

By: A. Johnson of Harris

H.B. No. 667

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the licensing and regulation of music therapists;  
3 requiring an occupational license; authorizing fees.

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

5 SECTION 1. Section 51.2031(a), Occupations Code, is amended  
6 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 2. Section 51.254(b), Occupations Code, is amended  
19 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;

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

24 (b-1) Notwithstanding Subsections (a)(1) and (b), a person  
25 is eligible for appointment to the advisory board as a licensed  
26 music therapist member if the person has practiced music therapy  
27 for the period required under Subsection (b), regardless of whether

1 the person has held a license under this chapter continuously  
2 during that period. This subsection expires January 31, 2027.

3 (c) Appointments to the advisory board shall be made without  
4 regard to the race, color, disability, sex, religion, age, or  
5 national origin of the appointee.

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

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

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

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

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

22 Sec. 456.055. MEETINGS. The advisory board shall meet at  
23 least twice each year and at the call of the presiding officer of  
24 the commission or the executive director.

25 Sec. 456.056. GROUNDS FOR REMOVAL. A member of the advisory  
26 board may be removed as provided by Section [51.209](#).

27 Sec. 456.057. COMPENSATION; REIMBURSEMENT. (a) A member

1 of the advisory board may not receive compensation for service on  
2 the advisory board.

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

8 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

15 (b) The department shall:

16 (1) administer and enforce this chapter;

17 (2) evaluate the qualifications of license  
18 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; and

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

26 (c) The commission or executive director may deny, revoke,  
27 or suspend a license or may otherwise discipline a license holder in



1 accordance with Section 51.353.

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

6 SUBCHAPTER D. LICENSE REQUIREMENTS

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

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

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

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

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

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

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

26 (2) hold a bachelor's or graduate degree in music  
27 therapy, or an equivalent field of study, from a program approved by

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

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

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

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

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

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

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

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

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

1       Sec. 456.156. LICENSE HOLDER INFORMATION. A license holder  
2 shall:

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

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

8           SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

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

12           (1) consultation and evaluation;

13           (2) preventative care;

14           (3) wellness care;

15           (4) education; and

16           (5) specialized support.

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

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

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

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

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

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

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

22                                SUBCHAPTER F. DISCIPLINARY GROUNDS

23        Sec. 456.251. GROUNDS FOR LICENSE DENIAL AND DISCIPLINARY  
24 ACTION. After a hearing, the commission or executive director may  
25 deny a license to an applicant, suspend or revoke a music  
26 therapist's license, or place on probation a music therapist if the  
27 applicant or music therapist:

- 1           (1) violates this chapter, a commission rule, or an  
2 order of the commission or the executive director;
- 3           (2) obtains a license by means of fraud,  
4 misrepresentation, or concealment of a material fact;
- 5           (3) sells, barter, or offers to sell or barter a  
6 license;
- 7           (4) engages in unprofessional conduct that:
- 8                   (A) endangers or is likely to endanger the  
9 health, welfare, or safety of the public as defined by commission  
10 rule; or
- 11                   (B) violates the code of ethics adopted and  
12 published by the commission;
- 13           (5) treats or attempts to treat a client's specific  
14 health condition by means other than music therapy;
- 15           (6) fails to refer a client to a health care provider  
16 for treatment if a music therapist recognizes symptoms for which  
17 treatment by music therapy is inadvisable or which warrant  
18 treatment that is outside the scope of music therapy;
- 19           (7) is unable to practice music therapy with  
20 reasonable skill and safety because of excessive use of alcohol,  
21 drugs, narcotics, chemicals, or another substance;
- 22           (8) is convicted of a felony that directly relates to  
23 the duties and responsibilities of a music therapist or that  
24 indicates that the person poses a continued threat to public  
25 safety;
- 26           (9) practices music therapy in a grossly negligent  
27 manner;

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

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

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

10           SECTION 4. As soon as practicable after the effective date  
11 of this Act, the presiding officer of the Texas Commission of  
12 Licensing and Regulation shall appoint seven members to the Music  
13 Therapist Advisory Board in accordance with Chapter 456,  
14 Occupations Code, as added by this Act. In making the initial  
15 appointments, the presiding officer of the commission shall  
16 designate two members for terms expiring February 1, 2025, two  
17 members for terms expiring February 1, 2027, and three members for  
18 terms expiring February 1, 2029.

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

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

27           SECTION 7. (a) Except as provided by Subsection (b) of this

1 section, this Act takes effect September 1, 2023.

2 (b) Section 456.151 and Subchapter F, Chapter 456,  
3 Occupations Code, as added by this Act, take effect September 1,  
4 2024.