The Certification Board for Music Therapists

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CBMT Code of Professional Practice

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PREAMBLE

The CBMT is a nonprofit organization which provides board certification and recertification for music therapists. The members of the Board of Directors comprise a diverse group of experts in music therapy. The Board is national in scope and blends both academicians and clinicians for the purpose of establishing rigorous standards which have a basis in a real world practice, and enforcing those standards for the protection of consumers of music therapy services and the public.

The CBMT recognizes that music therapy is not best delivered by any one sub-specialty, or single approach. For this reason, the CBMT represents a comprehensive focus. Certification is offered to therapists from a wide variety of practice areas, who meet high standards to the Practice of Music Therapy. To the extent that standards are rigorously adhered to, it is the aim of the CBMT to be inclusive, and not to be restrictive to any sub-specialty.

Maintenance of board certification will require adherence to the CBMT's Code of Professional Practice. Individuals who fail to meet these requirements may have their certification suspended or revoked. The CBMT does not guarantee the job performance of any individual.

I. ELIGIBILITY FOR CERTIFICATION OR RECERTIFICATION

As a condition of eligibility for and continued maintenance of any CBMT certification, each candidate or certificant agrees to the following:

A. Compliance with CBMT Standards, Policies and Procedures
No individual is eligible to apply for or maintain certification unless in compliance with all the CBMT standards, policies and procedures. Each individual bears the burden for showing and maintaining compliance at all times. The CBMT may deny, revoke, or otherwise act upon certification or recertification when an individual is not in compliance with all the CBMT standards, policies, and procedures. Nothing provided herein shall preclude administrative requests by the CBMT for additional information to supplement or complete any application for certification or recertification.

B. Complete Application
The individual shall truthfully complete and sign an application in the form provided by the CBMT, shall provide the required fees and shall provide additional information as requested. The individual shall notify the CBMT within sixty (60) days of occurrence of any change in name, address, telephone number, and any other facts bearing on eligibility or certification (including but not limited to: filing of any criminal charge, indictment, or litigation; conviction; plea of guilty; plea of nolo contendere; or disciplinary action by a licensing board or professional organization). A candidate or certificant shall not make and shall correct immediately any statement concerning the candidate's or certificant's status which is or becomes inaccurate, untrue, or misleading.

All references to "days" in the CBMT standards, policies and procedures shall mean calendar days. Communications required by the CBMT must be transmitted by certified mail, return receipt requested, or other verifiable methods of delivery when specified. The candidate or certificant agrees to provide the CBMT with confirmation of compliance with the CBMT requirements as requested by the CBMT.

C. Property of the CBMT
The examinations and certificates of the CBMT, the name Certification Board for Music Therapists, and abbreviations relating thereto are all the exclusive property of the CBMT and may not be used in any way without the express prior written consent of the CBMT. In case of suspension, limitation, revocation, or resignation from the CBMT or as otherwise requested by the CBMT, the individual shall immediately relinquish, refrain from using, and correct at the individual's expense any outdated or otherwise inaccurate use of any certificate, logo, emblem, and the CBMT name and related abbreviations. If the individual refuses to relinquish immediately, refrain from using and correct at his or her expense any misuse or misleading use of any of the above items when requested, the individual agrees that the CBMT shall be entitled to obtain all relief permitted by law.

D. Criminal Convictions
An individual convicted of a felony directly related to music therapy and/or public health and safety shall be ineligible to apply for certification or recertification for a period of seven (7) years from the exhaustion of appeals or final release from confinement (if any), whichever is later. Convictions include but are not limited to felonies involving rape, sexual, physical, or mental abuse of a patient, client, child, or coworker; actual or threatened use of a weapon; and prohibited sale, distribution, or possession of a controlled substance.

II. SCORE REPORTS

The CBMT is concerned with reporting only valid scores. On rare occasions, misconduct or circumstances beyond the individual's control may render a score invalid. If doubts are raised about a score because of these or other circumstances, the CBMT expects all individuals to cooperate in any CBMT investigation or any investigation carried out by a CBMT authorized testing service. The CBMT reserves the right to cancel any examination score at any point in time, if, in the sole opinion of CBMT, there is adequate reason to question its validity. CBMT in

its discretion will (i) offer the individual an opportunity to take the examination again at no additional fee, or (ii) proceed as described below.

III. APPLICATION AND CERTIFICATION STANDARDS

In order to protect consumers of music therapy services and the public from harm and to insure the validity of the MT-BC credential for the professional and public good, CBMT may revoke or otherwise take action with regard to the application or certification of a candidate or certificant in the case of:

1. Ineligibility for certification or recertification; if a candidate or certificant has not successfully completed the academic and/or clinical training requirements for music therapy, or their equivalent, as set forth by NAMT, AAMT, or AMTA ; or if a candidate does not qualify for an alternate admission consideration due to lack of or inadequate training, which may or may not include applicants from countries outside of the United States; or if a recertification applicant has not maintained his or her quota of CMTE credits within the five year cycle;
2. Failure to pay fees required by the CBMT;
3. Unauthorized possession of, use of, or access to the CBMT examinations, certificates, and logos of the CBMT, the name "Certification Board for Music Therapists", and abbreviations relating thereto, and any other CBMT documents and materials;
4. Obtaining or attempting to obtain certification or recertification by a false or misleading statement or failure to make a required statement; fraud or deceit in an application, reapplication, representation of event/s, or any other communication to the CBMT;
5. Misrepresentation of the CBMT certification or certification status;
6. Failure to provide any written information required by the CBMT;
7. Habitual use of alcohol or any other drug/substance, or any physical or mental condition which impairs competent and objective professional performance;
8. Failure to maintain confidentiality as required by law;
9. Gross or repeated negligence or malpractice in professional practice, including sexual relationships with clients, and sexual, physical, social, or financial exploitation;
10. Limitation or sanction (including but not limited to revocation or suspension by a regulatory board or professional organization) relating to music therapy practice, public health or safety, or music therapy certification or recertification;
11. The conviction of, plea of guilty or plea of nolo contendere to a felony or misdemeanor related to music therapy practice or health/mental health related issues as listed in the section on criminal convictions in Section II of this document.
12. Failure to timely update information to CBMT; or
13. Other violation of a CBMT standard, policy or procedure as outlined in the CBMT Candidate Handbook, Recertification Manual, or other materials provided to candidates or certificants.

IV. ESTABLISHMENT OF SPECIAL DISCIPLINARY REVIEW AND DISCIPLINARY HEARING COMMITTEES

A. Upon the recommendation by the Chair, the CBMT Board of Directors may elect by a majority vote (i) a Disciplinary Review Committee and (ii) a Disciplinary Hearing Committee, to consider alleged violations of any CBMT disciplinary standards set forth in Section III.1-14 above or any other CBMT standard, policy, or procedure.

B. Each of these Committees shall be composed of three members drawn from CBMT certificants.

C. A committee member's term of office on the committee shall run for three years and may be renewed.

D. A committee member may serve on only one committee and may not serve on any matter in which his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.

E. At all times during the CBMT's handling of the matter, the CBMT must exist as an impartial review body. If at any time during the CBMT's review of a matter, any member of the CBMT Disciplinary Review Committee, Disciplinary Hearing Committee, or Board of Directors identifies a situation where his or her judgment may be biased or impartiality may be compromised, (including employment with a competing organization), the member is required to report such matter to the Executive Director immediately. The Executive Director and Board Chairperson shall confer to determine whether a conflict exists, and if so, shall replace the member.

F. Committee action shall be determined by majority vote.

G. When a committee member is unavailable to serve due to resignation, disqualification, or other circumstance, the Chair of CBMT shall designate another individual to serve as an interim member.

V. REVIEW AND APPEAL PROCEDURES

A. Failure to Meet CBMT Deadlines
As a rule, CBMT expects its certificants to meet all deadlines imposed by CBMT, especially in regard to submission of fees, recertification applications, required evidence of continuing education, and sitting for its examinations. On rare occasion, circumstances beyond the control of the certificant or other extraordinary conditions may render it difficult, if not impossible, for the certificant to meet CBMT's deadlines. Should a certificant wish to make appeal of a missed deadline, the certificant should transmit a written explanation and make request for a reasonable extension of the missed deadline, with full relevant supporting documentation, to the CBMT office, to the attention of the CBMT Board of Directors. A certificant shall pay a filing fee when filing such a request. The Board of Directors will determine at the next meeting of the Board, in its sole discretion and on a case-by case basis what, if any recourse, should be afforded to such individuals based on the circumstances described and the overall impact on CBMT. No other procedures shall be afforded to certificants who fail to meet CBMT deadlines.

B. Failure to Accrue Sufficient CMTEs
If the CMTEs of a certificant are determined deficient after a certificant has exhausted his or her remedies under CBMT's then-existing reconsideration process, the certificant may proceed to request: (i) review of written submission by the Disciplinary Hearing Committee; (ii) a telephone

conference of the Disciplinary Hearing Committee; or (iii) an in-person hearing (held at least annually proximate to the annual meeting of the CBMT).

C. Submission of Allegations

1. Allegations of a violation of a CBMT disciplinary standard or other CBMT standard, policy or procedure are to be referred to the Executive Director for disposition. Persons concerned with possible violation of CBMT's rules should identify the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation in a written statement addressed to the Executive Director. The statement should identify by name, address and telephone number the person making the information known to the CBMT and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Additional information relating to the content or form of the information may be requested.
2. The Executive Director shall make a determination of the substance of the allegations within sixty (60) days and after consultation with counsel.
3. If the Executive Director determines that the allegations are frivolous or fail to state a violation of CBMT's standards, the Executive Director shall take no further action and so apprise the Board and the complainant (if any).
4. If the Executive Director determines that good cause may exist to deny eligibility or question compliance with CBMT's standards, the Executive Director shall transmit the allegations to the Disciplinary Review Committee.

D. Procedures of the Disciplinary Review Committee

1. The Disciplinary Review Committee shall investigate the allegations after receipt of the documentation from the Executive Director. If the majority of the Committee determines after such investigation that the allegations and facts are inadequate to sustain a finding of a violation of CBMT disciplinary standards, no further adverse action shall be taken. The Board and the complainant (if any) shall be so apprised.
2. If the Committee finds by majority vote that good cause exists to question whether a violation of a CBMT disciplinary standard has occurred, the Committee shall transmit a statement of allegations to the candidate or certificant by certified mail, return receipt requested, setting forth the applicable standard and a statement:
   a. Of facts constituting the alleged violation of the standard;
   b. That the candidate or certificant may proceed to request: (i) review of written submission by the Disciplinary Hearing Committee; (ii) a telephone conference of the Disciplinary Hearing Committee; or (iii) an in-person hearing (at least held annually proximate to the annual meeting of the CBMT) for the disposition of the allegations, with the candidate or certificant bearing his or her own expenses for such matter;
   c. That the candidate or certificant shall have fifteen (15) days after receipt of such statement to notify the Executive Director if he or she disputes the allegations, has comments on available sanctions, and/or requests a written review, telephone conference hearing, or in-person hearing on the record;
   d. That the candidate or certificant may appear in person with or without the assistance of counsel, may examine and cross-examine any witness under oath, and produce evidence on his or her behalf;
   e. That the truth of allegations or failure to respond may result in sanctions including possible revocation of certification; and
   f. That if the candidate or certificant does not dispute the allegations or request a review hearing, the candidate or certificant consents that the Committee may render a decision and apply available sanctions. (Available sanctions are set out in Section VI., below.)

E. Procedures of the Disciplinary Hearing Committee

1. If the candidate or certificant disputes the allegations or available sanctions or requests a review or hearing, the Disciplinary Review Committee shall:
   a. forward the allegations and response of the candidate or certificant to the Disciplinary Hearing Committee; and
   b. designate one of its members to present the allegations and any substantiating evidence, examine and cross-examine witness(es) and otherwise present the matter during any hearing of the Disciplinary Hearing Committee.
2. The Disciplinary Hearing Committee shall then:
   a. schedule a written review, or telephone, or in-person hearing as directed by the candidate or certificant;
   b. send by certified mail, return receipt requested, a Notice of Hearing to the applicant or MT-BC. The Notice of Hearing shall include a statement of requirements violated and, as determined by the Disciplinary Hearing Committee, the time and place of the review or hearing (as indicated by the individual). The candidate or certificant may request a modification of the date of the hearing for good cause.
3. The Disciplinary Hearing Committee shall maintain a verbatim audio and/or video tape or written transcript of any telephone conference or in-person hearing.
4. The CBMT and the candidate or certificant may consult with and be represented by counsel, make opening statements, present documents and testimony, examine and cross-examine witnesses under oath, make closing statements, and present written briefs as scheduled by a Disciplinary Hearing Committee.
5. The Disciplinary Hearing Committee shall determine all matters relating to the hearing or review. The hearing or review and related matters shall be determined on the record by majority vote.
6. Formal rules of evidence shall not apply. Relevant evidence may be admitted. Disputed questions of admissibility shall be determined by majority vote of the Disciplinary Hearing Committee.
7. Proof shall be by preponderance of the evidence.
8. Whenever mental or physical disability is alleged, the candidate or certificant may be required to undergo a physical or mental examination at the expense of the candidate or certificant. The report of such an examination shall become part of the evidence considered.
9. The Disciplinary Hearing Committee shall issue a written decision following the hearing or review and any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied. The decision of the Disciplinary Hearing Committee shall be mailed promptly by certified mail, return receipt requested, to the candidate or certificant. If the decision rendered by the Disciplinary Hearing Committee is that the allegations are not supported, no further action on them shall occur.

F. APPEAL PROCEDURES

1. If the decision rendered by the Disciplinary Hearing Committee is not favorable to the candidate or certificant, the candidate or certificant may appeal the decision to the CBMT Board of Directors by submitting a

written appeal statement within thirty (30) days following receipt of the decision of the Disciplinary Hearing Committee. CBMT may file a written response to the statement of the candidate or certificant.
2. The CBMT Board of Directors by majority vote shall render a decision on the appeal without oral hearing, although written briefing may be submitted by the candidate or certificant, and CBMT.
3. The decision of the CBMT Board of Directors shall be rendered in writing following receipt and review of any briefing. The decision shall contain factual findings, conclusions of law and any sanctions applied and shall be final. (Available sanctions are set out in Section VI.1-8, below.) The decision shall be transmitted to the candidate or certificant by certified mail, return receipt requested.

VI. SANCTIONS

Sanctions for violation of any CBMT standard set forth herein or any other CBMT standard, policy, or procedure may include one or more of:

1. Mandatory remediation through specific education, treatment, and/or supervision;
2. Written reprimand to be maintained in certificant's permanent file;
3. Suspension of board certification with the right to re-apply after a specified date;
4. Denial or suspension of eligibility;
5. Non-renewal of certification;
6. Revocation of certification;
7. Other corrective action.

VII. THREAT OF IMMEDIATE AND IRREPARABLE HARM

Whenever the Executive Director determines that there is cause to believe that a threat of immediate and irreparable harm to the public exists, the Executive Director shall forward the allegations to the CBMT Board. The Board shall review the matter immediately, and provide telephonic or other expedited notice and review procedure to the candidate or certificant. Following such notice and opportunity by the individual to be heard, if the Board determines that a threat of immediate and irreparable injury to the public exists, certification may be suspended for up to ninety (90) days pending a full review as provided herein.

VIII. RELEASE OF INFORMATION

The individual candidate or certificant agrees that CBMT and its officers, directors, committee members, employees, agents, and others may communicate any and all information relating to the alleged individual's application or certification and review thereof including but not limited to pendency or outcome of disciplinary proceedings to state and federal authorities, licensing boards, employers, other certificants, and others.

IX. WAIVER

The candidate/certificant releases, discharges and exonerates CBMT, its officers, directors, employees, committee members and agents, and any other persons for any action taken pursuant to the standards, policies, and procedures of the CBMT from any and all liability, including but not limited to liability arising out of (i) the furnishing or inspection of documents, records and other information and (ii) any investigation and review of application or certification made by the CBMT.

X. RECONSIDERATION OF ELIGIBILITY AND REINSTATEMENT OF CERTIFICATION

If eligibility or certification is denied or revoked, eligibility of certification may be reconsidered on the following basis:
A. in the event of a felony conviction directly related to music therapy practice or public health and/or safety, no earlier than seven (7) years from the exhaustion of appeals or release from confinement, whichever is later;
B. in any other event, no earlier than five (5) years from the final decision of ineligibility or revocation.

In addition to other facts required by the CBMT, such an individual must fully set forth the original circumstances of the decision denying eligibility or revoking certification as well as all current facts and circumstances since the adverse decision relevant to the reconsideration of eligibility or the reinstatement of certification. When eligibility has been denied because of a felony conviction, the individual bears the burden of demonstrating by clear and convincing evidence that the individual has been rehabilitated and does not pose a danger to others.