

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 application file or the
18 licensee's license file, as maintained by the Department's
19 licensure maintenance unit.

20 "Advisory Board" means the Music Therapy Advisory Board.

21 "Department" means the Department of Financial and
22 Professional Regulation.

1 "Email address of record" means the designated email
2 address recorded by the Department in the applicant's
3 application file or the licensee's license file, as maintained
4 by the Department's licensure maintenance unit.

5 "Licensed professional music therapist" means a person
6 licensed to practice music therapy.

7 "Music therapy" means the clinical and evidence-based use
8 of music therapy interventions to accomplish individualized
9 goals for people of all ages and ability levels within a
10 therapeutic relationship. "Music therapy" does not include the
11 screening, diagnosis, or assessment of any physical, mental,
12 or communication disorder.

13 "Music therapy intervention" includes, during a
14 therapist-client relationship, music improvisation, receptive
15 music listening, song writing, lyric discussion, music and
16 imagery, singing, music performance, learning through music,
17 music combined with other arts, music-assisted relaxation,
18 music-based patient education, electronic music technology,
19 adapted music intervention, and movement to music. "Music
20 therapy intervention" also includes:

21 (1) accepting referrals for music therapy services
22 from medical, developmental, mental health, or education
23 professionals or family members, clients, caregivers, or
24 others involved and authorized with the provision of
25 client services;

26 (2) conducting a music therapy assessment of a client

1 to determine if treatment is indicated; if treatment is
2 indicated, the licensee collects systematic,
3 comprehensive, and accurate information to determine the
4 appropriateness and type of music therapy services to
5 provide for the client;

6 (3) developing an individualized music therapy
7 treatment plan for the client that is based upon the
8 results of the music therapy assessment; as used in this
9 paragraph, "music therapy treatment plan" includes
10 individualized goals and objectives that focus on the
11 assessed needs and strengths of the client and specify
12 music therapy approaches and interventions to be used to
13 address these goals and objectives;

14 (4) implementing an individualized music therapy
15 treatment plan that is consistent with any other
16 developmental, rehabilitative, habilitative, medical,
17 mental health, preventive, wellness care, or educational
18 services being provided to the client;

19 (5) evaluating the client's response to music therapy
20 and the music therapy treatment plan, documenting change
21 and progress, and suggesting modifications, as
22 appropriate;

23 (6) developing a plan for determining when the
24 provision of music therapy services is no longer needed in
25 collaboration with the client, physician, or other
26 provider of health care or education of the client, family

1 members of the client, and any other appropriate person
2 upon whom the client relies for support;

3 (7) minimizing any barriers to ensure that the client
4 receives music therapy services in the least restrictive
5 environment;

6 (8) collaborating with and educating the client and
7 the family, caregiver of the client, or any other
8 appropriate person regarding the needs of the client that
9 are being addressed in music therapy and the manner in
10 which the music therapy treatment addresses those needs in
11 compliance with State and federal law; and

12 (9) utilizing appropriate knowledge and skills to
13 inform practice, including use of research, reasoning, and
14 problem-solving skills to determine appropriate actions in
15 the context of each specific clinical setting.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation or the Secretary's designee.

18 Section 15. Address of record; email address of record.

19 All applicants and licensees shall:

20 (1) provide a valid address and email address to the
21 Department, which serves as the address of record and
22 email address of record, respectively, at the time of
23 application for licensure or renewal of a license; and

24 (2) inform the Department of any change of address of
25 record or email address of record within 14 days after the

1 change either through the Department's website or by
2 contacting the Department's licensure maintenance unit.

3 Section 20. Music Therapy Advisory Board. There is created
4 within the Department a Music Therapy Advisory Board, which
5 shall consist of 5 members. The Secretary shall appoint all
6 members of the Advisory Board. The Advisory Board shall
7 consist of persons familiar with the practice of music therapy
8 to provide the Secretary with expertise and assistance in
9 carrying out the Secretary's duties pursuant to this Act. The
10 Secretary shall appoint members of the Advisory Board to serve
11 for terms of 4 years, and members may serve consecutive terms
12 at the will of the Secretary. Any vacancy shall be filled in
13 the same manner as a regular appointment. The Secretary shall
14 appoint 3 members who practice as professional music
15 therapists in this State, one member who is a licensed health
16 care provider who is not a music therapist, and one member who
17 is a consumer. Members shall serve without compensation.

18 The Secretary may terminate the appointment of any member
19 for cause as determined by the Secretary.

20 The Secretary may consider the recommendation of the
21 Advisory Board on all matters and questions relating to this
22 Act.

23 Members of the Advisory Board shall be reimbursed for all
24 legitimate, necessary, and authorized expenses.

25 Members of the Advisory Board shall have no liability in

1 any action based upon a disciplinary proceeding or other
2 activity performed in good faith as a member of the Advisory
3 Board.

4 Section 25. Music Therapy Advisory Board; powers and
5 duties.

6 (a) The Advisory Board shall meet at least once per year or
7 as otherwise called by the Secretary.

8 (b) The Advisory Board shall advise the Department on all
9 matters pertaining to the licensure for, disciplinary actions
10 for, education for, continuing education requirements for, and
11 practice of music therapy in this State.

12 (c) The Advisory Board may make recommendations as it
13 deems advisable to the Secretary on any matters and questions
14 relating to this Act and the profession and practice of music
15 therapy.

16 (d) The Advisory Board shall annually elect one of its
17 members as chairperson and one of its members as vice
18 chairperson.

19 Section 30. Exemptions. Nothing in this Act may be
20 construed to prohibit or restrict the practice, services, or
21 activities of the following:

22 (1) A person licensed, certified, or regulated under
23 the laws of this State in another profession or
24 occupation, including physicians, psychologists,

1 registered nurses, marriage and family therapists, social
2 workers, occupational therapists, professional
3 counselors, speech-language pathologists or audiologists,
4 or personnel supervised by a licensed professional,
5 performing work, including the use of music, incidental to
6 the practice of that person's licensed, certified, or
7 regulated profession or occupation, if the person does not
8 represent the person as a licensed music therapist.

9 (2) Any practice of music therapy as an integral part
10 of a program of study for students enrolled in an
11 accredited music therapy program, if the student does not
12 represent the student as a music therapist.

13 Section 35. Collaboration. Before a licensed professional
14 music therapist provides music therapy services to a client
15 for an identified clinical or developmental need, the licensee
16 shall review the client's diagnosis, treatment needs, and
17 treatment plan with the health care providers involved in the
18 client's care. Before a licensed professional music therapist
19 provides music therapy services to a student for an identified
20 educational need in a special education setting, the licensee
21 shall review with the individualized family service plan or
22 individualized education program team the student's diagnosis,
23 treatment needs, and treatment plan. During the provision of
24 music therapy services to a client, the licensed professional
25 music therapist shall collaborate, as applicable, with the

1 client's treatment team, including the client's physician,
2 psychologist, licensed clinical social worker, or other mental
3 health professional. A licensed music therapist whose highest
4 degree in music therapy is a baccalaureate degree shall not
5 engage in the practice of psychotherapy unless supervised by a
6 licensed music therapist with a master's degree in music
7 therapy, a licensed clinical social worker, a licensed
8 clinical psychologist, a licensed clinical professional
9 counselor, a licensed marriage and family therapist, or a
10 psychiatrist, as defined in Section 1-121 of the Mental Health
11 and Developmental Disabilities Code. During the provision of
12 music therapy services to a client with a communication
13 disorder, the licensed professional music therapist shall
14 collaborate and discuss the music therapy treatment plan with
15 the client's audiologist or speech-language pathologist so
16 that a music therapist may work with the client and address
17 communication skills.

18 When providing educational or health care services, a
19 licensed professional music therapist may not replace the
20 services provided by an audiologist or a speech-language
21 pathologist. Unless authorized to practice speech-language
22 pathology, music therapists may not evaluate, examine,
23 instruct, or counsel on speech, language, communication, and
24 swallowing disorders and conditions. An individual licensed as
25 a professional music therapist may not represent to the public
26 that the individual is authorized to treat a communication

1 disorder. This does not prohibit an individual licensed as a
2 professional music therapist from representing to the public
3 that the individual may work with clients who have a
4 communication disorder and address communication skills.

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

6 (a) Any person who practices, offers to practice, attempts
7 to practice, or holds the person out to practice as a music
8 therapist without being licensed or exempt under this Act, as
9 described in Section 30, shall, in addition to any other
10 penalty provided by law, pay a civil penalty to the Department
11 in an amount not to exceed \$10,000 for each offense, as
12 determined by the Department. The civil penalty shall be
13 assessed by the Department after a hearing is held in
14 accordance with the provisions set forth in this Act regarding
15 the provision of a hearing for the discipline of a licensee.

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

18 (c) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty.
20 The order shall constitute a final judgment and may be filed
21 and execution had thereon in the same manner as any judgment
22 from any court of record.

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

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

3 (2) adopt rules providing for the establishment of a
4 uniform and reasonable standard of instruction and
5 maintenance to be observed by all curricula for music
6 therapy that are approved by the Department and determine
7 the reputability and good standing of the curricula for
8 music therapy by reference to compliance with the rules,
9 provided that no school of music therapy that refuses
10 admittance to applicants solely on account of race, color,
11 creed, sex, or national origin shall be considered
12 reputable and in good standing;

13 (3) adopt and publish rules for a method of
14 examination of candidates for licensed professional music
15 therapists and for issuance of licenses authorizing
16 candidates upon passing examination to practice as
17 licensed professional music therapists;

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

20 (5) authorize examinations to ascertain the
21 qualifications of those applicants who require
22 examinations as a component of a license;

23 (6) conduct hearings on proceedings to refuse to issue
24 or renew a license or to revoke, suspend, place on
25 probation, or reprimand licenses issued under this Act or
26 otherwise discipline; and

1 (7) adopt rules necessary for the administration of
2 this Act.

3 Section 50. Application for original license. Applications
4 for original licenses shall be made to the Department on forms
5 prescribed by the Department and accompanied by the required
6 fee, which is not refundable. All applications shall contain
7 information that, in the judgment of the Department, will
8 enable the Department to approve or disapprove of the
9 qualifications of the applicant for a license to practice as a
10 professional music therapist. If an applicant fails to obtain
11 a license under this Act within 3 years after filing the
12 application, the application shall be denied. The applicant
13 may make a new application, which shall be accompanied by the
14 required nonrefundable fee. The applicant shall be required to
15 meet the qualifications required for licensure at the time of
16 reapplication.

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

1 reinstated, or restored license shall require the applicant's
2 customer identification number.

3 Section 60. Qualifications for licensure.

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

9 (1) the applicant has received a baccalaureate degree
10 or higher in music therapy, or its equivalent, as defined
11 by the Department;

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

13 (3) the applicant is of good moral character. In
14 determining moral character under this paragraph, the
15 Department may take into consideration whether the
16 applicant has engaged in conduct or activities which would
17 constitute grounds for discipline under this Act; and

18 (4) the applicant provides proof of passing an exam
19 determined by the Department or provides proof that the
20 applicant holds a current music therapist credential as
21 determined by the Department.

22 Section 65. License renewal.

23 (a) Every license issued under this Act shall be renewed
24 biennially. A license shall be renewed upon payment of a

1 renewal fee, provided that the applicant is in compliance with
2 this Act at the time of application for renewal. The following
3 shall also be required for license renewal:

4 (1) Proof of completion of a minimum of 40 hours of
5 continuing education as established by rule.

6 (2) For those licensed professional music therapists
7 that have direct patient interactions with adult
8 populations age 26 or older, proof of completion of at
9 least one hour of training on the diagnosis, treatment,
10 and care of individuals with Alzheimer's disease and other
11 dementias per renewal period; this training shall include,
12 but not be limited to, assessment and diagnosis, effective
13 communication strategies, and management and care
14 planning; this one-hour course counts toward meeting the
15 minimum credit hours required for continuing education.

16 (b) A licensee shall inform the Secretary of any changes
17 to the licensee's address. Each licensee shall be responsible
18 for timely renewal of the licensee's license.

19 Section 70. Inactive status. A person who notifies the
20 Department in writing on forms prescribed by the Department
21 may elect to place the person's license on inactive status and
22 shall, subject to rule of the Department, be excused from
23 payment of renewal fees until the person notifies the
24 Department, in writing, of the person's desire to resume
25 active status. A person requesting restoration from inactive

1 status shall be required to pay the current renewal fee and
2 shall be required to restore the person's license. Practice by
3 an individual whose license is on inactive status shall be
4 considered to be the unlicensed practice of music therapy and
5 shall be grounds for discipline under this Act.

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

18 Section 80. Checks or orders dishonored. Any person who
19 issues or delivers a check or other order to the Department
20 that is returned to the Department unpaid by the financial
21 institution upon which it is drawn shall pay to the
22 Department, in addition to the amount already owed to the
23 Department, a fine of \$50. The fines imposed by this Section
24 are in addition to any other discipline provided under this

1 Act prohibiting unlicensed practice or practice on a
2 nonrenewed license. The Department shall notify the person
3 that payment of fees and fines shall be paid to the Department
4 by certified check or money order within 30 calendar days
5 after notification. If, after the expiration of 30 days from
6 the date of the notification, the person has failed to submit
7 the necessary remittance, the Department shall automatically
8 terminate the license or certification or deny the
9 application, without hearing. If, after termination or denial,
10 the person seeks a license or certificate, the person shall
11 apply to the Department for restoration or issuance of the
12 license or certificate and pay all fees and fines due to the
13 Department. The Department may establish a fee for the
14 processing of an application for restoration of a license to
15 pay all costs and expenses of processing of the application.
16 The Secretary may waive the fines due under this Section in
17 individual cases where the Secretary finds that the fines
18 would be unnecessarily burdensome.

19 Section 85. Endorsement. The Department may issue a
20 license as a professional music therapist, without
21 administering the required examination, to an applicant
22 licensed under the laws of another state, a U.S. territory, or
23 another country if the requirements for licensure in that
24 state, U.S. territory, or country are, on the date of
25 licensure, substantially equal to the requirements of this Act

1 or to a person who, at the time of the person's application for
2 licensure, possesses individual qualifications that are
3 substantially equivalent to the requirements of this Act. An
4 applicant under this Section shall pay all of the required
5 fees. An applicant shall have 3 years after the date of
6 application to complete the application process. If the
7 process has not been completed within the 3-year time period,
8 the application shall be denied, the fee shall be forfeited,
9 and the applicant shall be required to reapply and meet the
10 requirements in effect at the time of reapplication.

11 Section 90. Privileged communications and exceptions.

12 (a) No licensed professional music therapist shall
13 disclose any information acquired from persons consulting the
14 therapist in a professional capacity, except that which may be
15 voluntarily disclosed under any of the following
16 circumstances:

17 (1) In the course of formally reporting, conferring,
18 or consulting with administrative superiors, colleagues,
19 or consultants who share professional responsibility, in
20 which instance all recipients of the information are
21 similarly bound to regard the communication as privileged.

22 (2) With the written consent of the person who
23 provided the information and about whom the information
24 concerns.

25 (3) In the case of death or disability, with the

1 written consent of a personal representative.

2 (4) When a communication reveals the intended
3 commission of a crime or harmful act and the disclosure is
4 judged necessary in the professional judgment of the
5 licensed professional music therapist to protect any
6 person from a clear risk of serious mental or physical
7 harm or injury or to forestall a serious threat to the
8 public safety.

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

12 (b) Any person having access to records or anyone who
13 participates in providing music therapy services, or in
14 providing any human services, or is supervised by a licensed
15 professional music therapist is similarly bound to regard all
16 information and communications as privileged in accord with
17 this Section.

18 Section 95. Grounds for discipline.

19 (a) The Department may refuse to issue, renew, or may
20 revoke, suspend, place on probation, reprimand, or take other
21 disciplinary or nondisciplinary action as the Department deems
22 appropriate, including the issuance of fines not to exceed
23 \$10,000 for each violation, with regard to any license for any
24 one or more of the following:

25 (1) Material misstatement in furnishing information to

1 the Department or to any other State agency.

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

4 (3) Conviction by plea of guilty or nolo contendere,
5 finding of guilt, jury verdict, or entry of judgment or
6 sentencing, including, but not limited to, convictions,
7 preceding sentences of supervision, conditional discharge,
8 or first offender probation, under the laws of any
9 jurisdiction of the United States (i) that is a felony or
10 (ii) that is a misdemeanor, an essential element of which
11 is dishonesty, or that is directly related to the practice
12 of music therapy.

13 (4) Making any misrepresentation for the purpose of
14 obtaining a license, or violating any provision of this
15 Act or its rules.

16 (5) Negligence in the rendering of music therapy
17 services.

18 (6) Aiding or assisting another person in violating
19 any provision of this Act or any of its rules.

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

22 (8) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public and violating the rules of
25 professional conduct adopted by the Department.

26 (9) Failing to maintain the confidentiality of any

1 information received from a client, unless otherwise
2 authorized or required by law.

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

5 (11) Exploiting a client for personal advantage,
6 profit, or interest.

7 (12) Habitual or excessive use or addiction to
8 alcohol, narcotics, stimulants, or any other chemical
9 agent or drug which results in inability to practice with
10 reasonable skill, judgment, or safety.

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

16 (14) Directly or indirectly giving to or receiving
17 from any person, firm, corporation, partnership, or
18 association any fee, commission, rebate, or other form of
19 compensation for any professional service not actually
20 rendered. Nothing in this paragraph affects any bona fide
21 independent contractor or employment arrangements among
22 health care professionals, health facilities, health care
23 providers, or other entities, except as otherwise
24 prohibited by law. Any employment arrangements may include
25 provisions for compensation, health insurance, pension, or
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this
2 Act. Nothing in this paragraph shall be construed to
3 require an employment arrangement to receive professional
4 fees for services rendered.

5 (15) A finding by the Department that the licensee,
6 after having the license placed on probationary status,
7 has violated the terms of probation.

8 (16) Failing to refer a client to other health care
9 professionals when the licensee is unable or unwilling to
10 adequately support or serve the client.

11 (17) Willfully filing false reports relating to a
12 licensee's practice, including, but not limited to, false
13 records filed with federal or State agencies or
14 departments.

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

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

25 (20) Physical or mental disability, including
26 deterioration through the aging process or loss of

1 abilities and skills which results in the inability to
2 practice the profession with reasonable judgment, skill,
3 or safety.

4 (21) Solicitation of professional services by using
5 false or misleading advertising.

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

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

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

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

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

20 (b) The determination by a court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code shall result in an automatic suspension of the licensee's
24 license. The suspension will end upon a finding by a court that
25 the licensee is no longer subject to involuntary admission or
26 judicial admission, the issuance of an order so finding and

1 discharging the patient, and the determination of the
2 Secretary that the licensee be allowed to resume professional
3 practice.

4 (c) The Department may refuse to issue or renew or may
5 suspend without hearing the license of any person who fails to
6 file a return, to pay the tax penalty or interest shown in a
7 filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any Act regarding the
9 payment of taxes administered by the Department of Revenue
10 until the requirements of the Act are satisfied in accordance
11 with subsection (g) of Section 2105-15 of the Civil
12 Administrative Code of Illinois.

13 (d) In cases where the Department of Healthcare and Family
14 Services has previously determined that a licensee or a
15 potential licensee is more than 30 days delinquent in the
16 payment of child support and has subsequently certified the
17 delinquency to the Department, the Department may refuse to
18 issue or renew or may revoke or suspend that person's license
19 or may take other disciplinary action against that person
20 based solely upon the certification of delinquency made by the
21 Department of Healthcare and Family Services in accordance
22 with paragraph (5) of subsection (a) of Section 2105-15 of the
23 Department of Professional Regulation Law of the Civil
24 Administrative Code of Illinois.

25 (e) All fines or costs imposed under this Section shall be
26 paid within 60 days after the effective date of the order

1 imposing the fine or costs or in accordance with the terms set
2 forth in the order imposing the fine.

3 Section 100. Violations; injunction; cease and desist
4 order.

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

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

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

3 Section 105. Investigations; notice and hearing. The
4 Department may investigate the actions of any applicant or any
5 person holding or claiming to hold a license or engaging in the
6 practice of music therapy. The Department shall, before
7 revoking, suspending, placing on probation, reprimanding, or
8 taking any other disciplinary action under Section 95, at
9 least 30 days before the date set for the hearing, (i) notify
10 the accused, in writing, of any charges made and the time and
11 place for the hearing on the charges, (ii) direct the accused
12 to file a written answer to the charges with the Department
13 under oath within 20 days after service of the notice, and
14 (iii) inform the accused that, if the accused fails to answer,
15 default will be taken against the accused or that the
16 accused's license or certificate may be suspended, revoked,
17 placed on probationary status, or other disciplinary action
18 taken with regard to the license, including limiting the
19 scope, nature, or extent of the accused's practice, as the
20 Department may deem proper. In case the person, after
21 receiving notice, fails to file an answer, the accused's
22 license may, in the discretion of the Department, be
23 suspended, revoked, placed on probationary status, or the
24 Department may take whatever disciplinary action considered
25 proper, including limiting the scope, nature, or extent of the

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

6 Section 110. 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 except as
9 otherwise provided by statute or rule.

10 Section 115. Subpoenas; depositions; oaths. The Department
11 may subpoena and bring before it any person in this State and
12 take the oral or written testimony or compel the production of
13 any books, papers, records, or any other documents that the
14 Secretary or the Secretary's designee deems relevant or
15 material to any investigation or hearing conducted by the
16 Department with the same fees and mileage and in the same
17 manner as prescribed in civil cases in the courts of this
18 State. The Secretary, the shorthand court reporter, the
19 designated hearing officer, and every member of the Advisory
20 Board may administer oaths at any hearing which the Department
21 conducts. Notwithstanding any other statute or Department rule
22 to the contrary, all requests for testimony and for the
23 production of documents or records shall be in accordance with
24 this Act.

1 Section 120. Compelling testimony. Any court, upon
2 application of the Department, designated hearing officer, or
3 the applicant or licensee against whom proceedings under
4 Section 95 are pending, may order the attendance and testimony
5 of witnesses and the production of relevant documents, papers,
6 files, books, and records in connection with any hearing or
7 investigation. The court may compel obedience to its order by
8 proceedings for contempt.

9 Section 125. Findings and recommendations. At the
10 conclusion of the hearing, the hearing officer or Advisory
11 Board shall present to the Secretary a written report of its
12 findings of fact, conclusions of law, and recommendations. The
13 report shall contain a finding whether the licensee violated
14 this Act or failed to comply with the conditions required in
15 this Act. The hearing officer or Advisory Board shall specify
16 the nature of the violation or failure to comply, and shall
17 make its recommendations to the Secretary. The report of
18 findings of fact, conclusions of law, and recommendation of
19 the hearing officer or Advisory Board shall be the basis for
20 the Department's order for refusing to issue, restore, or
21 renew a license, or for otherwise disciplining a licensee. If
22 the Secretary disagrees with the recommendations of the
23 hearing officer or Advisory Board, the Secretary may issue an
24 order in contravention of the hearing officer's or Advisory

1 Board's recommendations. The finding is not admissible in
2 evidence against the person in a criminal prosecution brought
3 for the violation of this Act, but the hearing and findings are
4 not a bar to a criminal prosecution brought for the violation
5 of this Act.

6 Section 130. Secretary; rehearing. Whenever the Secretary
7 believes substantial justice has not been done in the
8 revocation, suspension, or refusal to issue or renew a license
9 or the discipline of a licensee, the Secretary may order a
10 rehearing.

11 Section 135. Appointment of a hearing officer. The
12 Secretary has the authority to appoint any attorney licensed
13 to practice law in the State to serve as the hearing officer in
14 any action for refusal to issue or renew a license or permit or
15 to discipline a licensee. The hearing officer has full
16 authority to conduct the hearing. The hearing officer shall
17 report the hearing officer's findings of fact, conclusions of
18 law, and recommendations to the Secretary.

19 Section 140. Order or certified copy; prima facie proof.
20 An order or certified copy thereof, over the seal of the
21 Department and purporting to be signed by the Secretary, is
22 prima facie proof that: (1) the signature is the genuine
23 signature of the Secretary; and (2) the Secretary is duly

1 appointed and qualified.

2 Section 145. Restoration of license from discipline. At
3 any time after the successful completion of a term of
4 indefinite probation, suspension, or revocation of a license,
5 the Department may restore the license to active status,
6 unless, after an investigation and a hearing, the Secretary
7 determines that restoration is not in the public interest. No
8 person whose license has been revoked as authorized in this
9 Act may apply for restoration of that license until authorized
10 to do so under the Civil Administrative Code of Illinois.

11 Section 150. Summary suspension of license. The Secretary
12 may summarily suspend the license of a music therapist without
13 a hearing, simultaneously with the institution of proceedings
14 for a hearing provided for in Section 105, if the Secretary
15 finds that the evidence indicates that the continuation of
16 practice by the professional music therapist would constitute
17 an imminent danger to the public. If the Secretary summarily
18 suspends the license of an individual without a hearing, a
19 hearing must be held within 30 days after the suspension has
20 occurred and shall be concluded as expeditiously as possible.

21 Section 155. Administrative review; venue.

22 (a) All final administrative decisions of the Department
23 are subject to judicial review pursuant to the Administrative

1 Review Law and its rules. As used in this Section,
2 "administrative decision" has the same meaning as used in
3 Section 3-101 of the Code of Civil Procedure.

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

8 Section 160. Certification of record; costs. The
9 Department shall not be required to certify any record to the
10 court, to file an answer in court, or to otherwise appear in
11 any court in a judicial review proceeding, unless and until
12 the Department has received from the plaintiff payment of the
13 costs of furnishing and certifying the record, which costs
14 shall be determined by the Department. Failure on the part of
15 the plaintiff to file the receipt in court is grounds for
16 dismissal of the action.

17 Section 165. Violations. Unless otherwise specified, any
18 person found to have violated any provision of this Act is
19 guilty of a Class A misdemeanor.

20 Section 170. Illinois Administrative Procedure Act;
21 application. The Illinois Administrative Procedure Act is
22 hereby expressly adopted and incorporated in this Act as if
23 all of the provisions of that Act were included in this Act,

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

10 Section 175. Home rule. The regulation and licensing of
11 professional music therapists are exclusive powers and
12 functions of the State. A home rule unit may not regulate or
13 license professional music therapists. This Section is a
14 denial and limitation of home rule powers and functions under
15 subsection (h) of Section 6 of Article VII of the Illinois
16 Constitution.

17 Section 180. Confidentiality. All information collected by
18 the Department in the course of an examination or
19 investigation of a licensee or applicant, including, but not
20 limited to, any complaint against a licensee filed with the
21 Department and information collected to investigate any
22 complaint, shall be maintained for the confidential use of the
23 Department and shall not be disclosed. The Department shall
24 not disclose the information to anyone other than law

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

12 Section 999. Effective date. This Act takes effect upon
13 becoming law.