

CHAPTER 471

AN ACT providing for the licensure of music therapists, amending P.L.2019, c.273, and supplementing Title 45 of the Revised Statutes.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.45:8B-90.1 Short title.

1. This act shall be known and may be cited as the “Music Therapist Licensing Act.”

C.45:8B-90.2 Profession of music therapy subject to regulation, control.

2. The profession of music therapy in the State of New Jersey is determined to affect the public safety and welfare, and to be subject to regulation and control in the public interest in order to protect the public by setting standards of qualification, education, training, and experience for music therapists.

C.45:8B-90.3 Definitions relative to music therapy.

3. As used in this act:

“Board” means the State Board of Creative Arts Therapies established in section 4 of P.L.2019, c.273 (C.45:8B-71).

“Board certified music therapist” means an individual who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or transitioned into board certification, and remains actively certified by the Certification Board for Music Therapists.

“Licensed professional music therapist” means an individual who holds a current, valid license issued pursuant to section 8 of this act.

“Music therapist” means any person licensed to practice music therapy pursuant to the provisions of this act.

“Music therapy” means the clinical and evidence based use of music interventions to accomplish individualized goals within a therapeutic relationship through an individualized music therapy treatment plan for the client that identifies the goals, objectives, and potential strategies of the music therapy services appropriate for the client using music therapy interventions, which may include music improvisation, receptive music listening, song writing, lyric discussion, music and imagery, music performance, learning through music, and movement to music. The practice of music therapy does not include the diagnosis of any physical, mental, or communication disorder. This term may include:

- (1) accepting referrals for music therapy services from medical, developmental, mental health or education professionals; family members; clients; or caregivers. Before providing music therapy services to a client for a medical, developmental, or mental health condition, the licensed professional music therapist shall collaborate, as applicable, with the client’s physician, psychologist, licensed clinical social worker, or other mental health professional to review the client’s diagnosis, treatment needs, and treatment plan. Before providing music therapy services to a client for a speech, language, voice, fluency, cognitive-linguistic, or swallowing disorder the licensed professional music therapist shall collaborate, as applicable, with the client’s speech-language pathologist or audiologist to review the client’s diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the licensed professional music therapist shall collaborate, as applicable, with the client’s physician, psychologist, licensed clinical social worker, or other mental health professional. During the provision of music therapy services to a client for a speech,

language, voice, fluency, cognitive-linguistic, or swallowing disorder the licensed professional music therapist shall collaborate, as applicable, with the client's speech-language pathologist or audiologist;

(2) conducting a music therapy assessment of a client to collect systematic, comprehensive, and accurate information necessary to determine the appropriate type of music therapy services to provide for the client;

(3) developing an individualized music therapy treatment plan for the client;

(4) carrying out an individualized music therapy treatment plan that is consistent with any other medical, developmental, mental health, educational, or rehabilitation services being provided to the client. When providing educational services a music therapist may not replace the services typically provided by a speech-language specialist, and when providing rehabilitation services a music therapist may not replace the services typically provided by a speech-language pathologist; however, nothing in this section shall be construed as prohibiting a music therapist from working with a client diagnosed with a communication disorder;

(5) evaluating the client's response to music therapy and the individualized music therapy treatment plan, and suggesting modifications, as appropriate;

(6) developing a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, any physician, or other provider of health care or education of the client, any appropriate member of the family of the client, and any other appropriate person upon whom the client relies for support;

(7) minimizing any barriers so that the client may receive music therapy services in the least restrictive environment; and

(8) collaborating with and educating the client, and the family or caregiver of the client, or any other appropriate person, about the needs of the client that are being addressed in music therapy and the manner in which the music therapy addresses those needs.

C.45:8B-90.4 Responsibilities of State Board of Creative Arts Therapies.

4. The State Board of Creative Arts Therapies shall:

a. Issue and renew licenses to music therapists pursuant to the provisions of this act;

b. Suspend, revoke or fail to renew the license of a music therapist pursuant to the provisions of P.L.1978, c.73 (C.45:1-14 et seq.);

c. Maintain a record of every music therapist licensed in this State, their place of business, place of residence, and the date and number of their license;

d. Prescribe or change the charges for licensures, renewal and other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et seq.);

e. Establish standards for the continuing education of music therapists; and

f. Promulgate rules and regulations concerning any provisions of this act, in conformance with the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).

C.45:8B-90.5 Licensure required.

5. a. No person shall engage in the practice of music therapy unless licensed as a professional music therapist pursuant to the provisions of this act.

b. No person shall use the title "licensed professional music therapist" or the abbreviation "LPMT" or any other title, designation, words, letters, abbreviations or insignia indicating the practice of music therapy unless licensed pursuant to the provisions of this act.

C.45:8B-90.6 Construction of act.

6. Nothing in this act shall be construed to apply to:

a. The activities and services of qualified members of other professions, including physicians, psychologists, psychoanalysts, registered nurses, marriage and family therapists, social workers, occupational therapists, professional or rehabilitation counselors, speech-language pathologists or audiologists, or any other professional licensed by the State, when acting within the scope of their profession and doing work of a nature consistent with their training, provided they do not hold themselves out to the public as possessing a license issued pursuant to this act or represent themselves by any professional title regulated by this act.

b. The activities of a music therapy nature on the part of persons enrolled in a recognized training program, provided that these activities and services constitute a part of a supervised course of study and that those persons are designated by a title such as “music therapy intern” or other title clearly indicating the training status appropriate to the level of training.

c. The activities and services of any person whose training and national certification attests to the individual’s preparation and ability to practice his certified profession or occupation, if that person does not represent himself by any professional title regulated by this act.

C.45:8B-90.7 Eligibility for licensure.

7. To be eligible to be licensed as a professional music therapist, an applicant shall:

a. be at least 18 years of age;

b. be of good moral character;

c. hold a bachelor’s degree, or higher degree, in music therapy, or its equivalent, from a program approved by the American Music Therapy Association, or any successor organization, within an accredited educational institution that is approved by the board;

d. complete a minimum of 1,200 hours of clinical training, with not less than 180 hours of pre-internship experience and not less than 900 hours of internship experience, as determined by the board, provided that the internship is approved by an accredited educational institution approved by the board, or by the American Music Therapy Association, or any successor organization, or both; and

e. provide proof of passing the examination for board certification offered by the Certification Board for Music Therapists, or any successor organization, or that the applicant is a board certified music therapist.

C.45:8B-90.8 Issuance of license by board.

8. a. The board shall issue a license to any applicant who has satisfactorily met all the requirements of this act.

b. All licenses shall be issued for a two-year period upon the payment of the prescribed licensure fee, and shall be renewed upon filing of a renewal application, the payment of a licensure fee, and presentation of satisfactory evidence to the board that in the period since the license was issued or last renewed any continuing education requirements have been completed as specified by the board.

C.45:8B-90.9 Licensure of out-of-State practitioner.

9. Upon payment to the board of a fee and the submission of a written application provided by the board, the board shall issue a music therapy license to any person who holds a valid license issued by another state or possession of the United States or the District of

Columbia which has standards substantially equivalent to those of this State, as determined by the board.

C.45:8B-90.10 Qualification of current practitioners.

10. For 360 days after the date procedures are established by the board for applying for licensure under section 7 of this act, any person may qualify as a licensed professional music therapist, upon application for licensure and payment of the appropriate fee, provided the applicant furnishes satisfactory evidence to the board that he is either:

- a. a board certified music therapist; or
- b. designated as a registered music therapist, certified music therapist, or advanced certified music therapist, and in good standing, with the National Music Therapy Registry.

C.45:8B-90.11 Requirements for license renewal.

11. a. The board shall require each licensed professional music therapist, as a condition of biennial license renewal to:

- (1) Submit proof of maintenance of the applicant's status as a board certified music therapist; and
- (2) Complete any continuing education requirement imposed by the board pursuant to this section.

b. The board shall promulgate rules and regulations for implementing continuing education requirements as a condition of license renewal for licenses issued pursuant to this act, which shall include a requirement that every applicant for license renewal shall have completed a total of at least 40 continuing education credit hours in a program approved by the Certification Board for Music Therapists, or any successor organization, over the prior two-year period.

12. Section 4 of P.L.2019, c.273 (C.45:8B-71) is amended to read as follows:

C.45:8B-71 State Board of Creative Arts and Activities Therapies.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, the State Board of Creative Arts and Activities Therapies. The board shall consist of thirteen members who are residents of the State. Except for the members first appointed: ten of the members shall be therapists who are licensed in creative arts therapies or activities therapies, including but not limited to two members licensed in art therapy, two members licensed in dance/movement therapy, two members licensed in drama therapy, two members licensed in recreational therapy, and two members licensed in music therapy under the provisions of the "Art Therapist Licensing Act," P.L.2015, c.199 (C.45:8B-51 et seq.), the "Creative Arts Therapies Licensing Act," P.L.2019, c.273 (C.45:8B-68 et seq.), the "Recreational Therapists Licensing Act," P.L.2019, c.467 (C.45:8B-104 et al.), or the "Music Therapist Licensing Act," P.L.2019, c.471 (C.45:8B-90.1 et al.), as applicable, and shall have been actively engaged in the practice of a creative arts therapy or activities therapy for at least five years immediately preceding their appointment. The remaining members shall be public members. The members first appointed shall include: two members licensed in art therapy, two members who practice dance/movement therapy, two members who practice drama therapy, two members who practice recreational therapy, and two members who practice music therapy.

The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that of the members first

appointed, five shall serve for a term of three years, five shall serve for a term of two years and three shall serve for a term of one year. Each member shall hold office until his successor has been qualified and appointed. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for in the original appointment. No member of the board may serve more than two successive terms in addition to any unexpired term to which the member has been appointed.

13. This act shall take effect on the 180th day following enactment.

Approved January 21, 2020.