

1 **RECREATIONAL THERAPY PRACTICE**

2 **AMENDMENTS**

3 2004 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Gene Davis**

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions of the Recreational Therapy Practice Act.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ provides a definition for assessment and modifies the definitions of practice
13 recreational therapy, treatment plan, and unprofessional conduct;
- 14 ▶ modifies licensing requirements for master therapeutic recreational specialists,
15 therapeutic recreational specialists, and therapeutic recreational technicians;
- 16 ▶ modifies the scope of practice of master therapeutic specialists and therapeutic
17 recreational technicians;
- 18 ▶ modifies the content of a recreational therapy treatment or intervention plan; and
- 19 ▶ repeals exemptions from licensure to engage in the practice of recreational therapy.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **58-40-2**, as last amended by Chapter 297, Laws of Utah 1993

27 **58-40-5**, as last amended by Chapter 5, Laws of Utah 1992, Third Special Session



28 **58-40-6**, as repealed and reenacted by Chapter 108, Laws of Utah 1992

29 **58-40-7**, as repealed and reenacted by Chapter 108, Laws of Utah 1992

29a **§ 63-55-258**, as last amended by Chapters 49 and 254, Laws of Utah 2003 ^h

30 REPEALS:

31 **58-40-12**, as repealed and reenacted by Chapter 297, Laws of Utah 1993

32

33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **58-40-2** is amended to read:

35 **58-40-2. Definitions.**

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

37 (1) "Approved," when used to refer to a course of education, training, experience,
38 examination, or other licensing requirement, means with approval by the division in
39 collaboration with the board.

40 (2) "Assessment" means the use of skilled observation or evaluation by administering
41 and interpreting standardized or nonstandardized tests and measurements to identify areas for
42 recreational therapy services.

43 [~~(2)~~] (3) "Board" means the Board of Recreational Therapy.

44 [~~(3)~~] (4) (a) "Practice recreational therapy" means to engage in the paid performance of
45 providing therapeutic recreation services [~~directing, initiating, or prescribing procedures and~~
46 ~~activities according to a treatment plan to improve, maintain, prevent, or retard the~~
47 ~~development of~~] according to the therapeutic recreational process to individuals with an
48 emotional, social, intellectual, or physical pathology [~~in others by utilizing sports, games, or~~
49 ~~other recreational or leisure activities~~].

50 (b) A therapeutic recreational process involves minimum skills for competent practice
51 and includes necessary knowledge to provide the following patient services:

52 (i) assessment of individual needs for therapeutic recreational intervention;

53 (ii) development of an individualized treatment or intervention plan based on assessed

54 **§ [~~need~~] INTERESTS AND NEEDS § :**

55 (iii) appropriate implementation of therapeutic intervention services;

56 (iv) evaluation and documentation of patient outcomes; and

57 (v) the organization and management of therapeutic recreational services.

58 [~~(4)~~] (5) "Treatment or intervention plan" means a written record containing the

59 information required by Section 58-40-7, which is composed for each patient by a person
 60 licensed as a master therapeutic recreational specialist or therapeutic recreational specialist
 61 under this chapter.

62 ~~[(5)]~~ (6) "Unlawful conduct" as defined in Section 58-1-501 includes the following
 63 conduct by any individual who is not licensed under this chapter:

64 (a) advertising or representing himself as being able to teach or conduct a recreational
 65 therapy program; or

66 (b) using in connection with his name the initials MTRS, TRS, or TRT, or any term,
 67 title, abbreviation, sign, or device relating to the practice of recreational therapy or the licenses
 68 under this chapter.

69 ~~[(6)]~~ (7) "Unprofessional conduct" as defined in Section 58-1-501 and as may be
 70 further defined by rule includes:

71 (a) failing to supervise a therapeutic recreational technician, a student intern, or
 72 temporarily licensed therapeutic recreational specialist when required to do so;

73 (b) failing to keep or maintain a recreational therapy treatment plan;

74 (c) making sexual advances to a patient or requesting of a patient sexual favors, sexual
 75 intercourse, or other verbal or physical conduct of a sexual nature;

76 (d) possessing or using illegal or unprescribed prescription drugs or medications;

77 (e) using or being under the influence of intoxicating beverages while performing
 78 recreational therapy; or

79 (f) violating Sections 58-40-6 through 58-40-7.

80 Section 2. Section **58-40-5** is amended to read:

81 **58-40-5. License requirements.**

82 (1) The division shall issue a license to practice as a master therapeutic recreational
 83 specialist to any applicant who:

84 (a) (i) has completed an approved ~~[master's]~~ graduate degree in ~~[recreational therapy]~~
 85 therapeutic recreation or a ~~[master's]~~ graduate degree with an approved emphasis in
 86 ~~[recreational therapy]~~ therapeutic recreation; and

87 (ii) has completed ~~[two years of full-time]~~ 4,000 hours of paid experience, as defined
 88 by division rule made in accordance with Title 63, Chapter 46a, Utah Administrative
 89 Rulemaking Act, as a licensed therapeutic recreational specialist or ~~[approved equivalent]~~

90 ~~experience]~~ as a certified therapeutic recreational specialist certified by the National Council
91 for Therapeutic Recreation Certification;

- 92 (b) is of good moral character;
- 93 (c) submits an application;
- 94 (d) pays the required fee; and
- 95 (e) passes an approved examination.

96 (2) The division shall issue a license to practice as a therapeutic recreational specialist
97 to any applicant who:

98 (a) has completed an approved bachelor's or graduate degree in [~~recreational therapy~~]
99 therapeutic recreation, a bachelor's or graduate degree with an approved emphasis in
100 [~~recreational therapy~~] therapeutic recreation, or a bachelor's or graduate degree with approved
101 additional course work in [~~recreational therapy~~] therapeutic recreation after graduation;

- 102 (b) has completed an approved practicum;
- 103 (c) is of good moral character;
- 104 (d) submits an application;
- 105 (e) pays the required fee; and
- 106 (f) passes an approved examination.

107 (3) The division shall issue a license to practice as a therapeutic recreational technician
108 to any applicant who:

109 [~~(a) has completed an approved training program supervised by a licensed master~~
110 ~~therapeutic recreational specialist;~~]

- 111 (a) has received a high school diploma or GED equivalent;
- 112 (b) has completed:
 - 113 (i) an approved educational course in therapeutic recreation taught by a licensed master
114 therapeutic recreational specialist; or
 - 115 (ii) six semester hours or nine quarter hours in therapeutic recreation from an
116 accredited college or university;

117 (c) has completed an approved practicum under the supervision of a licensed master
118 therapeutic recreational specialist or an on-site, full-time employed therapeutic recreational
119 specialist;

- 120 [~~(b)~~] (d) is of good moral character;

- 121 ~~[(e)]~~ (e) submits an application;
 122 ~~[(f)]~~ (f) pays the required fee; and
 123 ~~[(g)]~~ (g) passes an approved examination.

124 Section 3. Section **58-40-6** is amended to read:

125 **58-40-6. Scope of practice.**

126 (1) A master therapeutic recreational specialist may:

127 (a) practice recreational therapy as ~~[an unsupervised, independent, or private practice~~
 128 ~~consultant able to contract with or be employed by others]~~ an employee of a hospital, clinic,
 129 agency, or other facility, in private practice, or as a consultant; and

130 (b) supervise and train other licensees under this chapter.

131 (2) A therapeutic recreational specialist may:

132 (a) practice recreational therapy as the employee of a hospital, clinic, agency, or other
 133 facility; and

134 (b) supervise ~~[therapeutic recreational technicians]~~ other licensees under this chapter.

135 (3) ~~[(a)]~~ A therapeutic recreational technician may ~~[practice]~~:

136 (a) perform recreational therapy services only;

137 (i) under the supervision of a master therapeutic recreational specialist or a therapeutic
 138 recreational specialist employed full-time, on-site in the same hospital, clinic, [agency,] or

139 [other] facility[.-(b) A therapeutic recreational technician may prescribe or modify]; or

140 (ii) in consultation with a master therapeutic recreational specialist;

141 (b) maintain the ongoing documentation of services provided in accordance with a
 142 treatment or intervention plan only;

143 (i) under the supervision of either a master therapeutic recreational specialist or a
 144 therapeutic recreational specialist employed full-time, on-site; or [under]

145 (ii) in consultation [of] with a master therapeutic recreational specialist[-]; and

146 (c) not perform assessments or prescribe or modify a treatment or intervention plan or
 147 approve or cosign modifications to a treatment or intervention plan.

148 Section 4. Section **58-40-7** is amended to read:

149 **58-40-7. Recreational therapy treatment or intervention plans.**

150 ~~[Each licensee under]~~

151 (1) Under this chapter [shall keep], a recreational therapy treatment or intervention

152 plan shall be maintained for each patient.

153 (2) The plan shall include:

154 [(1)] (a) an assessment based on the strengths, limitations, § INTERESTS § and needs of the
154a patient;

155 [(2)] (b) prescribed [procedures,] intervention strategies and approaches[-and
156 recommended activities];

157 [(3)] (c) patient goals and measurable treatment or intervention objectives and
158 outcomes; and

159 [(4)] (d) evaluations of progress and treatment.

159a **Ĥ Section 5. Section 63-55-258 is amended to read:**

159b **63-55-258. Repeal dates, Title 58.**

159c (1) Title 58, Chapter 3a, Architects Licensing Act, is repealed July 1, 2013.

159d (2) Title 58, Chapter 5a, Podiatric Physician Licensing Act, is repealed July 1, 2007.

159e (3) Title 58, Chapter 9, Funeral Services Licensing Act, is repealed July 1, 2008.

159f (4) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July 1,
159g **2006.**

159h (5) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2005.

159i (6) Title 58, Chapter 16a, Utah Optometry Practice Act, is repealed July 1, 2009.

159j (7) Title 58, Chapter 17a, Pharmacy Practice Act, is repealed July 1, 2006.

159k (8) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2013.

159l (9) Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing
159m **Act, is repealed July 1, 2005.**

159n (10) Title 58, Chapter 24a, Physical Therapist Practice Act, is repealed July 1, 2013.

159o (11) Title 58, Chapter 26a, Certified Public Accountant Licensing Act, is repealed July 1, 2007.

159p (12) Title 58, Chapter 28, Veterinary Practice Act, is repealed July 1, 2004.

159q (13) Title 58, Chapter 31b, Nurse Practice Act, is repealed July 1, 2005.

159r (14) Title 58, Chapter 37, Utah Controlled Substances Act, is repealed July 1, 2007.

159s (15) Title 58, Chapter 37a, Utah Drug Paraphernalia Act, is repealed July 1, 2007.

159t (16) Title 58, Chapter 37b, Imitation Controlled Substances Act, is repealed July 1, 2007.

159u (17) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, [2005] 2013.

159v (18) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is
159w **repealed July 1, 2009.**

159x (19) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2005.

159y (20) Title 58, Chapter 44a, Nurse Midwife Practice Act, is repealed July 1, 2010.

159z (21) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,

159aa **2013.**

159ab (22) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2004.

159ac (23) Title 58, Chapter 49, Dietitian Certification Act, is repealed July 1, 2005.

159ad (24) Title 58, Chapter 53, Landscape Architects Licensing Act, is repealed July 1, 2008. **ĥ**

- 159ae **Ĥ** (25) Title 58, Chapter 59, Professional Employer Organization Licensing Act, is repealed
159af **July 1, 2007.**
- 159ag **(26) Title 58, Chapter 67, Utah Medical Practice Act, is repealed July 1, 2006.**
- 159ah **(27) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, is repealed July 1, 2006.**
- 159ai **(28) Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act, is repealed July 1, 2006.**
- 159aj **(29) Title 58, Chapter 71, Naturopathic Physician Practice Act, is repealed July 1, 2006.**
- 159ak **(30) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2007.**
- 159al **(31) Title 58, Chapter 73, Chiropractic Physician Practice Act, is repealed July 1, 2006. ĥ**
- 160 Section **Ĥ [5] 6 ĥ . Repealer.**
- 161 This bill repeals:
- 162 Section **58-40-12, Exemptions.**

Legislative Review Note
as of 1-2-04 1:22 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0043

Recreational Therapy Practice Amendments

22-Jan-04

7:43 PM

State Impact

Any fiscal impact from this legislation can be handled within existing budgets.

Individual and Business Impact

The bill repeals exemptions from licensure to engage in the practice of recreational therapy, as well as provide certain modifications to education and job experience. Any fiscal impact will be dependent on individual circumstances.

Office of the Legislative Fiscal Analyst