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## 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 "Board certified music therapist" means an individual who  
9 has completed the education and clinical requirements  
10 established by the American Music Therapy Association, has  
11 passed the Certification Board for Music Therapists  
12 certification examination, and remains actively certified by the  
13 Certification Board for Music Therapists.

14 "Department" means the department of commerce and consumer  
15 affairs.

16 "Director" means the director of commerce and consumer  
17 affairs.



1 "Music therapist" means a person licensed to practice music  
2 therapy.

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 similar  
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 shall 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 to qualify for a music therapy license:

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

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

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

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

20 (5) Pass a background check that shall include a review of  
21 the applicant's music therapy licensure history in  
22 other jurisdictions, including a review of any alleged



1 misconduct or neglect in the practice of music therapy  
2 on the part of the applicant; and

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

8 § -7 **Renewal of license; forfeiture; inactive license.**

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

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



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

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

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

17 (d) Upon written request of a licensee, the board may  
18 place the licensee's active license on an inactive status. The  
19 licensee, upon request and payment of the inactive license fee,  
20 may continue on inactive status. The license may be reactivated  
21 at any time by making a written request to the board and by  
22 fulfilling the requirements established by the board.



1           §   -8 **Waiver of examination.** For one year immediately  
2 following the date on which rules are adopted to implement this  
3 chapter, the board shall waive the examination requirement of  
4 section   -6(6) for an applicant for licensure who is:

- 5           (1) Certified as music therapist and is in good standing  
6                 with the Certification Board for Music Therapists; or  
7           (2) Designated as a registered music therapist, certified  
8                 music therapist, or advanced certified music therapist  
9                 and is in good standing with the National Music  
10                Therapy Registry.

11          §   -9 **Disciplinary actions.** (a) The board may revoke,  
12 suspend, deny, or refuse to issue or renew a license; place a  
13 licensee on probation; or issue a letter of admonition upon  
14 proof that the licensee:

- 15           (1) Has procured or attempted to procure a license by  
16                 fraud, deceit, misrepresentation, misleading omission,  
17                 or material misstatement of fact;  
18           (2) Has been convicted of a felony as provided under  
19                 section 701-107;  
20           (3) Has wilfully or negligently acted in a manner  
21                 inconsistent with the health or safety of persons  
22                 under the individual's care;



- 1           (4) Has had a license to practice music therapy suspended  
2           or revoked, or has otherwise been subject to  
3           discipline relating to the individual's practice of  
4           music therapy, in any other jurisdiction;
- 5           (5) Has committed a fraudulent insurance act;
- 6           (6) Excessively or habitually uses alcohol or drugs;  
7           provided that the board shall not discipline an  
8           individual under this paragraph if the individual is  
9           enrolled in a substance abuse program approved by the  
10          department; or
- 11          (7) Has a physical or mental disability that renders the  
12          individual incapable of safely administering music  
13          therapy services.
- 14          (b) If an allegation of conduct described in subsection  
15          (a) is made against a licensee, the board shall conduct an  
16          investigation pursuant to section 92-17.
- 17          (c) In addition to suspension, revocation, denial, or  
18          refusal to renew a license, the board shall fine a person found  
19          to have violated any provision of this chapter or any rule  
20          adopted by the board under this chapter not less than \$100 nor  
21          more than \$1,000 for each violation."





# H.B. NO. 2062

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

4 SECTION 3. This Act shall take effect upon its approval.  
5

INTRODUCED BY:   
JAN 18 2012

# H.B. NO. 2062

**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.*

