

S.B. 53

RECREATIONAL THERAPY PRACTICE ACT AMENDMENTS

Senator **Gene Davis** proposes 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.