



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2243

Introduced 2/26/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Music Therapy Licensing and Practice Act. Provides for licensure of professional music therapists and clinical music therapists by the Department of Financial and Professional Regulation. Establishes the Music Therapy Advisory Committee. Establishes the powers and duties of the advisory committee, including advising the Department on all matters pertaining to licensure, education, and continuing education requirements for licensees. Establishes the powers and duties of the Department, including prescribing rules defining what constitutes an appropriate curriculum for music therapy, reviewing the qualifications of applicants for licenses, investigating alleged violations of the Act, conducting hearings on disciplinary and other matters, and establishing a schedule of fees for the administration and enforcement of the Act. Establishes qualifications for licensure as a professional music therapist and clinical music therapist. Establishes grounds for discipline of a license. Provides for civil and criminal penalties for violations of the Act. Creates provisions concerning formal hearings, including transcripts of proceedings, appointment of hearing officers, subpoenas and depositions, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Preempts home rule. Effective immediately.

LRB102 17262 SPS 22733 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Music
5 Therapy Licensing and Practice Act.

6 Section 5. Declaration of public policy. The practice of
7 music therapy is hereby declared to affect the public health,
8 safety, and welfare and to be subject to regulation in the
9 public interest. The purpose of this Act is to ensure the
10 highest degree of professional conduct on the part of music
11 therapists, to guarantee the availability of music therapy
12 services provided by a qualified professional to persons in
13 need of those services, and to protect the public from the
14 practice of music therapy by unqualified individuals.

15 Section 10. Definitions. As used in this Act:

16 "Address of record" means the designated address recorded
17 by the Department in the applicant's or licensee's application
18 file or license file as maintained by the Department's
19 licensure maintenance unit. It is the duty of the applicant or
20 licensee to inform the Department of any change of address,
21 and those changes must be made either through the Department's
22 website or by contacting the Department.

1 "Advisory committee" means the Music Therapy Advisory
2 Committee.

3 "Board-certified music therapist" means an individual who
4 has completed the education and clinical training requirements
5 established by the American Music Therapy Association, has
6 passed the Certification Board for Music Therapists
7 certification examination or transitioned into board
8 certification, and remains actively certified by the
9 Certification Board for Music Therapists.

10 "Department" means the Department of Financial and
11 Professional Regulation.

12 "Licensed clinical music therapist" means a person
13 licensed to practice music therapy, and additionally includes
14 the assessment, evaluation, therapeutic intervention, and the
15 primary, parallel, or adjunctive treatment of mental,
16 emotional, developmental, and behavioral disorders through the
17 use of music.

18 "Licensed professional music therapist" means a person
19 licensed to practice music therapy.

20 "Music therapy" means the clinical and evidence-based use
21 of music interventions to accomplish individualized goals for
22 people of all ages and ability levels within a therapeutic
23 relationship through the development of music therapy
24 treatment plans specific to the needs and strengths of the
25 client who may be seen individually or in groups. Music
26 therapy interventions may include music improvisation,

1 receptive music listening, song writing, lyric discussion,
2 music and imagery, singing, music performance, learning
3 through music, music combined with other arts, music-assisted
4 relaxation, music-based education, electronic music
5 technology, adapted music interventions, and movement to
6 music. The practice of music therapy does not include the
7 screening, diagnosis, or assessment of any physical, mental,
8 or communication disorder.

9 "Person" means an individual, association, partnership, or
10 corporation.

11 "Secretary" means the Secretary of Financial and
12 Professional Regulation or his or her designee.

13 Section 15. Music Therapy Advisory Committee. There is
14 created within the Department a Music Therapy Advisory
15 Committee, which shall consist of 5 members. The Secretary
16 shall appoint all members of the advisory committee. The
17 advisory committee shall consist of persons familiar with the
18 practice of music therapy to provide the Secretary with
19 expertise and assistance in carrying out his or her duties
20 pursuant to this Act. The Secretary shall appoint members of
21 the advisory committee to serve for terms of 4 years, and
22 members may serve consecutive terms at the will of the
23 Secretary. Any vacancy shall be filled in the same manner as a
24 regular appointment. The Secretary shall appoint 2 members who
25 practice as clinical music therapists in this State, one

1 member who practices as a professional music therapist in this
2 State, one member who is a licensed health care provider who is
3 not a music therapist, and one member who is a consumer.
4 Members shall serve without compensation.

5 Section 20. Music Therapy Advisory Committee; powers and
6 duties.

7 (a) The advisory committee shall meet at least once per
8 year or as otherwise called by the Secretary.

9 (b) The Secretary shall consult with the advisory
10 committee before setting or changing fees under this Act.

11 (c) The advisory committee may facilitate the development
12 of materials that the Secretary may utilize to educate the
13 public concerning professional and clinical music therapist
14 licensure, the benefits of music therapy, and the utilization
15 of music therapy by individuals and in facilities or
16 institutional settings.

17 (d) The advisory committee may act as a facilitator of
18 statewide dissemination of information between music
19 therapists, the American Music Therapy Association or any
20 successor organization, the Certification Board for Music
21 Therapists or any successor organization, and the Secretary.

22 (e) The advisory committee shall provide an analysis of
23 disciplinary actions, appeals and denials, and license
24 revocations at least once per year.

25 (f) The Secretary shall seek the advice of the advisory

1 committee for issues related to music therapy.

2 (g) The advisory committee shall advise the Department on
3 all matters pertaining to the licensure, education, continuing
4 education requirements for, and practice of music therapy in
5 this State.

6 (h) The advisory committee shall assist and advise the
7 Department in all hearings involving music therapists who are
8 alleged to be in violation of this Act.

9 Section 25. Exemptions.

10 (a) This Act does not prohibit any persons legally
11 regulated in this State by any other Act from engaging in the
12 practice for which they are authorized as long as they do not
13 represent themselves by the title of "music therapist",
14 "licensed professional music therapist", or "licensed clinical
15 music therapist". This Act does not prohibit the practice of
16 unregulated professions whose practitioners are engaged in the
17 delivery of human services as long as these practitioners do
18 not represent themselves as or use the title of "music
19 therapist", "licensed professional music therapist", or
20 "licensed clinical music therapist".

21 (b) Nothing in this Act shall be construed to limit the
22 activities and services of a student enrolled in an accredited
23 music therapy program if these activities and services
24 constitute an integral part of the student's supervised course
25 of study as long as the student does not represent himself or

1 herself as a "music therapist", "licensed professional music
2 therapist", or "licensed clinical music therapist".

3 Section 30. Restrictions and limitations. No person shall,
4 without a valid license as a professional music therapist or
5 clinical music therapist issued by the Department, (i) in any
6 manner hold himself or herself out to the public as a music
7 therapist under this Act; (ii) use in connection with his or
8 her name or place of business the title "music therapist",
9 "licensed professional music therapist", "licensed clinical
10 music therapist", or any words, letters, abbreviations, or
11 insignia indicating or implying a person has met the
12 qualifications for or has the license issued under this Act;
13 or (iii) offer to render or render to individuals,
14 corporations, or the public music therapy services if the
15 words "music therapist", "licensed professional music
16 therapist", or "licensed clinical music therapist" are used to
17 describe the person offering to render or rendering them or
18 "music therapy" is used to describe the services rendered or
19 offered to be rendered.

20 Section 35. Collaboration. Before a licensed professional
21 music therapist provides music therapy services to a client
22 for an identified clinical or developmental need, the licensee
23 shall review the client's diagnosis, treatment needs, and
24 treatment plan with the health care providers involved in the

1 client's care. Before a licensed professional music therapist
2 provides music therapy services to a student for an identified
3 educational need in a special education setting, the licensee
4 shall review with the individualized family service plan or
5 individualized education program team the student's diagnosis,
6 treatment needs, and treatment plan. During the provision of
7 music therapy services to a client, the licensed professional
8 music therapist shall collaborate, as applicable, with the
9 client's treatment team, including the client's physician,
10 psychologist, licensed clinical social worker, or other mental
11 health professional. During the provision of music therapy
12 services to a client with a communication disorder, the
13 licensed professional music therapist shall collaborate and
14 discuss the music therapy treatment plan with the client's
15 audiologist or speech-language pathologist.

16 Section 40. Unlicensed practice; violation; civil penalty.

17 (a) Any person who practices, offers to practice, attempts
18 to practice, or holds himself or herself out to practice as a
19 music therapist without being licensed or exempt under this
20 Act shall, in addition to any other penalty provided by law,
21 pay a civil penalty to the Department in an amount not to
22 exceed \$10,000 for each offense, as determined by the
23 Department. The civil penalty shall be assessed by the
24 Department after a hearing is held in accordance with the
25 provisions set forth in this Act regarding the provision of a

1 hearing for the discipline of a licensee.

2 (b) The Department may investigate any actual, alleged, or
3 suspected unlicensed activity.

4 (c) The civil penalty shall be paid within 60 days after
5 the effective date of the order imposing the civil penalty.
6 The order shall constitute a final judgment and may be filed
7 and execution had thereon in the same manner as any judgment
8 from any court of record.

9 Section 45. Powers and duties of the Department. Subject
10 to the provisions of this Act, the Department shall:

11 (1) adopt rules defining what constitutes a curriculum
12 for music therapy that is reputable and in good standing;

13 (2) adopt rules providing for the establishment of a
14 uniform and reasonable standard of instruction and
15 maintenance to be observed by all curricula for music
16 therapy that are approved by the Department and determine
17 the reputability and good standing of such curricula for
18 music therapy by reference to compliance with the rules,
19 provided that no school of music therapy that refuses
20 admittance to applicants solely on account of race, color,
21 creed, sex, or national origin shall be considered
22 reputable and in good standing;

23 (3) adopt and publish rules for a method of
24 examination of candidates for licensed professional music
25 therapists and licensed clinical music therapists and for

1 issuance of licenses authorizing candidates upon passing
2 examination to practice as licensed professional music
3 therapists and licensed clinical music therapists;

4 (4) review applications to ascertain the
5 qualifications of applicants for licenses;

6 (5) authorize examinations to ascertain the
7 qualifications of those applicants who require such
8 examinations as a component of a license;

9 (6) conduct hearings on proceedings to refuse to issue
10 or renew or to revoke licenses or suspend, place on
11 probation, censure, or reprimand persons licensed under
12 this Act and to refuse to issue or renew or to revoke
13 licenses or suspend, place on probation, censure, or
14 reprimand persons licensed under this Act;

15 (7) adopt rules necessary for the administration of
16 this Act; and

17 (8) maintain a list of licensed professional music
18 therapists and licensed clinical music therapists
19 authorized to practice in this State; this list shall show
20 the name of every licensee, his or her last known place of
21 residence, and the date and number of his or her license;
22 any interested person in this State may obtain a copy of
23 that list on application to the Department and payment of
24 the required fee.

25 Section 50. Application for original license. Applications

1 for original licenses shall be made to the Department on forms
2 prescribed by the Department and accompanied by the required
3 fee, which is not refundable. All applications shall contain
4 such information that, in the judgment of the Department, will
5 enable the Department to approve or disapprove of the
6 qualifications of the applicant for a license to practice as a
7 professional music therapist or clinical music therapist. If
8 an applicant fails to obtain a license under this Act within 3
9 years after filing his or her application, the application
10 shall be denied. The applicant may make a new application,
11 which shall be accompanied by the required nonrefundable fee.
12 The applicant shall be required to meet the qualifications
13 required for licensure at the time of reapplication.

14 Section 55. Social Security Number on license application.
15 In addition to any other information required to be contained
16 in the application, every application for an original license
17 under this Act shall include the applicant's Social Security
18 Number, which shall be retained in the Department's records
19 pertaining to the license. As soon as practical, the
20 Department shall assign a customer's identification number to
21 each applicant for a license. Every application for a renewal,
22 reinstated, or restored license shall require the applicant's
23 customer identification number.

24 Section 60. Qualifications for licensure.

1 (a) The Secretary shall issue a license to an applicant
2 for a professional music therapist license if such applicant
3 has completed and submitted an application form in such manner
4 as the Secretary prescribes, accompanied by applicable fees,
5 and evidence satisfactory to the Secretary that:

6 (1) the applicant has received a baccalaureate degree
7 in music therapy, or its equivalent, from a program
8 approved by the American Music Therapy Association or any
9 successor organization within an accredited college or
10 university;

11 (2) the applicant has completed at least 1,200 hours
12 of supervised clinical training experience in music
13 therapy, with not less than 180 hours of pre-internship
14 experience and not less than 900 hours of internship
15 experience, provided that the internship is approved by an
16 academic institution or the American Music Therapy
17 Association or any successor organization;

18 (3) the applicant is at least 18 years of age;

19 (4) the applicant is in good standing based on a
20 review of any music therapy licensure history the
21 applicant may have in other jurisdictions, including any
22 alleged misconduct or neglect in the practice of music
23 therapy; and

24 (5) the applicant provides proof of passing the
25 examination for board certification offered by the
26 Certification Board for Music Therapists or any successor

1 organization, provides proof of being transitioned into
2 board certification, and provides proof that the applicant
3 is currently a board-certified music therapist.

4 (b) The Secretary shall issue a license to an applicant
5 for a clinical music therapist license if such applicant has
6 completed and submitted an application form in such manner as
7 the Secretary prescribes, accompanied by applicable fees, and
8 evidence satisfactory to the Secretary that:

9 (1) the applicant has received a master's degree or
10 higher in music therapy or a related field from an
11 accredited college or university;

12 (2) the applicant has completed at least 300 hours of
13 master's level supervised experience in music therapy;

14 (3) the applicant provides proof of passing the
15 examination for board certification offered by the
16 Certification Board for Music Therapists or any successor
17 organization, provides proof of being transitioned into
18 board certification, and provides proof that the applicant
19 is currently a board-certified music therapist; and

20 (4) the applicant is at least 21 years of age.

21 (c) The Secretary shall issue a license to an applicant
22 for a professional music therapist license or clinical music
23 therapist license if such applicant has completed and
24 submitted an application upon a form and in such a manner as
25 the Secretary prescribes, accompanied by any applicable fees,
26 and evidence satisfactory to the Secretary that the applicant

1 is licensed and in good standing as a music therapist in
2 another jurisdiction where the qualifications required are
3 equal to or greater than those required by this Act at the date
4 of application.

5 Section 65. License renewal.

6 (a) Every license issued under this Act shall be renewed
7 biennially. A license shall be renewed upon payment of a
8 renewal fee, provided that the applicant is not in violation
9 of any of the terms of this Act at the time of application for
10 renewal. The following shall also be required for license
11 renewal:

12 (1) proof of maintenance of the applicant's status as
13 a board-certified music therapist; and

14 (2) proof of completion of a minimum of 40 hours of
15 continuing education in a program approved by the
16 Certification Board for Music Therapists or any successor
17 organization and any other continuing education
18 requirements established by the Secretary.

19 (b) A licensee shall inform the Secretary of any changes
20 to his or her address. Each licensee shall be responsible for
21 timely renewal of his or her license.

22 (c) Failure to renew a license shall result in forfeiture
23 of the license. Licenses that have been forfeited may be
24 restored within one year after the expiration date upon
25 payment of renewal and restoration fees. Failure to restore a

1 forfeited license within one year after the date of its
2 expiration shall result in the automatic termination of the
3 license, and the Secretary may require the individual to
4 reapply for licensure as a new applicant.

5 (d) Upon written request of a licensee, the Secretary may
6 place an active license on an inactive status subject to an
7 inactive status fee established by the Secretary. The
8 licensee, upon request and payment of the inactive license
9 fee, may continue on inactive status for a period up to 2
10 years. An inactive license may be reactivated at any time by
11 making a written request to the Secretary and by fulfilling
12 the requirements established by the Secretary.

13 Section 70. Inactive status. A person who notifies the
14 Department in writing on forms prescribed by the Department
15 may elect to place his or her license on inactive status and
16 shall, subject to rule of the Department, be excused from
17 payment of renewal fees until he or she notifies the
18 Department, in writing, of his or her desire to resume active
19 status. A person requesting restoration from inactive status
20 shall be required to pay the current renewal fee and shall be
21 required to restore his or her license. Practice by an
22 individual whose license is on inactive status shall be
23 considered to be the unlicensed practice of music therapy and
24 shall be grounds for discipline under this Act.

1 Section 75. Fees; deposit of fees. The Department shall,
2 by rule, establish a schedule of fees for the administration
3 and enforcement of this Act. These fees shall be
4 nonrefundable. All of the fees and fines collected under this
5 Act shall be deposited into the General Professions Dedicated
6 Fund. The moneys deposited into the General Professions
7 Dedicated Fund shall be used by the Department, as
8 appropriate, for the ordinary and contingent expenses of the
9 Department. Moneys in the General Professions Dedicated Fund
10 may be invested and reinvested, with all earnings received
11 from these investments being deposited into that Fund and used
12 for the same purposes as the fees and fines deposited in that
13 Fund.

14 Section 80. Checks or orders dishonored. Any person who
15 issues or delivers a check or other order to the Department
16 that is returned to the Department unpaid by the financial
17 institution upon which it is drawn shall pay to the
18 Department, in addition to the amount already owed to the
19 Department, a fine of \$50. The fines imposed by this Section
20 are in addition to any other discipline provided under this
21 Act prohibiting unlicensed practice or practice on a
22 nonrenewed license. The Department shall notify the person
23 that payment of fees and fines shall be paid to the Department
24 by certified check or money order within 30 calendar days
25 after notification. If, after the expiration of 30 days from

1 the date of the notification, the person has failed to submit
2 the necessary remittance, the Department shall automatically
3 terminate the license or certification or deny the
4 application, without hearing. If, after termination or denial,
5 the person seeks a license or certificate, he or she shall
6 apply to the Department for restoration or issuance of the
7 license or certificate and pay all fees and fines due to the
8 Department. The Department may establish a fee for the
9 processing of an application for restoration of a license to
10 pay all costs and expenses of processing of this application.
11 The Secretary may waive the fines due under this Section in
12 individual cases where the Secretary finds that the fines
13 would be unnecessarily burdensome.

14 Section 85. Endorsement. The Department may issue a
15 license as a professional music therapist or clinical music
16 therapist, without administering the required examination, to
17 an applicant licensed under the laws of another state, a U.S.
18 territory, or another country if the requirements for
19 licensure in that state, U.S. territory, or country are, on
20 the date of licensure, substantially equal to the requirements
21 of this Act or to a person who, at the time of his or her
22 application for licensure, possesses individual qualifications
23 that are substantially equivalent to the requirements of this
24 Act. An applicant under this Section shall pay all of the
25 required fees. An applicant shall have 3 years after the date

1 of application to complete the application process. If the
2 process has not been completed within the 3-year time period,
3 the application shall be denied, the fee shall be forfeited,
4 and the applicant shall be required to reapply and meet the
5 requirements in effect at the time of reapplication.

6 Section 90. Privileged communications and exceptions.

7 (a) No licensed professional music therapist or licensed
8 clinical music therapist shall disclose any information
9 acquired from persons consulting the therapist in a
10 professional capacity, except that which may be voluntarily
11 disclosed under any of the following circumstances:

12 (1) In the course of formally reporting, conferring,
13 or consulting with administrative superiors, colleagues,
14 or consultants who share professional responsibility, in
15 which instance all recipients of the information are
16 similarly bound to regard the communication as privileged.

17 (2) With the written consent of the person who
18 provided the information and about whom the information
19 concerns.

20 (3) In the case of death or disability, with the
21 written consent of a personal representative.

22 (4) When a communication reveals the intended
23 commission of a crime or harmful act and such disclosure
24 is judged necessary in the professional judgment of the
25 licensed professional music therapist or licensed clinical

1 music therapist to protect any person from a clear risk of
2 serious mental or physical harm or injury or to forestall
3 a serious threat to the public safety.

4 (5) When the person waives the privilege by bringing
5 any public charges or filing a lawsuit against the
6 licensee.

7 (b) Any person having access to records or anyone who
8 participates in providing music therapy services, or in
9 providing any human services, or is supervised by a licensed
10 professional music therapist or licensed clinical music
11 therapist is similarly bound to regard all information and
12 communications as privileged in accord with this Section.

13 Section 95. Grounds for discipline.

14 (a) The Department may refuse to issue, renew, or may
15 revoke, suspend, place on probation, reprimand, or take other
16 disciplinary or non-disciplinary action as the Department
17 deems appropriate, including the issuance of fines not to
18 exceed \$10,000 for each violation, with regard to any license
19 for any one or more of the following:

20 (1) Material misstatement in furnishing information to
21 the Department or to any other State agency.

22 (2) Violations or negligent or intentional disregard
23 of this Act, or any of its rules.

24 (3) Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or

1 sentencing, including, but not limited to, convictions,
2 preceding sentences of supervision, conditional discharge,
3 or first offender probation, under the laws of any
4 jurisdiction of the United States: (i) that is a felony or
5 (ii) that is a misdemeanor, an essential element of which
6 is dishonesty, or that is directly related to the practice
7 of music therapy.

8 (4) Making any misrepresentation for the purpose of
9 obtaining a license, or violating any provision of this
10 Act or its rules.

11 (5) Negligence in the rendering of music therapy
12 services.

13 (6) Aiding or assisting another person in violating
14 any provision of this Act or any rules.

15 (7) Failing to provide information within 60 days in
16 response to a written request made by the Department.

17 (8) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public and violating the rules of
20 professional conduct adopted by the Department.

21 (9) Failing to maintain the confidentiality of any
22 information received from a client, unless otherwise
23 authorized or required by law.

24 (10) Failure to maintain client records of services
25 provided and provide copies to clients upon request.

26 (11) Exploiting a client for personal advantage,

1 profit, or interest.

2 (12) Habitual or excessive use or addiction to
3 alcohol, narcotics, stimulants, or any other chemical
4 agent or drug which results in inability to practice with
5 reasonable skill, judgment, or safety.

6 (13) Discipline by another governmental agency or unit
7 of government, by any jurisdiction of the United States,
8 or by a foreign nation, if at least one of the grounds for
9 the discipline is the same or substantially equivalent to
10 those set forth in this Section.

11 (14) Directly or indirectly giving to or receiving
12 from any person, firm, corporation, partnership, or
13 association any fee, commission, rebate, or other form of
14 compensation for any professional service not actually
15 rendered. Nothing in this paragraph (14) affects any bona
16 fide independent contractor or employment arrangements
17 among health care professionals, health facilities, health
18 care providers, or other entities, except as otherwise
19 prohibited by law. Any employment arrangements may include
20 provisions for compensation, health insurance, pension, or
21 other employment benefits for the provision of services
22 within the scope of the licensee's practice under this
23 Act. Nothing in this paragraph (14) shall be construed to
24 require an employment arrangement to receive professional
25 fees for services rendered.

26 (15) A finding by the Department that the licensee,

1 after having the license placed on probationary status,
2 has violated the terms of probation.

3 (16) Failing to refer a client to other health care
4 professionals when the licensee is unable or unwilling to
5 adequately support or serve the client.

6 (17) Willfully filing false reports relating to a
7 licensee's practice, including, but not limited to, false
8 records filed with federal or State agencies or
9 departments.

10 (18) Willfully failing to report an instance of
11 suspected child abuse or neglect as required by the Abused
12 and Neglected Child Reporting Act.

13 (19) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 pursuant to the Abused and Neglected Child Reporting Act,
16 and upon proof by clear and convincing evidence that the
17 licensee has caused a child to be an abused child or
18 neglected child as defined in the Abused and Neglected
19 Child Reporting Act.

20 (20) Physical or mental disability, including
21 deterioration through the aging process or loss of
22 abilities and skills which results in the inability to
23 practice the profession with reasonable judgment, skill,
24 or safety.

25 (21) Solicitation of professional services by using
26 false or misleading advertising.

1 (22) Failure to file a return, or to pay the tax,
2 penalty of interest shown in a filed return, or to pay any
3 final assessment of tax, penalty or interest, as required
4 by any tax Act administered by the Illinois Department of
5 Revenue or any successor agency or the Internal Revenue
6 Service or any successor agency.

7 (23) Fraud or making any misrepresentation in applying
8 for or procuring a license under this Act or in connection
9 with applying for renewal of a license under this Act.

10 (24) Practicing or attempting to practice under a name
11 other than the full name as shown on the license or any
12 other legally authorized name.

13 (25) Gross overcharging for professional services,
14 including filing statements for collection of fees or
15 moneys for which services are not rendered.

16 (26) Charging for professional services not rendered,
17 including filing false statements for the collection of
18 fees for which services are not rendered.

19 (27) Allowing one's license under this Act to be used
20 by an unlicensed person in violation of this Act.

21 (b) The Department shall deny, without hearing, any
22 application or renewal for a license under this Act to any
23 person who has defaulted on an educational loan guaranteed by
24 the Illinois State Assistance Commission; however, the
25 Department may issue a license or renewal if the person in
26 default has established a satisfactory repayment record as

1 determined by the Illinois Student Assistance Commission.

2 (c) The determination by a court that a licensee is
3 subject to involuntary admission or judicial admission as
4 provided in the Mental Health and Developmental Disabilities
5 Code will result in an automatic suspension of his or her
6 license. The suspension will end upon a finding by a court that
7 the licensee is no longer subject to involuntary admission or
8 judicial admission, the issuance of an order so finding and
9 discharging the patient, and the determination of the
10 Secretary that the licensee be allowed to resume professional
11 practice.

12 (d) The Department may refuse to issue or renew or may
13 suspend without hearing the license of any person who fails to
14 file a return, to pay the tax penalty or interest shown in a
15 filed return, or to pay any final assessment of the tax,
16 penalty, or interest as required by any Act regarding the
17 payment of taxes administered by the Illinois Department of
18 Revenue until the requirements of the Act are satisfied in
19 accordance with subsection (g) of Section 2105-15 of the Civil
20 Administrative Code of Illinois.

21 (e) In cases where the Department of Healthcare and Family
22 Services has previously determined that a licensee or a
23 potential licensee is more than 30 days delinquent in the
24 payment of child support and has subsequently certified the
25 delinquency to the Department, the Department may refuse to
26 issue or renew or may revoke or suspend that person's license

1 or may take other disciplinary action against that person
2 based solely upon the certification of delinquency made by the
3 Department of Healthcare and Family Services in accordance
4 with item (5) of subsection (a) of Section 2105-15 of the
5 Department of Professional Regulation Law of the Civil
6 Administrative Code of Illinois.

7 (f) All fines or costs imposed under this Section shall be
8 paid within 60 days after the effective date of the order
9 imposing the fine or costs or in accordance with the terms set
10 forth in the order imposing the fine.

11 Section 100. Suspension of license for failure to pay
12 restitution. The Department, without further process or
13 hearing, shall suspend the license or other authorization to
14 practice of any person issued under this Act who has been
15 certified by court order as not having paid restitution to a
16 person under Section 8A-3.5 of the Illinois Public Aid Code or
17 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
18 the Criminal Code of 2012. A person whose license or other
19 authorization to practice is suspended under this Section is
20 prohibited from practicing until the restitution is made in
21 full.

22 Section 105. Violations; injunction; cease and desist
23 order.

24 (a) If any person violates the provisions of this Act, the

1 Secretary may, in the name of the People of the State of
2 Illinois, through the Attorney General of the State of
3 Illinois or the State's Attorney of any county in which the
4 violation is alleged to have occurred, petition for an order
5 enjoining the violation or for an order enforcing compliance
6 with this Act. Upon the filing of a verified petition, the
7 court with appropriate jurisdiction may issue a temporary
8 restraining order without notice or bond, and may
9 preliminarily and permanently enjoin the violation. If it is
10 established that the person has violated or is violating the
11 injunction, the court may punish the offender for contempt of
12 court. Proceedings under this Section are in addition to all
13 other remedies and penalties provided by this Act.

14 (b) If any person holds himself or herself out as being a
15 licensed professional music therapist or licensed clinical
16 music therapist under this Act and is not licensed to do so,
17 then any licensed professional music therapist, licensed
18 clinical music therapist, interested party, or any person
19 injured thereby may petition for relief as provided in
20 subsection (a) of this Section.

21 (c) Whenever, in the opinion of the Department, a person
22 violates any provision of this Act, the Department may issue a
23 rule to show cause why an order to cease and desist should not
24 be entered against that person. The rule shall clearly set
25 forth the grounds relied upon by the Department and shall
26 allow at least 7 days from the date of the rule to file an

1 answer satisfactory to the Department. Failure to answer to
2 the satisfaction of the Department shall cause an order to
3 cease and desist to be issued.

4 Section 110. Investigations; notice and hearing. The
5 Department may investigate the actions of any applicant or any
6 person holding or claiming to hold a license. The Department
7 shall, before revoking, suspending, placing on probation,
8 reprimanding, or taking any other disciplinary action under
9 Section 95, at least 30 days before the date set for the
10 hearing, (i) notify the accused, in writing, of any charges
11 made and the time and place for the hearing on the charges,
12 (ii) direct him or her to file a written answer to the charges
13 with the Department under oath within 20 days after service of
14 the notice, and (iii) inform the accused that, if he or she
15 fails to answer, default will be taken against him or her or
16 that his or her license or certificate may be suspended,
17 revoked, placed on probationary status, or other disciplinary
18 action taken with regard to the license, including limiting
19 the scope, nature, or extent of his or her practice, as the
20 Department may deem proper. In case the person, after
21 receiving notice, fails to file an answer, his or her license
22 may, in the discretion of the Department, be suspended,
23 revoked, placed on probationary status, or the Department may
24 take whatever disciplinary action considered proper, including
25 limiting the scope, nature, or extent of the person's practice

1 or the imposition of a fine, without a hearing, if the act or
2 acts charged constitute sufficient grounds for such action
3 under this Act. The written notice may be served by personal
4 delivery or certified mail to the licensee's address of
5 record.

6 Section 115. Record of proceedings; transcript. The
7 Department, at its expense, shall preserve a record of all
8 proceedings at the formal hearing of any case.

9 Section 120. Subpoenas; depositions; oaths. The Department
10 may subpoena and bring before it any person in this State and
11 take the oral or written testimony or compel the production of
12 any books, papers, records, or any other documents that the
13 Secretary or his or her designee deems relevant or material to
14 any investigation or hearing conducted by the Department with
15 the same fees and mileage and in the same manner as prescribed
16 in civil cases in the courts of this State. The Secretary, the
17 shorthand court reporter, and the designated hearing officer
18 may administer oaths at any hearing which the Department
19 conducts. Notwithstanding any other statute or Department rule
20 to the contrary, all requests for testimony and for the
21 production of documents or records shall be in accordance with
22 this Act.

23 Section 125. Compelling testimony. Any court, upon

1 application of the Department, designated hearing officer, or
2 the applicant or licensee against whom proceedings under
3 Section 95 of this Act are pending, may order the attendance
4 and testimony of witnesses and the production of relevant
5 documents, papers, files, books, and records in connection
6 with any hearing or investigation. The court may compel
7 obedience to its order by proceedings for contempt.

8 Section 130. Findings and recommendations. At the
9 conclusion of the hearing, the hearing officer shall present
10 to the Secretary a written report of its findings of fact,
11 conclusions of law, and recommendations. The report shall
12 contain a finding whether the licensee violated this Act or
13 failed to comply with the conditions required in this Act. The
14 hearing officer shall specify the nature of the violation or
15 failure to comply, and shall make its recommendations to the
16 Secretary. The report of findings of fact, conclusions of law,
17 and recommendation of the hearing officer shall be the basis
18 for the Department's order for refusing to issue, restore, or
19 renew a license, or for otherwise disciplining a licensee. If
20 the Secretary disagrees with the recommendations of the
21 hearing officer, the Secretary may issue an order in
22 contravention of the hearing officer's recommendations. The
23 finding is not admissible in evidence against the person in a
24 criminal prosecution brought for the violation of this Act,
25 but the hearing and findings are not a bar to a criminal

1 prosecution brought for the violation of this Act.

2 Section 135. Secretary; rehearing. Whenever the Secretary
3 believes justice has not been done in the revocation,
4 suspension, or refusal to issue or renew a license or the
5 discipline of a licensee, he or she may order a rehearing.

6 Section 140. Appointment of a hearing officer. The
7 Secretary has the authority to appoint any attorney licensed
8 to practice law in the State of Illinois to serve as the
9 hearing officer in any action for refusal to issue or renew a
10 license or permit or to discipline a licensee. The hearing
11 officer has full authority to conduct the hearing. The hearing
12 officer shall report his findings of fact, conclusions of law,
13 and recommendations to the Secretary.

14 Section 145. Order or certified copy; prima facie proof.
15 An order or certified copy thereof, over the seal of the
16 Department and purporting to be signed by the Secretary, is
17 prima facie proof that: (1) the signature is the genuine
18 signature of the Secretary; and (2) the Secretary is duly
19 appointed and qualified.

20 Section 150. Restoration of license from discipline. At
21 any time after the successful completion of a term of
22 indefinite probation, suspension, or revocation of a license,

1 the Department may restore the license to active status,
2 unless, after an investigation and a hearing, the Secretary
3 determines that restoration is not in the public interest. No
4 person whose license has been revoked as authorized in this
5 Act may apply for restoration of that license until authorized
6 to do so under the Civil Administrative Code of Illinois.

7 Section 155. Surrender of license. Upon the revocation or
8 suspension of a license, the licensee shall immediately
9 surrender his or her license to the Department. If the
10 licensee fails to do so, the Department has the right to seize
11 the license.

12 Section 160. Summary suspension of license. The Secretary
13 may summarily suspend the license of a music therapist without
14 a hearing, simultaneously with the institution of proceedings
15 for a hearing provided for in Section 110 of this Act, if the
16 Secretary finds that the evidence indicates that the
17 continuation of practice by the professional music therapist
18 or clinical music therapist would constitute an imminent
19 danger to the public. If the Secretary summarily suspends the
20 license of an individual without a hearing, a hearing must be
21 held within 30 days after the suspension has occurred and
22 shall be concluded as expeditiously as possible.

23 Section 165. Administrative review; venue.

1 (a) All final administrative decisions of the Department
2 are subject to judicial review pursuant to the Administrative
3 Review Law and its rules. "Administrative decision" has the
4 meaning given to that term in Section 3-101 of the Code of
5 Civil Procedure.

6 (b) Proceedings for judicial review shall be commenced in
7 the circuit court of the county in which the party applying for
8 review resides, but if the party is not a resident of Illinois,
9 the venue shall be in Sangamon County.

10 Section 170. Certification of record; costs. The
11 Department shall not be required to certify any record to the
12 court, to file an answer in court, or to otherwise appear in
13 any court in a judicial review proceeding, unless and until
14 the Department has received from the plaintiff payment of the
15 costs of furnishing and certifying the record, which costs
16 shall be determined by the Department. Failure on the part of
17 the plaintiff to file the receipt in court is grounds for
18 dismissal of the action.

19 Section 175. Violations. Unless otherwise specified, any
20 person found to have violated any provision of this Act is
21 guilty of a Class A misdemeanor.

22 Section 180. Administrative Procedure Act; application.
23 The Illinois Administrative Procedure Act is hereby expressly

1 adopted and incorporated in this Act as if all of the
2 provisions of such Act were included in this Act, except that
3 the provision of paragraph (d) of Section 10-65 of the
4 Illinois Administrative Procedure Act, which provides that at
5 hearings the license holder has the right to show compliance
6 with all lawful requirements for retention, continuation, or
7 renewal of the certificate, is specifically excluded. For the
8 purpose of this Act the notice required under Section 10-25 of
9 the Illinois Administrative Procedure Act is deemed sufficient
10 when mailed to the last known address of a party or the address
11 of record.

12 Section 185. Home rule. The regulation and licensing of
13 professional music therapists and clinical music therapists
14 are exclusive powers and functions of the State. A home rule
15 unit may not regulate or license professional music therapists
16 or clinical music therapists. This Section is a denial and
17 limitation of home rule powers and functions under subsection
18 (h) of Section 6 of Article VII of the Illinois Constitution.

19 Section 190. Confidentiality. All information collected by
20 the Department in the course of an examination or
21 investigation of a licensee or applicant, including, but not
22 limited to, any complaint against a licensee filed with the
23 Department and information collected to investigate any such
24 complaint, shall be maintained for the confidential use of the

1 Department and shall not be disclosed. The Department shall
2 not disclose the information to anyone other than law
3 enforcement officials, regulatory agencies that have an
4 appropriate regulatory interest as determined by the
5 Secretary, or a party presenting a lawful subpoena to the
6 Department. Information and documents disclosed to a federal,
7 State, county, or local law enforcement agency shall not be
8 disclosed by the agency for any purpose to any other agency or
9 person. A formal complaint filed against a licensee or
10 registrant by the Department or any other complaint issued by
11 the Department against a licensee, registrant, or applicant
12 shall be a public record, except as otherwise prohibited by
13 law.

14 Section 195. Conflict with Act. In the case of a conflict
15 between this Act and any other law or part of law, this Act
16 controls.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.