

**MINUTES OF THE SENATE BUSINESS & LABOR STANDING COMMITTEE
ROOM 215, SENATE BUILDING
MONDAY, FEBRUARY 6, 2012**

Members Present: Sen. John L. Valentine, Chair
 Sen. Curtis S. Bramble
 Sen. Gene Davis
 Sen. Karen Mayne
 Sen. Kevin T. Van Tassell
 Sen. Todd Weiler

Members Absent: Sen. David Hinkins
 Sen. Stephen H. Urquhart

Staff Present: Mr. Bryant R. Howe, Assistant Director
 Ms. Karen Allred, Committee Secretary

A list of visitors and a copy of handouts are filed with the committee minutes.

Chair Valentine called the meeting to order at 8:05 a.m.

Approval of Minutes

MOTION: Sen. Davis moved to approve minutes of the February 2, 2012, meeting. The motion passed unanimously with Sen. Weiler absent for the vote.

S.B. 53 Recreational Therapy Practice Act Amendments (*Sen. G. Davis*)

Sen. Davis introduced and explained the bill.

MOTION: Sen. Davis moved to adopt 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 [~~comply~~] be in accordance with Sections 58-1-202 [~~through~~] and 58-1-203.

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,
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.

The motion passed unanimously with Sen. Weiler absent for the vote.

Sen. Davis further explained the bill and answered questions from the committee.

MOTION: Sen. Davis moved to proceed to the next item on the agenda. The motion passed unanimously with Sen. Weiler absent for the vote.

S.B. 160 Construction Trades Licensing Amendments (Sen. P. Knudson)

Sen. Knudson introduced and explained the bill assisted by John Hill, Director, Rocky Mountain Gas Association. A handout was distributed. Mr. Hill answered questions from the committee and further explained the bill.

Spoke for the bill: Dean Dyatt, Rocky Mountain Gas Association
Clay Thornton, President, Rocky Mountain Gas Association
Ryan Snow, President, Western Heating and Air Conditioning

Spoke against the bill: Taz Beisinger, Executive Vice President, Utah Homebuilders Association

MOTION: Sen. Bramble moved to proceed to the next item on the agenda. The motion passed unanimously.

H.B. 214 Professional Employer Organization Licensing Act Amendments (Rep. J. Dunnigan)

Rep. Dunnigan introduced and explained the bill.

Spoke to the bill: Frank Pignanelli, National Association of Professional Employer Organizations

MOTION: Sen. Bramble moved to transmit **H.B. 214** with a favorable recommendation. The motion passed unanimously.

MOTION: Sen. Weiler moved to place the bill on the Consent Calendar. The motion passed unanimously.

Committee Chair Valentine welcomed students from the American Preparatory Academy. Student Jesus Robles introduced himself and identified the school.

S.B. 56 Homeowner Association Reserve Account Amendments (Sen. S. Urquhart)

Sen. Bramble introduced and explained the bill.

MOTION: Sen. Mayne moved to transmit **S.B. 56** with a favorable recommendation. The motion passed unanimously.

MOTION: Sen. Bramble moved to place **H.B. 56** on the Consent Calendar. The motion passed unanimously

MOTION: Sen. Davis moved to adjourn. The motion passed unanimously. Chair Valentine adjourned the meeting at 9:15 a.m.

Sen. John Valentine, Committee Chair