



Reprinted  
February 17, 2021

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## HOUSE BILL No. 1516

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DIGEST OF HB 1516 (Updated February 16, 2021 6:16 pm - DI 92)

**Citations Affected:** IC 25-0.5; IC 25-23.6; IC 25-41; IC 25-43; IC 35-52.

**Synopsis:** Licensure of behavior analysts. Establishes the behavior analyst board (board) that consists of three behavior analyst members, one consumer member, and one physician member. Requires the board to adopt rules concerning the practice of behavior analysis and continuing education requirements for behavior analysts and assistant behavior analysts. Requires the board to establish fees. Provides for the licensing of behavior analysts and assistant behavior analysts. Requires a licensed behavior analyst or licensed assistant behavior analyst to comply with a professional code published by the Behavior Analyst Certification Board, Inc. Makes it a Class A misdemeanor for an unlicensed individual to profess to be a licensed behavior analyst or licensed assistant behavior analyst, but provides that certain types of individuals may use applied behavior analysis techniques without being licensed. Specifies that an individual may not profess to be a music therapist, use the title "music therapist", use any other words indicating or implying that the individual qualifies as a music therapist, or practice music therapy for compensation unless the individual meets certain statutory requirements.

**Effective:** July 1, 2021.

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**Judy, VanNatter, Morris, Lindauer**

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January 14, 2021, read first time and referred to Committee on Public Health.  
February 2, 2021, reassigned to Committee on Employment, Labor and Pensions.  
February 9, 2021, amended, reported — Do Pass.  
February 16, 2021, read second time, amended, ordered engrossed.

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HB 1516—LS 7321/DI 55





Reprinted  
February 17, 2021

First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

## HOUSE BILL No. 1516

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A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 25-0.5-1-14, AS ADDED BY P.L.3-2014,  
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2021]: Sec. 14. IC 25-1-1.1-4 applies to an individual licensed  
4 or certified under IC 25-23.6 (**behavior analysts and assistant**  
5 **behavior analysts**, social workers, marriage and family therapists, and  
6 counselors).

7 SECTION 2. IC 25-0.5-2-22, AS ADDED BY P.L.3-2014,  
8 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2021]: Sec. 22. IC 25-1-2-2.1 applies to licenses held by  
10 **behavior analysts and assistant behavior analysts**, social workers,  
11 marriage and family therapists, and mental health counselors.

12 SECTION 3. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
14 1, 2021]: **Sec. 34. The behavior analyst board (IC 25-23.6-3.5) is a**  
15 **board under IC 25-1-4.**

16 SECTION 4. IC 25-0.5-5-22 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1, 2021]: **Sec. 22. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the behavior analyst board (IC 25-23.6-3.5) under IC 25-1-5-3(a).**

SECTION 5. IC 25-0.5-6-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 21. An individual licensed, certified, registered, or permitted by the behavior analyst board (IC 25-23.6-3.5) is a provider under IC 25-1-5-10.**

SECTION 6. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the behavior analyst board (IC 25-23.6-3.5) is a regulated occupation under IC 25-1-7.**

SECTION 7. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 35. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-8-6.**

SECTION 8. IC 25-0.5-11-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-9.**

SECTION 9. IC 25-23.6-1-2, AS AMENDED BY P.L.122-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 2. (a) "Board", except as provided in subsection (b), refers to the behavioral health and human services licensing board.**

**(b) "Board", for purposes of IC 25-23.6-3.5, refers to the behavior analyst board.**

SECTION 10. IC 25-23.6-1-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 6.2. (a) "Practice of behavior analysis" means the design, implementation, and evaluation of instructional and environmental modifications to produce socially significant improvements in human behavior. The term includes the following:**

**(1) Empirical identification of functional relations between behavior and environmental factors through functional assessment and analysis.**

**(2) Applied behavior analysis interventions based on scientific research and the direct observation and measurement of behavior and the environment.**

**(3) Use of contextual factors, motivating operations, antecedent stimuli, positive reinforcement, and other**



1 consequences to assist people in developing new behaviors,  
 2 increase or decrease existing behaviors, and emit behaviors  
 3 under specific environmental conditions.

4 (b) The term does not include the following:

- 5 (1) Psychological testing.
- 6 (2) Diagnosis of mental or physical disorders.
- 7 (3) Neuropsychology.
- 8 (4) Psychotherapy.
- 9 (5) Cognitive therapy.
- 10 (6) Sex therapy.
- 11 (7) Psychoanalysis.
- 12 (8) Hypnotherapy.
- 13 (9) Counseling.

14 SECTION 11. IC 25-23.6-3.5 IS ADDED TO THE INDIANA  
 15 CODE AS A NEW CHAPTER TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2021]:

17 **Chapter 3.5. Behavior Analyst and Assistant Behavior Analyst**  
 18 **Licensure**

19 **Sec. 1. (a) The behavior analyst board is established.**

20 (b) The board consists of the following members appointed by  
 21 the governor:

- 22 (1) Three (3) behavior analyst members.
- 23 (2) One (1) consumer member.
- 24 (3) One (1) physician member.

25 (c) A member appointed to the board serves a term under  
 26 IC 25-1-6.5.

27 **Sec. 2.** Each member of the board who is not a state employee  
 28 is entitled to the minimum salary per diem provided by  
 29 IC 4-10-11-2.1(b). Each member of the board is entitled to  
 30 reimbursement for travel expenses and other expenses actually  
 31 incurred in connection with the member's duties, as provided in the  
 32 state travel policies and procedures established by the department  
 33 of administration and approved by the budget agency.

34 **Sec. 3.** A member of the board who is appointed by the governor  
 35 may be removed under IC 25-1-6.5-4.

36 **Sec. 4.** The board shall elect a chairman from among the  
 37 members of the board for a one (1) year term. An individual may  
 38 not be elected as chairman for more than two (2) consecutive one  
 39 (1) year terms.

40 **Sec. 5.** The board shall meet at times and places determined by  
 41 the board.

42 **Sec. 6. (a)** The board shall adopt rules under IC 4-22-2



1 establishing standards for the following:

2 (1) The competent practice of behavior analysis.

3 (2) The renewal of licenses issued under this chapter.

4 (3) Continuing education requirements for an individual  
5 seeking renewal of licensure as a behavior analyst or assistant  
6 behavior analyst.

7 (4) The approval of continuing education providers,  
8 programs, courses, fees, and proof of course completion.

9 (b) The board shall establish fees under IC 25-1-8-2.

10 (c) The board shall do the following:

11 (1) Consider the qualifications of individuals who apply for a  
12 license under this chapter.

13 (2) Subject to IC 25-1-8-6, renew licenses under this article.

14 (3) Conduct proceedings under IC 25-1-9.

15 **Sec. 7. To be issued a license as a behavior analyst, an individual  
16 must do the following:**

17 (1) Furnish satisfactory evidence to the board that the  
18 individual is certified by the Behavior Analyst Certification  
19 Board, Inc., as a certified behavior analyst.

20 (2) Submit to a national criminal history background check  
21 under IC 25-1-1.1-4 and furnish satisfactory evidence to the  
22 board that the individual has not been convicted of a crime  
23 that has a direct bearing on the individual's ability to practice  
24 competently.

25 (3) Furnish satisfactory evidence to the board that the  
26 individual has not been the subject of a disciplinary action by  
27 a licensing or certification agency of another state or  
28 jurisdiction on the grounds that the individual was not able to  
29 practice behavior analysis without endangering the public.

30 (4) Apply for the license in the manner prescribed by the  
31 board.

32 (5) Pay the fee established by the board that is sufficient to  
33 cover the operations of the board.

34 **Sec. 8. (a) To be issued a license as an assistant behavior analyst,  
35 an individual must do the following:**

36 (1) Furnish satisfactory evidence to the board that the  
37 individual is certified by the Behavior Analyst Certification  
38 Board, Inc., as a certified assistant behavior analyst.

39 (2) Submit to a national criminal history background check  
40 under IC 25-1-1.1-4 and furnish satisfactory evidence to the  
41 board that the individual has not been convicted of a crime  
42 that has a direct bearing on the individual's ability to practice



- 1           **competently.**
- 2           **(3) Furnish satisfactory evidence to the board that the**
- 3           **individual has not been the subject of a disciplinary action by**
- 4           **a licensing or certification agency of another state or**
- 5           **jurisdiction on the grounds that the individual was not able to**
- 6           **practice behavior analysis without endangering the public.**
- 7           **(4) Apply for the license in the manner prescribed by the**
- 8           **board.**
- 9           **(5) Pay the fee established by the board that is sufficient to**
- 10          **cover the operations of the board.**
- 11          **(b) An individual who is licensed as an assistant behavior**
- 12          **analyst under this section:**
- 13               **(1) must be directly supervised by a behavior analyst licensed**
- 14               **under this chapter; and**
- 15               **(2) must submit to the board a written record of the**
- 16               **supervision provided to the individual by a behavior analyst**
- 17               **licensed under this chapter.**
- 18          **Sec. 9. If the board determines that:**
- 19               **(1) an individual possesses a valid license from another**
- 20               **jurisdiction authorizing the individual to perform acts for**
- 21               **which a license is required under this chapter; and**
- 22               **(2) the jurisdiction issuing the license imposes requirements**
- 23               **on license applicants that are substantially equal to the**
- 24               **requirements imposed on applicants for an Indiana license;**
- 25          **the board may issue to the individual, upon payment of the**
- 26          **licensure fee, a license to perform in Indiana the acts referred to in**
- 27          **subdivision (1).**
- 28          **Sec. 10. An individual who is licensed under this chapter shall**
- 29          **comply with the requirements of the Professional and Ethical**
- 30          **Compliance Code for Behavior Analysts published by the Behavior**
- 31          **Analyst Certification Board, Inc.**
- 32          **Sec. 11. The board may summarily suspend a behavior analyst**
- 33          **or assistant behavior analyst license under IC 25-1-9-10.**
- 34          **Sec. 12. (a) An individual may not:**
- 35               **(1) profess to be a licensed behavior analyst or licensed**
- 36               **assistant behavior analyst; or**
- 37               **(2) use the initials "LBA" or "LABA" or any other words,**
- 38               **letters, abbreviations, or insignia indicating or implying that**
- 39               **the individual is a licensed behavior analyst or licensed**
- 40               **assistant behavior analyst;**
- 41          **unless the individual holds a license under this chapter.**
- 42          **(b) This chapter does not limit the use of applied behavior**



1 analysis techniques by an individual who:

2 (1) does not use a title specified in subsection (a); and

3 (2) is one (1) of the following:

4 (A) A licensed or certified health care professional acting  
5 within the scope of the individual's license or certificate  
6 and within the individual's training.

7 (B) A student, an intern, or a trainee pursuing a course of  
8 study to gain licensure under this article in an accredited  
9 eligible postsecondary educational institution or training  
10 institution.

11 (C) An individual who is not a resident of Indiana, if the  
12 individual:

13 (i) performs the services in Indiana for not more than  
14 five (5) days in any one (1) month and not more than  
15 fifteen (15) days within any one (1) calendar year; and  
16 (ii) is authorized to perform the services under the laws  
17 of the state or country in which the individual resides.

18 (D) Either:

19 (i) an applied behavior analysis direct contact  
20 technician; or

21 (ii) a family member implementing a plan within the  
22 family home;

23 who acts under the extended authority and direction of a  
24 behavior analyst or assistant behavior analyst licensed  
25 under this chapter.

26 **Sec. 13. An individual who violates this chapter commits a Class**  
27 **A misdemeanor.**

28 SECTION 12. IC 25-41 IS REPEALED [EFFECTIVE JULY 1,  
29 2021]. (BEHAVIOR ANALYSTS).

30 SECTION 13. IC 25-43 IS ADDED TO THE INDIANA CODE AS  
31 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
32 2021]:

33 **ARTICLE 43. MUSIC THERAPISTS**

34 **Chapter 1. Application; Definitions**

35 **Sec. 1. This article may not be construed to limit music therapy**  
36 **services performed by a person who does not use a title specified in**  
37 **IC 25-43-2-1 and who is any of the following:**

38 (1) A licensed, certified, registered, or permitted health care  
39 professional, counselor, or educational professional acting  
40 within the scope of the person's license, certificate, or  
41 registration.

42 (2) A student, an intern, or a trainee pursuing a course of





- 1 study in a health care profession, counseling, education, or  
 2 music therapy.
- 3 (3) A nonresident of Indiana if the person performs music  
 4 therapy in Indiana for not more than:
- 5 (A) five (5) days in any one (1) month; or  
 6 (B) fifteen (15) days in any one (1) calendar year;  
 7 and the person is authorized to perform such services under  
 8 the laws of the state or country in which the person resides.
- 9 (4) A person who performs music therapy under the  
 10 supervision of a music therapist.
- 11 Sec. 2. As used in this chapter, "eligible postsecondary  
 12 educational institution" means an institution that meets any of the  
 13 following requirements:
- 14 (1) If the institution is located in the United States or a  
 15 territory of the United States, at the time of the individual's  
 16 graduation the institution was accredited by a regional  
 17 accrediting body recognized by the Commission on  
 18 Recognition of Postsecondary Accreditation.
- 19 (2) If the institution is located in Canada, at the time of the  
 20 individual's graduation the institution was a member in good  
 21 standing with the Association of Universities and Colleges of  
 22 Canada.
- 23 (3) If the institution is located in a foreign country other than  
 24 Canada, at the time of the individual's graduation the  
 25 institution:
- 26 (A) was recognized by the government of the country  
 27 where the school was located as a program to train in the  
 28 practice of music therapy; and  
 29 (B) maintained a standard of training substantially  
 30 equivalent to the standards of institutions accredited by a  
 31 regional accrediting body recognized by the Commission  
 32 on Recognition of Postsecondary Accreditation.
- 33 Sec. 3. As used in this chapter, "music therapist" means an  
 34 individual who:
- 35 (1) holds a bachelor's degree or higher in music therapy or a  
 36 related discipline from an eligible postsecondary educational  
 37 institution; or  
 38 (2) is certified by the Certification Board for Music  
 39 Therapists or its successor organization.
- 40 Sec. 4. (a) As used in this chapter, "music therapy" means  
 41 providing professional services that are delivered by a music  
 42 therapist, that use clinical and evidence based music interventions



1 to accomplish individualized goals for clients of any age or ability  
 2 level within a therapeutic relationship, and that include the  
 3 following:

4 (1) Developing individualized music therapy treatment plans  
 5 specific to the needs and strengths of each client.

6 (2) Establishing goals, objectives, and potential strategies of  
 7 the music therapy services that are appropriate for the client  
 8 and setting.

9 (b) The term does not include the screening, diagnosis, or  
 10 assessment of any physical, mental, or communication disorder.

11 **Chapter 2. Unlawful Practices; Penalty**

12 **Sec. 1. An individual may not:**

13 (1) profess to be a music therapist;

14 (2) use the title "music therapist";

15 (3) use any other words indicating or implying that the  
 16 individual qualifies as a music therapist; or

17 (4) practice music therapy for compensation;

18 unless the individual meets the qualifications under this article.

19 **Sec. 2. An individual who knowingly and intentionally violates  
 20 this chapter commits a Class A misdemeanor.**

21 SECTION 14. IC 35-52-25-29.5 IS ADDED TO THE INDIANA  
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2021]: **Sec. 29.5. IC 25-23.6-3.5-13 defines a  
 24 crime concerning behavior analysts and assistant behavior  
 25 analysts.**

26 SECTION 15. IC 35-52-25-66 IS REPEALED [EFFECTIVE JULY  
 27 1, 2021]. **Sec. 66. IC 25-41-1-2 defines a crime concerning behavior  
 28 analysts.**

29 SECTION 16. IC 35-52-25-67 IS ADDED TO THE INDIANA  
 30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 31 [EFFECTIVE JULY 1, 2021]: **Sec. 67. IC 25-43-2-2 defines a crime  
 32 concerning music therapists.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment, Labor and Pensions, to which was referred House Bill 1516, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 3. IC 25-0.5-4-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 34. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-4.**

SECTION 4. IC 25-0.5-5-22 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 22. The Indiana professional licensing agency shall perform administrative functions, duties, and responsibilities for the behavior analyst board (IC 25-23.6-3.5) under IC 25-1-5-3(a).**

SECTION 5. IC 25-0.5-6-21 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 21. An individual licensed, certified, registered, or permitted by the behavior analyst board (IC 25-23.6-3.5) is a provider under IC 25-1-5-10.**

SECTION 6. IC 25-0.5-8-38 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 38. An occupation for which a person is licensed, certified, or registered by the behavior analyst board (IC 25-23.6-3.5) is a regulated occupation under IC 25-1-7.**

SECTION 7. IC 25-0.5-10-35 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 35. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-8-6.**

SECTION 8. IC 25-0.5-11-20 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 20. The behavior analyst board (IC 25-23.6-3.5) is a board under IC 25-1-9.**

SECTION 9. IC 25-23.6-1-2, AS AMENDED BY P.L.122-2009, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 2. (a) "Board", **except as provided in subsection (b)**, refers to the behavioral health and human services licensing board.

(b) "Board", **for purposes of IC 25-23.6-3.5, refers to the behavior analyst board."**

Page 2, delete lines 23 through 42.

Delete page 3.



Page 4, delete lines 1 through 25.

Page 4, between lines 30 and 31, begin a new paragraph and insert:

**"Sec. 1. (a) The behavior analyst board is established.**

**(b) The board consists of the following members appointed by the governor:**

**(1) Three (3) behavior analyst members.**

**(2) One (1) consumer member.**

**(3) One (1) physician member.**

**(c) A member appointed to the board serves a term under IC 25-1-6.5.**

**Sec. 2. Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Each member of the board is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.**

**Sec. 3. A member of the board who is appointed by the governor may be removed under IC 25-1-6.5-4.**

**Sec. 4. The board shall elect a chairman from among the members of the board for a one (1) year term. An individual may not be elected as chairman for more than two (2) consecutive one (1) year terms.**

**Sec. 5. The board shall meet at times and places determined by the board.**

**Sec. 6. (a) The board shall adopt rules under IC 4-22-2 establishing standards for the following:**

**(1) The competent practice of behavior analysis.**

**(2) The renewal of licenses issued under this chapter.**

**(3) Continuing education requirements for an individual seeking renewal of licensure as a behavior analyst or assistant behavior analyst.**

**(4) The approval of continuing education providers, programs, courses, fees, and proof of course completion.**

**(b) The board shall establish fees under IC 25-1-8-2.**

**(c) The board shall do the following:**

**(1) Consider the qualifications of individuals who apply for a license under this chapter.**

**(2) Subject to IC 25-1-8-6, renew licenses under this article.**

**(3) Conduct proceedings under IC 25-1-9."**

Page 4, line 31, delete "1." and insert "7."

Page 5, line 6, delete "board." and insert **"board that is sufficient**



**to cover the operations of the board."**

Page 5, line 7, delete "2." and insert "8."

Page 5, line 24, delete "board." and insert "**board that is sufficient to cover the operations of the board."**

Page 5, line 32, delete "3." and insert "9."

Page 5, line 42, delete "4." and insert "10."

Page 6, line 4, delete "5." and insert "11."

Page 6, line 6, delete "6." and insert "12."

Page 6, line 40, delete "7." and insert "13."

Page 7, line 4, delete "25-23.6-3.5-7" and insert "**25-23.6-3.5-13**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1516 as introduced.)

VANNATTER

Committee Vote: yeas 12, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1516 be amended to read as follows:

Page 6, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 13. IC 25-43 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

**ARTICLE 43. MUSIC THERAPISTS**

**Chapter 1. Application; Definitions**

**Sec. 1. This article may not be construed to limit music therapy services performed by a person who does not use a title specified in IC 25-43-2-1 and who is any of the following:**

- (1) A licensed, certified, registered, or permitted health care professional, counselor, or educational professional acting within the scope of the person's license, certificate, or registration.**
- (2) A student, an intern, or a trainee pursuing a course of study in a health care profession, counseling, education, or music therapy.**
- (3) A nonresident of Indiana if the person performs music therapy in Indiana for not more than:**

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- (A) five (5) days in any one (1) month; or
  - (B) fifteen (15) days in any one (1) calendar year;
- and the person is authorized to perform such services under the laws of the state or country in which the person resides.
- (4) A person who performs music therapy under the supervision of a music therapist.

Sec. 2. As used in this chapter, "eligible postsecondary educational institution" means an institution that meets any of the following requirements:

- (1) If the institution is located in the United States or a territory of the United States, at the time of the individual's graduation the institution was accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.
- (2) If the institution is located in Canada, at the time of the individual's graduation the institution was a member in good standing with the Association of Universities and Colleges of Canada.
- (3) If the institution is located in a foreign country other than Canada, at the time of the individual's graduation the institution:
  - (A) was recognized by the government of the country where the school was located as a program to train in the practice of music therapy; and
  - (B) maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation.

Sec. 3. As used in this chapter, "music therapist" means an individual who:

- (1) holds a bachelor's degree or higher in music therapy or a related discipline from an eligible postsecondary educational institution; or
- (2) is certified by the Certification Board for Music Therapists or its successor organization.

Sec. 4. (a) As used in this chapter, "music therapy" means providing professional services that are delivered by a music therapist, that use clinical and evidence based music interventions to accomplish individualized goals for clients of any age or ability level within a therapeutic relationship, and that include the following:

- (1) Developing individualized music therapy treatment plans



specific to the needs and strengths of each client.

**(2) Establishing goals, objectives, and potential strategies of the music therapy services that are appropriate for the client and setting.**

**(b) The term does not include the screening, diagnosis, or assessment of any physical, mental, or communication disorder.**

**Chapter 2. Unlawful Practices; Penalty**

**Sec. 1. An individual may not:**

**(1) profess to be a music therapist;**

**(2) use the title "music therapist";**

**(3) use any other words indicating or implying that the individual qualifies as a music therapist; or**

**(4) practice music therapy for compensation;**

**unless the individual meets the qualifications under this article.**

**Sec. 2. An individual who knowingly and intentionally violates this chapter commits a Class A misdemeanor."**

Page 6, after line 37, begin a new paragraph and insert:

"SECTION 16. IC 35-52-25-67 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]: **Sec. 67. IC 25-43-2-2 defines a crime concerning music therapists."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1516 as printed February 9, 2021.)

CLERE

