

1 **RECREATIONAL THERAPY PRACTICE ACT AMENDMENTS**

2 2012 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Gene Davis**

5 House Sponsor: \_\_\_\_\_

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**LONG TITLE**

7 **General Description:**

8 This bill renumbers and modifies the Recreational Therapy Practice Act in relation to  
9 licensure, scope of practice, and other matters.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ renumbers the Recreational Therapy Practice Act in relation to licensure, scope of
- 14 practice, and other matters;
- 15 ▶ provides that one member of the board assist the division in reviewing complaints;
- 16 ▶ provides requirements for licensure under the act;
- 17 ▶ provides exemptions from licensure under the act;
- 18 ▶ clarifies the scope of practice and other requirements of a person licensed under the
- 19 act; **§→ [and]**

20 **▶extends the sunset date of the Recreational Therapy Practice Act; and ←§**

- 21 ▶ makes technical changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

26a **§→ AMENDS:**

26b **63I-1-258, as last amended by Laws of Utah 2010, Chapter 188 ←§**

27 ENACTS:



90 ~~[(iv) evaluation and documentation of patient outcomes; and]~~

91 ~~[(v) the organization and management of therapeutic recreational services.]~~

92 (5) "Recreational therapy" or "therapeutic recreation" means a person-centered process  
 93 that uses recreation and psychoeducational activities as intervention tools to improve the  
 94 physical, cognitive, social, behavioral, emotional, or spiritual well-being of a person with an  
 95 illness or a disability.

96 (6) (a) "Recreational therapy services" means using recreation and psychoeducational  
 97 activities as intervention tools to improve or maintain the physical, cognitive, social,  
 98 behavioral, emotional, or spiritual well-being of a person with an illness or a disability.

99 (b) "Recreational therapy services" include:

100 (i) assessing a person's need for recreational therapy treatment or intervention;

101 (ii) developing an individualized treatment or intervention plan that identifies goals,  
 102 objectives, and treatment strategies for a person;

103 (iii) implementing the individualized treatment or intervention plan;

104 (iv) documenting a person's response to the individualized treatment or intervention  
 105 plan, including documenting the overall outcome of the person's treatment;

106 (v) regularly evaluating a person's response to the individualized treatment or  
 107 intervention plan and modifying the plan when appropriate;

108 (vi) in collaboration with a person, the person's family, or other team members,  
 109 developing a discharge or transition plan for the person;

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  
 111a health and  
 112 well-being; and

113 (viii) organizing and managing recreational services according to a written plan of  
 114 operation as defined by rule of the division.

115 ~~[(5)]~~ (7) "Treatment or intervention plan" means a written record containing the  
 116 information required by Section ~~[58-40-7]~~ 58-40-602, which is composed for each patient by a  
 117 person licensed under this chapter as a master therapeutic ~~[recreational]~~ recreation specialist or  
 118 a therapeutic ~~[recreational]~~ recreation specialist ~~[under this chapter].~~

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

152 (d) one member of the general public.

153 (2) The ~~§~~ [governor shall appoint members of the] ~~←~~§ board ~~§~~→ shall be appointed and  
 153a 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 [comply] be in accordance with Sections 58-1-202 [through] and 58-1-203.

160 (b) In addition, the board shall designate one of its members on a permanent rotating  
 161 basis to:

162 (i) assist the division in reviewing complaints concerning the unlawful or  
 163 unprofessional conduct of a licensee; and

164 (ii) advise the division in its investigation of these complaints.

165 (4) A board member who has, under Subsection (3), reviewed a complaint or advised  
 166 in the investigation of a complaint may be disqualified from participating with the board when  
 167 the board serves as a presiding officer in an adjudicative proceeding relating to the complaint.

168 Section 5. Section **58-40-301** is enacted to read:

### Part 3. Licensing

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

170 (1) A license is required to engage in the practice of recreational therapy, except as  
 171 specifically provided in Section 58-40-305 or 58-1-307.

172 (2) The division shall issue to a person who qualifies under this chapter a license in the  
 173 classification of:

174 (a) master therapeutic recreation specialist;

175 (b) therapeutic recreation specialist; or

176 (c) therapeutic recreation technician.

177 Section 6. Section **58-40-302** is enacted to read:

#### **58-40-302. Qualifications for licensure.**

178 (1) An applicant for licensure under this chapter shall:

179 (a) submit an application in a form prescribed by the division;

180 (b) pay a fee determined by the department under Subsection 63-38-3(2); and

245 private reprimand to a licensee, and ~~[to issue]~~ for issuing a cease and desist [orders] order shall  
 246 be in accordance with Section 58-1-401.

247 Section 11. Section **58-40-501** is enacted to read:

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 ~~§~~ **[ ]** ;

255a **and**

255b **(3) employing or aiding and abetting the employment of an unqualified or unlicensed person**

255c **to:**

255d **(a) practice as a recreational therapist; or**

255e **(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,**  
 267a **condition,**

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**  
 270a **person**

271 **who is providing recreational therapy services;**

272            ~~§~~ → [(6)] (5) ← ~~§~~ making sexual advances to a patient, requesting sexual intercourse or  
272a 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.

281           Section 13. Section **58-40-601**, which is renumbered from Section 58-40-6 is  
 282 renumbered and amended to read:

283                           **Part 6. Scope of Practice -- Treatment or Intervention Plans**

284           ~~[58-40-6].~~     **58-40-601. Scope of practice.**

285           (1) A master therapeutic [~~recreational~~] recreation specialist licensed under this chapter  
 286 may:

287           (a) practice recreational therapy [~~as~~];

288           (i) as an employee of a hospital, clinic, agency, or other facility[;];

289           (ii) in private practice[;]; or

290           (iii) as a consultant; and

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

292           (2) A therapeutic [~~recreational~~] recreation specialist [~~may~~] licensed under this chapter:

293           (a) may practice recreational therapy as the employee of a hospital, clinic, agency, or  
 294 other facility;

295           (b) may not practice recreational therapy in private practice or as a consultant; and

296           ~~[(b)]~~ (c) may supervise other licensees under this chapter.

297           (3) A therapeutic [~~recreational~~] recreation technician [~~may~~]:

298           (a) may perform recreational therapy services [~~only~~] if:

299           (i) under the supervision of a master therapeutic [~~recreational~~] recreation specialist or a  
 300 therapeutic [~~recreational~~] recreation specialist employed full-time[;] and on-site in the same  
 301 hospital, clinic, or facility; or

302           (ii) in consultation with a master therapeutic [~~recreational~~] recreation specialist;

303           (b) may maintain the ongoing documentation of services provided in accordance with a  
 304 treatment or intervention plan [~~only~~] if:

305           (i) under the supervision of either a master therapeutic [~~recreational~~] recreation

306 specialist or a therapeutic [~~recreational~~] recreation specialist employed full-time[;] and on-site

307 in the same hospital, clinic, or facility; or

308 (ii) in consultation with a master therapeutic [~~recreational~~] recreation specialist; [~~and~~]

309 (c) [~~not~~] may perform [assessments or] the portion of an assessment described in

310 Subsection 58-40-102(2)(a)(i):

311 (d) may not perform the portion of an assessment described in Subsection

312 58-40-102(2)(a)(ii):

313 (e) may not prescribe or [~~modify~~] create a treatment or intervention plan [~~or~~]; and

314 (f) may not approve or cosign [~~modifications~~] a modification to a treatment or

315 intervention plan.

316 Section 14. Section **58-40-602**, which is renumbered from Section 58-40-7 is

317 renumbered and amended to read:

318 ~~[58-40-7].~~ **58-40-602. Recreational therapy treatment or intervention plans.**

319 (1) [~~Under this chapter, a~~] A recreational therapy treatment or intervention plan shall  
320 be maintained for each patient receiving recreational therapy services under this chapter.

321 (2) The treatment or intervention plan shall include:

322 [~~(a) an assessment based on the strengths, limitations, interests, and needs of the~~  
323 ~~patient;~~]

324 [~~(b) prescribed intervention strategies and approaches;~~]

325 [~~(c) patient goals and measurable treatment or intervention objectives and outcomes;~~  
326 ~~and]~~

327 [~~(d) evaluations of progress and treatment.~~]

328 (a) goals and objectives for a patient that are developed from an assessment based on  
329 the strengths and limitations of the patient's physical, cognitive, social, behavioral, emotional,  
330 spiritual, and leisure capabilities;

331 (b) the selection and adaptation of interventions designed to achieve and maintain the  
332 highest possible level of functional independence and quality of life for a patient;

333 (c) a schedule for regular evaluation of goals and objectives to make changes to the  
334 treatment or intervention plan when required; and

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

335a **§→ Section 15. Section 63I-1-258 is amended to read:**

335b **63I-1-258. Repeal dates, Title 58.**

335c (1) **Title 58, Chapter 9, Funeral Services Licensing Act, is repealed July 1, 2018.**

335d (2) **Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is repealed July**  
335e **1, 2016.**

335f (3) **Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2015.**

- 335g (4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2013.
- 335h (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, ~~2013~~ 2023.
- 335i (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is repealed
- 335j July 1, 2019.
- 335k (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.
- 335l (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July 1,
- 335m 2013.
- 335n (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.
- 335o (10) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.
- 335p (11) Section 58-13-2.5 is repealed July 1, 2013.
- 336 Section ~~15~~ 16 . Repealer. ←§
- 337 This bill repeals: