

By: Alvarado

S.B. No. 1452

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of music therapists;  
requiring an occupational license; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle H, Title 3, Occupations Code, is  
amended by adding Chapter 456 to read as follows:

CHAPTER 456. MUSIC THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 456.001. DEFINITIONS. In this chapter:

(1) "Advisory committee" means the advisory committee  
created under Subchapter B.

(2) "Board" means the Texas Medical Board.

(3) "Music therapist" means a person who holds a music  
therapist license issued by the board under this chapter.

(4) "Music therapy" means the clinical and  
evidence-based use of music interventions by a person for an  
individual who is in a therapeutic relationship with the person to  
assist the individual in accomplishing particular goals. The music  
interventions may include music improvisation, receptive music  
listening, songwriting, lyric discussion, music and imagery,  
singing, music performance, learning through music, music combined  
with other arts, music-assisted relaxation, music-based patient  
education, electronic music technology, adapted music  
intervention, and movement to music. The practice of music therapy

1 does not include the diagnosis or assessment of any physical,  
2 mental, or communication disorder. The term includes:

3 (A) accepting referrals for music therapy  
4 services from health professionals and collaborating as necessary  
5 with a referring health professional on a treatment plan to provide  
6 music therapy addressing the individual's clinical or  
7 developmental needs;

8 (B) conducting an assessment of an individual to  
9 determine whether music therapy is recommended or necessary for the  
10 individual, including the collection of information to determine  
11 the recommended or necessary manner of music therapy services;

12 (C) developing an individualized music therapy  
13 treatment plan based on an assessment described by Paragraph (B),  
14 including specific goals for the individual, specific methods to be  
15 used to achieve the goals, and a plan to ensure that the individual  
16 receives music therapy in the least restrictive environment;

17 (D) implementing a treatment plan that is  
18 consistent with any other health or educational service being  
19 provided to an individual;

20 (E) evaluating an individual's response to a  
21 music therapy treatment plan, documenting progress, and  
22 recommending changes, including terminating treatment, as  
23 appropriate;

24 (F) collaborating with any appropriate person  
25 with regard to an individual receiving music therapy services,  
26 including the individual's caretakers or family, to ensure that the  
27 music therapy services are appropriate; and

1                   (G) researching and applying best practices as  
2 applicable to each clinical setting.

3           Sec. 456.002. APPLICABILITY. (a) A person is not required  
4 to hold a license under this chapter if the person is:

5                   (1) a person whose training and certification, or  
6 other accreditation, in a particular occupation attests to the  
7 person's ability to practice that occupation and who acts within  
8 the scope of that occupation, including a licensed health care  
9 worker or other professional acting within the scope of the  
10 person's license;

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

14                   (3) a person employed in the service of the federal  
15 government while performing duties related to that employment.

16           (b) Section 456.151(b) applies to a person described by  
17 Subsection (a).

18                   SUBCHAPTER B. ADVISORY COMMITTEE

19           Sec. 456.051. ADVISORY COMMITTEE. (a) The advisory  
20 committee is an informal advisory committee to the board and is not  
21 subject to Chapter 2110, Government Code.

22                   (b) The advisory committee does not have independent  
23 rulemaking authority.

24           Sec. 456.052. APPOINTMENT OF ADVISORY COMMITTEE; TERMS.

25           (a) The advisory committee consists of five members appointed by  
26 the board as follows:

27                   (1) three members, each of whom has been licensed

1 under this chapter for at least three years;

2 (2) one member who is a licensed health care provider  
3 but who is not licensed under this chapter; and

4 (3) one public member.

5 (a-1) Notwithstanding Subsection (a)(1), a person is  
6 eligible for appointment as a member of the advisory committee  
7 under Subsection (a)(1) if the person has practiced music therapy  
8 for the period required under Subsection (a)(1), regardless of  
9 whether the person has held a music therapy license continuously  
10 during that period. This subsection expires January 31, 2025.

11 (b) Members of the advisory committee serve staggered  
12 three-year terms with the terms of one or two members expiring on  
13 February 1 of each year.

14 (c) Appointments to the advisory committee shall be made  
15 without regard to the race, color, disability, sex, religion, age,  
16 or national origin of the appointee.

17 Sec. 456.053. MEMBERSHIP RESTRICTIONS. (a) In this  
18 section, "Texas trade association" means a cooperative and  
19 voluntarily joined statewide association of business or  
20 professional competitors in this state designed to assist its  
21 members and its industry or profession in dealing with mutual  
22 business or professional problems and in promoting their common  
23 interest.

24 (b) A person may not be a member of the advisory committee  
25 if:

26 (1) the person is an officer, employee, or paid  
27 consultant of a Texas trade association in the field of music

1 therapy; or

2 (2) the person's spouse is an officer, manager, or paid  
3 consultant of a Texas trade association in the field of music  
4 therapy.

5 (c) A person may not be a member of the advisory committee if  
6 the person is required to register as a lobbyist under Chapter 305,  
7 Government Code, because of the person's activities for  
8 compensation on behalf of a profession related to the field of music  
9 therapy.

10 Sec. 456.054. VACANCY. If a vacancy occurs during a  
11 member's term, the board shall appoint a new member to fill the  
12 unexpired term.

13 Sec. 456.055. COMPENSATION. An advisory committee member  
14 may not receive compensation for service on the advisory committee.

15 Sec. 456.056. MEETINGS. (a) The advisory committee shall  
16 meet at least twice every year and at other times as requested by  
17 the board.

18 (b) A meeting may be held by telephone conference call.

19 Sec. 456.057. DUTIES OF ADVISORY COMMITTEE. The advisory  
20 committee shall:

21 (1) advise the board on the practice of music therapy  
22 and on matters pertaining to licensure and continuing education  
23 requirements for music therapy under this chapter;

24 (2) facilitate the development of materials to educate  
25 the public on the practice of music therapy, the licensing of music  
26 therapists, and the benefits of music therapy as provided in an  
27 individual setting and in an institutional setting;

1           (3) coordinate the dissemination of information to and  
2 the exchange of information among music therapists in this state,  
3 the American Music Therapy Association or any successor  
4 organization, the Certification Board for Music Therapists or any  
5 successor organization, and the board;

6           (4) advise and assist the board with any disciplinary  
7 proceeding instituted under this chapter; and

8           (5) at least annually, provide an analysis to the  
9 board of disciplinary actions taken by the board under this  
10 chapter, including appeals, denials, and revocations.

11           SUBCHAPTER C. POWERS AND DUTIES OF BOARD

12           Sec. 456.101. GENERAL POWERS AND DUTIES. The board shall:

13           (1) establish qualifications for a music therapist to  
14 practice in this state;

15           (2) establish requirements for an examination for a  
16 license to practice as a music therapist;

17           (3) establish minimum education and training  
18 requirements necessary for a license to practice as a music  
19 therapist;

20           (4) prescribe the application form for a license to  
21 practice as a music therapist;

22           (5) develop an approved program of mandatory  
23 continuing education and the manner in which attendance at approved  
24 courses, clinics, forums, lectures, programs, and seminars is  
25 monitored and recorded; and

26           (6) consult with the advisory committee in performing  
27 the duties described by this section.

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

5                   SUBCHAPTER D. LICENSE REQUIREMENTS

6       Sec. 456.151. LICENSE REQUIRED. (a) Except as provided by  
7 Section 456.002, a person may not practice music therapy unless the  
8 person holds a license issued under this chapter.

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

12                   (1) the title "music therapist"; or

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

15       Sec. 456.152. LICENSE APPLICATION. An applicant for a  
16 license must:

17                   (1) file a written application with the board on a form  
18 prescribed by the board; and

19                   (2) pay any application fee set by the board.

20       Sec. 456.153. LICENSE ELIGIBILITY. To be eligible for a  
21 license, a person must:

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

23                   (2) hold a bachelor's or graduate degree in music  
24 therapy, or an equivalent field of study, from a program approved by  
25 the American Music Therapy Association, or a successor  
26 organization, within an accredited public or private institution of  
27 higher education;

1           (3) successfully complete at least 1,200 hours of  
2 clinical training consisting of at least:

3                   (A) 180 hours in pre-internship experiences; and

4                   (B) 900 hours in internship experiences;

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

8           (5) hold a music therapy certification from the  
9 Certification Board for Music Therapists or any successor  
10 organization.

11           Sec. 456.154. RECIPROCAL LICENSE. The board may waive any  
12 license requirement for an applicant who is licensed in another  
13 state that has license requirements substantially equivalent to  
14 those of this state.

15           Sec. 456.155. ISSUANCE AND RENEWAL OF LICENSE. The board  
16 shall issue a music therapist license to a person who meets the  
17 requirements of this chapter and rules adopted under this chapter.

18           Sec. 456.156. LICENSE RENEWAL. (a) A music therapist  
19 license expires on the second anniversary of the date of issuance.  
20 The board by rule shall provide requirements and procedures for the  
21 renewal of a music therapist license, including requiring a license  
22 holder to provide proof of the license holder's continuing  
23 certification in music therapy by the Certification Board for Music  
24 Therapists or any successor organization.

25           (b) The board by rule may adopt a system under which  
26 licenses expire on various dates during the year.

27           Sec. 456.157. INACTIVE STATUS. The board may adopt rules

1 and set reasonable fees relating to placing license holders on  
2 inactive status not to exceed two years from the date the license  
3 holder is placed on inactive status.

4 Sec. 456.158. LICENSE HOLDER INFORMATION. A license holder  
5 shall:

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

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

11 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

12 Sec. 456.201. REFERRALS REQUIRED FOR CERTAIN SERVICES. (a)  
13 A music therapist may provide the following music therapy services  
14 without a referral from a health professional:

15 (1) consultation and evaluation;

16 (2) preventative care;

17 (3) wellness care;

18 (4) education; and

19 (5) specialized support.

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

24 SUBCHAPTER F. DISCIPLINARY PROCEEDINGS

25 Sec. 456.251. DISCIPLINARY ACTIONS BY BOARD. On a  
26 determination that an applicant or license holder committed an act  
27 described by Section 456.252, the board by order may take

1 disciplinary action against the applicant or license holder under  
2 Section 164.001 in the same manner as the board takes disciplinary  
3 action against a person regulated under Subtitle B, Title 3.

4 Sec. 456.252. GROUNDS FOR DISCIPLINARY ACTION. The board  
5 may take disciplinary action against an applicant or license holder  
6 for:

7 (1) treating or attempting to treat an individual's  
8 specific health condition by means other than music therapy;

9 (2) failing to refer a patient to a health care  
10 provider for treatment if a music therapist recognizes symptoms for  
11 which treatment by music therapy is inadvisable or which warrant  
12 treatment that is outside the scope of music therapy, as specified  
13 by the American Music Therapy Association or the Certification  
14 Board for Music Therapists or any successor organizations;

15 (3) being unable to practice music therapy with  
16 reasonable skill and safety because of excessive use of alcohol,  
17 drugs, narcotics, chemicals, or another substance;

18 (4) being convicted of a felony that directly relates  
19 to the duties and responsibilities of a music therapist or that  
20 indicates that the person poses a continued threat to public  
21 safety;

22 (5) obtaining or attempting to obtain a music  
23 therapist license by fraud;

24 (6) practicing music therapy in a grossly negligent  
25 manner;

26 (7) being adjudicated as an incapacitated person by a  
27 court;

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

6           (9) being subject to the suspension or revocation of a  
7 music therapy license in another jurisdiction.

8           SECTION 2. Not later than February 1, 2022, the Texas  
9 Medical Board shall:

10           (1) adopt rules necessary to implement Chapter 456,  
11 Occupations Code, as added by this Act; and

12           (2) appoint the members of the advisory committee  
13 established under Subchapter B, Chapter 456, Occupations Code, as  
14 added by this Act.

15           SECTION 3. Not later than March 1, 2022, the Texas Medical  
16 Board shall begin accepting applications for and issuing music  
17 therapist licenses under Chapter 456, Occupations Code, as added by  
18 this Act.

19           SECTION 4. (a) Except as provided by Subsection (b) of this  
20 section, this Act takes effect September 1, 2021.

21           (b) Section 456.151 and Subchapter F, Chapter 456,  
22 Occupations Code, as added by this Act, take effect September 1,  
23 2022.