



Illinois Department of Financial and Professional Regulation

Division of Professional Regulation

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Acting Director

Illinois Department of Financial & Professional Regulation
Division of Professional Regulation
Music Therapy Advisory Board Minutes

- Date:** August 30, 2016
- Call to Order:** 10:05 A.M. – Daniel Kelber, Acting Chairperson
- Location:** IDFPR – Division of Professional Regulation, 100 W Randolph, 9th Floor Room 9-171A, Chicago, IL 60601
- Board Members Present:** Daniel Kelber, Acting Chairperson
Andrea Crimmins, Ph.D., MT-BC, Board Member
Louise Dimiceli-Mitran, LCPC, MT-BC, Board Member
Kyle Fleming, MT-BC, Board Member
Candi Gray, LCSW, Board Member
Russell Hilliard, Ph.D., LCSW, MT-BC, Board Member
Clifton Saper, Ph.D., Board Member
- Board Member(s) Absent:** None.
- Staff Members Present:** Azeema Akram, Assistant General Counsel
Vaughn Bentley, Law Clerk, Office of General Counsel
Stephanie Rosiensi, Law Clerk, Office of General Counsel
- Guests:** Ari Bargil, Attorney, Institute for Justice
Elizabeth Kregor, Institute for Justice Clinic on Entrepreneurship
- Via phone:
Leticia Metherell, State of Nevada Department of Health and Human Services,
Division of Public and Behavioral Health
Mike Simoli, Center for Professional Licensing of the Rhode Island Department
of Public Health
Jamie Adams, Wisconsin Department of Safety & Professional Services
Vivienne Belmont, Colorado Department of Regulatory Agencies
Megan Castor, Pennsylvania Department of State

Topic	Discussion	Action
Roll Call	<p>Daniel Kelber, Acting Chairperson, present Andrea Crimmins, Ph.D., MT-BC, Board Member, present Louise Dimiceli-Mitran, LCPC, MT-BC, Board Member, present Kyle Fleming, MT-BC, Board Member, present Candi Gray, LCSW, Board Member, present Russell Hilliard, Ph.D., LCSW, MT-BC, Board Member, present Clifton Saper, Ph.D., Board Member, present</p>	
Introductions	<p>Each Advisory Board member, Department staff, and guest introduced themselves.</p>	
Analysis of Advisory Board Action	<p>Ms. Akram reviewed the previous meeting that took place and reviewed the agenda.</p> <p>Ms. Akram informed the Board that the representative from the American Music Therapy Association who was scheduled to testify will attend a future meeting, and that another guest from the State of Pennsylvania is attending via telephone.</p> <p><u>Guest Leticia Metherell, State of Nevada Department of Health and Human Services, Division of Public and Behavioral Health</u> Ms. Metherell reviewed Nevada’s licensure of music therapists since 2011 including the general regulatory framework, and licensure requirements. She also discussed that there have been no disciplinary actions taken against the 16 licensees in Nevada, and no complaints of unlicensed practice. Ms. Metherell answered Advisory Board questions regarding how the music therapy licensure began in the State of Nevada.</p> <p><u>Guest Mike Simoli, Center for Professional Licensing of the Rhode Island Department of Public Health</u> Mr. Simoli reviewed Rhode Island’s licensure of music therapists since 2014 including the general regulatory framework, and licensure requirements. He discussed that there are now 3 licensees, and answered Advisory Board member questions on the number of complaints of unlicensed practice, of which there have been none to date. Mr. Simoli also answered Advisory Board inquiries regarding the terminology of “registration” and “licensure.”</p> <p><u>Guest Jamie Adams, Wisconsin Department of Safety & Professional Services</u> Ms. Adams reviewed Wisconsin’s licensure of music, dance, and art therapists since 1999, including the general regulatory framework and licensure requirements. She discussed the total number of licenses issued, number of active licenses (75), and one reported case of discipline. Ms. Adams also highlighted Wisconsin’s statutory definition of psychotherapy, included in the psychology licensure statute, and its interplay with music therapy. She answered Advisory Board questions regarding supervisor qualifications and music therapists who practice psychotherapy.</p>	

Guest Vivienne Belmont, Colorado Department of Regulatory Agencies

Ms. Belmont reviewed Colorado’s sunrise review process, in which new regulated professions are proposed, and the criteria used in formulating a recommendation. She discussed the State’s sunrise review of music therapy, which was initiated by the American Music Therapy Association’s sunrise review application in 2013 seeking title protection regulation. Ms. Belmont discussed the final report that was issued, which recommended against title protection regulation of music therapists. She highlighted a few of the reasons for the recommendation, including a lack of demonstrated public interest or need, lack of demonstrated harm to the public from the unregulated practice of music therapy, and lack of complaints in the State against music therapists. Ms. Belmont answered Advisory Board inquiries regarding whether this may change in the future, and discussed the regulation of a new profession from a public protection standpoint rather than setting minimum standards for the profession.

Guest Megan Castor, Pennsylvania Department of State

Ms. Castor reviewed the title protection regulation of mental health professions in Pennsylvania. She explained that there is no separate license for music therapists, and that a professional counselor license allows for the practice of music therapy. Ms. Castor reviewed the educational requirements for licensure for professional counselors, as the education in several fields meet the requirements for licensure, such as education in psychology, dance, music, and art therapy. She discussed the expense of regulating music therapists separately, and that there have been bills pending in the legislature with no progress at this time. Ms. Castor answered Advisory Board inquiries regarding the number of professional counselors who practice music therapy and number of complaints.

Guest Ari Bargil, Institute for Justice

Mr. Bargil thanked the Advisory Board for inviting him to speak and reviewed the Institute for Justice’s position against full licensure of music therapists by highlighting several implications of licensure and suggesting less restrictive alternatives to licensure. Specifically, he discussed the First Amendment implications of regulating music as a restriction on a protected form of speech. Mr. Bargil explained how occupational licensing has led to excessive government regulation, and discussed consequences of occupational licensing, such as limitations on opportunity, inhibitions on competition, and stifling innovation. He discussed the types of circumstances that require more government oversight through licensure, such as a risk of harm to public health & safety, & suggested a form of title protection or registration as alternatives to licensing. Mr. Bargil answered Advisory Board member questions on all aspects of his testimony.

	<p><u>Guest Elizabeth Kregor, Institute for Justice Clinic on Entrepreneurship</u></p> <p>Ms. Kregor thanked the Advisory Board for inviting her to speak and continued the discussion by Mr. Bargil regarding the consequences of occupational licensure, and recommending against full licensure of music therapists. She discussed the exclusionary effect of licensure against disadvantaged individuals, both those who wish to practice music therapy and those who wish to receive services, leading to fewer jobs. She also discussed the exclusionary effect of licensure on innovation, by limiting diversity in the profession as a result of standardization of requirements of entry, leading to fewer developments in the field. Ms. Kregor reinforced Mr. Bargil's suggestions for alternatives to licensure, and answered Advisory Board member inquiries regarding the position of the Institute of Justice as it applies to other professions as well.</p>	
Approval of June 27, 2016 Minutes		A motion was made by Saper / seconded by Fleming to approve the June 27, 2016 meeting minutes. Motion passed unanimously.
Old Business	<p>I. Analysis of Potential Witnesses: Advisory Board members analyzed potential witnesses for future meetings.</p> <p>II. The Advisory Board discussed potential future meetings dates for October and November.</p> <p>III. Travel vouchers were distributed to Advisory Board members.</p> <p>Ms. Akram reminded the Advisory Board to consider the issues raised by the guests at prior, current, and future meetings in formulating a recommendation to be included in the Advisory Board's report due next year. Mr. Kelber answered questions about licensure and its alternatives in addressing the concerns raised by the industry, the public, and the government.</p>	
Adjournment		There being no further business to discuss, a motion was made by Hilliard / seconded by Gray to adjourn at 12:57 P.M. Motion passed unanimously.