WHEREAS, the American Music Therapy Association (AMTA) defines music therapy as the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship by a credentialed professional who has completed an approved music therapy program; and

WHEREAS, research supports music therapy's effectiveness in areas such as physical rehabilitation, pain management, speech and communication development, social skills, cognitive processing and attention to task, behavioral needs, academic goals, treatment motivation, emotional support, and creative expression; and

WHEREAS, music therapy has 60 years of clinical history in the United States (U.S.) and receives national recognition from the federal Department of Aging and General Services Administration, and the state Department of Health (DOH), Department of Human Services, and Department of Education (DOE); and

WHEREAS, professional music therapists hold a bachelor's degree or higher level of study in music therapy from accredited colleges or universities; and

WHEREAS, music therapists obtain the national credential "MT-BC" (Music Therapist-Board Certified) from the Certification Board for Music Therapists (CBMT), an independent, nonprofit corporation fully accredited by the National Commission for Certifying Agencies, upon successful completion of:

(1) An AMTA-approved academic and clinical training program; and
(2) A written objective national examination;

and

WHEREAS, after the assessment of the strengths and needs of each client, qualified board certified music therapists provide indicated treatment and participate as members of the interdisciplinary team to support a vast continuum of outcomes; and

WHEREAS, the consumer of music therapy services includes children and adults with medical illnesses, psychiatric disorders, developmental disabilities, speech and hearing impairments, physical disabilities, and neurological impairments, among others; and

WHEREAS, music therapy is considered a related service under the Individuals with Disabilities Education Act (IDEA) when deemed necessary to assist a child in benefiting from the child's special education; and

WHEREAS, the profession of music therapy is separate and distinct from the profession of music education, as music therapists use music to address many of the goals targeted in the Individualized Education Program (IEP) such as the:

(1) Learning of academic concepts;

(2) Increasing cooperation and appropriate social behavior;

(3) Providing avenues for communication;

(4) Increasing self-esteem and self confidence;

(5) Improving motor responses and agility; and

(6) Encouraging exploration and examination of issues that impact the life of the student;

and

WHEREAS, DOH and DOE provide for allied healthcare interventions, early intervention, and special education related
services, within a variety of healthcare and education settings
but do not specifically include music therapy provided by a
board certified music therapist; and

WHEREAS, the children of Hawaii are currently denied access
to music therapy services as a part of their Individualized
Family Service Plan, IEP, or Individualized Service Plan; and

WHEREAS, without enabling state laws, music therapy is not
being included in mandated services, thereby denying Hawaii
residents access to this health service that is recognized by
the National Institutes Of Health; and

WHEREAS, members of the public have no avenue for recourse
or investigation in the event an individual falsely claims to
provide music therapy services and this lack of state
credentialing of the existing national professional standards
and board certification, limits public protection and oversight
of this unregulated profession; and

WHEREAS, the Department of Commerce and Consumer Affairs
(DCCA) oversees the regulation of licensed professional service
providers; and

WHEREAS, the establishment of a licensing program for
unregulated professional board certified music therapists in
Hawaii under DCCA will provide necessary and proper oversight;
and

WHEREAS, under section 26H-6, Hawaii Revised Statutes
(HRS), a sunrise analysis by the Auditor must occur prior to
initiating regulation of a profession; now, therefore,

BE IT RESOLVED by the House of Representatives of the
Twenty-fifth Legislature of the State of Hawaii, Regular Session
of 2010, that the Auditor is requested to perform an analysis of
the proposed regulation of the profession of music therapy, as
proposed in House Bill No. 2010; and

BE IT FURTHER RESOLVED that the Auditor consult with AMTA;
the Certification Board for Music Therapists; representatives of
the credentialed music therapists in Hawaii; and Sounding Joy
Music Therapy, Inc., a certified music therapy organization in
Honolulu, in developing the sunrise analysis; and

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BE IT FURTHER RESOLVED that the Auditor is requested to set forth the probable effects of the proposed regulation and to assess whether the proposed regulation is consistent with the policies set forth in section 26H-2, HRS, and whether there are alternative forms of regulation; and

BE IT FURTHER RESOLVED that the Auditor is requested to transmit its findings of the sunrise analysis to the Legislature no later than 20 days prior to the convening of the Regular Session of 2011; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, Director of Commerce and Consumer Affairs, Auditor, Director of Health, Superintendent of Education, Director of Government Relations for the American Music Therapy Association, and the Regulatory Affairs Advisor for the Certification Board for Music Therapists.

OFFERED BY: ________________

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