



Sen. Laura M. Murphy

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10200SB2243sam001

LRB102 17262 SPS 24526 a

1 AMENDMENT TO SENATE BILL 2243

2 AMENDMENT NO. _____. Amend Senate Bill 2243 by replacing
3 everything after the enacting clause with the following:

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:

1 "Address of record" means the designated address recorded
2 by the Department in the applicant's or licensee's application
3 file or license file as maintained by the Department's
4 licensure maintenance unit. It is the duty of the applicant or
5 licensee to inform the Department of any change of address,
6 and those changes must be made either through the Department's
7 website or by contacting the Department.

8 "Advisory committee" means the Music Therapy Advisory
9 Committee.

10 "Board-certified music therapist" means an individual who
11 has completed the education and clinical training requirements
12 established by the American Music Therapy Association, has
13 passed the Certification Board for Music Therapists
14 certification examination or transitioned into board
15 certification, and remains actively certified by the
16 Certification Board for Music Therapists.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Licensed clinical music therapist" means a person
20 licensed to practice music therapy, and additionally includes
21 the assessment, evaluation, therapeutic intervention, and the
22 primary, parallel, or adjunctive treatment of mental,
23 emotional, developmental, and behavioral disorders through the
24 use of music.

25 "Licensed professional music therapist" means a person
26 licensed to practice music therapy.

1 "Music therapy" means the clinical and evidence-based use
2 of music interventions to accomplish individualized goals for
3 people of all ages and ability levels within a therapeutic
4 relationship through the development of music therapy
5 treatment plans specific to the needs and strengths of the
6 client who may be seen individually or in groups. Music
7 therapy interventions may include music improvisation,
8 receptive music listening, song writing, lyric discussion,
9 music and imagery, singing, music performance, learning
10 through music, music combined with other arts, music-assisted
11 relaxation, music-based education, electronic music
12 technology, adapted music interventions, and movement to
13 music. The practice of music therapy does not include the
14 screening, diagnosis, or assessment of any physical, mental,
15 or communication disorder.

16 "Person" means an individual, association, partnership, or
17 corporation.

18 "Secretary" means the Secretary of Financial and
19 Professional Regulation or his or her designee.

20 Section 15. Music Therapy Advisory Committee. There is
21 created within the Department a Music Therapy Advisory
22 Committee, which shall consist of 5 members. The Secretary
23 shall appoint all members of the advisory committee. The
24 advisory committee shall consist of persons familiar with the
25 practice of music therapy to provide the Secretary with

1 expertise and assistance in carrying out his or her duties
2 pursuant to this Act. The Secretary shall appoint members of
3 the advisory committee to serve for terms of 4 years, and
4 members may serve consecutive terms at the will of the
5 Secretary. Any vacancy shall be filled in the same manner as a
6 regular appointment. The Secretary shall appoint 2 members who
7 practice as clinical music therapists in this State, one
8 member who practices as a professional music therapist in this
9 State, one member who is a licensed health care provider who is
10 not a music therapist, and one member who is a consumer.
11 Members shall serve without compensation.

12 Section 20. Music Therapy Advisory Committee; powers and
13 duties.

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

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

18 (c) The advisory committee may facilitate the development
19 of materials that the Secretary may utilize to educate the
20 public concerning professional and clinical music therapist
21 licensure, the benefits of music therapy, and the utilization
22 of music therapy by individuals and in facilities or
23 institutional settings.

24 (d) The advisory committee may act as a facilitator of
25 statewide dissemination of information between music

1 therapists, the American Music Therapy Association or any
2 successor organization, the Certification Board for Music
3 Therapists or any successor organization, and the Secretary.

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

7 (f) The Secretary shall seek the advice of the advisory
8 committee for issues related to music therapy.

9 (g) The advisory committee shall advise the Department on
10 all matters pertaining to the licensure, education, continuing
11 education requirements for, and practice of music therapy in
12 this State.

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

16 Section 25. Exemptions.

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

1 therapist", "licensed professional music therapist", or
2 "licensed clinical music therapist".

3 (b) Nothing in this Act shall be construed to limit the
4 activities and services of a student enrolled in an accredited
5 music therapy program if these activities and services
6 constitute an integral part of the student's supervised course
7 of study as long as the student does not represent himself or
8 herself as a "music therapist", "licensed professional music
9 therapist", or "licensed clinical music therapist".

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

1 offered to be rendered.

2 Section 35. Collaboration. Before a licensed professional
3 music therapist provides music therapy services to a client
4 for an identified clinical or developmental need, the licensee
5 shall review the client's diagnosis, treatment needs, and
6 treatment plan with the health care providers involved in the
7 client's care. Before a licensed professional music therapist
8 provides music therapy services to a student for an identified
9 educational need in a special education setting, the licensee
10 shall review with the individualized family service plan or
11 individualized education program team the student's diagnosis,
12 treatment needs, and treatment plan. During the provision of
13 music therapy services to a client, the licensed professional
14 music therapist shall collaborate, as applicable, with the
15 client's treatment team, including the client's physician,
16 psychologist, licensed clinical social worker, or other mental
17 health professional. During the provision of music therapy
18 services to a client with a communication disorder, the
19 licensed professional music therapist shall collaborate and
20 discuss the music therapy treatment plan with the client's
21 audiologist or speech-language pathologist.

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

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds himself or herself out to practice as a

1 music therapist without being licensed or exempt under this
2 Act shall, in addition to any other penalty provided by law,
3 pay a civil penalty to the Department in an amount not to
4 exceed \$10,000 for each offense, as determined by the
5 Department. The civil penalty shall be assessed by the
6 Department after a hearing is held in accordance with the
7 provisions set forth in this Act regarding the provision of a
8 hearing for the discipline of a licensee.

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

11 (c) The civil penalty shall be paid within 60 days after
12 the effective date of the order imposing the civil penalty.
13 The order shall constitute a final judgment and may be filed
14 and execution had thereon in the same manner as any judgment
15 from any court of record.

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

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

20 (2) adopt rules providing for the establishment of a
21 uniform and reasonable standard of instruction and
22 maintenance to be observed by all curricula for music
23 therapy that are approved by the Department and determine
24 the reputability and good standing of such curricula for
25 music therapy by reference to compliance with the rules,

1 provided that no school of music therapy that refuses
2 admittance to applicants solely on account of race, color,
3 creed, sex, or national origin shall be considered
4 reputable and in good standing;

5 (3) adopt and publish rules for a method of
6 examination of candidates for licensed professional music
7 therapists and licensed clinical music therapists and for
8 issuance of licenses authorizing candidates upon passing
9 examination to practice as licensed professional music
10 therapists and licensed clinical music therapists;

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

13 (5) authorize examinations to ascertain the
14 qualifications of those applicants who require such
15 examinations as a component of a license;

16 (6) conduct hearings on proceedings to refuse to issue
17 or renew or to revoke licenses or suspend, place on
18 probation, censure, or reprimand persons licensed under
19 this Act and to refuse to issue or renew or to revoke
20 licenses or suspend, place on probation, censure, or
21 reprimand persons licensed under this Act;

22 (7) adopt rules necessary for the administration of
23 this Act; and

24 (8) maintain a list of licensed professional music
25 therapists and licensed clinical music therapists
26 authorized to practice in this State; this list shall show

1 the name of every licensee, his or her last known place of
2 residence, and the date and number of his or her license;
3 any interested person in this State may obtain a copy of
4 that list on application to the Department and payment of
5 the required fee.

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

20 Section 55. Social Security Number on license application.
21 In addition to any other information required to be contained
22 in the application, every application for an original license
23 under this Act shall include the applicant's Social Security
24 Number, which shall be retained in the Department's records

1 pertaining to the license. As soon as practical, the
2 Department shall assign a customer's identification number to
3 each applicant for a license. Every application for a renewal,
4 reinstated, or restored license shall require the applicant's
5 customer identification number.

6 Section 60. Qualifications for licensure.

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

12 (1) the applicant has received a baccalaureate degree
13 in music therapy, or its equivalent, which includes
14 clinical training hours, from a program approved by the
15 American Music Therapy Association or any successor
16 organization within an accredited college or university;

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

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

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

1 organization or of being transitioned into board
2 certification and (ii) 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, which includes
11 clinical training hours, from an accredited college or
12 university;

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

19 (3) the applicant is at least 21 years of age.

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

1 another jurisdiction where the qualifications required are
2 equal to or greater than those required by this Act at the date
3 of application.

4 Section 65. License renewal.

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

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

13 (2) proof of completion of continuing education
14 requirements established by the Secretary.

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

18 (c) Failure to renew a license shall result in forfeiture
19 of the license. Licenses that have been forfeited may be
20 restored within one year after the expiration date upon
21 payment of renewal and restoration fees. Failure to restore a
22 forfeited license within one year after the date of its
23 expiration shall result in the automatic termination of the
24 license, and the Secretary may require the individual to
25 reapply for licensure as a new applicant.

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

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

21 Section 75. Fees; deposit of fees. The Department shall,
22 by rule, establish a schedule of fees for the administration
23 and enforcement of this Act. These fees shall be
24 nonrefundable. All of the fees and fines collected under this

1 Act shall be deposited into the General Professions Dedicated
2 Fund. The moneys deposited into the General Professions
3 Dedicated Fund shall be used by the Department, as
4 appropriate, for the ordinary and contingent expenses of the
5 Department. Moneys in the General Professions Dedicated Fund
6 may be invested and reinvested, with all earnings received
7 from these investments being deposited into that Fund and used
8 for the same purposes as the fees and fines deposited in that
9 Fund.

10 Section 80. Checks or orders dishonored. Any person who
11 issues or delivers a check or other order to the Department
12 that is returned to the Department unpaid by the financial
13 institution upon which it is drawn shall pay to the
14 Department, in addition to the amount already owed to the
15 Department, a fine of \$50. The fines imposed by this Section
16 are in addition to any other discipline provided under this
17 Act prohibiting unlicensed practice or practice on a
18 nonrenewed license. The Department shall notify the person
19 that payment of fees and fines shall be paid to the Department
20 by certified check or money order within 30 calendar days
21 after notification. If, after the expiration of 30 days from
22 the date of the notification, the person has failed to submit
23 the necessary remittance, the Department shall automatically
24 terminate the license or certification or deny the
25 application, without hearing. If, after termination or denial,

1 the person seeks a license or certificate, he or she shall
2 apply to the Department for restoration or issuance of the
3 license or certificate and pay all fees and fines due to the
4 Department. The Department may establish a fee for the
5 processing of an application for restoration of a license to
6 pay all costs and expenses of processing of this application.
7 The Secretary may waive the fines due under this Section in
8 individual cases where the Secretary finds that the fines
9 would be unnecessarily burdensome.

10 Section 85. Endorsement. The Department may issue a
11 license as a professional music therapist or clinical music
12 therapist, without administering the required examination, to
13 an applicant licensed under the laws of another state, a U.S.
14 territory, or another country if the requirements for
15 licensure in that state, U.S. territory, or country are, on
16 the date of licensure, substantially equal to the requirements
17 of this Act or to a person who, at the time of his or her
18 application for licensure, possesses individual qualifications
19 that are substantially equivalent to the requirements of this
20 Act. An applicant under this Section shall pay all of the
21 required fees. An applicant shall have 3 years after the date
22 of application to complete the application process. If the
23 process has not been completed within the 3-year time period,
24 the application shall be denied, the fee shall be forfeited,
25 and the applicant shall be required to reapply and meet the

1 requirements in effect at the time of reapplication.

2 Section 90. Privileged communications and exceptions.

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

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

13 (2) With the written consent of the person who
14 provided the information and about whom the information
15 concerns.

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

18 (4) When a communication reveals the intended
19 commission of a crime or harmful act and such disclosure
20 is judged necessary in the professional judgment of the
21 licensed professional music therapist or licensed clinical
22 music therapist to protect any person from a clear risk of
23 serious mental or physical harm or injury or to forestall
24 a serious threat to the public safety.

25 (5) When the person waives the privilege by bringing

1 any public charges or filing a lawsuit against the
2 licensee.

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

9 Section 95. Grounds for discipline.

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

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

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

20 (3) Conviction by plea of guilty or nolo contendere,
21 finding of guilt, jury verdict, or entry of judgment or
22 sentencing, including, but not limited to, convictions,
23 preceding sentences of supervision, conditional discharge,
24 or first offender probation, under the laws of any
25 jurisdiction of the United States: (i) that is a felony or

1 (ii) that is a misdemeanor, an essential element of which
2 is dishonesty, or that is directly related to the practice
3 of music therapy.

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

7 (5) Negligence in the rendering of music therapy
8 services.

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

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

13 (8) Engaging in dishonorable, unethical, or
14 unprofessional conduct of a character likely to deceive,
15 defraud, or harm the public and violating the rules of
16 professional conduct adopted by the Department.

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

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

22 (11) Exploiting a client for personal advantage,
23 profit, or interest.

24 (12) Habitual or excessive use or addiction to
25 alcohol, narcotics, stimulants, or any other chemical
26 agent or drug which results in inability to practice with

1 reasonable skill, judgment, or safety.

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

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

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

25 (16) Failing to refer a client to other health care
26 professionals when the licensee is unable or unwilling to

1 adequately support or serve the client.

2 (17) Willfully filing false reports relating to a
3 licensee's practice, including, but not limited to, false
4 records filed with federal or State agencies or
5 departments.

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

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

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

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

23 (22) Failure to file a return, or to pay the tax,
24 penalty of interest shown in a filed return, or to pay any
25 final assessment of tax, penalty or interest, as required
26 by any tax Act administered by the Illinois Department of

1 Revenue or any successor agency or the Internal Revenue
2 Service or any successor agency.

3 (23) Fraud or making any misrepresentation in applying
4 for or procuring a license under this Act or in connection
5 with applying for renewal of a license under this Act.

6 (24) Practicing or attempting to practice under a name
7 other than the full name as shown on the license or any
8 other legally authorized name.

9 (25) Gross overcharging for professional services,
10 including filing statements for collection of fees or
11 moneys for which services are not rendered.

12 (26) Charging for professional services not rendered,
13 including filing false statements for the collection of
14 fees for which services are not rendered.

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

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

24 (c) The determination by a court that a licensee is
25 subject to involuntary admission or judicial admission as
26 provided in the Mental Health and Developmental Disabilities

1 Code will result in an automatic suspension of his or her
2 license. The suspension will end upon a finding by a court that
3 the licensee is no longer subject to involuntary admission or
4 judicial admission, the issuance of an order so finding and
5 discharging the patient, and the determination of the
6 Secretary that the licensee be allowed to resume professional
7 practice.

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

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

1 Department of Professional Regulation Law of the Civil
2 Administrative Code of Illinois.

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

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

18 Section 105. Violations; injunction; cease and desist
19 order.

20 (a) If any person violates the provisions of this Act, the
21 Secretary may, in the name of the People of the State of
22 Illinois, through the Attorney General of the State of
23 Illinois or the State's Attorney of any county in which the
24 violation is alleged to have occurred, petition for an order

1 enjoining the violation or for an order enforcing compliance
2 with this Act. Upon the filing of a verified petition, the
3 court with appropriate jurisdiction may issue a temporary
4 restraining order without notice or bond, and may
5 preliminarily and permanently enjoin the violation. If it is
6 established that the person has violated or is violating the
7 injunction, the court may punish the offender for contempt of
8 court. Proceedings under this Section are in addition to all
9 other remedies and penalties provided by this Act.

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

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

1 Section 110. Investigations; notice and hearing. The
2 Department may investigate the actions of any applicant or any
3 person holding or claiming to hold a license. The Department
4 shall, before revoking, suspending, placing on probation,
5 reprimanding, or taking any other disciplinary action under
6 Section 95, at least 30 days before the date set for the
7 hearing, (i) notify the accused, in writing, of any charges
8 made and the time and place for the hearing on the charges,
9 (ii) direct him or her to file a written answer to the charges
10 with the Department under oath within 20 days after service of
11 the notice, and (iii) inform the accused that, if he or she
12 fails to answer, default will be taken against him or her or
13 that his or her license or certificate may be suspended,
14 revoked, placed on probationary status, or other disciplinary
15 action taken with regard to the license, including limiting
16 the scope, nature, or extent of his or her practice, as the
17 Department may deem proper. In case the person, after
18 receiving notice, fails to file an answer, his or her license
19 may, in the discretion of the Department, be suspended,
20 revoked, placed on probationary status, or the Department may
21 take whatever disciplinary action considered proper, including
22 limiting the scope, nature, or extent of the person's practice
23 or the imposition of a fine, without a hearing, if the act or
24 acts charged constitute sufficient grounds for such action
25 under this Act. The written notice may be served by personal
26 delivery or certified mail to the licensee's address of

1 record.

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

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

19 Section 125. Compelling testimony. Any court, upon
20 application of the Department, designated hearing officer, or
21 the applicant or licensee against whom proceedings under
22 Section 95 of this Act are pending, may order the attendance
23 and testimony of witnesses and the production of relevant

1 documents, papers, files, books, and records in connection
2 with any hearing or investigation. The court may compel
3 obedience to its order by proceedings for contempt.

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

23 Section 135. Secretary; rehearing. Whenever the Secretary
24 believes justice has not been done in the revocation,

1 suspension, or refusal to issue or renew a license or the
2 discipline of a licensee, he or she may order a rehearing.

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

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

17 Section 150. Restoration of license from discipline. At
18 any time after the successful completion of a term of
19 indefinite probation, suspension, or revocation of a license,
20 the Department may restore the license to active status,
21 unless, after an investigation and a hearing, the Secretary
22 determines that restoration is not in the public interest. No
23 person whose license has been revoked as authorized in this

1 Act may apply for restoration of that license until authorized
2 to do so under the Civil Administrative Code of Illinois.

3 Section 155. Surrender of license. Upon the revocation or
4 suspension of a license, the licensee shall immediately
5 surrender his or her license to the Department. If the
6 licensee fails to do so, the Department has the right to seize
7 the license.

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

19 Section 165. Administrative review; venue.

20 (a) All final administrative decisions of the Department
21 are subject to judicial review pursuant to the Administrative
22 Review Law and its rules. "Administrative decision" has the
23 meaning given to that term in Section 3-101 of the Code of

1 Civil Procedure.

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

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

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

18 Section 180. Administrative Procedure Act; application.
19 The Illinois Administrative Procedure Act is hereby expressly
20 adopted and incorporated in this Act as if all of the
21 provisions of such Act were included in this Act, except that
22 the provision of paragraph (d) of Section 10-65 of the
23 Illinois Administrative Procedure Act, which provides that at

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

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

15 Section 190. Confidentiality. All information collected by
16 the Department in the course of an examination or
17 investigation of a licensee or applicant, including, but not
18 limited to, any complaint against a licensee filed with the
19 Department and information collected to investigate any such
20 complaint, shall be maintained for the confidential use of the
21 Department and shall not be disclosed. The Department shall
22 not disclose the information to anyone other than law
23 enforcement officials, regulatory agencies that have an
24 appropriate regulatory interest as determined by the

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

10 Section 195. Conflict with Act. In the case of a conflict
11 between this Act and any other law or part of law, this Act
12 controls.

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