

- SUBJECT:** Creating the Music Therapist Licensing Act
- COMMITTEE:** Public Health — committee substitute recommended
- VOTE:** 9 ayes — Klick, Campos, Collier, Jetton, J. Jones, Oliverson, Price, Smith, Tinderholt
- 0 nays
- 2 absent — A. Johnson, V. Jones
- WITNESSES:** For — Jennifer Townsend, Houston Methodist; Brittany Trinite (*Registered, but did not testify*: Molly Spratt, Certification Board of Music Therapists, American Music Therapy Association, Texas Music Therapy Task Force; Dennis Borel, Coalition of Texans with Disabilities; Nelda Hunter, Cook Children’s Health Care System; Tara Jenkins, Harmony in Dementia; Daniel Morales, Houston Methodist; Ryan Ambrose, MHHS; Hannah Gill, NAMI Texas; Ann Graham, Texans for the Arts; Meredith Cooke, Texas Children’s Hospital; Jim Brennan, Texas Coalition of Veterans Organizations; Lisa Kaufman, Texas Cultural Trust; Ashley Ford, The Arc of Texas; Kate Harrison, The Harrison Center for Music Therapy; Edward Campa; Carl Jacob; Eve Margolis; Abigail Perez; Luke Wallens)
- Against — (*Registered, but did not testify*: Arif Panju, Institute for Justice)
- On — (*Registered, but did not testify*: Jeff Copas, Texas Department of Licensing and Regulation)
- BACKGROUND:** Some have suggested that Texas should have standardized safety and care procedures to protect music therapy clients from potentially harmful practices.
- DIGEST:** CSHB 667 would add music therapists to the list of health-related professions regulated by the Texas Department of Licensing and

Regulation (TDLR) and make conforming changes to the Occupations Code.

The bill would establish the Music Therapist Licensing Act.

Music therapy. A "certifying entity" under the bill would mean the nationally accredited Certification Board for Music Therapists or another entity that was accredited by the National Commission for Certifying Agencies or the American National Standards Institute to issue credentials for music therapy, as approved by TDLR.

"Music therapy" would mean the clinical and evidence-based use of music interventions by a person who was in a therapeutic relationship with a client to help the client accomplish particular goals. The music interventions could include a broad variety of musical practices. The practice of music therapy would not include the diagnosis or assessment of or screening for any physical, mental, or communication disorder. The term would include:

- accepting certain referrals for music therapy;
- conducting assessments of clients to determine necessity of music therapy;
- developing and implementing individualized treatment plans;
- evaluating clients' responses to treatment;
- collaborating with clients' families and other appropriate people;
- and
- researching best practices.

Music therapists could provide consultation and evaluation, preventative care, wellness care, education, and specialized support without referral from a health professional. The bill would include a list of certain people to whom provisions would not apply.

Advisory board. The Texas Commission of Licensing and Regulation (TCLR) would be required appoint seven eligible members to the Music Therapy Advisory Board, including:

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

Members would serve staggered six-year terms with the terms of two or three members expiring February 1 of each odd-numbered year. If a vacancy occurred during a member's term, the TCLR presiding officer would be required to appoint a qualified replacement with the commission's approval. The bill would also require TCLR's presiding officer to appoint a presiding officer of the advisory board to serve for one year.

The advisory board could advise TCLR and TDLR on technical matters, standards of performance, license eligibility, examination content, and any other issue affecting music therapy.

Powers and duties. TCLR would be required to adopt certain administration and enforcement laws and establish ethical practices. TDLR would be required to:

- administer and enforce these changes;
- evaluate qualifications of license applicants;
- provide for the examination of applicants;
- issue licenses;
- issue subpoenas, examine witnesses, and administer oaths in connection with a hearing related to the bill's provisions; and
- investigate potential violations of the bill.

TCLR or TDLR's executive director could deny, revoke, or suspend a license or otherwise discipline a license holder according to certain provisions of Occupation Code.

TCLR would be required to set reasonable and necessary fees to cover administration and enforcement costs.

Licensure. With certain exceptions, a person could not practice music therapy unless the person held a music therapy license. Nor would the person be allowed to use the title "licensed professional music therapist" or any other designation that would imply they were a music therapist. The bill would specify grounds for license denial and disciplinary action.

Each applicant for a music therapy license would have to submit an application, pay the required fees, and pass a state-approved criminal background check.

To be eligible for a music therapy license, a person would have to:

- be at least 18 years of age;
- hold a bachelor's or graduate degree in music therapy or other approved field of study within an accredited institution of higher education approved by the department;
- successfully complete required clinical training hours;
- if applicable, be in good standing with any other jurisdiction from which the applicant held a music therapy license;
- pass the required examination for certification or provide proof of being transitioned into board certification by the certifying entity;
- be certified as a music therapist by a certifying entity;
- be in compliance with all required standards; and
- not be subject to any disciplinary action by the certifying entity.

TCLR would be required to provide requirements and procedures for music therapy license renewal.

Implementation. As soon as practicable after the effective date of the bill, the presiding officer of TCLR would be required to appoint the advisory board according to the established requirements. The bill would required that TCLR adopt all necessary rules, procedures, and fees by April 1, 2024. Music therapists would not have to be licensed in order to practice

as a licensed music therapist until September 1, 2024.

With the exception of certain licensure requirements that would take effect September 1, 2024, the bill would take effect September 1, 2023.