



Rep. Michael P. McAuliffe

**Filed: 3/10/2015**

09900HB1656ham001

LRB099 06662 MLM 31968 a

1 AMENDMENT TO HOUSE BILL 1656

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1656 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 professional music therapy is hereby declared to affect the  
8 public health, safety, and welfare and to be subject to  
9 regulation in the public interest. The purpose of the Act is to  
10 ensure the highest degree of professional conduct on the part  
11 of music therapists, to guarantee the availability of music  
12 therapy services provided by a qualified professional to  
13 persons in need of those services, and to protect the public  
14 from the practice of music therapy by unqualified individuals.

15 Section 10. Definitions. For purposes of this Act, the

1 following definitions shall have the following meanings,  
2 except where the context requires otherwise:

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

10 "Advisory committee" means the Music Therapy Advisory  
11 Committee.

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

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 "Music therapist" means a person licensed to practice music  
22 therapy pursuant to this Act.

23 "Music therapy" means the clinical and evidence-based use  
24 of music interventions to accomplish individualized goals for  
25 people of all ages and ability levels within a therapeutic  
26 relationship by a credentialed professional who has completed

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

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

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

14 Section 15. Music Therapy Advisory Committee. There is  
15 created within the Department a Music Therapy Advisory  
16 Committee, which shall consist of 5 members. The Secretary  
17 shall appoint all members of the advisory committee. The  
18 advisory committee shall consist of persons familiar with the  
19 practice of music therapy to provide the Secretary with  
20 expertise and assistance in carrying out his or her duties  
21 pursuant to this Act. The Secretary shall appoint members of  
22 the advisory committee to serve for terms of 4 years, and  
23 members may serve consecutive terms at the will of the  
24 Secretary. Any vacancy shall be filled in the same manner as a  
25 regular appointment. The Secretary shall appoint 3 members who

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

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

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

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

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

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

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

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

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

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

8           Section 25. Exemptions.

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

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

24           Section 30. Restrictions and limitations. No person shall,

1 without a valid license as a music therapist issued by the  
2 Department (i) in any manner hold himself or herself out to the  
3 public as a music therapist under this Act; (ii) use in  
4 connection with his or her name or place of business the title  
5 "music therapist" or "licensed music therapist" or any words,  
6 letters, abbreviations, or insignia indicating or implying a  
7 person has met the qualifications for or has the license issued  
8 under this Act; or (iii) offer to render or render to  
9 individuals, corporations, or the public music therapy  
10 services if the words "music therapist" or "licensed music  
11 therapist" are used to describe the person offering to render  
12 or rendering them or "music therapy" is used to describe the  
13 services rendered or offered to be rendered.

14 Section 35. Unlicensed practice; violation; civil penalty.

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

25 (b) The Department may investigate any actual, alleged, or

1 suspected unlicensed activity.

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

7 Section 40. Powers and duties of the Department. Subject to  
8 the provisions of this Act, the Department shall:

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

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

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

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

11 (7) adopt rules necessary for the administration of  
12 this Act; and

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

20 Section 45. Application for original license.  
21 Applications for original licenses shall be made to the  
22 Department on forms prescribed by the Department and  
23 accompanied by the required fee, which is not refundable. All  
24 applications shall contain such information that, in the  
25 judgment of the Department, will enable the Department to pass



1 on the qualifications of the applicant for a license to  
2 practice as a music therapist. If an applicant fails to obtain  
3 a license under this Act within 3 years after filing his or her  
4 application, the application shall be denied. The applicant may  
5 make a new application, which shall be accompanied by the  
6 required nonrefundable fee. The applicant shall be required to  
7 meet the qualifications required for licensure at the time of  
8 reapplication.

9 Section 50. Social Security Number on license application.

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

19 Section 55. Qualifications for licensure.

20 (a) The Secretary shall issue a license to an applicant for  
21 a music therapy license if such applicant has completed and  
22 submitted an application form in such manner as the Secretary  
23 prescribes, accompanied by applicable fees, and evidence  
24 satisfactory to the Secretary that:

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

2 (2) the applicant holds a bachelor's degree or higher  
3 in music therapy, or its equivalent, from a program  
4 approved by the American Music Therapy Association or any  
5 successor organization within an accredited college or  
6 university;

7 (3) the applicant has successfully completed a minimum  
8 of 1,200 hours of clinical training, with at least 180  
9 hours of pre-internship experience and at least 900 hours  
10 of internship experience, provided that the internship is  
11 approved by an academic institution or the American Music  
12 Therapy Association or any successor organization;

13 (4) the applicant is in good standing based on a review  
14 of any music therapy licensure history the applicant may  
15 have in other jurisdictions, including any alleged  
16 misconduct or neglect in the practice of music therapy; and

17 (5) the applicant provides proof of passing the  
18 examination for board certification offered by the  
19 Certification Board for Music Therapists or any successor  
20 organization, provides proof of being transitioned into  
21 board certification, and provides proof that the applicant  
22 is currently a board-certified music therapist.

23 (b) The Secretary shall issue a license to an applicant for  
24 a music therapy license if such applicant has completed and  
25 submitted an application upon a form and in such manner as the  
26 Secretary prescribes, accompanied by any applicable fees, and

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

6 (c) The Secretary shall waive the examination requirement  
7 until January 1, 2020 for an applicant who is designated as a  
8 registered music therapist, certified music therapist, or  
9 advanced certified music therapist and is in good standing with  
10 the national music therapy registry.

11 Section 60. License renewal.

12 (a) Every license issued under this Act shall be renewed  
13 biennially. A license shall be renewed upon payment of a  
14 renewal fee, provided that the applicant is not in violation of  
15 any of the terms of this Act at the time of application for  
16 renewal. The following shall also be required for license  
17 renewal:

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

20 (2) proof of completion of a minimum of 40 hours of  
21 continuing education in a program approved by the  
22 Certification Board for Music Therapists or any successor  
23 organization and any other continuing education  
24 requirements established by the Secretary.

25 (b) A licensee shall inform the Secretary of any changes to

1 his or her address. Each licensee shall be responsible for  
2 timely renewal of his or her license.

3 (c) Failure to renew a license shall result in forfeiture  
4 of the license. Licenses that have been forfeited may be  
5 restored within one year after the expiration date upon payment  
6 of renewal and restoration fees. Failure to restore a forfeited  
7 license within one year after the date of its expiration shall  
8 result in the automatic termination of the license, and the  
9 Secretary may require the individual to reapply for licensure  
10 as a new applicant.

11 (d) Upon written request of a licensee, the Secretary may  
12 place an active license on an inactive status subject to an  
13 inactive status fee established by the Secretary. The licensee,  
14 upon request and payment of the inactive license fee, may  
15 continue on inactive status for a period up to 2 years. An  
16 inactive license may be reactivated at any time by making a  
17 written request to the Secretary and by fulfilling the  
18 requirements established by the Secretary.

19 Section 65. Inactive status. A person who notifies the  
20 Department in writing on forms prescribed by the Department may  
21 elect to place his or her license on inactive status and shall,  
22 subject to rule of the Department, be excused from payment of  
23 renewal fees until he or she notifies the Department, in  
24 writing, of his or her desire to resume active status. A person  
25 requesting restoration from inactive status shall be required

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

6 Section 70. Fees; deposit of fees. The Department shall,  
7 by rule, establish a schedule of fees for the administration  
8 and 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 75. 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 Department,  
22 in addition to the amount already owed to the Department, a  
23 fine of \$50. The fines imposed by this Section are in addition  
24 to any other discipline provided under this Act prohibiting

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

19 Section 80. Endorsement. The Department may issue a  
20 license as a music therapist, without administering the  
21 required examination, to an applicant licensed under the laws  
22 of another state, a U.S. territory, or another country if the  
23 requirements for licensure in that state, U.S. territory, or  
24 country are, on the date of licensure, substantially equal to  
25 the requirements of this Act or to a person who, at the time of

1 his or her application for licensure, possesses individual  
2 qualifications that are substantially equivalent to the  
3 requirements of this Act.

4 An applicant under this Section shall pay all of the  
5 required fees. An applicant shall have 3 years after the date  
6 of 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 85. Privileged communications and exceptions.

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

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

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

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

25 (4) When a communication reveals the intended

1 commission of a crime or harmful act and such disclosure is  
2 judged necessary in the professional judgment of the  
3 licensed music therapist to protect any person from a clear  
4 risk of serious mental or physical harm or injury or to  
5 forestall a serious threat to the public safety.

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

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

14 Section 90. Grounds for discipline.

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

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

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

25 (3) Conviction by plea of guilty or nolo contendere,



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

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

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

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

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

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

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

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

1           (11) Exploiting a client for personal advantage,  
2 profit, or interest.

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

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

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

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

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

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

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

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

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

26          (21) Solicitation of professional services by using

1 false or misleading advertising.

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

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

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

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

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

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

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

1 default has established a satisfactory repayment record as  
2 determined by the Illinois Student Assistance Commission.

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

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

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

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

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

11 Section 95. Suspension of license for failure to pay  
12 restitution. The Department, without further process or  
13 hearing, shall suspend the license or other authorization to  
14 practice of any person issued under this Act who has been  
15 certified by court order as not having paid restitution to a  
16 person under Section 8A-3.5 of the Illinois Public Aid Code or  
17 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
18 the Criminal Code of 2012. A person whose license or other  
19 authorization to practice is suspended under this Section is  
20 prohibited from practicing until the restitution is made in  
21 full.

22 Section 100. Violations; injunction; cease and desist  
23 order.

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

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

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

19 (c) 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 allow  
24 at least 7 days from the date of the rule to file an answer  
25 satisfactory to the Department. Failure to answer to the  
26 satisfaction of the Department shall cause an order to cease

1 and desist to be issued.

2 Section 105. Investigations; notice and hearing. The  
3 Department may investigate the actions of any applicant or any  
4 person holding or claiming to hold a license. The Department  
5 shall, before revoking, suspending, placing on probation,  
6 reprimanding, or taking any other disciplinary action under  
7 Section 90 of this Act, at least 30 days prior to the date set  
8 for the hearing, (i) notify the accused, in writing, of any  
9 charges made and the time and place for the hearing on the  
10 charges, (ii) direct him or her to file a written answer to the  
11 charges with the Department under oath within 20 days after  
12 service of the notice, and (iii) inform the accused that, if he  
13 or she fails to answer, default will be taken against him or  
14 her or that his or her license or certificate may be suspended,  
15 revoked, placed on probationary status, or other disciplinary  
16 action taken with regard to the license, including limiting the  
17 scope, nature, or extent of his or her practice, as the  
18 Department may deem proper. In case the person, after receiving  
19 notice, fails to file an answer, his or her license may, in the  
20 discretion of the Department, be suspended, revoked, placed on  
21 probationary status, or the Department may take whatever  
22 disciplinary action considered proper, including limiting the  
23 scope, nature, or extent of the person's practice or the  
24 imposition of a fine, without a hearing, if the act or acts  
25 charged constitute sufficient grounds for such action under



1 this Act. The written notice may be served by personal delivery  
2 or certified mail to the licensee's address of record.

3 Section 110. Record of proceedings; transcript. The  
4 Department, at its expense, shall preserve a record of all  
5 proceedings at the formal hearing of any case.

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

20 Section 120. Compelling testimony. Any court, upon  
21 application of the Department, designated hearing officer, or  
22 the applicant or licensee against whom proceedings under  
23 Section 90 of this Act are pending, may order the attendance

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

5 Section 125. Findings and recommendations. At the  
6 conclusion of the hearing, the hearing officer shall present to  
7 the Secretary a written report of its findings of fact,  
8 conclusions of law, and recommendations. The report shall  
9 contain a finding whether the licensee violated this Act or  
10 failed to comply with the conditions required in this Act. The  
11 hearing officer shall specify the nature of the violation or  
12 failure to comply, and shall make its recommendations to the  
13 Secretary. The report of findings of fact, conclusions of law,  
14 and recommendation of the hearing officer shall be the basis  
15 for the Department's order for refusing to issue, restore, or  
16 renew a license, or for otherwise disciplining a licensee. If  
17 the Secretary disagrees with the recommendations of the hearing  
18 officer, the Secretary may issue an order in contravention of  
19 the hearing officer's recommendations. The finding is not  
20 admissible in evidence against the person in a criminal  
21 prosecution brought for the violation of this Act, but the  
22 hearing and findings are not a bar to a criminal prosecution  
23 brought for the violation of this Act

24 Section 130. Secretary; rehearing. Whenever the Secretary

1 believes justice has not been done in the revocation,  
2 suspension, or refusal to issue or renew a license or the  
3 discipline of a licensee, he or she may order a rehearing.

4 Section 135. Appointment of a hearing officer. The  
5 Secretary has the authority to appoint any attorney licensed to  
6 practice law in the State of Illinois to serve as the hearing  
7 officer in any action for refusal to issue or renew a license  
8 or permit or to discipline a licensee. The hearing officer has  
9 full authority to conduct the hearing. The hearing officer  
10 shall report his findings of fact, conclusions of law, and  
11 recommendations to the Secretary.

12 Section 140. Order or certified copy; prima facie proof.  
13 An order or certified copy thereof, over the seal of the  
14 Department and purporting to be signed by the Secretary, is  
15 prima facie proof that:

16 (1) the signature is the genuine signature of the  
17 Secretary; and

18 (2) the Secretary is duly appointed and qualified.

19 Section 145. Restoration of license from discipline. At any  
20 time after the successful completion of a term of indefinite  
21 probation, suspension, or revocation of a license, the  
22 Department may restore the license to active status, unless,  
23 after an investigation and a hearing, the Secretary determines

1 that restoration is not in the public interest. No person whose  
2 license has been revoked as authorized in this Act may apply  
3 for restoration of that license until such time as provided for  
4 in the Civil Administrative Code of Illinois.

5 Section 150. Surrender of license. Upon the revocation or  
6 suspension of a license, the licensee shall immediately  
7 surrender his or her license to the Department. If the licensee  
8 fails to do so, the Department has the right to seize the  
9 license.

10 Section 155. Summary suspension of license. The Secretary  
11 may summarily suspend the license of a music therapist without  
12 a hearing, simultaneously with the institution of proceedings  
13 for a hearing provided for in Section 105 of this Act, if the  
14 Secretary finds that the evidence indicates that the  
15 continuation of practice by the music therapist would  
16 constitute an imminent danger to the public. In the event that  
17 the Secretary summarily suspends the license of an individual  
18 without a hearing, a hearing must be held within 30 days after  
19 the suspension has occurred and shall be concluded as  
20 expeditiously as possible.

21 Section 160. 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. The term "administrative decision" is  
2 defined as in Section 3-101 of the Code of Civil Procedure.

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

7 Section 165. Certification of record; costs. The  
8 Department shall not be required to certify any record to the  
9 court, to file an answer in court, or to otherwise appear in  
10 any court in a judicial review proceeding, unless and until the  
11 Department has received from the plaintiff payment of the costs  
12 of furnishing and certifying the record, which costs shall be  
13 determined by the Department. Failure on the part of the  
14 plaintiff to file the receipt in court is grounds for dismissal  
15 of the action.

16 Section 170. Violations. Unless otherwise specified, any  
17 person found to have violated any provision of this Act is  
18 guilty of a Class A misdemeanor.

19 Section 175. Administrative Procedure Act; application.  
20 The Illinois Administrative Procedure Act is hereby expressly  
21 adopted and incorporated in this Act as if all of the  
22 provisions of such Act were included in this Act, except that  
23 the provision of paragraph (d) of Section 10-65 of the Illinois

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

9 Section 180. Home rule. The regulation and licensing of  
10 music therapists are exclusive powers and functions of the  
11 State. A home rule unit may not regulate or license music  
12 therapists. This Section is a denial and limitation of home  
13 rule powers and functions under subsection (h) of Section 6 of  
14 Article VII of the Illinois Constitution.

15 Section 185. Confidentiality. All information collected by  
16 the Department in the course of an examination or investigation  
17 of a licensee or applicant, including, but not limited to, any  
18 complaint against a licensee filed with the Department and  
19 information collected to investigate any such complaint, shall  
20 be maintained for the confidential use of the Department and  
21 shall not be disclosed. The Department shall not disclose the  
22 information to anyone other than law enforcement officials,  
23 regulatory agencies that have an appropriate regulatory  
24 interest as determined by the Secretary, or a party presenting

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

9 Section 190. Conflict with Act. All laws and parts of laws  
10 in conflict with this Act are repealed.

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