

Eligibility Review and Appeal Policy

The Certification Board for Music Therapists ("CBMT") has adopted this Eligibility Review and Appeal Policy to establish a fair process for addressing application, examination and recertification issues.

1. Eligibility.

- A. Complete Application.** The individual shall truthfully complete and sign an application in the form provided by CBMT, pay the required fees, and provide additional information as requested.
- B. Criminal Convictions.** An individual convicted of a felony directly related to the music therapy profession or public health and safety is ineligible to apply for certification or recertification for a period of seven (7) years from the exhaustion of appeals, final release from confinement (if any), or the end of probation, whichever is later. Convictions of this nature include (but are not limited to) felonies involving rape, sexual abuse of a patient or child, actual or threatened use of a weapon or violence, and prohibited sale, distribution, or possession of a controlled substance. An individual who is incarcerated, or for whom incarceration is pending, as of the application deadline date is ineligible for certification or recertification.
- C. Pending Disciplinary Action.** An individual against whom disciplinary allegations are pending will not be awarded certification or recertification (if otherwise qualified) until CBMT has made a final determination regarding the allegations.
- D. Reinstatement of Eligibility.** Following a period of ineligibility based on noncompliance with the Code of Professional Practice, the individual may apply for reinstatement of eligibility by demonstrating that he/she has been rehabilitated. Proof is by preponderance of the evidence. Unless adequate evidence is submitted, the individual will remain ineligible.

2. Deadlines. Individuals are required to meet all deadlines imposed by CBMT, including but not limited to those regarding submission of fees, recertification applications, required evidence of continuing education, and sitting for its examinations. In the event an individual fails to meet a CBMT deadline due to circumstances beyond the control of the individual or other extraordinary conditions that have rendered it difficult or impossible for the individual to meet CBMT's deadlines, the individual may appeal a denial of eligibility through the appeals process described below in Section 5. No other procedures shall be afforded to individuals who fail to meet CBMT deadlines.

3. Examination.

- A.** The examination is the sole and exclusive property of CBMT and may not be used in any way without the express written consent of CBMT. No one is permitted to make or keep copies, excerpts, or notes of examination materials.
- B.** Individuals are prohibited from using or divulging information learned from the examination.
- C.** Failure to pass the examination may **not** be appealed.
- D.** In the event a candidate objects to the inclusion of a specific examination item or items in the examination, candidates will be given an opportunity to submit challenge comments in accordance with the CBMT Examination Appeals Policy. CBMT shall review all

comments and determine, in its sole discretion, whether sufficient justification exists for removing an item or items from the examination score determination.

- E. CBMT may withhold an examination score pending resolution of an examination irregularity. CBMT may cancel an examination score if there is adequate reason to question its validity because of misconduct or other circumstances. CBMT may require candidates to cooperate in any subsequent investigations carried out by CBMT or a CBMT authorized testing services.

- 4. **Initial Review & Determination.** The CBMT Office staff will determine whether a candidate is eligible for certification or recertification. If an individual has not met the certification or recertification criteria or CBMT deadlines, then CBMT Office staff may permit the individual another opportunity to supplement his/her application and/or have the application further reviewed by the CBMT Office staff. The timeframe and other conditions for further review will be provided by CBMT Office staff in writing and an additional fee may apply. If the outcome of this initial review by the CBMT Office staff is not favorable to the individual, then the individual may proceed with an appeal as provided below in Section 5.

5. **Appeals Process for Denial of Eligibility for Certification or Recertification.**

- A. A denial of eligibility for certification or recertification may be appealed. However, an individual may appeal the decision only if certification or re-certification was denied for a reason *other* than failing the examination.
- B. The individual may request an appeal within thirty (30) calendar days after receipt of the denial letter. After this time, the individual may not request an appeal.
- C. All appeals must be submitted in writing and sent to CBMT by traceable mail or delivery service.
- D. The appeal must specify a valid basis for the appeal.
- E. An appeal of a certification or recertification eligibility denial will be considered by CBMT by written review. An oral hearing is not permitted. Documentation not previously submitted to CBMT will not be considered.
- F. CBMT Board of Directors will render a decision based on the written record and file a written response to the appeal request.
- G. In order to overturn a denial of eligibility or recertification, the individual must demonstrate that the denial was arbitrary or capricious. Proof is by preponderance of the evidence.
- H. The decision of the Board of Directors is final.
- I. Only one appeal per application is permitted. If that appeal upholds the original denial, the individual must complete and submit a new application in order to seek certification at another time. In the case of a denial for failure to meet the continuing education requirements for recertification, the individual may apply to recertify by examination.
- J. The individual is responsible for all expenses incurred by him/her related to the appeal of a denial of eligibility, and must pay an appeal administrative fee.