

Chapter 40 Recreational Therapy Practice Act

Part 1 General Provisions

58-40-101 Title.

This chapter is known as the "Recreational Therapy Practice Act."

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Approved" means approval by the division in collaboration with the board when used to refer to a licensing requirement.
- (2)
 - (a) "Assessment" means:
 - (i) a systematic collection of data to identify the strengths and limitations of a person's physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities; and
 - (ii) interpreting and analyzing collected data to identify and determine a course of action for recreational therapy services for a patient.
 - (b) "Assessment" includes:
 - (i) a record review;
 - (ii) the implementation of standardized and non-standardized instruments, tests, and measurements; and
 - (iii) the skilled observation and interview of a person.
- (3) "Board" means the Board of Recreational Therapy created in Section 58-40-201.
- (4) "Practice of recreational therapy" means to engage in the paid performance of providing recreational therapy services according to the therapeutic recreation process to a person with an emotional, social, intellectual, or physical pathology.
- (5) "Recreational therapy" or "therapeutic recreation" means a person-centered process that uses recreation and psychoeducational activities as intervention tools to improve the physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an illness or a disability.
- (6)
 - (a) "Recreational therapy services" means using recreation and psychoeducational activities as intervention tools to improve or maintain the physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an illness or a disability.
 - (b) "Recreational therapy services" include:
 - (i) assessing a person's need for recreational therapy treatment or intervention;
 - (ii) developing an individualized treatment or intervention plan that identifies goals, objectives, and treatment strategies for a person;
 - (iii) implementing the individualized treatment or intervention plan;
 - (iv) documenting a person's response to the individualized treatment or intervention plan, including documenting the overall outcome of the person's treatment;
 - (v) regularly evaluating a person's response to the individualized treatment or intervention plan and modifying the plan when appropriate;

- (vi) in collaboration with a person, the person's family, or other team members, developing a discharge or transition plan for the person;
 - (vii) serving as a resource to help a person find recreation opportunities that will promote the person's physical, cognitive, social, behavioral, emotional, or spiritual health and well-being; and
 - (viii) organizing and managing recreational services according to a written plan of operation as defined by rule of the division.
- (7) "Treatment or intervention plan" means a written record containing the information required by Section 58-40-602, which is composed for each patient by a person licensed under this chapter as a master therapeutic recreation specialist or a therapeutic recreation specialist.
- (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-40-501.
- (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-40-502.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-103 Rulemaking.

When exercising rulemaking authority under this chapter, the division shall comply with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 82, 2012 General Session

**Part 2
Board**

58-40-201 Board.

- (1) There is created the Board of Recreational Therapy, consisting of:
- (a) two master therapeutic recreation specialists;
 - (b) one therapeutic recreation specialist;
 - (c) one therapeutic recreation technician; and
 - (d) one member of the general public.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3)
- (a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.
 - (b) In addition, the board shall designate one of its members on a permanent rotating basis to:
 - (i) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (ii) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of a complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding relating to the complaint.

Renumbered and Amended by Chapter 82, 2012 General Session

Part 3

Licensing

58-40-301 Licensure required -- License classifications.

- (1) A license is required to engage in the practice of recreational therapy, except as specifically provided in Section 58-40-305 or 58-1-307.
- (2) The division shall issue to a person who qualifies under this chapter a license in the classification of:
 - (a) master therapeutic recreation specialist;
 - (b) therapeutic recreation specialist; or
 - (c) therapeutic recreation technician.

Enacted by Chapter 82, 2012 General Session

58-40-302 Qualifications for licensure.

- (1) An applicant for licensure under this chapter shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504; and
 - (c) be of good moral character.
- (2) In addition to the requirements of Subsection (1), an applicant for licensure as a master therapeutic recreation specialist under this chapter shall as defined by division rule:
 - (a) complete an approved graduate degree;
 - (b) complete 4,000 qualifying hours of paid experience as:
 - (i) a licensed therapeutic recreation specialist if completed in the state; or
 - (ii) a certified therapeutic recreation specialist certified by the National Council for Therapeutic Recreation Certification if completed outside of the state; and
 - (c) pass an approved examination.
- (3) In addition to the requirements of Subsection (1), an applicant for licensure as a therapeutic recreation specialist under this chapter shall, as defined by division rule:
 - (a) complete an approved:
 - (i) bachelor's degree in therapeutic recreation or recreational therapy;
 - (ii) bachelor's degree with an approved emphasis, option, or concentration in therapeutic recreation or recreational therapy; or
 - (iii) graduate degree;
 - (b) complete an approved practicum; and
 - (c) pass an approved examination.
- (4) In addition to the requirements of Subsection (1), an applicant for licensure as a therapeutic recreation technician under this chapter shall, as defined by division rule:
 - (a) have a high school diploma or GED equivalent;
 - (b) complete an approved:
 - (i) educational course in therapeutic recreation taught by a licensed master therapeutic recreation specialist; or
 - (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational therapy from an accredited college or university;
 - (c) complete an approved practicum under the supervision of:
 - (i) a licensed master therapeutic recreation specialist; or
 - (ii) an on-site, full-time, employed therapeutic recreation specialist;
 - (d) pass an approved examination; and

- (e) complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 77, 2015 General Session

58-40-303 Term of license -- Expiration -- Renewal.

- (1) The division shall issue a license under this chapter in accordance with a two-year renewal cycle established by rule.
- (2) The division may, by rule, extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (3) A license automatically expires on the expiration date shown on the license unless the licensee renews it in accordance with Section 58-1-308.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-304 Continuing education.

- (1) In collaboration with the board, the division shall make rules to provide that as a condition precedent for license renewal, a licensee shall complete continuing education requirements during each license period.
- (2) In addition to a continuing education requirement provided by the division under Subsection (1), the division shall require a licensee, as a condition of renewal of the licensee's license, to complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 77, 2015 General Session

58-40-305 Exemptions from licensure.

In addition to the exemptions from licensure in Section 58-1-307, a person may conduct or participate in a recreational activity without being licensed under this chapter if the person is using the recreational activity for the sole outcome of the recreational experience and is not using recreational activity as a therapeutic intervention following the therapeutic recreation process.

Enacted by Chapter 82, 2012 General Session

**Part 4
License Denial and Discipline**

58-40-401 Grounds for denial of license -- Disciplinary proceedings.

Grounds for refusing to issue a license to an applicant, for refusal to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order shall be in accordance with Section 58-1-401.

Renumbered and Amended by Chapter 82, 2012 General Session

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;
- (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; 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.

Enacted by Chapter 82, 2012 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

Part 6

Scope of Practice - Treatment or Intervention Plans

58-40-601 Scope of practice.

- (1) A master therapeutic recreation specialist licensed under this chapter may:
 - (a) practice recreational therapy:
 - (i) as an employee of a hospital, clinic, agency, or other facility;
 - (ii) in private practice; or
 - (iii) as a consultant; and

- (b) supervise and train other licensees under this chapter.
- (2) A therapeutic recreation specialist licensed under this chapter:
 - (a) may practice recreational therapy as the employee of a hospital, clinic, agency, or other facility;
 - (b) may not practice recreational therapy in private practice or as a consultant; and
 - (c) may supervise other licensees under this chapter.
- (3) A therapeutic recreation technician:
 - (a) may perform recreational therapy services if:
 - (i) under the supervision of a master therapeutic recreation specialist or a therapeutic recreation specialist employed full-time and on-site in the same hospital, clinic, or facility; or
 - (ii) in consultation with a master therapeutic recreation specialist;
 - (b) may maintain the ongoing documentation of services provided in accordance with a treatment or intervention plan if:
 - (i) under the supervision of either a master therapeutic recreation specialist or a therapeutic recreation specialist employed full-time and on-site in the same hospital, clinic, or facility; or
 - (ii) in consultation with a master therapeutic recreation specialist;
 - (c) may perform the portion of an assessment described in Subsection 58-40-102(2)(a)(i);
 - (d) may not perform the portion of an assessment described in Subsection 58-40-102(2)(a)(ii);
 - (e) may not prescribe or create a treatment or intervention plan; and
 - (f) may not approve or cosign a modification to a treatment or intervention plan.

Renumbered and Amended by Chapter 82, 2012 General Session

58-40-602 Recreational therapy treatment or intervention plans.

- (1) A recreational therapy treatment or intervention plan shall be maintained for each patient receiving recreational therapy services under this chapter.
- (2) The treatment or intervention plan shall include:
 - (a) goals and objectives for a patient that are developed from an assessment based on the strengths and limitations of the patient's physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities;
 - (b) the selection and adaptation of interventions designed to achieve and maintain the highest possible level of functional independence and quality of life for a patient;
 - (c) a schedule for regular evaluation of goals and objectives to make changes to the treatment or intervention plan when required; and
 - (d) expected outcomes related to the goals and objectives.

Renumbered and Amended by Chapter 82, 2012 General Session