

HOUSE BILL NO. 1352

Introduced by

Representatives Delmore, Pietsch, Hogan, Kilichowski

Senators Fischer, J. Lee

1 A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century
2 Code, relating to registration of music therapists; and to provide for a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new chapter to title 43 of the North Dakota Century Code is created and
5 enacted as follows:

6 **Definitions.**

- 7 1. "Certificate of registration" means a document issued by the registrar to an individual
8 who meets the music therapist requirements under this chapter.
- 9 2. "Music therapist" is an individual who practices music therapy.
- 10 3. "Music therapy" is the specialized use of music and the materials of music to restore,
11 maintain, and improve the following areas of functioning: cognitive, psychological,
12 social or emotional, affective, physical, sensory or sensorimotor; motor,
13 communicative; and physiological functioning. Techniques used in the practice of
14 music therapy include the use of music to provide participatory individual and group
15 experiences; musical improvisation; therapeutic development of verbal skills and
16 nonverbal behavior; receptive music learning; lyric discussions; memory recall; music
17 and imagery; self-expression through composition and songwriting; socialization and
18 enhancement of self-esteem through music performance; relaxation to music,
19 including stress and pain management; learning through music; cultural and spiritual
20 expression; development of fine and gross motor skills through responses to rhythm;
21 respiratory and speech improvements through sound production; sensory integration
22 and stimulation; increased awareness of music for development of recreation and
23 leisure interests; and interactive verbal techniques to help facilitate, elicit, or

1 summarize the techniques listed in this subsection and build the therapeutic
2 relationship.

3 4. "Registrant" means an individual who holds a valid certificate of registration.

4 5. "Registrar" means the department of human services.

5 **Registration agency.**

6 The department of human services shall receive music therapy registration applications and
7 shall issue certificates of registration to qualified applicants.

8 **Music therapy registration - Exceptions.**

9 Effective August 1, 2012, a person may not hold oneself out as practicing music therapy,
10 hold oneself out as being a music therapist, or use a title or other designation indicating the
11 person is a music therapist in this state unless that person holds a valid certificate of registration
12 issued by the registrar under this chapter. The registration provisions of this chapter do not
13 apply to licensed practitioners of professions who practice music therapy within the scope of
14 practice of the profession for which they are licensed. This chapter does not exempt an
15 individual who practices music therapy from regulatory provisions of any other profession for
16 which that individual is licensed.

17 **Application for registration - Fees - Renewal.**

18 1. To obtain a certificate of registration under this chapter, an applicant shall submit to the
19 registrar a completed application, on forms the registrar prescribes, and shall pay the
20 annual registration fee of one hundred dollars. A qualified applicant must be at least
21 eighteen years of age.

22 2. Upon receipt of a completed application and the registration fee submitted by a
23 qualified applicant, the registrar shall issue a certificate of registration to the applicant.

24 3. A certificate of registration is valid through December thirty-first of the year for which it
25 is issued. A registrant shall renew the registration annually by submitting to the
26 registrar the required renewal form, as prescribed by the registrar, and a renewal fee
27 of one hundred dollars.

28 **Registrant duties - Rules - Deposit of fees.**

29 1. The registrar shall designate on the certificate of registration that the registrant:

30 a. Is certified, registered, or accredited as a music therapist by a
31 registrar-recognized national organization that certifies, registers, or accredits

1 music therapists, such as the certification board for music therapists, national
2 music therapy registry, or American music therapy association;

3 b. Meets any education and experience requirements established by the registrar;
4 and

5 c. Meets any other requirements established by the registrant.

6 2. The department of human services shall adopt rules as appropriate to implement this
7 chapter.

8 3. Any moneys the registrar collects as registration fees or renewal fees under this
9 chapter must be deposited in the department of human services operating fund in the
10 state treasury and must be spent subject to appropriation by the legislative assembly.

11 **Penalty.**

12 Any person that fails to obtain a certificate of registration as required under this chapter is
13 guilty of a class B misdemeanor.