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H.B. No. 667

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

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

- (1) athletic trainers;
- (2) behavior analysts;
- (3) dietitians;
- (4) hearing instrument fitters and dispensers;
- (5) midwives;
- (6) music therapists;
- (7) orthotists and prosthetists; and
- (8) [~~(7)~~] speech-language pathologists and
audiologists.

SECTION 2. Section 51.254(b), Occupations Code, is amended
to read as follows:

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

- (1) athletic trainers regulated under Chapter 451;
- (2) behavior analysts regulated under Chapter 506;

- 1 (3) dietitians regulated under Chapter 701;
- 2 (4) dyslexia practitioners and dyslexia therapists
3 regulated under Chapter 403;
- 4 (5) hearing instrument fitters and dispensers
5 regulated under Chapter 402;
- 6 (6) massage therapists regulated under Chapter 455;
- 7 (7) midwives regulated under Chapter 203;
- 8 (8) music therapists regulated under Chapter 456;
- 9 (9) orthotists and prosthetists regulated under
10 Chapter 605;
- 11 (10) [~~(9)~~] podiatrists regulated under Chapter 202;
- 12 and
- 13 (11) [~~(10)~~] speech-language pathologists and
14 audiologists regulated under Chapter 401.

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

17 CHAPTER 456. MUSIC THERAPISTS

18 SUBCHAPTER A. GENERAL PROVISIONS

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

21 Sec. 456.002. DEFINITIONS. In this chapter:

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

24 (2) "Certifying entity" means the nationally
25 accredited Certification Board for Music Therapists or another
26 entity that is accredited by the National Commission for Certifying
27 Agencies or the American National Standards Institute to issue

1 credentials in the professional practice of music therapy and
2 approved by the department.

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

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

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

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

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

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

27 (B) conducting an assessment of a client to

1 determine whether music therapy is recommended or necessary for the
2 client, including the collection of information to determine the
3 recommended or necessary manner of music therapy services;

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

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

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

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

20 (G) researching and applying best practices as
21 applicable to each clinical setting.

22 Sec. 456.003. APPLICABILITY. (a) This chapter does not
23 apply to:

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

1 or other professional acting within the scope of the person's
2 license;

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

6 (3) a person employed:

7 (A) in the service of the federal government
8 while performing duties related to that employment; or

9 (B) by a music therapist and who provides music
10 therapy services under the direct supervision of the music
11 therapist;

12 (4) a family member or guardian of a recipient of music
13 therapy services who is implementing a treatment plan for the
14 recipient under the extended authority and direction of a licensed
15 music therapist; or

16 (5) a music therapist licensed in another jurisdiction
17 or certified by the certifying entity if the activities and
18 services conducted in this state:

19 (A) are within the music therapist's customary
20 area of practice;

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

23 (C) are not otherwise in violation of this
24 chapter.

25 (b) A person described by Subsection (a)(3)(B) may not
26 represent that the person is a music therapist.

27 (c) A music therapist described by Subsection (a)(5) shall

1 inform the recipient of music therapy services, or a parent or
2 guardian of the recipient if the recipient is under 18 years of age,
3 that:

4 (1) the music therapist is not licensed in this state;
5 and

6 (2) the activities and services provided by the music
7 therapist are time-limited.

8 SUBCHAPTER B. MUSIC THERAPIST ADVISORY BOARD

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

13 (1) four licensed music therapists;

14 (2) one physician or other health professional who is
15 authorized to refer patients or clients to receive music therapy
16 services; and

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

21 (a-1) Notwithstanding Subsection (a)(1), a person is
22 eligible for appointment to the advisory board as a licensed music
23 therapist member if the person is certified as a music therapist by
24 the certifying entity, regardless of whether the person is licensed
25 under this chapter. This subsection expires January 31, 2027.

26 (b) Appointments to the advisory board shall be made without
27 regard to the race, color, disability, sex, religion, age, or

1 national origin of the appointee.

2 (c) Chapter 2110, Government Code, does not apply to the
3 duration of the advisory board.

4 Sec. 456.052. DUTIES OF ADVISORY BOARD. The advisory board
5 may advise the commission and department on:

6 (1) technical matters relevant to the administration
7 of this chapter;

8 (2) standards of performance and work practices for
9 music therapy;

10 (3) eligibility for the issuance or renewal of a
11 license under this chapter, including any training or continuing
12 education;

13 (4) the content of any examinations required for a
14 license under this chapter; and

15 (5) any other issue affecting music therapy.

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

19 (b) If a vacancy occurs during a member's term, the
20 presiding officer of the commission, with the commission's
21 approval, shall appoint a replacement who meets the qualifications
22 for the vacant position to serve for the remainder of the term.

23 Sec. 456.054. PRESIDING OFFICER. The presiding officer of
24 the commission shall designate a member of the advisory board to
25 serve as the presiding officer of the advisory board for a term of
26 one year.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 456.101. GENERAL POWERS AND DUTIES. (a) The commission shall:

(1) adopt rules consistent with this chapter for the administration and enforcement of this chapter; and

(2) establish standards of ethical practice and adopt and publish a code of ethics.

(b) The department shall:

(1) administer and enforce this chapter;

(2) evaluate the qualifications of license applicants;

(3) provide for the examination of license applicants;

(4) issue licenses;

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

(6) investigate persons engaging in practices that violate this chapter.

(c) The commission or executive director may deny, revoke, or suspend a license or may otherwise discipline a license holder in accordance with Section [51.353](#).

Sec. 456.102. FEES. The commission shall set fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing this chapter.

SUBCHAPTER D. LICENSE REQUIREMENTS

Sec. 456.151. LICENSE REQUIRED. (a) Except as provided by Section 456.003, a person may not practice music therapy unless the

1 person holds a license issued under this chapter.

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

5 (1) the title "licensed professional music
6 therapist"; or

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

9 Sec. 456.152. LICENSE APPLICATION. Each applicant for a
10 license under this chapter must submit an application and the
11 required fees to the department. The application must include
12 sufficient evidence, as defined by commission rules, that the
13 applicant has successfully completed a state-approved criminal
14 background check.

15 Sec. 456.153. LICENSE ELIGIBILITY. To be eligible for a
16 license, a person must:

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

18 (2) hold a bachelor's or graduate degree in music
19 therapy, or an equivalent field of study, from a program approved by
20 the American Music Therapy Association, or a successor
21 organization, within an accredited public or private institution of
22 higher education and that is approved by the department;

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

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

1 (5) pass the examination for board certification
2 offered by the certifying entity or provide proof of being
3 transitioned into board certification by the certifying entity;

4 (6) be certified as a music therapist by the
5 certifying entity;

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

9 (8) not be subject to any disciplinary action by the
10 certifying entity.

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

14 Sec. 456.155. LICENSE RENEWAL. A music therapist license
15 expires on the second anniversary of the date of issuance. The
16 commission by rule shall provide requirements and procedures for
17 the renewal of a music therapist license, including requiring a
18 license holder to provide proof of the license holder's continuing
19 certification in music therapy by the certifying entity.

20 Sec. 456.156. LICENSE HOLDER INFORMATION. A license holder
21 shall:

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

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

27 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

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

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

4 (1) consultation and evaluation;

5 (2) preventative care;

6 (3) wellness care;

7 (4) education; and

8 (5) specialized support.

9 (b) Providing music therapy services for a specific health
10 condition, other than consultation and evaluation, requires a
11 referral from a physician or other health professional acting
12 within the scope of the professional's license.

13 Sec. 456.202. REQUIREMENTS FOR CERTAIN CLIENTS. (a)

14 Before providing music therapy services to a client for a clinical,
15 developmental, or other health-related need diagnosed or otherwise
16 identified by a health care provider, the music therapist must
17 review with the appropriate health care provider involved in
18 providing care for that identified need the client's diagnosis,
19 treatment needs, and treatment plan.

20 (b) During the provision of music therapy services to a
21 client described by Subsection (a), the music therapist shall
22 collaborate with any licensed professional providing care for the
23 identified need, including collaborating with, as applicable, the
24 client's physician, psychologist, social worker, or other mental
25 health professional.

26 (c) Before providing music therapy services to a client for
27 an educational need, the music therapist must, if applicable,

1 review with the individuals who are implementing the client's
2 individualized family service plan or individualized education
3 program the client's diagnosis, treatment needs, and treatment
4 plan.

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

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

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

14 SUBCHAPTER F. DISCIPLINARY GROUNDS

15 Sec. 456.251. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY
16 ACTION. After a hearing, the commission or executive director may
17 deny a license to an applicant, suspend or revoke a music
18 therapist's license, or place on probation a music therapist if the
19 applicant or music therapist:

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

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

24 (3) sells, barter, or offers to sell or barter a
25 license;

26 (4) engages in unprofessional conduct that:

27 (A) endangers or is likely to endanger the

1 health, welfare, or safety of the public as defined by commission
2 rule; or

3 (B) violates the code of ethics adopted and
4 published by the commission;

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

7 (6) fails to refer a client to a health care provider
8 for treatment if a music therapist recognizes symptoms for which
9 treatment by music therapy is inadvisable or which warrant
10 treatment that is outside the scope of music therapy;

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

14 (8) is convicted of a felony that directly relates to
15 the duties and responsibilities of a music therapist or that
16 indicates that the person poses a continued threat to public
17 safety;

18 (9) practices music therapy in a grossly negligent
19 manner;

20 (10) is adjudicated as an incapacitated person by a
21 court;

22 (11) is convicted of an offense indicating that the
23 music therapist's continued practice of music therapy is
24 detrimental to the best interests of the public or profession,
25 including an offense that constitutes a violation of any applicable
26 ethical rule of the profession; or

27 (12) has had a music therapy license suspended or

1 revoked by another jurisdiction.

2 SECTION 4. As soon as practicable after the effective date
3 of this Act, the presiding officer of the Texas Commission of
4 Licensing and Regulation shall appoint seven members to the Music
5 Therapist Advisory Board in accordance with Chapter 456,
6 Occupations Code, as added by this Act. In making the initial
7 appointments, the presiding officer of the commission shall
8 designate two members for terms expiring February 1, 2025, two
9 members for terms expiring February 1, 2027, and three members for
10 terms expiring February 1, 2029.

11 SECTION 5. Not later than April 1, 2024, the Texas
12 Commission of Licensing and Regulation shall adopt the rules,
13 procedures, and fees necessary to administer Chapter 456,
14 Occupations Code, as added by this Act.

15 SECTION 6. Notwithstanding Chapter 456, Occupations Code,
16 as added by this Act, a music therapist is not required to hold a
17 license under that chapter to practice as a licensed music
18 therapist in this state before September 1, 2024.

19 SECTION 7. (a) Except as provided by Subsection (b) of this
20 section, this Act takes effect September 1, 2023.

21 (b) Section 456.151 and Subchapter F, Chapter 456,
22 Occupations Code, as added by this Act, take effect September 1,
23 2024.