



# Ohio Legislative Service Commission

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## Fiscal Note & Local Impact Statement

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**Bill:** H.B. 184 of the 131st G.A.

**Date:** June 16, 2015

**Status:** As Introduced

**Sponsor:** Reps. Dovilla and Antonio

**Local Impact Statement Procedure Required:** No

**Contents:** To require the licensure of music therapists and to require the State Medical Board to regulate the licensure and practice of music therapists

### State Fiscal Highlights

- The bill establishes the requirements for an initial music therapy license and music therapy license renewal, including application fees. The bill sets the initial licensure application fee and the license renewal fee at \$150. There would be an increase in costs to the Board to process license applications. These costs would be partially offset by a gain in license fee revenue. The Board estimates the revenue to be \$48,000 (320 music therapists x \$150). Revenue would be deposited in the State Medical Board Operating Fund (Fund 5C60).
- The bill creates the Music Therapy Advisory Committee within the State Medical Board and establishes the membership of the committee. According to the Board, costs would depend upon the rate at which members would be required to be paid. In addition, there would be costs associated with administrative support.
- The bill permits the Committee to create materials to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings. There would be a cost to the Board if the Board elects to create these materials.
- The bill authorizes the Board to take disciplinary action against a licensed music therapist or a music therapist license applicant and lists the potential sanctions. There could be an increase in costs to the Board if additional investigations and disciplinary hearings are required.
- The bill establishes that unlicensed practice or use of the title of music therapist is guilty of a fourth degree misdemeanor for a first offense and a third degree misdemeanor for each subsequent offense. The maximum penalty for a fourth degree misdemeanor is 30 days in jail and a \$250 fine; the maximum penalty for a third degree misdemeanor is 60 days in jail and a \$500 fine.

## Local Fiscal Highlights

- No direct fiscal effect on political subdivisions.
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### Detailed Fiscal Analysis

#### Music therapist license

The bill creates the music therapist license, and creates a license holder's scope of practice. The bill also establishes the requirements for an initial license to practice music therapy, including an application fee. Within 60 days of receipt of a complete application, the bill requires the Board to issue a license to the applicant. A music therapist license is valid for three years. In addition, the bill requires that the Board send renewal notices to each music therapist license holder at least one month before the license expires. The bill also creates the procedure for renewing a music therapist license, which includes payment of a license renewal fee. The bill sets the initial licensure application fee and the license renewal fee at \$150 but permits the State Medical Board to increase both fees by 50% after January 1, 2016, with Controlling Board approval. There would be an increase in costs to the Board to process license applications. These costs would be partially offset by a gain in license fee revenue. The Board estimates that there are approximately 320 music therapists in the state; application fee revenue would be \$48,000 (320 × \$150). Revenue would be deposited into the State Medical Board Operating Fund (Fund 5C60).

The bill creates the Music Therapy Advisory Committee within the State Medical Board and establishes the membership of the committee. According to the Board, costs would depend upon the rate at which members would be required to be paid. In addition, there would be costs associated with administrative support. The bill also permits the Committee to create materials to educate the public concerning music therapist licensure, the benefits of music therapy, and utilization of music therapy by individuals and in facilities or institutional settings. There would be a cost to the Board if the Board elects to create these materials.

The bill requires the State Medical Board to provide a copy of the register of licenses, and licenses issued, suspended, or revoked to any requester, upon request and payment of a fee established by the Board. The bill prohibits the fee from exceeding the cost to make the copies. Revenue gained from the fee would be deposited into the State Medical Board Operating Fund (Fund 5C60).

#### Disciplinary action and penalty for unlicensed practice of music therapy

The bill requires that if any member of the State Medical Board or the Music Therapy Advisory Committee becomes aware of any ground for initiating disciplinary action against a licensee, the member must file a written complaint to the Board. The bill also requires the Board to investigate the complaint as soon as practicable. In addition, the bill authorizes the Board to take disciplinary action against a licensed music

therapist or an applicant for a license and potential sanctions, including an administrative fine between \$100 and \$1,000 for each violation, refusing to issue or renew a license, placing a license on probation, license suspension, and license revocation. Any penalty may only take place after the Board serves notice to the license holder and a disciplinary hearing. There could be an increase in costs to the Board if additional investigations and disciplinary hearings are required. Any fine revenue collected by the Board would be deposited into the State Medical Board Operating Fund (Fund 5C60).

The bill establishes that unlicensed practice or use of the title of music therapist is guilty of a fourth degree misdemeanor for a first offense and a third degree misdemeanor for each subsequent offense. The maximum penalty for a fourth degree misdemeanor is 30 days in jail and a \$250 fine; the maximum penalty for a third degree misdemeanor is 60 days in jail and a \$500 fine.

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