

By: Johnson

H.B. No. 2284

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 411.093(a), Government Code, is amended
to read as follows:

(a) The Texas Department of Licensing and Regulation is
entitled to obtain criminal history record information as provided
by Subsection (b) that relates to:

(1) an applicant for or the holder of:

(A) a driver education instructor license under
Chapter 1001, Education Code;

(B) a license under Chapter 202, Occupations
Code;

(C) a license under Chapter 401, Occupations
Code;

(D) a license under Chapter 402, Occupations
Code; ~~or~~

(E) a license under Chapter 456, Occupations
Code; or

(F) an instructor license or motorcycle school
license under Chapter 662, Transportation Code;

(2) a person who is:

(A) an applicant for or the holder of a license

1 under Chapter 91, Labor Code; or

2 (B) a controlling person, as defined by Chapter
3 91, Labor Code, of an entity described by Paragraph (A); or

4 (3) a person who:

5 (A) is an applicant for or the holder of a license
6 under Chapter 455, Occupations Code; or

7 (B) has an interest described under Section
8 455.1525(e), Occupations Code, in an entity described by Paragraph
9 (A).

10 SECTION 2. Section 51.2031(a), Occupations Code, is amended
11 to read as follows:

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

14 (1) athletic trainers;

15 (2) behavior analysts;

16 (3) dietitians;

17 (4) hearing instrument fitters and dispensers;

18 (5) midwives;

19 (6) music therapists;

20 (7) orthotists and prosthetists; and

21 (8) [~~(7)~~] speech-language pathologists and
22 audiologists.

23 SECTION 3. Section 51.254(b), Occupations Code, is amended
24 to read as follows:

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

- 1 (1) athletic trainers regulated under Chapter 451;
- 2 (2) behavior analysts regulated under Chapter 506;
- 3 (3) dietitians regulated under Chapter 701;
- 4 (4) dyslexia practitioners and dyslexia therapists
- 5 regulated under Chapter 403;
- 6 (5) hearing instrument fitters and dispensers
- 7 regulated under Chapter 402;
- 8 (6) massage therapists regulated under Chapter 455;
- 9 (7) midwives regulated under Chapter 203;
- 10 (8) music therapists regulated under Chapter 456;
- 11 (9) orthotists and prosthetists regulated under
- 12 Chapter 605;
- 13 (10) [~~(9)~~] podiatrists regulated under Chapter 202;
- 14 and
- 15 (11) [~~(10)~~] speech-language pathologists and
- 16 audiologists regulated under Chapter 401.

17 SECTION 4. Subtitle H, Title 3, Occupations Code, is
18 amended by adding Chapter 456 to read as follows:

19 CHAPTER 456. MUSIC THERAPISTS

20 SUBCHAPTER A. GENERAL PROVISIONS

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

23 Sec. 456.002. DEFINITIONS. In this chapter:

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

26 (2) "Certifying entity" means the nationally
27 accredited Certification Board for Music Therapists or another

1 entity that is accredited by the National Commission for Certifying
2 Agencies or the American National Standards Institute to issue
3 credentials in the professional practice of music therapy and
4 approved by the department.

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

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

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

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

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

25 (A) accepting referrals for music therapy
26 services from medical, developmental, mental health, or education
27 professionals, family members, clients, caregivers, or any other

1 person involved with the provision of music therapy services;

2 (B) conducting an assessment of a client to
3 determine whether music therapy is recommended or necessary for the
4 client, including the collection of information to determine the
5 recommended or necessary manner of music therapy services;

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

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

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

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

22 (G) researching and applying best practices as
23 applicable to each clinical setting.

24 Sec. 456.003. APPLICABILITY. (a) This chapter does not
25 apply to:

26 (1) a person certified, or otherwise accredited, to
27 practice an occupation and who uses music within the scope of that

1 accreditation and within the scope of the person's training,
2 education, and competence, including a licensed health care worker
3 or other professional acting within the scope of the person's
4 license;

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

8 (3) a person employed:

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

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

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

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

21 (A) are within the music therapist's customary
22 area of practice;

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

25 (C) are not otherwise in violation of this
26 chapter.

27 (b) A person described by Subsection (a)(3)(B) may not

1 represent that the person is a music therapist.

2 (c) A music therapist described by Subsection (a)(5) shall
3 inform the recipient of music therapy services, or a parent or
4 guardian of the recipient if the recipient is under 18 years of age,
5 that:

6 (1) the music therapist is not licensed in this state;
7 and

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

10 SUBCHAPTER B. MUSIC THERAPIST ADVISORY BOARD

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

15 (1) four licensed music therapists;

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

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

23 (a-1) Notwithstanding Subsection (a)(1), a person is
24 eligible for appointment to the advisory board as a licensed music
25 therapist member if the person is certified as a music therapist by
26 the certifying entity, regardless of whether the person is licensed
27 under this chapter. This subsection expires January 31, 2029.

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

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

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

8 (1) technical matters relevant to the administration
9 of this chapter;

10 (2) standards of performance and work practices for
11 music therapy;

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

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

17 (5) any other issue affecting music therapy.

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

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

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

1 one year.

2 SUBCHAPTER C. POWERS AND DUTIES

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

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

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

9 (b) The department shall:

10 (1) administer and enforce this chapter;

11 (2) evaluate the qualifications of license
12 applicants;

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

14 (4) issue licenses;

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

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

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

23 SUBCHAPTER D. LICENSE REQUIREMENTS

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

27 (b) Unless the person holds a license issued under this

1 chapter, a person may not use in connection with the person's name,
2 including in advertisements:

3 (1) the title "licensed professional music
4 therapist"; or

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

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

13 Sec. 456.153. LICENSE ELIGIBILITY. To be eligible for a
14 license, a person must:

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

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

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

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

26 (5) pass the examination for board certification
27 offered by the certifying entity or provide proof of being

1 transitioned into board certification by the certifying entity;

2 (6) be certified as a music therapist by the
3 certifying entity;

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

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

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

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

18 Sec. 456.156. LICENSE HOLDER INFORMATION. A license holder
19 shall:

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

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

25 SUBCHAPTER E. PRACTICE BY LICENSE HOLDER

26 Sec. 456.201. REFERRALS REQUIRED FOR CERTAIN SERVICES. (a)
27 A music therapist may provide the following music therapy services

1 without a referral from a health professional:

2 (1) consultation and evaluation;

3 (2) preventative care;

4 (3) wellness care;

5 (4) education; and

6 (5) specialized support.

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

11 Sec. 456.202. REQUIREMENTS FOR CERTAIN CLIENTS. (a)
12 Before providing music therapy services to a client for a clinical,
13 developmental, or other health-related need diagnosed or otherwise
14 identified by a health care provider, the music therapist must
15 review with the appropriate health care provider involved in
16 providing care for that identified need the client's diagnosis,
17 treatment needs, and treatment plan.

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

24 (c) Before providing music therapy services to a client for
25 an educational need, the music therapist must, if applicable,
26 review with the individuals who are implementing the client's
27 individualized family service plan or individualized education

1 program the client's diagnosis, treatment needs, and treatment
2 plan.

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

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

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

12 Sec. 456.203. CERTAIN PRACTICES RELATED TO SPEECH-LANGUAGE
13 PATHOLOGY PROHIBITED. (a) Unless a music therapist is licensed to
14 practice speech-language pathology under Chapter 401, the music
15 therapist may not:

16 (1) evaluate, examine, instruct, or counsel a person
17 on speech, language, communication, or swallowing disorders or
18 conditions; or

19 (2) represent to the public that the music therapist
20 is authorized to treat a communication disorder.

21 (b) This section does not prohibit a music therapist from
22 representing to the public that the music therapist may work with
23 clients who have a communication disorder.

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

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

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

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

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

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

1 (9) practices music therapy in a grossly negligent
2 manner;

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

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

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

12 SECTION 5. As soon as practicable after the effective date
13 of this Act, the presiding officer of the Texas Commission of
14 Licensing and Regulation shall appoint seven members to the Music
15 Therapist Advisory Board in accordance with Chapter 456,
16 Occupations Code, as added by this Act. In making the initial
17 appointments, the presiding officer of the commission shall
18 designate two members for terms expiring February 1, 2027, two
19 members for terms expiring February 1, 2029, and three members for
20 terms expiring February 1, 2031.

21 SECTION 6. Not later than April 1, 2026, the Texas
22 Commission of Licensing and Regulation shall adopt the rules,
23 procedures, and fees necessary to administer Chapter 456,
24 Occupations Code, as added by this Act.

25 SECTION 7. Notwithstanding Chapter 456, Occupations Code,
26 as added by this Act, a music therapist is not required to hold a
27 license under that chapter to practice as a licensed music

1 therapist in this state before September 1, 2026.

2 SECTION 8. (a) Except as provided by Subsection (b) of this
3 section, this Act takes effect September 1, 2025.

4 (b) Section 456.151 and Subchapter F, Chapter 456,
5 Occupations Code, as added by this Act, take effect September 1,
6 2026.