification; and

▶ provides what constitutes unlawful conduct related to the state certification of music therapy, including that it is unlawful for a person who is not a state certified music therapist to use the title state certified music therapist, or represent that the person is



28 a state certified music therapist, in connection with the person's name or business.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 ENACTS:

35 **58-84-101**, Utah Code Annotated 1953

36 **58-84-102**, Utah Code Annotated 1953

37 **58-84-201**, Utah Code Annotated 1953

38 **58-84-202**, Utah Code Annotated 1953

39 **58-84-203**, Utah Code Annotated 1953

40 **58-84-301**, Utah Code Annotated 1953

41 **58-84-302**, Utah Code Annotated 1953



43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **58-84-101** is enacted to read:

45 **CHAPTER 84. STATE CERTIFICATION OF MUSIC THERAPISTS ACT**

46 **Part 1. General Provisions**

47 **58-84-101. Title.**

48 This chapter is known as the "State Certification of Music Therapists Act."

49 Section 2. Section **58-84-102** is enacted to read:

50 **58-84-102. Definitions.**

51 In addition to the definitions in Section 58-1-102, as used in this chapter:

52 (1) "Practice of music therapy" means the clinical and evidence-based use of music
53 interventions to accomplish individualized goals within a therapeutic relationship.

54 (2) "State certification" means a designation granted by the division on behalf of the
55 state to an individual who has met the requirements for state certification related to an
56 occupation or profession described in this chapter.

57 (3) "State certified" means, when used in conjunction with an occupation or profession
58 described in this chapter, a title that:

59 (a) may be used by a person who has met the state certification requirements related to
60 that occupation or profession described in this chapter; and

61 (b) may not be used by a person who has not met the state certification requirements
62 related to that occupation or profession described in this chapter.

63 Section 3. Section **58-84-201** is enacted to read:

64 **Part 2. State Certification**

65 **58-84-201. Qualifications for state certification.**

66 (1) The division shall grant state certification to a person who qualifies under this
67 chapter to engage in the practice of music therapy as a state certified music therapist.

68 (2) Each applicant for state certification as a state certified music therapist shall:

69 (a) submit an application in a form prescribed by the division;

70 (b) pay a fee determined by the department under Section 63J-1-504;

71 (c) be of good moral character; and

72 (d) provide satisfactory documentation that the applicant is board certified by, and in
73 good standing with, the Certification Board for Music Therapists or an equivalent board as
74 determined by division rule.

75 Section 4. Section **58-84-202** is enacted to read:

76 **58-84-202. Term of state certification.**

77 (1) The division shall grant state certification under this chapter in accordance with a
78 two-year renewal cycle established by division rule.

79 (2) At the time of renewal, an applicant for renewal shall provide satisfactory
80 documentation that the applicant is board certified by, and maintains good standing with, the
81 Certification Board for Music Therapists or an equivalent board as determined by division rule.

82 (3) If the board certification of a state certified music therapist required for obtaining or
83 renewing state certification under this chapter is suspended, placed on probation, revoked, or
84 has expired for any reason, the person:

85 (a) shall suspend using the title state certified music therapist in connection with the
86 person's name or business;

87 (b) shall suspend representing to others that the person is a state certified music
88 therapist; and

89 (c) shall inform the division within two weeks of the suspension, probation, revocation,

90 or expiration of the board certification.

91 (4) When the division learns that the board certification of a state certified music
92 therapist required for obtaining or renewing state certification under this chapter is suspended,
93 placed on probation, revoked, or has expired for any reason, that person's state certification
94 shall be revoked and may not be reinstated unless the person meets the requirements and again
95 applies for state certification as described in Section 58-84-201.

96 Section 5. Section **58-84-203** is enacted to read:

97 **58-84-203. Limitation of state certification.**

98 Nothing in this chapter shall be construed to prevent a person from lawfully engaging in
99 the practice of music therapy without state certification.

100 Section 6. Section **58-84-301** is enacted to read:

101 **Part 3. Unlawful Conduct - Penalties**

102 **58-84-301. Unlawful conduct.**

103 (1) It is unlawful for a person who is not a state certified music therapist to use the title
104 state certified music therapist, or represent that the person is a state certified music therapist, in
105 connection with the person's name or business.

106 (2) It is unlawful for a state certified person whose board certification is suspended,
107 placed on probation, revoked, or has expired for any reason to use the title state certified music
108 therapist, or represent that the person is a state certified music therapist, in connection with the
109 person's name or business.

110 Section 7. Section **58-84-302** is enacted to read:

111 **58-84-302. Penalty for unlawful conduct.**

112 A person who violates an unlawful conduct provision described in this chapter is guilty
113 of a class B misdemeanor.

Legislative Review Note
as of 3-1-13 10:23 AM

Office of Legislative Research and General Counsel