

Part 5

Unlawful and Unprofessional Conduct - Penalties

58-40-501 Unlawful conduct.

"Unlawful conduct" includes:

- (1) providing, leading, facilitating, teaching, or offering to provide or teach recreational therapy services unless licensed under this chapter or exempted from licensure under Section 58-1-307 or 58-40-305; and
- (2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign relating to the practice of recreational therapy services unless licensed under this chapter.

Amended by Chapter 339, 2020 General Session

58-40-502 Unprofessional conduct.

"Unprofessional conduct" includes:

- (1) failing to supervise a therapeutic recreation technician, a student intern, or a temporarily licensed therapeutic recreation specialist when required to do so under this chapter or by rule;
- (2) failing to keep or maintain a recreational therapy treatment plan;
- (3) failing to safeguard a person's right to privacy as to the person's identity, condition, diagnosis, personal effects, or other matters about which the licensee is privileged to know from providing recreational therapy services;
- (4) failing to report to the division the unsafe, unethical, or illegal practice of a person who is providing recreational therapy services;
- (5) making sexual advances to a patient, requesting sexual intercourse or sexual favors from a patient, or engaging in other verbal or physical conduct of a sexual nature in the presence of a patient;
- (6) exploiting a patient or former patient for personal gain;
- (7) possessing or dispensing illegal or non-prescribed prescription drugs or medications;
- (8) using or being under the influence of alcohol or an illegal or non-prescribed prescription drug or medication while performing recreational therapy services; and
- (9) other actions as defined by division rule.

Enacted by Chapter 82, 2012 General Session