



Sen. Laura M. Murphy

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LRB102 17262 AMQ 36287 a

1 AMENDMENT TO SENATE BILL 2243

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

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

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

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

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

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

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Email address of record" means the designated email
10 address recorded by the Department in the applicant's
11 application file or the licensee's license file, as maintained
12 by the Department's licensure maintenance unit.

13 "Licensed professional music therapist" means a person
14 licensed to practice music therapy.

15 "Music therapy" means the clinical and evidence-based use
16 of music therapy interventions to accomplish individualized
17 goals for people of all ages and ability levels within a
18 therapeutic relationship. "Music therapy" does not include the
19 screening, diagnosis, or assessment of any physical, mental,
20 or communication disorder.

21 "Music therapy intervention" includes, during a
22 therapist-client relationship, music improvisation, receptive
23 music listening, song writing, lyric discussion, music and
24 imagery, singing, music performance, learning through music,
25 music combined with other arts, music-assisted relaxation,
26 music-based patient education, electronic music technology,

1 adapted music intervention, and movement to music. "Music
2 therapy intervention" also includes:

3 (1) accepting referrals for music therapy services
4 from medical, developmental, mental health, or education
5 professionals or family members, clients, caregivers, or
6 others involved and authorized with the provision of
7 client services;

8 (2) conducting a music therapy assessment of a client
9 to determine if treatment is indicated; if treatment is
10 indicated, the licensee collects systematic,
11 comprehensive, and accurate information to determine the
12 appropriateness and type of music therapy services to
13 provide for the client;

14 (3) developing an individualized music therapy
15 treatment plan for the client that is based upon the
16 results of the music therapy assessment; as used in this
17 paragraph, "music therapy treatment plan" includes
18 individualized goals and objectives that focus on the
19 assessed needs and strengths of the client and specify
20 music therapy approaches and interventions to be used to
21 address these goals and objectives;

22 (4) implementing an individualized music therapy
23 treatment plan that is consistent with any other
24 developmental, rehabilitative, habilitative, medical,
25 mental health, preventive, wellness care, or educational
26 services being provided to the client;

1 (5) evaluating the client's response to music therapy
2 and the music therapy treatment plan, documenting change
3 and progress, and suggesting modifications, as
4 appropriate;

5 (6) developing a plan for determining when the
6 provision of music therapy services is no longer needed in
7 collaboration with the client, physician, or other
8 provider of health care or education of the client, family
9 members of the client, and any other appropriate person
10 upon whom the client relies for support;

11 (7) minimizing any barriers to ensure that the client
12 receives music therapy services in the least restrictive
13 environment;

14 (8) collaborating with and educating the client and
15 the family, caregiver of the client, or any other
16 appropriate person regarding the needs of the client that
17 are being addressed in music therapy and the manner in
18 which the music therapy treatment addresses those needs in
19 compliance with State and federal law; and

20 (9) utilizing appropriate knowledge and skills to
21 inform practice, including use of research, reasoning, and
22 problem-solving skills to determine appropriate actions in
23 the context of each specific clinical setting.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation or the Secretary's designee.

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

2 All applicants and licensees shall:

3 (1) provide a valid address and email address to the
4 Department, which serves as the address of record and
5 email address of record, respectively, at the time of
6 application for licensure or renewal of a license; and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after the
9 change either through the Department's website or by
10 contacting the Department's licensure maintenance unit.

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

1 The Secretary may terminate the appointment of any member
2 for cause as determined by the Secretary.

3 The Secretary may consider the recommendation of the
4 Advisory Board on all matters and questions relating to this
5 Act.

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

8 Members of the Advisory Board shall have no liability in
9 any action based upon a disciplinary proceeding or other
10 activity performed in good faith as a member of the Advisory
11 Board.

12 Section 25. Music Therapy Advisory Board; powers and
13 duties.

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

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

20 (c) The Advisory Board may make recommendations as it
21 deems advisable to the Secretary on any matters and questions
22 relating to this Act and the profession and practice of music
23 therapy.

24 (d) The Advisory Board shall annually elect one of its
25 members as chairperson and one of its members as vice

1 chairperson.

2 Section 30. Exemptions. Nothing in this Act may be
3 construed to prohibit or restrict the practice, services, or
4 activities of the following:

5 (1) A person licensed, certified, or regulated under
6 the laws of this State in another profession or
7 occupation, including physicians, psychologists,
8 registered nurses, marriage and family therapists, social
9 workers, occupational therapists, professional
10 counselors, speech-language pathologists or audiologists,
11 or personnel supervised by a licensed professional,
12 performing work, including the use of music, incidental to
13 the practice of that person's licensed, certified, or
14 regulated profession or occupation, if the person does not
15 represent the person as a licensed music therapist.

16 (2) Any practice of music therapy as an integral part
17 of a program of study for students enrolled in an
18 accredited music therapy program, if the student does not
19 represent the student as a music therapist.

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. A licensed music therapist whose highest
12 degree in music therapy is a baccalaureate degree shall not
13 engage in the practice of psychotherapy unless supervised by a
14 licensed music therapist with a master's degree in music
15 therapy, a licensed clinical social worker, a licensed
16 clinical psychologist, a licensed clinical professional
17 counselor, a licensed marriage and family therapist, or a
18 psychiatrist, as defined in Section 1-121 of the Mental Health
19 and Developmental Disabilities Code. During the provision of
20 music therapy services to a client with a communication
21 disorder, the licensed professional music therapist shall
22 collaborate and discuss the music therapy treatment plan with
23 the client's audiologist or speech-language pathologist so
24 that a music therapist may work with the client and address
25 communication skills.

26 When providing educational or health care services, a

1 licensed professional music therapist may not replace the
2 services provided by an audiologist or a speech-language
3 pathologist. Unless authorized to practice speech-language
4 pathology, music therapists may not evaluate, examine,
5 instruct, or counsel on speech, language, communication, and
6 swallowing disorders and conditions. An individual licensed as
7 a professional music therapist may not represent to the public
8 that the individual is authorized to treat a communication
9 disorder. This does not prohibit an individual licensed as a
10 professional music therapist from representing to the public
11 that the individual may work with clients who have a
12 communication disorder and address communication skills.

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

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

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

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

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

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

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

20 (3) adopt and publish rules for a method of
21 examination of candidates for licensed professional music
22 therapists and for issuance of licenses authorizing
23 candidates upon passing examination to practice as
24 licensed professional music therapists;

25 (4) review applications to ascertain the

1 qualifications of applicants for licenses;

2 (5) authorize examinations to ascertain the
3 qualifications of those applicants who require
4 examinations as a component of a license;

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

9 (7) adopt rules necessary for the administration of
10 this Act.

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

1 Section 55. Social Security Number on license application.
2 In addition to any other information required to be contained
3 in the application, every application for an original license
4 under this Act shall include the applicant's Social Security
5 Number, which shall be retained in the Department's records
6 pertaining to the license. As soon as practical, the
7 Department shall assign a customer's identification number to
8 each applicant for a license. Every application for a renewal,
9 reinstated, or restored license shall require the applicant's
10 customer identification number.

11 Section 60. Qualifications for licensure.

12 (a) The Secretary shall issue a license to an applicant
13 for a professional music therapist license if the applicant
14 has completed and submitted an application form in the manner
15 as the Secretary prescribes, accompanied by applicable fees,
16 and evidence satisfactory to the Secretary that:

17 (1) the applicant has received a baccalaureate degree
18 or higher in music therapy, or its equivalent, as defined
19 by the Department;

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

21 (3) the applicant is of good moral character. In
22 determining moral character under this paragraph, the
23 Department may take into consideration whether the
24 applicant has engaged in conduct or activities which would
25 constitute grounds for discipline under this Act; and

1 (4) the applicant provides proof of passing an exam
2 determined by the Department or provides proof that the
3 applicant holds a current music therapist credential as
4 determined by the Department.

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 in compliance with
9 this Act at the time of application for renewal. The following
10 shall also be required for license renewal:

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

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

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

1 Section 70. Inactive status. A person who notifies the
2 Department in writing on forms prescribed by the Department
3 may elect to place the person's license on inactive status and
4 shall, subject to rule of the Department, be excused from
5 payment of renewal fees until the person notifies the
6 Department, in writing, of the person's desire to resume
7 active status. A person requesting restoration from inactive
8 status shall be required to pay the current renewal fee and
9 shall be required to restore the person's license. Practice by
10 an individual whose license is on inactive status shall be
11 considered to be the unlicensed practice of music therapy and
12 shall be grounds for discipline under this Act.

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

1 Section 80. Checks or orders dishonored. Any person who
2 issues or delivers a check or other order to the Department
3 that is returned to the Department unpaid by the financial
4 institution upon which it is drawn shall pay to the
5 Department, in addition to the amount already owed to the
6 Department, a fine of \$50. The fines imposed by this Section
7 are in addition to any other discipline provided under this
8 Act prohibiting unlicensed practice or practice on a
9 nonrenewed license. The Department shall notify the person
10 that payment of fees and fines shall be paid to the Department
11 by certified check or money order within 30 calendar days
12 after notification. If, after the expiration of 30 days from
13 the date of the notification, the person has failed to submit
14 the necessary remittance, the Department shall automatically
15 terminate the license or certification or deny the
16 application, without hearing. If, after termination or denial,
17 the person seeks a license or certificate, the person shall
18 apply to the Department for restoration or issuance of the
19 license or certificate and pay all fees and fines due to the
20 Department. The Department may establish a fee for the
21 processing of an application for restoration of a license to
22 pay all costs and expenses of processing of the application.
23 The Secretary may waive the fines due under this Section in
24 individual cases where the Secretary finds that the fines
25 would be unnecessarily burdensome.

1 Section 85. Endorsement. The Department may issue a
2 license as a professional music therapist, without
3 administering the required examination, to an applicant
4 licensed under the laws of another state, a U.S. territory, or
5 another country if the requirements for licensure in that
6 state, U.S. territory, or country are, on the date of
7 licensure, substantially equal to the requirements of this Act
8 or to a person who, at the time of the person's application for
9 licensure, possesses individual qualifications that are
10 substantially equivalent to the requirements of this Act. An
11 applicant under this Section shall pay all of the required
12 fees. An applicant shall have 3 years after the date of
13 application to complete the application process. If the
14 process has not been completed within the 3-year time period,
15 the application shall be denied, the fee shall be forfeited,
16 and the applicant shall be required to reapply and meet the
17 requirements in effect at the time of reapplication.

18 Section 90. Privileged communications and exceptions.

19 (a) No licensed professional music therapist shall
20 disclose any information acquired from persons consulting the
21 therapist in a professional capacity, except that which may be
22 voluntarily disclosed under any of the following
23 circumstances:

24 (1) In the course of formally reporting, conferring,

1 or consulting with administrative superiors, colleagues,
2 or consultants who share professional responsibility, in
3 which instance all recipients of the information are
4 similarly bound to regard the communication as privileged.

5 (2) With the written consent of the person who
6 provided the information and about whom the information
7 concerns.

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

10 (4) When a communication reveals the intended
11 commission of a crime or harmful act and the disclosure is
12 judged necessary in the professional judgment of the
13 licensed professional music therapist to protect any
14 person from a clear risk of serious mental or physical
15 harm or injury or to forestall a serious threat to the
16 public safety.

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

20 (b) Any person having access to records or anyone who
21 participates in providing music therapy services, or in
22 providing any human services, or is supervised by a licensed
23 professional music therapist is similarly bound to regard all
24 information and communications as privileged in accord with
25 this Section.

1 Section 95. Grounds for discipline.

2 (a) The Department may refuse to issue, renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or nondisciplinary action as the Department deems
5 appropriate, including the issuance of fines not to exceed
6 \$10,000 for each violation, with regard to any license for any
7 one or more of the following:

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

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

12 (3) Conviction by plea of guilty or nolo contendere,
13 finding of guilt, jury verdict, or entry of judgment or
14 sentencing, including, but not limited to, convictions,
15 preceding sentences of supervision, conditional discharge,
16 or first offender probation, under the laws of any
17 jurisdiction of the United States (i) that is a felony or
18 (ii) that is a misdemeanor, an essential element of which
19 is dishonesty, or that is directly related to the practice
20 of music therapy.

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

24 (5) Negligence in the rendering of music therapy
25 services.

26 (6) Aiding or assisting another person in violating

1 any provision of this Act or any of its rules.

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

4 (8) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public and violating the rules of
7 professional conduct adopted by the Department.

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

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

13 (11) Exploiting a client for personal advantage,
14 profit, or interest.

15 (12) Habitual or excessive use or addiction to
16 alcohol, narcotics, stimulants, or any other chemical
17 agent or drug which results in inability to practice with
18 reasonable skill, judgment, or safety.

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

24 (14) Directly or indirectly giving to or receiving
25 from any person, firm, corporation, partnership, or
26 association any fee, commission, rebate, or other form of

1 compensation for any professional service not actually
2 rendered. Nothing in this paragraph affects any bona fide
3 independent contractor or employment arrangements among
4 health care professionals, health facilities, health care
5 providers, or other entities, except as otherwise
6 prohibited by law. Any employment arrangements may include
7 provisions for compensation, health insurance, pension, or
8 other employment benefits for the provision of services
9 within the scope of the licensee's practice under this
10 Act. Nothing in this paragraph shall be construed to
11 require an employment arrangement to receive professional
12 fees for services rendered.

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

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

19 (17) Willfully filing false reports relating to a
20 licensee's practice, including, but not limited to, false
21 records filed with federal or State agencies or
22 departments.

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

26 (19) Being named as a perpetrator in an indicated

1 report by the Department of Children and Family Services
2 pursuant to the Abused and Neglected Child Reporting Act,
3 and upon proof by clear and convincing evidence that the
4 licensee has caused a child to be an abused child or
5 neglected child as defined in the Abused and Neglected
6 Child Reporting Act.

7 (20) Physical or mental disability, including
8 deterioration through the aging process or loss of
9 abilities and skills which results in the inability to
10 practice the profession with reasonable judgment, skill,
11 or safety.

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

14 (22) Fraud or making any misrepresentation in applying
15 for or procuring a license under this Act or in connection
16 with applying for renewal of a license under this Act.

17 (23) Practicing or attempting to practice under a name
18 other than the full name as shown on the license or any
19 other legally authorized name.

20 (24) Gross overcharging for professional services,
21 including filing statements for collection of fees or
22 moneys for which services are not rendered.

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

26 (26) Allowing one's license under this Act to be used

1 by an unlicensed person in violation of this Act.

2 (b) 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 shall result in an automatic suspension of the licensee's
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 (c) 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 Department of Revenue
18 until the requirements of the Act are satisfied in accordance
19 with subsection (g) of Section 2105-15 of the Civil
20 Administrative Code of Illinois.

21 (d) 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 paragraph (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 (e) 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. Violations; injunction; cease and desist
12 order.

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

1 provided by this Act.

2 (b) Whenever, in the opinion of the Department, a person
3 violates any provision of this Act, the Department may issue a
4 rule to show cause why an order to cease and desist should not
5 be entered against that person. The rule shall clearly set
6 forth the grounds relied upon by the Department and shall
7 allow at least 7 days from the date of the rule to file an
8 answer satisfactory to the Department. Failure to answer to
9 the satisfaction of the Department shall cause an order to
10 cease and desist to be issued.

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

1 taken with regard to the license, including limiting the
2 scope, nature, or extent of the accused's practice, as the
3 Department may deem proper. In case the person, after
4 receiving notice, fails to file an answer, the accused's
5 license may, in the discretion of the Department, be
6 suspended, revoked, placed on probationary status, or the
7 Department may take whatever disciplinary action considered
8 proper, including limiting the scope, nature, or extent of the
9 person's practice or the imposition of a fine, without a
10 hearing, if the act or acts charged constitute sufficient
11 grounds for such action under this Act. The written notice may
12 be served by personal delivery, mail, or email to the address
13 of record or email address of record.

14 Section 110. Record of proceedings; transcript. The
15 Department, at its expense, shall preserve a record of all
16 proceedings at the formal hearing of any case except as
17 otherwise provided by statute or rule.

18 Section 115. Subpoenas; depositions; oaths. The Department
19 may subpoena and bring before it any person in this State and
20 take the oral or written testimony or compel the production of
21 any books, papers, records, or any other documents that the
22 Secretary or the Secretary's designee deems relevant or
23 material to any investigation or hearing conducted by the
24 Department with the same fees and mileage and in the same

1 manner as prescribed in civil cases in the courts of this
2 State. The Secretary, the shorthand court reporter, the
3 designated hearing officer, and every member of the Advisory
4 Board may administer oaths at any hearing which the Department
5 conducts. Notwithstanding any other statute or Department rule
6 to the contrary, all requests for testimony and for the
7 production of documents or records shall be in accordance with
8 this Act.

9 Section 120. Compelling testimony. Any court, upon
10 application of the Department, designated hearing officer, or
11 the applicant or licensee against whom proceedings under
12 Section 95 are pending, may order the attendance and testimony
13 of witnesses and the production of relevant documents, papers,
14 files, books, and records in connection with any hearing or
15 investigation. The court may compel obedience to its order by
16 proceedings for contempt.

17 Section 125. Findings and recommendations. At the
18 conclusion of the hearing, the hearing officer or Advisory
19 Board shall present to the Secretary a written report of its
20 findings of fact, conclusions of law, and recommendations. The
21 report shall contain a finding whether the licensee violated
22 this Act or failed to comply with the conditions required in
23 this Act. The hearing officer or Advisory Board shall specify
24 the nature of the violation or failure to comply, and shall

1 make its recommendations to the Secretary. The report of
2 findings of fact, conclusions of law, and recommendation of
3 the hearing officer or Advisory Board shall be the basis for
4 the Department's order for refusing to issue, restore, or
5 renew a license, or for otherwise disciplining a licensee. If
6 the Secretary disagrees with the recommendations of the
7 hearing officer or Advisory Board, the Secretary may issue an
8 order in contravention of the hearing officer's or Advisory
9 Board's recommendations. The finding is not admissible in
10 evidence against the person in a criminal prosecution brought
11 for the violation of this Act, but the hearing and findings are
12 not a bar to a criminal prosecution brought for the violation
13 of this Act.

14 Section 130. Secretary; rehearing. Whenever the Secretary
15 believes substantial justice has not been done in the
16 revocation, suspension, or refusal to issue or renew a license
17 or the discipline of a licensee, the Secretary may order a
18 rehearing.

19 Section 135. Appointment of a hearing officer. The
20 Secretary has the authority to appoint any attorney licensed
21 to practice law in the State to serve as the hearing officer in
22 any action for refusal to issue or renew a license or permit or
23 to discipline a licensee. The hearing officer has full
24 authority to conduct the hearing. The hearing officer shall

1 report the hearing officer's findings of fact, conclusions of
2 law, and recommendations to the Secretary.

3 Section 140. Order or certified copy; prima facie proof.
4 An order or certified copy thereof, over the seal of the
5 Department and purporting to be signed by the Secretary, is
6 prima facie proof that: (1) the signature is the genuine
7 signature of the Secretary; and (2) the Secretary is duly
8 appointed and qualified.

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

18 Section 150. Summary suspension of license. The Secretary
19 may summarily suspend the license of a music therapist without
20 a hearing, simultaneously with the institution of proceedings
21 for a hearing provided for in Section 105, if the Secretary
22 finds that the evidence indicates that the continuation of
23 practice by the professional music therapist would constitute

1 an imminent danger to the public. If the Secretary summarily
2 suspends the license of an individual without a hearing, a
3 hearing must be held within 30 days after the suspension has
4 occurred and shall be concluded as expeditiously as possible.

5 Section 155. Administrative review; venue.

6 (a) All final administrative decisions of the Department
7 are subject to judicial review pursuant to the Administrative
8 Review Law and its rules. As used in this Section,
9 "administrative decision" has the same meaning as used in
10 Section 3-101 of the Code of Civil Procedure.

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

15 Section 160. Certification of record; costs. The
16 Department shall not be required to certify any record to the
17 court, to file an answer in court, or to otherwise appear in
18 any court in a judicial review proceeding, unless and until
19 the Department has received from the plaintiff payment of the
20 costs of furnishing and certifying the record, which costs
21 shall be determined by the Department. Failure on the part of
22 the plaintiff to file the receipt in court is grounds for
23 dismissal of the action.

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

4 Section 170. Illinois Administrative Procedure Act;
5 application. The Illinois Administrative Procedure Act is
6 hereby expressly adopted and incorporated in this Act as if
7 all of the provisions of that Act were included in this Act,
8 except subsection (d) of Section 10-65 of the Illinois
9 Administrative Procedure Act, which provides that at hearings
10 the license holder has the right to show compliance with all
11 lawful requirements for retention, continuation, or renewal of
12 the certificate, is specifically excluded. For the purpose of
13 this Act, the notice required under Section 10-25 of the
14 Illinois Administrative Procedure Act is deemed sufficient
15 when mailed to the last known address of a party or the address
16 of record.

17 Section 175. Home rule. The regulation and licensing of
18 professional music therapists are exclusive powers and
19 functions of the State. A home rule unit may not regulate or
20 license professional music therapists. This Section is a
21 denial and limitation of home rule powers and functions under
22 subsection (h) of Section 6 of Article VII of the Illinois
23 Constitution.

1 Section 180. Confidentiality. All information collected by
2 the Department in the course of an examination or
3 investigation of a licensee or applicant, including, but not
4 limited to, any complaint against a licensee filed with the
5 Department and information collected to investigate any
6 complaint, shall be maintained for the confidential use of the
7 Department and shall not be disclosed. The Department shall
8 not disclose the information to anyone other than law
9 enforcement officials, regulatory agencies that have an
10 appropriate regulatory interest as determined by the
11 Secretary, or a party presenting a lawful subpoena to the
12 Department. Information and documents disclosed to a federal,
13 State, county, or local law enforcement agency shall not be
14 disclosed by the agency for any purpose to any other agency or
15 person. A formal complaint filed against a licensee or
16 registrant by the Department or any other complaint issued by
17 the Department against a licensee, registrant, or applicant
18 shall be a public record, except as otherwise prohibited by
19 law.

20 Section 999. Effective date. This Act takes effect upon
21 becoming law.".