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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: A. Johnson of Harris

1 Amend C.S.H.B. No. 1560 (house committee report) by adding
2 the following appropriately numbered ARTICLE to the bill and
3 renumbering the ARTICLES of the bill accordingly:

4 ARTICLE ____ . MUSIC THERAPY

5 SECTION __.__. Section 51.2031(a), Occupations Code, is
6 amended to read as follows:

7 (a) This section applies only to the regulation of the
8 following professions by the department:

- 9 (1) athletic trainers;
- 10 (2) behavior analysts;
- 11 (3) dietitians;
- 12 (4) hearing instrument fitters and dispensers;
- 13 (5) midwives;
- 14 (6) music therapists;
- 15 (7) orthotists and prosthetists; and
- 16 (8) [~~7~~] speech-language pathologists and
17 audiologists.

18 SECTION __.__. Section 51.254(b), Occupations Code, is
19 amended to read as follows:

20 (b) This section applies to health-related professions
21 regulated by this state the administration of which is assigned to
22 the department by law, including the following professions:

- 23 (1) athletic trainers regulated under Chapter 451;
- 24 (2) behavior analysts regulated under Chapter 506;
- 25 (3) dietitians regulated under Chapter 701;

1 (4) dyslexia practitioners and dyslexia therapists
2 regulated under Chapter 403;

3 (5) hearing instrument fitters and dispensers regulated
4 under Chapter 402;

5 (6) massage therapists regulated under Chapter 455;

6 (7) midwives regulated under Chapter 203;

7 (8) music therapists regulated under Chapter 456;

8 (9) orthotists and prosthetists regulated under Chapter
9 605;

10 (10) [~~9~~] podiatrists regulated under Chapter 202; and

11 (11) [~~10~~] speech-language pathologists and
12 audiologists regulated under Chapter 401.

13 SECTION __.__. Subtitle H, Title 3, Occupations Code, is
14 amended by adding Chapter 456 to read as follows:

15 CHAPTER 456. MUSIC THERAPISTS

16 SUBCHAPTER A. GENERAL PROVISIONS

17 Sec. 456.001. SHORT TITLE. This chapter may be cited as the
18 Music Therapist Licensing Act.

19 Sec. 456.002. DEFINITIONS. In this chapter:

20 (1) "Advisory board" means the Music Therapist Advisory
21 Board created under Subchapter B.

22 (2) "Certifying entity" means the nationally accredited
23 Certification Board for Music Therapists or another entity that is
24 accredited by the National Commission for Certifying Agencies or
25 the American National Standards Institute to issue credentials in
26 the professional practice of music therapy and approved by the
27 department.

1 (3) "Commission" means the Texas Commission of
2 Licensing and Regulation.

3 (4) "Department" means the Texas Department of
4 Licensing and Regulation.

5 (5) "Executive director" means the executive director
6 of the department.

7 (6) "Music therapist" means a person who holds a music
8 therapist license issued by the department under this chapter.

9 (7) "Music therapy" means the clinical and evidence-
10 based use of music interventions by a person for a client who is
11 in a therapeutic relationship with the person to assist the client
12 in accomplishing particular goals. The music interventions may
13 include music improvisation, receptive music listening,
14 songwriting, lyric discussion, music and imagery, singing, music
15 performance, learning through music, music combined with other
16 arts, music-assisted relaxation, music-based patient education,
17 electronic music technology, adapted music intervention, and
18 movement to music. The practice of music therapy does not include
19 the diagnosis or assessment of or screening for any physical,
20 mental, or communication disorder. The term includes:

21 (A) accepting referrals for music therapy services
22 from medical, developmental, mental health, or education
23 professionals, family members, clients, caregivers, or any other
24 person involved with the provision of music therapy services;

25 (B) conducting an assessment of a client to
26 determine whether music therapy is recommended or necessary for
27 the client, including the collection of information to determine

1 the recommended or necessary manner of music therapy services;

2 (C) developing an individualized music therapy
3 treatment plan based on an assessment described by Paragraph (B),
4 including specific goals for the client, specific methods to be
5 used to achieve the goals, and a plan to ensure that the client
6 receives music therapy in the least restrictive environment;

7 (D) implementing an individualized music therapy
8 treatment plan that is consistent with any other medical,
9 developmental, mental health, educational, preventative, or
10 wellness services being provided to a client;

11 (E) evaluating a client's response to a music
12 therapy treatment plan, documenting progress, and recommending
13 changes, including terminating treatment, as appropriate;

14 (F) collaborating with any appropriate person with
15 regard to a client receiving music therapy services, including the
16 client's caretakers or family, to ensure that the music therapy
17 services are appropriate; and

18 (G) researching and applying best practices as
19 applicable to each clinical setting.

20 Sec. 456.003. APPLICABILITY. (a) This chapter does not
21 apply to a person who is:

22 (1) certified, or otherwise accredited, to practice an
23 occupation and who uses music within the scope of that
24 accreditation and within the scope of the person's training,
25 education, and competence, including a licensed health care worker
26 or other professional acting within the scope of the person's
27 license;

1 (2) a student who is performing activities under the
2 supervision of a license holder as part of a degree program
3 described by Section 456.153(2);

4 (3) a person employed in the service of the federal
5 government while performing duties related to that employment;

6 (4) a person who is employed by a music therapist and
7 who provides music therapy services under the direct supervision
8 of the music therapist;

9 (5) a family member or guardian of a recipient of music
10 therapy services who is implementing a treatment plan for the
11 recipient under the extended authority and direction of a licensed
12 music therapist; or

13 (6) a music therapist licensed in another jurisdiction
14 or certified by the certifying entity if the activities and
15 services conducted in this state:

16 (A) are within the music therapist's customary
17 area of practice;

18 (B) are conducted not more than 20 days in a
19 calendar year; and

20 (C) are not otherwise in violation of this
21 chapter.

22 (b) A person described by Subsection (a)(4) may not
23 represent that the person is a music therapist.

24 (c) A music therapist described by Subsection (a)(6) shall
25 inform the recipient of music therapy services, or a parent or
26 guardian of the recipient if the recipient is under 18 years of
27 age, that:

1 (1) the music therapist is not licensed in this state;
2 and
3 (2) the activities and services provided by the music
4 therapist are time-limited.

5 SUBCHAPTER B. MUSIC THERAPIST ADVISORY BOARD

6 Sec. 456.051. ADVISORY BOARD MEMBERSHIP. (a) The advisory
7 board is composed of seven members appointed by the presiding
8 officer of the commission with the approval of the commission as
9 follows:

10 (1) four licensed music therapists;

11 (2) one physician or other health professional who is
12 authorized to refer patients or clients to receive music therapy
13 services; and

14 (3) two members who represent the public and who are
15 either former recipients of music therapy services or the parent
16 or guardian of a current or former recipient of music therapy
17 services.

18 (b) To be qualified for appointment under Subsection (a)(1),
19 a person must have at least three years of experience as a licensed
20 music therapist.

21 (b-1) Notwithstanding Subsections (a)(1) and (b), a person
22 is eligible for appointment to the advisory board as a licensed
23 music therapist member if the person has practiced music therapy
24 for the period required under Subsection (b), regardless of whether
25 the person has held a license under this chapter continuously
26 during that period. This subsection expires January 31, 2025.

27 (c) Appointments to the advisory board shall be made without

1 regard to the race, color, disability, sex, religion, age, or
2 national origin of the appointee.

3 Sec. 456.052. DUTIES OF ADVISORY BOARD. The advisory board
4 shall provide advice and recommendations to the department on
5 technical matters relevant to the administration of this chapter.

6 Sec. 456.053. TERMS; VACANCY. (a) Members of the advisory
7 board serve staggered six-year terms, with the terms of two or
8 three members expiring February 1 of each odd-numbered year.

9 (b) A member may not serve more than two consecutive terms.

10 (c) If a vacancy occurs during a member's term, the presiding
11 officer of the commission, with the commission's approval, shall
12 appoint a replacement who meets the qualifications for the vacant
13 position to serve for the remainder of the term.

14 Sec. 456.054. PRESIDING OFFICER. The presiding officer of
15 the commission shall designate a member of the advisory board to
16 serve as the presiding officer of the advisory board for a term of
17 one year. The presiding officer of the advisory board may vote on
18 any matter before the advisory board.

19 Sec. 456.055. MEETINGS. (a) The advisory board shall meet
20 at least twice each year and at the call of the presiding officer
21 of the commission or the executive director.

22 (b) Notwithstanding Chapter 551, Government Code, or any
23 other law, the advisory board may meet by telephone conference
24 call, videoconference, or other similar telecommunication method.
25 A meeting held under this subsection by telephone conference call,
26 videoconference, or other similar telecommunication method is
27 subject to the requirements of Sections 551.125(c)-(f), Government

1 Code.

2 Sec. 456.056. GROUNDS FOR REMOVAL. A member of the advisory
3 board may be removed as provided by Section 51.209.

4 Sec. 456.057. COMPENSATION; REIMBURSEMENT. (a) A member of
5 the advisory board may not receive compensation for service on the
6 advisory board.

7 (b) A member of the advisory board is entitled to
8 reimbursement for actual and necessary expenses incurred in
9 performing functions as a member of the advisory board, subject to
10 any applicable limitation on reimbursement provided by the General
11 Appropriations Act.

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 456.101. GENERAL POWERS AND DUTIES. (a) The
14 commission shall adopt rules consistent with this chapter for the
15 administration and enforcement of this chapter.

16 (b) The department shall:

17 (1) administer and enforce this chapter;

18 (2) evaluate the qualifications of license applicants;

19 (3) provide for the examination of license applicants;

20 (4) issue licenses;

21 (5) in connection with a hearing under this chapter,
22 issue subpoenas, examine witnesses, and administer oaths under the
23 laws of this state;

24 (6) investigate persons engaging in practices that
25 violate this chapter; and

26 (7) establish standards of ethical practice.

27 (c) The commission or executive director may deny, revoke,

1 or suspend a license or may otherwise discipline a license holder
2 in accordance with Section 51.353.

3 Sec. 456.102. FEES. The commission, in consultation with
4 the advisory board, shall set fees in amounts that are reasonable
5 and necessary to cover the costs of administering and enforcing
6 this chapter.

7 SUBCHAPTER D. LICENSE REQUIREMENTS

8 Sec. 456.151. LICENSE REQUIRED. (a) Except as provided by
9 Section 456.003, a person may not practice music therapy unless
10 the person holds a license issued under this chapter.

11 (b) Unless the person holds a license issued under this
12 chapter, a person may not use in connection with the person's name,
13 including in advertisements:

14 (1) the title "licensed professional music therapist";
15 or

16 (2) any other designation that would imply that the
17 person is a music therapist.

18 Sec. 456.152. LICENSE APPLICATION. Each applicant for a
19 license under this chapter must submit an application and the
20 required fees to the department. The application must include
21 sufficient evidence, as defined by commission rules, that the
22 applicant has successfully completed a state-approved criminal
23 background check.

24 Sec. 456.153. LICENSE ELIGIBILITY. To be eligible for a
25 license, a person must:

26 (1) be at least 18 years of age;

27 (2) hold a bachelor's or graduate degree in music

1 therapy, or an equivalent field of study, from a program approved
2 by the American Music Therapy Association, or a successor
3 organization, within an accredited public or private institution
4 of higher education and that is approved by the department;

5 (3) successfully complete any clinical training hours
6 required as part of a degree program described by Subdivision (2);

7 (4) if applicable, be in good standing with any other
8 jurisdiction from which the applicant holds a music therapy
9 license;

10 (5) pass the examination for board certification
11 offered by the certifying entity or provide proof of being
12 transitioned into board certification by the certifying entity;

13 (6) be certified as a music therapist by the certifying
14 entity;

15 (7) be in compliance with all professional, ethical,
16 and disciplinary standards established by the certifying entity;
17 and

18 (8) not be subject to any disciplinary action by the
19 certifying entity.

20 Sec. 456.154. ISSUANCE OF LICENSE. The department shall
21 issue a music therapist license to a person who meets the
22 requirements of this chapter and rules adopted under this chapter.

23 Sec. 456.155. LICENSE RENEWAL. A music therapist license
24 expires on the second anniversary of the date of issuance. The
25 commission by rule shall provide requirements and procedures for
26 the renewal of a music therapist license, including requiring a
27 license holder to provide proof of the license holder's continuing

1 certification in music therapy by the Certification Board for Music
2 Therapists or any successor organization.

3 Sec. 456.156. LICENSE HOLDER INFORMATION. A license holder
4 shall:

5 (1) notify the department of a change of the license
6 holder's residence or business address; and

7 (2) provide the department with the license holder's
8 new address not later than the 30th day after the date the address
9 change occurs.

10 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

11 Sec. 456.201. REFERRALS REQUIRED FOR CERTAIN SERVICES. (a)

12 A music therapist may provide the following music therapy services
13 without a referral from a health professional:

14 (1) consultation and evaluation;

15 (2) preventative care;

16 (3) wellness care;

17 (4) education; and

18 (5) specialized support.

19 (b) Providing music therapy services for a specific health
20 condition, other than consultation and evaluation, requires a
21 referral from a physician or other health professional acting
22 within the scope of the person's license.

23 Sec. 456.202. REQUIREMENTS FOR CERTAIN CLIENTS. (a) Before
24 providing music therapy services to a client for a clinical,
25 developmental, or other health-related need diagnosed or otherwise
26 identified by a health care provider, the music therapist must
27 review with the appropriate health care provider involved in

1 providing care for that identified need the client's diagnosis,
2 treatment needs, and treatment plan.

3 (b) During the provision of music therapy services to a
4 client described by Subsection (a), the music therapist shall
5 collaborate with any licensed professional providing care for the
6 identified need, including collaborating with, as applicable, the
7 client's physician, psychologist, social worker, or other mental
8 health professional.

9 (c) Before providing music therapy services to a client for
10 an educational need, the music therapist must, if applicable,
11 review with the individuals who are implementing the client's
12 individualized family service plan or individualized education
13 program the client's diagnosis, treatment needs, and treatment
14 plan.

15 (d) A music therapist providing music therapy services to a
16 client with a communication disorder who is also receiving services
17 from an audiologist or speech-language pathologist:

18 (1) shall collaborate with and disclose the music
19 therapy treatment plan with the client's audiologist or speech-
20 language pathologist, as applicable; and

21 (2) may not provide music therapy services in a manner
22 that replaces the services provided by the audiologist or speech-
23 language pathologist.

24 SUBCHAPTER F. DISCIPLINARY GROUNDS

25 Sec. 456.251. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY
26 ACTION. After a hearing, the commission or executive director may
27 deny a license to an applicant, suspend or revoke a music

1 therapist's license, or place on probation a music therapist if
2 the applicant or music therapist:

3 (1) violates this chapter, a commission rule, or an
4 order of the commission or the executive director;

5 (2) obtains a license by means of fraud,
6 misrepresentation, or concealment of a material fact;

7 (3) sells, barter, or offers to sell or barter a
8 license;

9 (4) engages in unprofessional conduct that:

10 (A) endangers or is likely to endanger the health,
11 welfare, or safety of the public as defined by commission rule; or

12 (B) violates the code of ethics adopted and
13 published by the commission;

14 (5) treats or attempts to treat a client's specific
15 health condition by means other than music therapy;

16 (6) fails to refer a client to a health care provider
17 for treatment if a music therapist recognizes symptoms for which
18 treatment by music therapy is inadvisable or which warrant
19 treatment that is outside the scope of music therapy;

20 (7) is unable to practice music therapy with reasonable
21 skill and safety because of excessive use of alcohol, drugs,
22 narcotics, chemicals, or another substance;

23 (8) is convicted of a felony that directly relates to
24 the duties and responsibilities of a music therapist or that
25 indicates that the person poses a continued threat to public
26 safety;

27 (9) practices music therapy in a grossly negligent

1 manner;

2 (10) is adjudicated as an incapacitated person by a
3 court;

4 (11) is convicted of an offense indicating that the
5 music therapist's continued practice of music therapy is
6 detrimental to the best interests of the public or profession,
7 including an offense that constitutes a violation of any applicable
8 ethical rule of the profession; or

9 (12) has had a music therapy license suspended or
10 revoked by another jurisdiction.

11 SECTION 4. As soon as practicable after the effective date
12 of this Act, the presiding officer of the Texas Commission of
13 Licensing and Regulation shall appoint seven members to the Music
14 Therapist Advisory Board in accordance with Chapter 456,
15 Occupations Code, as added by this Act. In making the initial
16 appointments, the presiding officer of the commission shall
17 designate two members for terms expiring February 1, 2023, two
18 members for terms expiring February 1, 2025, and three members for
19 terms expiring February 1, 2027.

20 SECTION 5. Not later than April 1, 2022, the Texas
21 Commission of Licensing and Regulation shall adopt the rules,
22 procedures, and fees necessary to administer Chapter 456,
23 Occupations Code, as added by this article.

24 SECTION 6. Notwithstanding Chapter 456, Occupations Code, as
25 added by this Act, a music therapist is not required to hold a
26 license under that chapter to practice as a licensed music
27 therapist in this state before September 1, 2022.

1 SECTION 7. (a) Notwithstanding any other provision of this
2 Act, and except as provided by Subsection (b) of this section,
3 this article takes effect September 1, 2021.

4 (b) Section 456.151 and Subchapter F, Chapter 456,
5 Occupations Code, as added by this article, take effect September
6 1, 2022.