



Sen. Laura M. Murphy

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10200SB2243sam002

LRB102 17262 AMQ 35768 a

1 AMENDMENT TO SENATE BILL 2243

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

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

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

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

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

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

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

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

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

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

20 "Music therapy intervention" includes music improvisation,  
21 receptive music listening, song writing, lyric discussion,  
22 music and imagery, singing, music performance, learning  
23 through music, music combined with other arts, music-assisted  
24 relaxation, music-based patient education, electronic music  
25 technology, adapted music intervention, and movement to music.

26 "Music therapy intervention" also includes:

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

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

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

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

25          (5) evaluating the client's response to music therapy  
26          and the music therapy treatment plan, documenting change

1 and progress, and suggesting modifications, as  
2 appropriate;

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

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

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

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

22 "Secretary" means the Secretary of Financial and  
23 Professional Regulation or his or her designee.

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

25 All applicants and licensees shall:

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

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

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

24          The Secretary may terminate the appointment of any member  
25          for cause as determined by the Secretary.

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

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

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

10          Section 25. Music Therapy Advisory Board; powers and  
11   duties.

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

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

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

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

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

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

16           (2) A person whose training and national certification  
17 attests to the individual's preparation and ability to  
18 practice his or her certified profession or occupation, if  
19 that person does not represent himself or herself as a  
20 music therapist.

21           (3) Any practice of music therapy as an integral part  
22 of a program of study for students enrolled in an  
23 accredited music therapy program, if the student does not  
24 represent himself or herself as a music therapist.

25           Section 35. Collaboration. Before a licensed professional

1 music therapist provides music therapy services to a client  
2 for an identified clinical or developmental need, the licensee  
3 shall review the client's diagnosis, treatment needs, and  
4 treatment plan with the health care providers involved in the  
5 client's care. Before a licensed professional music therapist  
6 provides music therapy services to a student for an identified  
7 educational need in a special education setting, the licensee  
8 shall review with the individualized family service plan or  
9 individualized education program team the student's diagnosis,  
10 treatment needs, and treatment plan. During the provision of  
11 music therapy services to a client, the licensed professional  
12 music therapist shall collaborate, as applicable, with the  
13 client's treatment team, including the client's physician,  
14 psychologist, licensed clinical social worker, or other mental  
15 health professional. A licensed music therapist whose highest  
16 degree in music therapy is a baccalaureate degree shall not  
17 engage in the practice of psychotherapy unless supervised by a  
18 licensed music therapist with a master's degree in music  
19 therapy, a licensed clinical social worker, a licensed  
20 clinical psychologist, a licensed clinical professional  
21 counselor, a licensed marriage and family therapist, or a  
22 psychiatrist, as defined in Section 1-121 of the Mental Health  
23 and Developmental Disabilities Code. During the provision of  
24 music therapy services to a client with a communication  
25 disorder, the licensed professional music therapist shall  
26 collaborate and discuss the music therapy treatment plan with



1 the client's audiologist or speech-language pathologist so  
2 that a music therapist may work with the client and address  
3 communication skills.

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

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

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

1 accordance with the provisions set forth in this Act regarding  
2 the provision of a hearing for the discipline of a licensee.

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

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

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

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

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

24 (3) adopt and publish rules for a method of  
25 examination of candidates for licensed professional music

1 therapists and for issuance of licenses authorizing  
2 candidates upon passing examination to practice as  
3 licensed professional music therapists;

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

6 (5) authorize examinations to ascertain the  
7 qualifications of those applicants who require such  
8 examinations as a component of a license;

9 (6) conduct hearings on proceedings to refuse to issue  
10 or renew a license or to revoke, suspend, place on  
11 probation, or reprimand licenses issued under this Act;  
12 and

13 (7) adopt rules necessary for the administration of  
14 this Act.

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

1 required nonrefundable fee. The applicant shall be required to  
2 meet the qualifications required for licensure at the time of  
3 reapplication.

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

14 Section 60. Qualifications for licensure.

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

20 (1) the applicant has received a baccalaureate degree  
21 or higher in music therapy, or its equivalent, as defined  
22 by the Department;

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

24 (3) the applicant is in good standing based on a

1 review of any music therapy licensure history the  
2 applicant may have in other jurisdictions, including any  
3 alleged misconduct or neglect in the practice of music  
4 therapy; and

5 (4) the applicant provides proof of passing an exam  
6 determined by the Department or provides proof that the  
7 applicant holds a current music therapist credential as  
8 determined by the Department.

9 Section 65. License renewal.

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

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

18 (2) For those licensed professional music therapists  
19 that have direct patient interactions with adult  
20 populations age 26 or older, proof of completion of at  
21 least one hour of training on the diagnosis, treatment,  
22 and care of individuals with Alzheimer's disease and other  
23 dementias per renewal period; this training shall include,  
24 but not be limited to, assessment and diagnosis, effective  
25 communication strategies, and management and care

1           planning; this one-hour course counts toward meeting the  
2           minimum credit hours required for continuing education.

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

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

18          Section 75. Fees; deposit of fees. The Department shall,  
19          by rule, establish a schedule of fees for the administration  
20          and enforcement of this Act. These fees shall be  
21          nonrefundable. All of the fees and fines collected under this  
22          Act shall be deposited into the General Professions Dedicated  
23          Fund. The moneys deposited into the General Professions  
24          Dedicated Fund shall be used by the Department, as

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

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

1 Department. The Department may establish a fee for the  
2 processing of an application for restoration of a license to  
3 pay all costs and expenses of processing of this application.  
4 The Secretary may waive the fines due under this Section in  
5 individual cases where the Secretary finds that the fines  
6 would be unnecessarily burdensome.

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

24 Section 90. Privileged communications and exceptions.



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

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

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

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

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

23           (5) When the person waives the privilege by bringing  
24 any public charges or filing a lawsuit against the  
25 licensee.

26           (b) Any person having access to records or anyone who

1 participates in providing music therapy services, or in  
2 providing any human services, or is supervised by a licensed  
3 professional music therapist is similarly bound to regard all  
4 information and communications as privileged in accord with  
5 this Section.

6 Section 95. Grounds for discipline.

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

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

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

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

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

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

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

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

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

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

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

19          (11) Exploiting a client for personal advantage,  
20 profit, or interest.

21          (12) Habitual or excessive use or addiction to  
22 alcohol, narcotics, stimulants, or any other chemical  
23 agent or drug which results in inability to practice with  
24 reasonable skill, judgment, or safety.

25          (13) Discipline by another governmental agency or unit  
26 of government, by any jurisdiction of the United States,

1 or by a foreign nation, if at least one of the grounds for  
2 the discipline is the same or substantially equivalent to  
3 those set forth in this Section.

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

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

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

25 (17) Willfully filing false reports relating to a  
26 licensee's practice, including, but not limited to, false

1 records filed with federal or State agencies or  
2 departments.

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

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

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

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

20 (22) Failure to file a return, or to pay the tax,  
21 penalty of interest shown in a filed return, or to pay any  
22 final assessment of tax, penalty or interest, as required  
23 by any tax Act administered by the Illinois Department of  
24 Revenue or any successor agency or the Internal Revenue  
25 Service or any successor agency.

26 (23) Fraud or making any misrepresentation in applying

1 for or procuring a license under this Act or in connection  
2 with applying for renewal of a license under this Act.

3 (24) Practicing or attempting to practice under a name  
4 other than the full name as shown on the license or any  
5 other legally authorized name.

6 (25) Gross overcharging for professional services,  
7 including filing statements for collection of fees or  
8 moneys for which services are not rendered.

9 (26) Charging for professional services not rendered,  
10 including filing false statements for the collection of  
11 fees for which services are not rendered.

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

14 (b) The determination by a court that a licensee is  
15 subject to involuntary admission or judicial admission as  
16 provided in the Mental Health and Developmental Disabilities  
17 Code will result in an automatic suspension of his or her  
18 license. The suspension will end upon a finding by a court that  
19 the licensee is no longer subject to involuntary admission or  
20 judicial admission, the issuance of an order so finding and  
21 discharging the patient, and the determination of the  
22 Secretary that the licensee be allowed to resume professional  
23 practice.

24 (c) The Department may refuse to issue or renew or may  
25 suspend without hearing the license of any person who fails to  
26 file a return, to pay the tax penalty or interest shown in a

1 filed return, or to pay any final assessment of the tax,  
2 penalty, or interest as required by any Act regarding the  
3 payment of taxes administered by the Illinois Department of  
4 Revenue until the requirements of the Act are satisfied in  
5 accordance with subsection (g) of Section 2105-15 of the Civil  
6 Administrative Code of Illinois.

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

19 (e) All fines or costs imposed under this Section shall be  
20 paid within 60 days after the effective date of the order  
21 imposing the fine or costs or in accordance with the terms set  
22 forth in the order imposing the fine.

23 Section 100. Suspension of license for failure to pay  
24 restitution. The Department, without further process or  
25 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been  
2 certified by court order as not having paid restitution to a  
3 person under Section 8A-3.5 of the Illinois Public Aid Code or  
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or  
5 the Criminal Code of 2012. A person whose license or other  
6 authorization to practice is suspended under this Section is  
7 prohibited from practicing until the restitution is made in  
8 full.

9 Section 105. Violations; injunction; cease and desist  
10 order.

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

25 (b) Whenever, in the opinion of the Department, a person



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

9 Section 110. Investigations; notice and hearing. The  
10 Department may investigate the actions of any applicant or any  
11 person holding or claiming to hold a license or engaging in the  
12 practice of music therapy. The Department shall, before  
13 revoking, suspending, placing on probation, reprimanding, or  
14 taking any other disciplinary action under Section 95, at  
15 least 30 days before the date set for the hearing, (i) notify  
16 the accused, in writing, of any charges made and the time and  
17 place for the hearing on the charges, (ii) direct him or her to  
18 file a written answer to the charges with the Department under  
19 oath within 20 days after service of the notice, and (iii)  
20 inform the accused that, if he or she fails to answer, default  
21 will be taken against him or her or that his or her license or  
22 certificate may be suspended, revoked, placed on probationary  
23 status, or other disciplinary action taken with regard to the  
24 license, including limiting the scope, nature, or extent of  
25 his or her practice, as the Department may deem proper. In case

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

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

14 Section 120. Subpoenas; depositions; oaths. The Department  
15 may subpoena and bring before it any person in this State and  
16 take the oral or written testimony or compel the production of  
17 any books, papers, records, or any other documents that the  
18 Secretary or his or her designee deems relevant or material to  
19 any investigation or hearing conducted by the Department with  
20 the same fees and mileage and in the same manner as prescribed  
21 in civil cases in the courts of this State. The Secretary, the  
22 shorthand court reporter, the designated hearing officer, and  
23 every member of the Advisory Board may administer oaths at any  
24 hearing which the Department conducts. Notwithstanding any

1 other statute or Department rule to the contrary, all requests  
2 for testimony and for the production of documents or records  
3 shall be in accordance with this Act.

4 Section 125. Compelling testimony. Any court, upon  
5 application of the Department, designated hearing officer, or  
6 the applicant or licensee against whom proceedings under  
7 Section 95 of this Act are pending, may order the attendance  
8 and testimony of witnesses and the production of relevant  
9 documents, papers, files, books, and records in connection  
10 with any hearing or investigation. The court may compel  
11 obedience to its order by proceedings for contempt.

12 Section 130. Findings and recommendations. At the  
13 conclusion of the hearing, the hearing officer or Advisory  
14 Board shall present to the Secretary a written report of its  
15 findings of fact, conclusions of law, and recommendations. The  
16 report shall contain a finding whether the licensee violated  
17 this Act or failed to comply with the conditions required in  
18 this Act. The hearing officer or Advisory Board shall specify  
19 the nature of the violation or failure to comply, and shall  
20 make its recommendations to the Secretary. The report of  
21 findings of fact, conclusions of law, and recommendation of  
22 the hearing officer or Advisory Board shall be the basis for  
23 the Department's order for refusing to issue, restore, or  
24 renew a license, or for otherwise disciplining a licensee. If

1 the Secretary disagrees with the recommendations of the  
2 hearing officer or Advisory Board, the Secretary may issue an  
3 order in contravention of the hearing officer's or Advisory  
4 Board's recommendations. The finding is not admissible in  
5 evidence against the person in a criminal prosecution brought  
6 for the violation of this Act, but the hearing and findings are  
7 not a bar to a criminal prosecution brought for the violation  
8 of this Act.

9 Section 135. Secretary; rehearing. Whenever the Secretary  
10 believes justice has not been done in the revocation,  
11 suspension, or refusal to issue or renew a license or the  
12 discipline of a licensee, he or she may order a rehearing.

13 Section 140. Appointment of a hearing officer. The  
14 Secretary has the authority to appoint any attorney licensed  
15 to practice law in the State of Illinois to serve as the  
16 hearing officer in any action for refusal to issue or renew a  
17 license or permit or to discipline a licensee. The hearing  
18 officer has full authority to conduct the hearing. The hearing  
19 officer shall report his findings of fact, conclusions of law,  
20 and recommendations to the Secretary.

21 Section 145. Order or certified copy; prima facie proof.  
22 An order or certified copy thereof, over the seal of the  
23 Department and purporting to be signed by the Secretary, is

1 prima facie proof that: (1) the signature is the genuine  
2 signature of the Secretary; and (2) the Secretary is duly  
3 appointed and qualified.

4 Section 150. Restoration of license from discipline. At  
5 any time after the successful completion of a term of  
6 indefinite probation, suspension, or revocation of a license,  
7 the Department may restore the license to active status,  
8 unless, after an investigation and a hearing, the Secretary  
9 determines that restoration is not in the public interest. No  
10 person whose license has been revoked as authorized in this  
11 Act may apply for restoration of that license until authorized  
12 to do so under the Civil Administrative Code of Illinois.

13 Section 155. Surrender of license. Upon the revocation or  
14 suspension of a license, the licensee shall immediately  
15 surrender his or her license to the Department. If the  
16 licensee fails to do so, the Department has the right to seize  
17 the license.

18 Section 160. 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 110 of this Act, if the  
22 Secretary finds that the evidence indicates that the  
23 continuation of practice by the professional music therapist

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

6 Section 165. Administrative review; venue.

7 (a) All final administrative decisions of the Department  
8 are subject to judicial review pursuant to the Administrative  
9 Review Law and its rules. "Administrative decision" has the  
10 meaning given to that term in Section 3-101 of the Code of  
11 Civil Procedure.

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

16 Section 170. Certification of record; costs. The  
17 Department shall not be required to certify any record to the  
18 court, to file an answer in court, or to otherwise appear in  
19 any court in a judicial review proceeding, unless and until  
20 the Department has received from the plaintiff payment of the  
21 costs of furnishing and certifying the record, which costs  
22 shall be determined by the Department. Failure on the part of  
23 the plaintiff to file the receipt in court is grounds for  
24 dismissal of the action.

1           Section 175. 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 180. 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 such Act were included in this Act,  
8 except that the provision of paragraph (d) of Section 10-65 of  
9 the Illinois Administrative Procedure Act, which provides that  
10 at hearings the license holder has the right to show  
11 compliance with all lawful requirements for retention,  
12 continuation, or renewal of the certificate, is specifically  
13 excluded. For the purpose of this Act the notice required  
14 under Section 10-25 of the Illinois Administrative Procedure  
15 Act is deemed sufficient when mailed to the last known address  
16 of a party or the address of record.

17           Section 185. 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 190. 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 such  
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 195. Conflict with Act. In the case of a conflict  
21 between this Act and any other law or part of law, this Act  
22 controls.

23           Section 999. Effective date. This Act takes effect upon



1 becoming law.".