SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2975

(SENATE AUTHORS: PORT, Mann, Champion and Boldon)

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A bill for an act

relating to health occupations; creating licensure for music therapists; establishing fees; imposing civil penalties; amending Minnesota Statutes 2024, section 144.0572, subdivision 1; proposing coding for new law as Minnesota Statutes, chapter 148G.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 144.0572, subdivision 1, is amended to read:

Subdivision 1. **Criminal history background check requirements.** (a) ~~Beginning January 1, 2018,~~ An applicant for initial licensure, temporary licensure, or relicensure after a lapse in licensure as an audiologist ~~or~~, speech-language pathologist, music therapist, a speech-language pathology assistant, or ~~an~~ applicant for initial certification as a hearing instrument dispenser, must submit to a criminal history records check of state data completed by the Bureau of Criminal Apprehension (BCA) and a national criminal history records check, including a search of the records of the Federal Bureau of Investigation (FBI).

(b) ~~Beginning January 1, 2020,~~ An applicant for a renewal license or certificate as an audiologist, speech-language pathologist, music therapist, or hearing instrument dispenser who was licensed or obtained a certificate before January 1, 2018, must submit to a criminal history records check of state data completed by the BCA and a national criminal history records check, including a search of the records of the FBI.

(c) An applicant must submit to a background study under chapter 245C.

(d) The criminal history records check must be structured so that any new crimes that an applicant or licensee or certificate holder commits after the initial background check are flagged in the BCA's or FBI's database and reported back to the commissioner of human services.

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 2. **[148G.01] SCOPE.**

Sections 148G.01 to 148G.16 apply to individuals who are applicants for licensure, who are licensed, who use protected titles, or who represent that they are licensed as music therapists.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 3. **[148G.02] DEFINITIONS.**

Subdivision 1. **Scope.** The following terms have the meanings given them and apply to this chapter.

Subd. 2. **Advisory council.** "Advisory council" means the Music Therapy Advisory Council established in section 148G.03.

Subd. 3. **Board-certified music therapist.** "Board-certified music therapist" means an individual who holds a current board certification from the Certification Board for Music Therapists.

Subd. 4. **Commissioner.** "Commissioner" means the commissioner of health or a designee.

Subd. 5. **License or licensed.** "License" or "licensed" means the act or status of a person who meets the requirements of general licensure under section 148G.06, temporary licensure under section 148G.08, or licensure by reciprocity under section 148G.09.

Subd. 6. **Licensed professional music therapist or LPMT.** "Licensed professional music therapist" or "LPMT" means an individual licensed to practice music therapy pursuant to this chapter.

Subd. 7. **Music-based interventions.** (a) "Music-based interventions" means the use of music within a therapeutic relationship to accomplish individualized goals for persons of all ages and abilities.

(b) Music-based interventions include but are not limited to 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 intervention, and movement to music.

Subd. 8. **Practice of music therapy.** (a) "Practice of music therapy" means the use of music-based interventions.

(b) The practice of music therapy includes but is not limited to developing individualized music therapy treatment plans specific to the needs and strengths of the client or clients treated individually or in groups in a manner appropriate for the specific client and setting.

(c) The practice of music therapy does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.

Subd. 9. **Temporary licensure.** "Temporary licensure" means the method of licensure described in section 148G.08, by which an individual who has completed an approved or accredited education program, but has not met the examination requirements, may practice music therapy on a temporary basis.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 4. **[148G.03] MUSIC THERAPY ADVISORY COUNCIL.**

Subdivision 1. **Establishment.** The Music Therapy Advisory Council is hereby established to:

(1) advise the commissioner regarding music therapy licensure standards;

(2) advise the commissioner regarding enforcement of this chapter;

(3) review investigation summaries of competency violations and make recommendations to the commissioner as to whether the allegations of incompetency are substantiated;

(4) provide for the distribution of information regarding music therapist licensure standards;

(5) review applications and make recommendations to the commissioner on granting or denying licensure or licensure renewal;

(6) review reports of investigations relating to individuals and make recommendations to the commissioner as to whether licensure should be denied or disciplinary action should be taken against the individual; and

(7) perform other duties authorized for advisory councils under chapter 214, as directed by the commissioner.

Subd. 2. **Membership.** The commissioner shall appoint six members to the Music Therapy Advisory Council consisting of the following:

(1) three professional music therapists licensed under this chapter who must be employed in a different practice area or employment setting and must include:

(i) at least one licensed professional music therapist member who is currently engaged and for five years immediately preceding their appointment has been engaged in the practice of music therapy in Minnesota; and

(ii) at least one licensed professional music therapist member employed outside the seven-county metropolitan area; and

(2) three public members as defined in section 214.02 who must include:

(i) two public members who are either personally receiving music therapy services or are family members of or caregivers to a person receiving music therapy services; and

(ii) at least one public member who is a professional from a related profession, including but not limited to the professions of speech-language pathology, registered hospice nursing, special education services, and psychology.

Subd. 3. **Administration.** (a) The advisory council is organized and administered under section 15.059.

(b) Upon request of the advisory council, the commissioner must provide meeting space and administrative services for the council.

(c) The members of the advisory council must elect a chair from members of the advisory council at the initial meeting.

Subd. 4. **Term limits.** Advisory council members must not serve for more than two full consecutive terms.

Subd. 5. **Recommendations for appointment.** The Music Therapy Association of Minnesota and other interested persons and organizations may recommend to the commissioner members qualified for appointment to fill a vacancy or anticipated vacancy to the council. Recommendations under this subdivision must be communicated to the commissioner no later than 60 days after a position on the board becomes vacant. The commissioner may appoint members to the board from the list of persons recommended or from among other qualified candidates.

Subd. 6. **Initial Music Therapy Advisory Council.** (a) The first music therapist members appointed to the Music Therapy Advisory Council need not be licensed under this chapter but must meet the qualifications for licensure under section 148G.06. The commissioner

shall make the initial appointments to the Music Therapy Advisory Council by August 1, 2025.

(b) The commissioner shall convene the first meeting of the Music Therapy Advisory Council by September 1, 2025.

Subd. 7. **Expiration.** Notwithstanding section 15.059, the advisory council does not expire.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 5. **[148G.04] UNAUTHORIZED PRACTICE; PROTECTED TITLES; EXEMPT PERSONS.**

Subdivision 1. **Unlicensed practice prohibited.** Effective January 1, 2026, an individual must be licensed as a music therapist under this chapter to practice music therapy.

Subd. 2. **Protected titles and restrictions on use.** (a) Use of the term "licensed music therapist," "music therapist," "licensed professional music therapist," "LPMT," or similar titles or terms to indicate or imply that the person is licensed by the state as a music therapist is prohibited unless that person is licensed under this chapter.

(b) Use of the term "board-certified music therapist" or similar titles or terms to indicate or imply that the person is certified by the Certification Board for Music Therapists is prohibited unless the person is licensed under this chapter and holds a valid certification from the Certification Board for Music Therapists.

Subd. 3. **Exempt persons.** This chapter does not apply to:

(1) any person who is licensed, registered, or certified under the laws of this state in another profession or occupation who is performing services including the use of music incidental to the practice of that profession or occupation in which the person is licensed, registered, or certified if the person does not represent themselves to the public as a music therapist. This exception includes but is not limited to licensed physicians, psychologists, registered nurses, advance practice registered nurses, professional counselors, social workers, occupational therapists, alcohol and drug counselors, speech-language pathologists, audiologists, or personnel supervised by a licensed professional;

(2) a person employed as a music therapist by the government of the United States or any federal agency. A person who is exempt under this clause may use the protected titles identified in subdivision 2, but only in connection with performing official duties for the federal government;

(3) the practice of music therapy as an integral part of a program of study for students enrolled in an accredited music therapy program;

(4) a person who practices music therapy under the supervision of a licensed professional music therapist, if the person is not represented to the public as a music therapist; or

(5) a person who is trained and certified by a nationally accredited certifying organization as a music healing professional and who practices within the scope of the specific training and certification of the specific music healing profession, if the person is not represented to the public as a music therapist.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 6. **[148G.05] LICENSURE QUALIFICATIONS.**

(a) An applicant for licensure must comply with the relevant application requirements for general licensure under section 148G.06, temporary licensure under section 148G.08, or licensure by reciprocity under section 148G.09.

(b) To qualify for licensure, an applicant must not be subject to denial of licensure under section 148G.15 and must satisfy one of the following:

(1) meet the general licensure requirements in section 148G.06;

(2) meet the temporary licensure requirements in section 148G.08; or

(3) meet the licensure by reciprocity requirements in section 148G.09.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 7. **[148G.06] GENERAL LICENSURE REQUIREMENTS.**

(a) An applicant for licensure must:

(1) be 18 years of age or older;

(2) have completed all academic and fieldwork to obtain a bachelor's degree or higher in music therapy, or its equivalent, from a music therapy program at a college or university approved or accredited by the American Music Therapy Association; and

(3) have passed the examination for board certification offered by the Certification Board for Music Therapists or any successor organization or have been transitioned into board certification.

(b) The applicant is responsible for making all arrangements and incurring all expenses for taking the board certification examination under paragraph (a), clause (3). The applicant

must send their examination scores under paragraph (a), clause (3), directly to the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 8. **[148G.07] GENERAL APPLICATION PROCEDURES.**

Subdivision 1. **Application for general licensure.** (a) An applicant for general licensure must submit:

(1) a completed application in writing on a form prescribed by the commissioner;

(2) documentation of current board certification by the Certification Board of Music Therapists;

(3) a signed statement attesting that the information in the application is true and correct to the best of the applicant's knowledge and belief;

(4) a waiver authorizing the commissioner to obtain access to the applicant's professional records in this or any other state in which the applicant has practiced music therapy;

(5) all relevant fees required under section 148G.16;

(6) a fingerprint-based background check as required under section 144.0572; and

(7) any other information requested by the commissioner.

(b) An applicant must complete a new criminal history background check if more than one year has elapsed since the applicant last applied for a license.

Subd. 2. **Application form requirements.** The application form for licensure must include, at a minimum, the applicant's:

(1) name;

(2) board certification number;

(3) business address and telephone number, or home address and telephone number if the applicant practices music therapy out of the applicant's home; and

(4) education, training, and experience, including previous work history for the five years immediately preceding the date of application.

Subd. 3. **Action on application for licensure.** (a) The commissioner shall act on all applications for licensure. The commissioner shall approve, approve with conditions, or deny an application. The commissioner shall address an application according to paragraphs (b) to (e).

(b) The commissioner shall determine if the applicant meets the requirements for licensure. The commissioner or the advisory council may investigate information provided by the applicant to determine whether the information is accurate and complete.

(c) The commissioner shall not issue a license to an applicant who refuses to consent to a background study within 90 days after the submission of an application or who fails to submit fingerprints to the Department of Human Services. The applicant forfeits any fees paid to the Department of Health if the applicant refuses to consent to a background study.

(d) The commissioner shall notify the applicant by electronic notification as required in sections 15.991 to 15.992 of the action taken on the application and, if licensure is denied or approved with conditions, the grounds for the commissioner's determination.

(e) An applicant denied licensure or granted licensure with conditions may make a written request to the commissioner, within 30 days of the date of the commissioner's determination, for reconsideration of the commissioner's determination. An applicant requesting reconsideration may submit information that the applicant wants considered in the reconsideration. After reconsideration of the commissioner's determination, the commissioner shall determine whether the original determination is affirmed or modified. An applicant is allowed no more than one request for reconsideration of the commissioner's determination to deny licensure or approve licensure with conditions in any two-year period.

Subd. 4. **Reconsideration** (a) If a provisional licensee whose music therapy license has been denied or extended with conditions disagrees with the conclusions of the commissioner, the provisional licensee may request a reconsideration by the commissioner. The reconsideration request process must be conducted internally by the commissioner and chapter 14 does not apply.

(b) The provisional licensee requesting the reconsideration must make the request in writing and must list and describe the reasons why the provisional licensee disagrees with the decision to deny the music therapy license or the decision to extend the provisional license with conditions.

(c) The reconsideration request and supporting documentation must be received by the commissioner within 15 calendar days after the date the provisional licensee receives the denial or provisional license with conditions.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 9. **[148G.08] TEMPORARY LICENSURE.**

Subdivision 1. **Eligibility for temporary licensure.** The commissioner shall issue a temporary license to practice music therapy to applicants who submit all required information and fees required by subdivision 2 and who are not the subject of a current or past disciplinary action or disqualified based on actions listed under section 148G.15.

Subd. 2. **Application for temporary licensure.** (a) An applicant for temporary licensure must submit:

(1) a completed application for temporary licensure on forms provided by the commissioner;

(2) any applicable fees under section 148G.16; and

(3) evidence of one of the following:

(i) completion of all academic and fieldwork requirements of a college or university program for music therapists that is approved or accredited by the American Music Therapy Association and either (1) the initiation of sitting for the board certification exam for the first time, or (2) sitting to retake the board certification exam after receiving a failing score;

(ii) a copy of a current and unrestricted credential to practice music therapy in another jurisdiction; or

(iii) a copy of a current and unrestricted certificate from the Certification Board for Music Therapists stating that the applicant is certified as a music therapist.

(b) An applicant for temporary licensure under paragraph (a), clause (3), item (ii) or (iii), must provide an affidavit with the application for temporary licensure stating that the applicant is not the subject of a pending investigation or disciplinary action and has not been the subject of a past disciplinary action.

Subd. 3. **Qualifying examination requirements; expiration and renewability.** (a) An individual issued a temporary license must demonstrate to the commissioner successful completion of the qualifying examination requirements under section 148G.06 within the temporary licensure period. It is the temporary license holder's obligation to submit to the commissioner the temporary license holder's qualifying examination score. A temporary license holder who fails to submit a qualifying examination score within the temporary licensure period is subject to disciplinary action pursuant to section 148G.15.

(b) A temporary license issued under this section expires 12 months from the date of issuance or on the date the commissioner grants or denies licensure, whichever occurs first.

(c) A temporary license is not renewable.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 10. **[148G.09] LICENSURE BY RECIPROCITY.**

The commissioner shall issue a license to an applicant for a music therapy license if an applicant has submitted:

(1) an application in a form and manner prescribed by the commissioner, accompanied by applicable fees under section 148G.16;

(2) evidence satisfactory to the commissioner that the applicant is licensed and in good standing as a music therapist in another jurisdiction where the qualifications required are equivalent to or higher than those required in this chapter at the date of application;

(3) letters of verification from each other jurisdiction in which the applicant has practiced music therapy in the last five years including the following information:

(i) the applicant's name;

(ii) the applicant's date of birth;

(iii) the applicant's credential number in that jurisdiction;

(iv) the date and terms of issuance of the credential in that jurisdiction; and

(v) a statement regarding disciplinary actions, if any, taken against the applicant; and

(4) a fingerprint-based background check as required under section 144.0572.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 11. **[148G.10] CONTINUING EDUCATION REQUIREMENTS.**

(a) Upon obtaining initial board certification, licensees and applicants must engage in continuing education.

(b) The five-year cycle for completing continuing education requirements begins a year after a licensee or applicant passes the examination for board certification offered by the Certification Board for Music Therapists or any successor organization.

(c) During each five-year cycle, a licensee or applicant must complete 100 hours of Continuing Music Therapy Education (CMTE) credits. Three of the 100 hours must be related to ethics.

(d) A licensee or applicant may complete CMTE credits in the following categories:

(1) workshops, courses, and conferences;

(2) independent learning;

(3) presentations;

(4) music therapy student supervision;

(5) publications or writing; and

(6) professional development.

(e) An applicant must include proof of completion of CMTE requirements with their certification from the Certification Board for Music Therapists or any successor organization each time they renew their license to practice music therapy.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 12. **[148G.11] RENEWAL OF LICENSE; LICENSE LAPSE.**

Subdivision 1. **Renewal requirements.** To be eligible for license renewal, a licensee must submit:

(1) a completed and signed application for license renewal on a form provided by the commissioner;

(2) the renewal fee required under section 148G.16;

(3) proof that the licensee has met and maintained the continuing education requirements under section 148G.10 and board certification as a board-certified music therapist; and

(4) additional information as requested by the commissioner to clarify information presented in the renewal application. The applicant for license renewal must submit any additional information requested by the commissioner within 30 calendar days of the request.

Subd. 2. **Renewal deadline.** (a) Licenses must be renewed every two years.

(b) Each license must state an expiration date.

(c) A completed application for license renewal must be received by the commissioner at least 30 days before the license expiration date.

(d) A completed application for license renewal not received within the time required under paragraph (c), but received on or before the expiration date, must be accompanied by a late fee in addition to the renewal fee in section 148G.16.

Subd. 3. **Licensure renewal notice.** At least 60 calendar days before the expiration date in subdivision 2, the commissioner must mail a renewal notice to the licensee's last known

address on file with the commissioner. The notice must include information on how to apply for licensure renewal and notice of fees required for renewal. The licensee's failure to receive the notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for licensure renewal.

Subd. 4. **Failure to renew.** (a) If a licensee fails to renew a license, the license lapses. The license may be restored within four years of the expiration date upon completion of the requirements in subdivision 1 and payment of the late fee in section 148G.16.

(b) A person who requests reinstatement of a lapsed license more than four years after the license expiration date is required to reapply for licensure as a new applicant and must comply with the requirements for new licensees at the time of application.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 13. **[148G.12] CHANGE OF NAME, ADDRESS, OR EMPLOYMENT.**

A licensee who changes their name, address, employment, business address, or business telephone number must inform the commissioner of the change in writing within 30 days of the change. A change in name must be accompanied by a copy of a marriage certificate or court order. All notices or other correspondence mailed to or served on the licensee by the commissioner at the licensee's address on file with the commissioner is considered received by the licensee.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 14. **[148G.13] PRACTICE OF MUSIC THERAPY.**

Subdivision 1. **Referrals.** A licensed music therapist may accept referrals for music therapy services from medical, developmental, mental health, or education professionals; family members; clients; caregivers; or others involved and authorized to provide services to the client.

Subd. 2. **Assessment.** A licensed music therapist must conduct a music therapy assessment of a client to determine if treatment is indicated. If treatment is indicated, the licensee must collect systematic, comprehensive, and accurate information to determine the appropriateness and type of music therapy services to provide the client.

Subd. 3. **Knowledge and skill.** A licensed music therapist must use appropriate knowledge and skills when providing music therapy services, including the use of research, reasoning, and problem-solving skills to determine appropriate actions in the context of each specific clinical setting.

Subd. 4. **Treatment plan.** A licensed music therapist must develop an individualized music therapy treatment plan for the client based on the results of the music therapy assessment under paragraph (c). The music therapy treatment plan must include individualized goals and objectives that focus on the assessed needs and strengths of the client and must specify music therapy approaches and interventions to be used to address the goals and objectives. The individualized music therapy treatment plan must be consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client.

Subd. 5. **Evaluation; client progress.** A licensed music therapist shall evaluate on an ongoing basis the client's response to music therapy and to the music therapy treatment plan, document the client's progress, and make modifications to the plan, as appropriate. A licensed music therapist shall determine when music therapy services are no longer needed in collaboration with the client, the client's health care provider or providers, family members of the client, and other appropriate individuals upon whom the client relies for support.

Subd. 6. **Communication with client and others.** A licensed music therapist shall collaborate with and educate the client and the client's family, caregiver, and any other appropriate individual regarding the needs of the client being addressed in music therapy and the manner in which the music therapy treatment addresses those needs. A licensed music therapist shall minimize any barriers to ensure that the client receives music therapy services in the least restrictive environment.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 15. **[148G.14] REVIEW OF CLIENT DOCUMENTATION; COLLABORATION WITH OTHER TREATING PROFESSIONALS.**

Subdivision 1. **Review of diagnosis, treatment, and educational plans.** Before a licensed professional music therapist provides music therapy services to a client for an identified clinical or developmental need, the music therapist shall review the client's diagnosis, treatment needs, and treatment plan with any care or support team involved in the client's care. Before a licensed professional music therapist provides music therapy services to a client for an identified educational need in a special education setting, the music therapist shall review the student's diagnosis, treatment needs, and any treatment plan with the individualized family care team or individualized education program team.

Subd. 2. **Collaboration with treatment team.** 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.

Subd. 3. **Collaboration with and services provided by an audiologist or speech-language pathologist.** (a) 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 before a licensed professional music therapist is permitted to work with the client and address communication skills.

(b) When providing educational or health care services, a licensed professional music therapist must not replace the services provided by an audiologist or a speech-language pathologist. Unless authorized to practice speech-language pathology, licensed professional music therapists must not evaluate, examine, instruct, or counsel on speech, language, communication, or swallowing disorders and conditions.

(c) An individual licensed as a licensed professional music therapist must 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.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 16. **[148G.15] GROUNDS FOR DENIAL OF LICENSURE AND DISCIPLINE; DISCIPLINARY ACTION.**

Subdivision 1. **Grounds for denial of license or discipline.** The commissioner may revoke, suspend, deny, approve with conditions, or refuse to issue or renew a license, or may discipline a licensee using any of the disciplinary actions listed in subdivision 3, on evidence that the individual has:

(1) intentionally submitted false or misleading information to the board;

(2) failed, within 30 days, to provide information in response to a written request by the board;

(3) performed services of a licensed professional music therapist in an incompetent or negligent manner or in a manner that falls below the community standard of care;

(4) violated sections 148G.01 to 148G.16;

(5) aided or abetted another person in violating any provision of sections 148G.01 to 148G.16;

(6) failed to perform services with reasonable judgment, skill, or safety due to the use of alcohol or drugs, or other physical or mental impairment;

(7) been convicted of violating any state or federal law, rule, or regulation which directly relates to the practice of music therapy;

(8) been disciplined for conduct in the practice of an occupation by the state of Minnesota, another jurisdiction, or a national professional association, if any of the grounds for discipline are the same or substantially equivalent to those in sections 148G.01 to 148G.16;

(9) not cooperated with the board in an investigation conducted according to subdivision 2;

(10) advertised in a manner that is false or misleading;

(11) engaged in dishonest, unethical, or unprofessional conduct in connection with the practice of music therapy that is likely to deceive, defraud, or harm the public;

(12) demonstrated a willful or careless disregard for the health, welfare, or safety of a client;

(13) provided intervention, other than music therapy, without being licensed to do so under the laws of this state;

(14) paid or promised to pay a commission or part of a fee to any person who contacts the licensed professional music therapist for consultation or sends patients to the music therapist for intervention;

(15) engaged in an incentive payment arrangement, other than that prohibited by clause (14), that promotes music therapy overutilization, whereby the referring person or person who controls the availability of music therapy services to a client profits unreasonably as a result of client intervention;

(16) engaged in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws, Food and Drug Administration regulations, or state medical assistance laws;

(17) obtained money, property, or services from a consumer using undue influence, high-pressure sales tactics, harassment, duress, deception, or fraud;

(18) performed services for a client who had no possibility of benefiting from the services;

(19) failed to refer a client for medical evaluation when appropriate or when a client indicated symptoms associated with diseases that could be medically or surgically treated;

(20) engaged in conduct with a client that is sexual or may reasonably be interpreted by a client as sexual, or in any verbal behavior that is sexual or sexually demeaning to a patient;

(21) violated a federal or state court order, including a conciliation court judgment, or a disciplinary order issued by the board, related to the person's music therapy practice; or

(22) any other just cause related to the practice of music therapy.

Subd. 2. **Investigation of complaints.** The commissioner may initiate an investigation upon receiving a complaint or other oral or written communication that alleges or implies that a person has violated any part of this chapter. In the receipt, investigation, and hearing of a complaint that alleges or implies a person has violated sections 148G.01 to 148G.65, the board has the powers included in and must follow the procedures under sections 214.10 and 214.103, subdivision 1a.

Subd. 3. **Disciplinary actions.** If the commissioner finds that a licensed professional music therapist has engaged in any action listed in subdivision 1, the commissioner may take one or more of the following actions:

(1) refuse to grant or renew a license;

(2) approve licensure with conditions;

(3) revoke licensure;

(4) suspend licensure;

(5) any reasonable lesser action, including but not limited to reprimand or restriction on licensure;

(6) any action authorized by statute; or

(7) impose a civil penalty not to exceed $10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the licensed professional music therapist of any economic advantage gained by reason of the violation charged, to discourage similar violations, or to reimburse the Department of Health for the cost of the investigation and proceeding, including but not limited to fees paid for services provided by the Office of Administrative Hearings, legal and investigative services provided by the Office of the Attorney General, court reporters, witnesses, reproduction of records, advisory council members' per diem compensation, advisory council or Department of Health staff time, and

travel costs and expenses incurred by advisory council staff and members and Department of Health staff.

Subd. 4. **Effect of specific disciplinary action on use of title.** Upon notice from the commissioner denying licensure renewal or upon notice that the commissioner imposed disciplinary action and the person is no longer entitled to practice music therapy and use the music therapy and licensed titles, the person shall cease to practice music therapy, to use titles protected by section 148G.04, and to represent to the public that the person is licensed by the commissioner.

Subd. 5. **Reinstatement requirements after disciplinary action.** A person who has had licensure suspended may request and provide justification for reinstatement following the period of suspension specified by the commissioner. The requirements of section 148G.11 for renewing licensure and any other conditions imposed with the suspension must be met before licensure may be reinstated.

Subd. 6. **Authority to contract.** The commissioner shall contract with the health professionals services program as authorized by sections 214.31 to 214.37 to provide services to practitioners under this chapter. The health professionals services program does not affect the commissioner's authority to discipline violations of this chapter.

EFFECTIVE DATE. This section is effective July 1, 2025.

Sec. 17. **[148G.16] FEES.**

Subdivision 1. **Licensing fees.** (a) The fees established by the commissioner shall not exceed the following amounts:

(1) initial licensure fee, $.....;

(2) temporary licensure fee, $.....;

(3) licensure renewal fee, $.....;

(4) licensure renewal late fee, $.....;

(5) license verification, $.....; and

(6) duplicate license fee, $.....

(b) The commissioner shall prorate the initial licensure fee for first-time licensees according to the number of months that have elapsed between the date the license is issued and the date the license expires or must be renewed under section 148G.11.

(c) Fees are nonrefundable.

(d) Fees received under this chapter shall be deposited in the state government special revenue fund.

Subd. 2. **Penalty fees.** (a) The penalty fee for practicing music therapy or using protected titles without a current license after the credential has expired and before it is renewed is $..... for any part of the first month, plus $..... for any part of any subsequent month up to ... months.

(b) The penalty fee for applicants who engage in the unauthorized practice of music therapy or use protected titles before being issued a license is $..... for any part of the first month, plus $..... for any part of any subsequent month up to ... months. This paragraph does not apply to applicants not qualifying for a license who engage in the unauthorized practice of music therapy.

(c) For conduct described in paragraph (a) or (b) exceeding ... months, payment of a penalty fee does not preclude any disciplinary action reasonably justified by the individual case.

EFFECTIVE DATE. This section is effective July 1, 2025.