
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 title 25 to be appropriately designated
3 and to read as follows:

4 "CHAPTER

5 MUSIC THERAPISTS

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

7 "Board" means the 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 therapy" means the clinical and evidence-based use
13 of music interventions to accomplish individualized goals within
14 a therapeutic relationship by a credentialed professional who
15 has completed an approved music therapy program.

16 "Music therapist" means a person licensed to practice music
17 therapy.



1 § -2 **License required.** No person without a license as a
2 music therapist shall use the title "music therapist" or like
3 title, or perform the duties of a music therapist; provided that
4 this chapter shall not prohibit any practice of music therapy
5 that is an integral part of a program of study for students
6 enrolled in an accredited music therapy program.

7 § -3 **Powers and duties of the director.** In addition to
8 any other powers and duties authorized by law, the director
9 shall:

- 10 (1) Adopt rules pursuant to chapter 91 to develop
11 standards for licensure of music therapists;
- 12 (2) Prepare and administer appropriate examinations for
13 licensure;
- 14 (3) Issue, renew, suspend, and revoke licenses;
- 15 (4) Investigate and conduct hearings regarding any
16 violation of this chapter or any rules adopted to
17 implement this chapter; and
- 18 (5) Establish a fee schedule for the administration and
19 enforcement of this chapter, including but not limited
20 to fees for original licensure, renewal, and license
21 restoration.



1 § -4 **Music therapy board; established.** (a) There is
2 established within the department of commerce and consumer
3 affairs for administrative purposes the state music therapy
4 board.

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

8 (c) The director shall consider the recommendations of the
9 board on questions involving standards of professional conduct,
10 discipline, continuing education requirements, and
11 qualifications for licensure under this chapter.

12 (d) The board shall conduct investigations of allegations
13 of licensee misconduct pursuant to section 92-17, and shall keep
14 a record of all its proceedings and activities. The provisions
15 of chapter 92F shall prevail in the disclosure of information by
16 the board.

17 § -5 **Qualifications for license.** Notwithstanding any
18 other law to the contrary, an individual shall meet the
19 following requirements in order to qualify for a music therapy
20 license:



- 1 (1) Apply in writing on a form prescribed by the
2 department and submit the fee set by the department
3 for application;
- 4 (2) Hold a bachelor's degree or higher in music therapy
5 from an accredited college or university, the
6 curriculum of which shall at least be designed to
7 impart entry level competencies in three main areas:
8 (A) Musical foundations;
9 (B) Clinical foundations; and
10 (C) Music therapy foundations and principles;
11 and in addition to the academic coursework, at least
12 1,200 hours of clinical training; provided that all or
13 a portion of the clinical training requirement may be
14 satisfied by any clinical training that is a
15 prerequisite for obtaining a bachelor's degree in
16 music therapy;
- 17 (3) Pass a background check that shall include a review of
18 the applicant's music therapy licensure history in
19 other jurisdictions, including a review of any alleged
20 misconduct or neglect in the practice of music therapy
21 on the part of the applicant; and



1 (4) Pass an examination for the practice of music therapy
2 within five years of making an application.

3 § -6 **Disciplinary actions.** (a) The director may refuse
4 to issue, revoke, suspend, deny, or refuse to renew a license,
5 place a licensee on probation, or issue a letter of admonition
6 upon proof that the licensee:

7 (1) Has procured or attempted to procure a license by
8 fraud, deceit, misrepresentation, misleading omission,
9 or material misstatement of fact;

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

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

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

19 (5) Has committed a fraudulent insurance act;

20 (6) Excessively or habitually uses alcohol or drugs;
21 provided that the director shall not discipline an
22 individual under this paragraph if the individual is



1 enrolled in a substance abuse program approved by the
2 department; or

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

6 (b) If an allegation of conduct described in subsection
7 (a) is made against a licensee, the music therapy board shall
8 conduct an investigation pursuant to section 92-17.

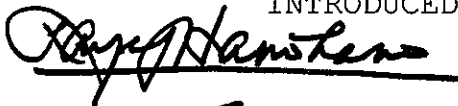
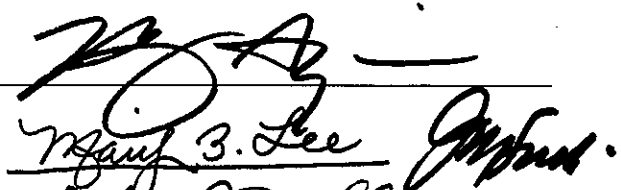
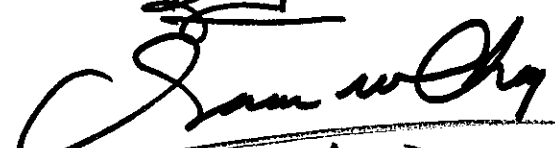


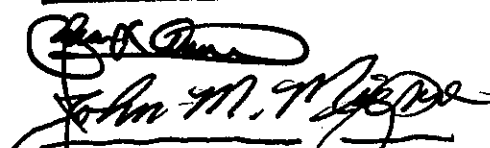
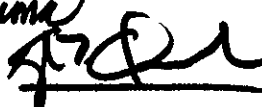


9 (c) In addition to suspension, revocation, denial, or
10 refusal to renew a license, the director shall fine a person
11 found to have violated any provision of this chapter or any rule
12 adopted by the director under this chapter not less than \$100
13 nor more than \$1,000 for each violation.

14 § -7 Rules. The board, the department, or both may
15 adopt rules under chapter 91 to implement this chapter."

16 SECTION 2. This Act shall take effect upon its approval.

17

INTRODUCED BY:



Report Title:

Music Therapy; New Regulation

Description:

Provides for the licensure and regulation of music therapists under the department of commerce and consumer affairs.

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

