

JAN 20 2012

S.B. NO. 2451

A BILL FOR AN ACT

RELATING TO MUSIC THERAPY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 **"CHAPTER**

5 **MUSIC THERAPISTS**

6 § -1 **Definitions.** For the purposes of this chapter:

7 "Board" means the state music therapy board.

8 "Department" means the department of commerce and consumer
9 affairs.

10 "Director" means the director of commerce and consumer
11 affairs.

12 "Music therapist" means a person licensed to practice music
13 therapy.

14 "Music therapist - board certified" means an individual who
15 has completed the education and clinical requirements
16 established by the American Music Therapy Association, has
17 passed the Certification Board for Music Therapists



1 certification examination, and remains actively certified by the
2 Certification Board for Music Therapists.

3 "Music therapy" means the clinical and evidence-based use
4 of music interventions to accomplish individualized goals within
5 a therapeutic relationship by a credentialed professional who
6 has completed an approved music therapy program.

7 § -2 **Music therapy board; established.** (a) There is
8 established within the department of commerce and consumer
9 affairs for administrative purposes the state music therapy
10 board.

11 (b) The director shall appoint five members to the board.
12 Three of these members shall have at least five years of
13 experience in the State in the practice of music therapy.

14 § -3 **Powers and duties of the board.** In addition to any
15 other powers and duties authorized by law, the board shall:

16 (1) Adopt, amend, or repeal rules pursuant to chapter 91
17 to carry out this chapter, including rules
18 establishing standards of professional conduct,
19 discipline, continuing education requirements, and
20 qualifications for licensure;

21 (2) Examine and approve the qualifications of all
22 applicants under this chapter;



- 1 (3) Issue, renew, suspend, and revoke licenses;
- 2 (4) Investigate and conduct hearings regarding any
- 3 violation of this chapter or any rules adopted to
- 4 implement this chapter;
- 5 (5) Establish a fee schedule for application, license,
- 6 renewal, restoration, inactive status, and other
- 7 reasonable and necessary fees relating to the
- 8 administration and enforcement of this chapter; and
- 9 (6) Work with the director to assist with the
- 10 implementation of this chapter and the rules adopted
- 11 pursuant thereto.

12 § -4 **Records of board.** The board shall keep a record of
13 all its proceedings and activities. The provisions of chapter
14 92F shall prevail in the disclosure of information maintained by
15 the board.

16 § -5 **License required.** No person without a license as a
17 music therapist shall use the title "music therapist" or like
18 title, or perform the duties of a music therapist; provided that
19 this chapter shall not prohibit any practice of music therapy
20 that is an integral part of a program of study for students
21 enrolled in an accredited music therapy program. A person who
22 renders a music therapy service on the effective date of this



1 Act must be licensed pursuant to this chapter within one year
2 after the board adopts rules to carry out this chapter.

3 § -6 **Qualifications for licensure.** Notwithstanding any
4 other law to the contrary, an individual shall meet the
5 following requirements in order to qualify for a music therapy
6 license:

7 (1) Apply in writing on a form prescribed by the board and
8 submit the fee set by the board for application;

9 (2) Be eighteen years of age or older;

10 (3) Hold a bachelor's degree or higher in music therapy,
11 or its equivalent, from an American Music Therapy
12 Association approved program, or its successor, within
13 an accredited college or university;

14 (4) Successfully complete a minimum of one thousand two
15 hundred hours of clinical training, with at least one
16 hundred eighty hours in pre-internship experiences and
17 at least nine hundred hours in internship experiences;
18 provided that the internship shall be approved by an
19 academic institution, the American Music Therapy
20 Association, or both;

21 (5) Pass a background check that shall include a review of
22 the applicant's music therapy licensure history in



1 other jurisdictions, including a review of any alleged
2 misconduct or neglect in the practice of music therapy
3 on the part of the applicant; and

- 4 (6) Provide proof of passing the examination for board
5 certification offered by the Certification Board for
6 Music Therapists or its successor, or provide proof
7 that the applicant is currently a music therapist -
8 board certified by the Certification Board for Music
9 Therapists or its successor.

10 § -7 **Renewal of license; inactive license.** (a) Every
11 license issued under this chapter shall be renewed every five
12 years. A license shall be renewed upon payment of a renewal fee
13 if the applicant is not in violation of any of the terms of this
14 chapter at the time of application for renewal. The following
15 additional requirements shall also be required for license
16 renewal:

- 17 (1) Proof of maintenance of the applicant's music
18 therapist - board certified credentials;
19 (2) Proof of completion of a minimum of one hundred hours
20 of continuing education in a program approved by the
21 Certification Board of Music Therapists, and any other



1 continuing education requirements established by the
2 board; and

3 (3) Proof of completion of a minimum of one hundred hours
4 of music therapy practice in accordance with rules
5 adopted by the board.

6 (b) The board shall notify a licensee at least thirty days
7 prior to the expiration of the licensee's license. A licensee
8 shall inform the board of any changes to a licensee's address.
9 Each licensee shall be responsible for timely renewal of the
10 licensee's license.

11 (c) Failure to renew a license shall result in forfeiture
12 of the license. Licenses that have been forfeited may be
13 restored within one year of the expiration date upon payment of
14 renewal and restoration fees. Failure to restore a forfeited
15 license within five years of the date of its expiration shall
16 result in the automatic termination of the license, and
17 relicensure may require the individual to reapply for licensure
18 as a new applicant.

19 (d) Upon written request of a licensee, the board may
20 place the licensee's active license on an inactive status. The
21 licensee, upon request and payment of the inactive license fee,
22 may continue on inactive status. The license may be reactivated



1 at any time by making a written request to the board and by
2 fulfilling the requirements established by the board.

3 § -8 **Waiver of examination.** For one year immediately
4 following the date on which rules are adopted to implement this
5 chapter, the board shall waive the examination requirement of
6 section -6(6) for an applicant for licensure who is:

7 (1) Certified as music therapist - board certified and is
8 in good standing with the Certification Board for
9 Music Therapists; or

10 (2) Designated as a Registered Music Therapist, Certified
11 Music Therapist, or Advanced Certified Music Therapist
12 and is in good standing with the National Music
13 Therapy Registry.

14 § -9 **Disciplinary actions.** (a) The board may revoke,
15 suspend, deny, or refuse to issue or renew a license; place a
16 licensee on probation; or issue a letter of admonition upon
17 proof that the licensee:

18 (1) Has procured or attempted to procure a license by
19 fraud, deceit, misrepresentation, misleading omission,
20 or material misstatement of fact;

21 (2) Has been convicted of a felony as provided under
22 section 701-107;



(3) Has wilfully or negligently acted in a manner inconsistent with the health or safety of persons under the individual's care;

(4) Has had a license to practice music therapy suspended or revoked, or has otherwise been subject to discipline relating to the individual's practice of music therapy, in any other jurisdiction;

(5) Has committed a fraudulent insurance act;

(6) Excessively or habitually uses alcohol or drugs; provided that the board shall not discipline an individual under this paragraph if the individual is enrolled in a substance abuse program approved by the department; or

(7) Has a physical or mental disability that renders the individual incapable of safely administering music therapy services.

(b) If an allegation of conduct described in subsection

(a) is made against a licensee, the board shall conduct an investigation pursuant to section 92-17.

(c) In addition to suspension, revocation, denial, or refusal to renew a license, the board shall fine a person found to have violated any provision of this chapter or any rule



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1 adopted by the board under this chapter not less than \$100 nor
2 more than \$1,000 for each violation."

3 SECTION 2. The revisor of statutes shall insert the
4 effective date of this Act in the appropriate place in section 1
5 of this Act.

6 SECTION 3. This Act shall take effect upon its approval.
7

INTRODUCED BY: *Rhianne Chun Oakland*

[Signature]
Mike Gifford



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Report Title:

Music Therapy; Music Therapists; Licensure

Description:

Establishes the music therapy board within the department of commerce and consumer affairs. Requires licensure in order to use the title of "music therapist" or practice music therapy in the State.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

