

Sixty-second
Legislative Assembly
of North Dakota

ENGROSSED 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; and to provide an
3 appropriation.

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

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

7 **Definitions.**

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

5 **Registration agency.**

6 The state department of health 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 an individual may not hold oneself out as practicing
10 music therapy, hold oneself out as being a music therapist, or use a title or other designation
11 indicating the person individual is a music therapist in this state unless that person individual
12 holds a valid certificate of registration issued by the registrar under this chapter. The registration
13 provisions of this chapter do not apply to licensed practitioners of professions who practice
14 music therapy within the scope of practice of the profession for which they are licensed. This
15 chapter does not exempt an individual who practices music therapy from regulatory provisions
16 of any other profession for which that individual is licensed prevent or restrict the practice,
17 services, or activities of any individual licensed in another profession or any individual
18 supervised by a licensed professional from performing work incidental to the practice of that
19 profession or occupation, if that individual does not represent the individual as a music
20 therapist.

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

- 22 1. To obtain a certificate of registration under this chapter, an applicant shall submit to the
23 registrar a completed application, on forms the registrar prescribes, and shall pay the
24 annual registration fee of one hundred fifty dollars. A qualified applicant must be at
25 least eighteen years of age.
- 26 2. Upon receipt of a completed application and the registration fee submitted by a
27 qualified applicant, the registrar shall issue a certificate of registration to the applicant.
- 28 3. A certificate of registration is valid through December thirty-first of the year for which it
29 is issued. A registrant shall renew the registration annually by submitting to the
30 registrar the required renewal form, as prescribed by the registrar, and a renewal fee
31 of one hundred dollars.

Registrant duties - Rules - Deposit of fees.

1. The registrar shall designate on the certificate of registration that the registrant ~~is certified, registered, or accredited as a music therapist by a registrar-recognized national organization that certifies, registers, or accredits music therapists.~~ holds the music therapist board-certified credential from the certification board for music therapists or holds a professional designation from the national music therapy registry, which includes registered music therapist, certified music therapist, and advanced certified music therapist.
2. Any moneys the registrar collects as registration fees or renewal fees under this chapter must be deposited in the state department of health operating fund in the state treasury and must be spent subject to appropriation by the legislative assembly.

Penalty.

Any ~~person that~~ individual who fails to obtain a certificate of registration as required under this chapter is guilty of an infraction.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the state department of health operating fund, not otherwise appropriated, the sum of \$4,500, or so much of the sum as may be necessary, to the state department of health for the purpose of establishing and maintaining a music therapist registry, for the biennium beginning July 1, 2011, and ending June 30, 2013.