

BILL ANALYSIS

H.B. 2284
By: Johnson
Public Health
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The bill author has informed the committee that music therapy is a proven treatment for survivors of trauma and patients with conditions such as post-traumatic stress disorder, acquired brain injuries, autism spectrum disorder, dementia, substance use disorders, and mental health challenges. The bill author has also informed the committee that Texas lacks a formal music therapy licensure process, making it difficult to ensure the quality of treatment and potentially exposing patients to emotional distress caused by an individual who lacks training. H.B. 2284 seeks to ensure that only qualified and properly trained individuals can practice music therapy and that each patient receives the same standards of safe care by requiring an occupational license for music therapists and creating a regulatory framework for the industry.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 4 of this bill.

ANALYSIS

H.B. 2284 amends the Occupations Code to provide for the licensing and regulation of music therapists.

License Requirements

H.B. 2284 requires a person to hold a license issued under its provisions to practice music therapy, which is defined by the bill as the clinical and evidence-based use of music interventions by a person for a client who is in a therapeutic relationship with the person to assist the client in accomplishing particular goals and does not include the diagnosis or assessment of or screening for any physical, mental, or communication disorder. 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 term includes the following:

- accepting referrals for music therapy services from medical, developmental, mental health, or education professionals, family members, clients, caregivers, or any other person involved with the provision of music therapy services;
- conducting an assessment to determine whether music therapy is recommended or necessary for a client, including the collection of information to determine the recommended or necessary manner of music therapy services;

- developing an individualized music therapy treatment plan based on such an assessment, including specific goals for the client, specific methods for achieving the goals, and a plan to ensure that the client receives music therapy in the least restrictive environment;
- implementing an individualized music therapy treatment plan that is consistent with any other medical, developmental, mental health, educational, preventative, or wellness services being provided to a client;
- evaluating a client's response to a music therapy treatment plan, documenting progress, and recommending changes, including terminating treatment, as appropriate;
- collaborating with any appropriate person with regard to a client receiving music therapy services, including the client's caretakers or family, to ensure that the music therapy services are appropriate; and
- researching and applying best practices as applicable to each clinical setting.

The bill prohibits a person who does not hold a music therapist license from using in connection with the person's name, including in advertisements, the title "licensed professional music therapist" or any other designation that would imply the person is a licensed music therapist. This prohibition and the requirement to hold such a license take effect September 1, 2026, and a music therapist is not required to hold a license to practice as a licensed music therapist in Texas before September 1, 2026.

H.B. 2284 requires each applicant for a license to submit an application and any required fees to the Texas Department of Licensing and Regulation (TDLR). The bill requires the application to include sufficient evidence, as defined by Texas Commission of Licensing and Regulation (TCLR) rules, that the applicant has successfully completed a state-approved criminal background check. To be eligible for a license a person must:

- be at least 18 years of age;
- hold a bachelor's or graduate degree in music therapy, or an equivalent field of study, from a program that is approved by the American Music Therapy Association, or a successor organization, within an accredited public or private institution of higher education and that is approved by TDLR;
- successfully complete any clinical training hours required as part of such a degree program;
- if applicable, be in good standing with any other jurisdiction from which the applicant holds a music therapy license;
- pass the examination for board certification offered by the certifying entity or provide proof of being transitioned into board certification by the certifying entity;
- be certified as a music therapist by the certifying entity;
- be in compliance with all professional, ethical, and disciplinary standards established by the certifying entity; and
- not be subject to any disciplinary action by the certifying entity.

The bill defines "certifying entity" as the nationally accredited Certification Board for Music Therapists or another entity that is accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials in the professional practice of music therapy and approved by TDLR. The bill requires TDLR to issue a music therapist license to a person who meets those eligibility requirements and rules adopted under the bill. The bill establishes that a music therapist license expires on the second anniversary of the issuance date and requires TCLR by rule to provide license renewal requirements and procedures, including requiring a license holder to provide proof of the license holder's continuing certification in music therapy by the certifying entity. The bill requires a license holder to notify TDLR of a change of the license holder's residence or business address and provide TDLR with the license holder's new address not later than the 30th day after the date the address change occurs.

H.B. 2284 makes its provisions inapplicable to the following:

- a person certified or otherwise accredited to practice an occupation and who uses music within the scope of that accreditation and the person's training, education, and competence;
- a student who is performing activities under the supervision of a license holder as part of an eligible music therapy or equivalent degree program;
- a person employed in the service of the federal government while performing duties related to that employment;
- a person employed by a music therapist and who provides music therapy services under the direct supervision of a music therapist but does not represent that the person is a music therapist;
- a family member or guardian of a recipient of music therapy services who is implementing the recipient's treatment plan under the extended authority and direction of a licensed music therapist; or
- a music therapist licensed in another jurisdiction or certified by the certifying entity if the activities and services conducted in Texas are within the therapist's customary area of practice, are conducted not more than 20 days in a calendar year, and are not otherwise in violation of the bill's provisions.

The bill requires such an out-of-state therapist to inform the recipient of services or, for a recipient under 18 years of age, the recipient's parent or guardian that the therapist is not licensed in Texas and the therapist's activities and services are time-limited.

Practice by License Holder

H.B. 2284 authorizes a licensed music therapist to provide the following services without a referral from a health professional:

- consultation and evaluation;
- preventative care;
- wellness care;
- education; and
- specialized support.

Providing music therapy services for a specific health condition, other than consultation and evaluation, requires a referral from a physician or other health professional acting within the scope of the professional's license. The bill sets out the following requirements for a licensed music therapist providing music therapy services to certain clients:

- for a client with a clinical, developmental, or other health-related need diagnosed or otherwise identified by a health care provider, the therapist must review the client's diagnosis, treatment needs, and treatment plan with the appropriate provider and collaborate with applicable licensed professionals;
- for a client with an educational need, the therapist must, if applicable, review the client's diagnosis, treatment needs, and treatment plan with the individuals who are implementing the client's individualized family service plan or individualized education program; and
- for a client with a communication disorder who is also receiving services from an audiologist or speech-language pathologist, collaborate with and disclose the music therapy treatment plan to the applicable provider.

A music therapist may not provide services in a manner that replaces the services provided by the client's audiologist or speech-language pathologist.

H.B. 2284 prohibits a licensed music therapist who is not also licensed to practice speech-language pathology from evaluating, examining, instructing, or counseling a person on speech, language, communication, or swallowing disorders or conditions or representing to the public that the therapist is authorized to treat a communication disorder. This prohibition does not prohibit a licensed music therapist from representing to the public that the therapist may work with clients who have a communication disorder.

Creation of Advisory Board

H.B. 2284 creates the Music Therapist Advisory Board, which may advise TCLR and TDLR on the following:

- technical matters relevant to the administration of the bill's music therapist provisions;
- standards of performance and work practices for music therapy;
- eligibility for the issuance or renewal of a music therapy license, including any training or continuing education;
- the content of any examinations required for the license; and
- any other issue affecting music therapy.

H.B. 2284 establishes the board's composition, as appointed by the presiding officer of TCLR and approved by TCLR, as follows:

- four licensed music therapists;
- one physician or other health professional who is authorized to refer patients or clients to receive music therapy services; and
- two members who represent the public and who are either former recipients of music therapy services or the parent or guardian of a current or former recipient of music therapy services.

The bill adds a temporary provision, set to expire January 31, 2029, making a person who is certified as a music therapist by the certifying entity eligible for appointment as one of the board's licensed music therapist members regardless of whether the person holds such a license.

H.B. 2284 requires appointments to be made without regard to the appointee's race, color, disability, sex, religion, age, or national origin and makes Government Code provisions relating to state agency advisory committees inapplicable to the duration of the advisory board. The bill sets out provisions regarding requirements for making the initial appointments, the terms of board members and the process for filling vacancies, and the designation of a presiding officer.

Administration and Enforcement

H.B. 2284 requires TCLR to adopt rules for the administration and enforcement of the bill's music therapist provisions. The bill requires TCLR to establish standards of ethical practice and adopt and publish a code of ethics. The bill requires TDLR to do the following:

- administer and enforce the bill's music therapist provisions;
- evaluate the qualifications of license applicants and provide for the examination of applicants;
- issue licenses;
- issue subpoenas, examine witnesses, and administer oaths under state laws in connection with a hearing under the bill's music therapist provisions; and
- investigate persons engaging in practices that violate the bill's music therapist provisions.

H.B. 2284 authorizes TCLR or the executive director of TDLR, after a hearing, to deny a license to an applicant, suspend or revoke a music therapist's license, or place a music therapist on probation based on the following grounds, as applicable:

- violating the bill's music therapist provisions, a TCLR rule, or an order of TCLR or the executive director of TDLR;
- obtaining a license by means of fraud, misrepresentation, or concealment of a material fact;
- selling, bartering, or offering to sell or barter a license;
- engaging in unprofessional conduct that:
 - endangers or is likely to endanger the health, welfare, or safety of the public as defined by TCLR rule; or
 - violates the code of ethics adopted and published by TCLR;

- treating or attempting to treat a client's specific health condition by means other than music therapy;
- failing to refer a client to a health care provider for treatment if a music therapist recognizes symptoms for which treatment by music therapy is inadvisable or which warrant treatment that is outside the scope of music therapy;
- the inability to practice music therapy with reasonable skill and safety because of excessive use of alcohol, drugs, narcotics, chemicals, or another substance;
- a felony conviction that directly relates to the duties and responsibilities of a music therapist or that indicates that the person poses a continued threat to public safety;
- practicing music therapy in a grossly negligent manner;
- adjudication as an incapacitated person by a court;
- conviction of an offense indicating that the music therapist's continued practice of music therapy is detrimental to the best interests of the public or profession, including an offense that constitutes a violation of any applicable ethical rule of the profession; or
- previous suspension or revocation of a music therapy license by another jurisdiction.

The bill's provisions establishing disciplinary grounds and disciplinary action take effect September 1, 2026.

H.B. 2284 requires TCLR to set fees in amounts that are reasonable and necessary to cover the costs of administering and enforcing the bill's music therapist provisions and requires TCLR, not later than April 1, 2026, to adopt the rules, procedures, and fees necessary to administer those provisions.

Applicability of Other Law

H.B. 2284 makes the following applicable to the regulation of music therapists:

- the statutory prohibition against TCLR adopting a new rule relating to the scope of practice of or a health-related standard of care regarding an applicable regulated profession unless the rule has been proposed by an applicable advisory board; and
- the statutory provision making a complaint and investigation concerning an applicable health-related professional and all information and materials subpoenaed or compiled by TDLR in connection with the complaint and investigation confidential and not subject to disclosure under state public information law and not subject to disclosure, discovery, subpoena, or other means of legal compulsion for their release to any person.

H.B. 2284 amends the Government Code to include an applicant for or the holder of a music therapist license among the individuals about whom TDLR is entitled to obtain criminal history record information.

EFFECTIVE DATE

Except as otherwise provided, September 1, 2025.