



# UTAH STATE SENATE

UTAH STATE CAPITOL COMPLEX • 320 STATE CAPITOL  
P.O. BOX 145115 • SALT LAKE CITY, UTAH 84114-5115 • (801) 538-1035

February 7, 2012

Mr. President:

The Business and Labor Committee reports a favorable recommendation on **S.B. 53**, RECREATIONAL THERAPY PRACTICE ACT AMENDMENTS, by Senator G. Davis, with the following amendments:

1. *Page 4, Lines 110 through 112:*

110           (vii) serving as a resource to help a person find recreation opportunities that will  
111 promote the person's physical, cognitive, social, behavioral, emotional, {~~and~~} or  
spiritual health and  
112 well-being; and

2. *Page 6, Lines 152 through 159:*

152           (d) one member of the general public.  
153           (2) The {~~governor shall appoint members of the~~} board shall be appointed  
and serve in accordance with Section  
154 58-1-201.  
155           [~~(2) The board shall consist of two master therapeutic recreational specialists, one~~  
156 ~~therapeutic recreational specialist, one therapeutic recreational technician, and one~~  
~~member~~  
157 ~~appointed from the general public.]~~  
158           (3) (a) The [board's duties, functions, and responsibilities] duties and responsibilities  
of  
159 the board shall [empty] be in accordance with Sections 58-1-202 [through] and 58-1-203.

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3. Page 9, Line 248 through Page 10, Line 280:

248 Part 5. Unlawful and Unprofessional Conduct -- Penalties  
249 58-40-501. Unlawful conduct.  
250 "Unlawful conduct" includes:  
251 (1) providing, leading, facilitating, teaching, or offering to provide or teach  
recreational  
252 therapy services unless licensed under this chapter or exempted from licensure under  
Section  
253 58-1-307 or 58-40-305; {~~and~~}  
254 (2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign  
255 relating to the practice of recreational therapy services unless licensed under this  
chapter {~~.~~} **: and**  
**(3) employing or aiding and abetting the employment of an unqualified or unlicensed**  
**person to:**  
**(a) practice as a recreational therapist; or**  
**(b) provide recreational therapy services.**  
256 Section 12. Section **58-40-502** is enacted to read:  
257 58-40-502. Unprofessional conduct.  
258 "Unprofessional conduct" includes:  
259 {~~(1) employing or aiding and abetting the employment of an unqualified or~~  
~~unlicensed~~  
260 person to:  
261 —~~(a) practice as a recreational therapist; or~~  
262 —~~(b) provide recreational therapy services;~~}  
263 {~~(2)~~} **(1)** failing to supervise a therapeutic recreation technician, a student  
intern, or a  
264 temporarily licensed therapeutic recreation specialist when required to do so under this  
chapter  
265 or by rule;  
266 {~~(3)~~} **(2)** failing to keep or maintain a recreational therapy treatment plan;  
267 {~~(4)~~} **(3)** failing to safeguard a person's right to privacy as to the person's  
identity, condition,

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268 diagnosis, personal effects, or other matters about which the licensee is privileged to know  
269 from providing recreational therapy services;  
270 ~~{(5)}~~ (4) failing to report to the division the unsafe, unethical, or illegal  
practice of a person  
271 who is providing recreational therapy services;  
272 ~~{(6)}~~ (5) making sexual advances to a patient, requesting sexual intercourse  
or sexual favors  
273 from a patient, or engaging in other verbal or physical conduct of a sexual nature in the  
274 presence of a patient;  
275 ~~{(7)}~~ (6) exploiting a patient or former patient for personal gain;  
276 ~~{(8)}~~ (7) possessing or dispensing illegal or non-prescribed prescription  
drugs or  
277 medications;  
278 ~~{(9)}~~ (8) using or being under the influence of alcohol or an illegal or  
non-prescribed  
279 prescription drug or medication while performing recreational therapy services; and  
280 ~~{(10)}~~ (9) other actions as defined by division rule.

1. *Page 1, Lines 19 through 20:*

19       ▶ clarifies the scope of practice and other requirements of a person licensed under  
the  
20 act; ~~{-and}~~ =  
      ▶ extends the sunset date of the Recreational Therapy Practice Act; and

2. *Page 1, Line 26:*

26 Utah Code Sections Affected:

AMENDS:  
631-1-258, as last amended by Laws of Utah 2010, Chapter 188

3. *Page 11, Line 335 through Page 12, Line 336:*

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335 (d) expected outcomes related to the goals and objectives.

= **Section 15. Section 63I-1-258 is amended to read:**

**63I-1-258. Repeal dates, Title 58.**

- (1) Title 58, Chapter 9, Funeral Services Licensing Act, is repealed July 1, 2018.
- (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1, 2016.
- (3) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.
- (4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2013.
- (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, ~~2013~~ **2023** .
- (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is repealed July 1, 2019.
- (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.
- (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1, 2013.
- (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.
- (10) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
- (11) Section 58-13-2.5 is repealed July 1, 2013.

336 Section ~~{15}~~ **16** . Repealer.

Respectfully,

John L. Valentine  
Committee Chair

Voting: 7-0-1

3 SB0053.SC1.WPD /BRH PLA/BNC 2/7/12 5:55 pm

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