

Georgia Occupational Regulation
Review Council

House Bill 704
Recreational Therapists
LC 36 4029

A Review of the Proposed Legislation

AUGUST 2019

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(add as sub-license, certificate, or registration)

Executive Summary

As provided in O.C.G.A. §43-1A, the Georgia Occupational Regulation Review Council (Council) reviews all bills proposing licensure of a profession or business referred to by the chairperson of the legislative committee of reference. Accordingly, the Council, at the request of the chairperson of the House Regulated Industries Committee, has reviewed House Bill 704 (LC 36 4029), which proposes to license recreational therapists under the Georgia Board of Recreational Therapy.

During the course of this review, Council staff obtained information from the Georgia Therapeutic Association, the American Therapeutic Recreation Association, the National Council for Therapeutic Recreation Certification, and other individuals involved in the practice of recreational therapy, while also conducting internal research.

O.C.G.A. §43-1A-6 requires the Council to consider certain criteria when determining the need for the regulation of a business or profession. For this review, the Council used these criteria to guide the development of findings related to the licensure of recreational therapists. The Council, with assistance from staff, developed the following findings during the course of this review:

- ❖ Testimony provided by Dr. Brent D. Wolfe raised concerns of potential harm to Georgia citizens if the occupation of recreational therapy is left unregulated. According to the information provided, cases of harm were presented in Georgia, as well as other states, that occurred due to a lack of knowledge and training. House Bill 704 would alleviate these concerns, as it allows the Georgia Board of Recreational Therapy to regulate the licensing of such specialists based on education, experience, and performance.
- ❖ Recreational therapists receive specialized training and education in order to provide patients with exceptional care. House Bill 704 provides for the education and training requirements for all participants of this occupation, as well as continuing education obligations.
- ❖ Citizens of this state that would be affected by this bill are already protected under the requirements of the national certification process, though the extent of this protection is unclear.

Based on the information developed and reviewed by the Council, the Council recommends that recreational therapy be regulated as a sub-license, certificate, or registration of the Georgia State Board of Occupational Therapy.

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Introduction

House Bill (HB) 704 proposes the regulation of the occupation of recreational therapy through licensure under the Georgia Board of Recreational Therapy. This report focuses on providing information concerning the nature of the legislation and presents an assessment of the need for the regulation of recreational therapy in the state of Georgia.

In conducting this review, the Georgia Occupational Regulation Review Council, referred to as Council for the remainder of this report, solicited input from any interested party that wished to submit information or participate in the process. The applicant group, Dr. Brent D. Wolfe, PhD, CTRS, FDRT, submitted a questionnaire providing background information of the profession of recreational therapists.

In addition, the Council reached out to a number of other potentially interested groups, including:

- ❖ Georgia Therapeutic Recreation Association
- ❖ American Therapeutic Recreation Association
- ❖ National Council for Therapeutic Recreation Certification
- ❖ Individual facilities involved in the practice of recreational therapy

Council staff also performed additional analysis comparing recreational therapists licensing regulations in other states to the proposed regulations in Georgia.

The Council provided representatives from interested parties with the opportunity to present information during Council meetings, either by verbal presentation and/or through written material. The Council posted meeting dates, times, and locations to the Office of Planning and Budget website (<https://opb.georgia.gov/georgia-occupational-regulation-review-council>).

Description of Proposed Legislation

HB 704 amends Chapter 40A of Title 43 of the Official Code of Georgia Annotated in order to provide for the licensure of recreational therapists. The bill provides the following:

- ❖ Defines recreational therapists for the purposes of the bill;
- ❖ Authorizes the Georgia Board of Recreational Therapy to issue, suspend, deny, and renew licenses of recreational therapists;
- ❖ Determines the requirements for licensure, which include completing an application to the board, obtaining a baccalaureate degree or higher from an accredited institution with a major in recreational therapy or equivalent, fulfilling field experience or internship, completion of a board selected examination, and paying a licensing fee;

- ❖ Requires licenses to be renewed every two years and provides details on the process of doing so;
- ❖ Specifies that the licensing requirement does not apply to certain groups, including any person licensed by the state in which recreational therapy is consistent with the scope of their practice, any person employed as a recreational therapist by the federal government or an agency, and a student or intern enrolled in a recreational therapy educational program while under the instruction of a licensed recreational therapist.

A summary of the bill can be found in Appendix A. A complete copy of the bill is located in Appendix B.

Current Practices

Definition of Recreational Therapy

In House Bill 704, recreational therapy is defined as:

- ❖ The application of recreation utilizing a treatment plan to assist with:
 - ❖ The improvement or maintenance of health status; or
 - ❖ The development of functional abilities to facilitate engagement in recreational or leisure activities.

Recreational therapists practice in a variety of locations, such as university medical centers, public and private hospitals, diagnostic laboratories, private practices, Health Maintenance Organizations (HMOs), and other settings. Health providers can refer patients to a recreational therapist, or a patient can seek them out. Once the patient has been referred, the recreational therapist will sit down with the patient to evaluate them with an individualized assessment to develop goals and interventions. This is followed with the development of a treatment plan to achieve these goals. After the patient has been consulted, the recreational therapist can identify any equipment, such as adaptive recreation equipment, that would be beneficial to the patient's individualized treatment plan. This also means that the recreational therapist will need to educate the patient on the proper use of the equipment. The recreational therapist will document the progress of the patient on their path towards realizing their specific goals, further underscored by the treatment plan. At that point, the recreational therapist can begin planning a discharge plan in collaboration with other healthcare professionals, the patient's family and friends, and other individuals involved in the patient's specific support network.

The Issue and Potential for Harm

As understood from research and testimony given, most of the Georgians who participate in therapeutic recreation are doing so based on a need to increase recreation for positive health outcomes or to maintain their current health status. Many of these Georgians use recreational therapy as a means of expanding upon their current quality of life due to a disability or as recovery from a life altering injury. The process tends to also be a part of a larger treatment plan set on achieving specific health and wellness goals through prescribed methods of recreation. Treatment plans can also call for use of adaptive recreation equipment which, if improperly used, may result in harm to the user. This all culminates into multiple stages where a break down in proper procedure could lead to mental, physical, and/or emotional harm to patients.

The applicant group presented examples where harm was experienced by populations in New Hampshire, North Carolina, and Georgia.

Physical impact

Dr. Brent D. Wolfe provided anecdotes to showcase the potential harm of unlicensed recreational therapists. Some of these are described below:

1. Incomplete assessments and unwarranted application of specific recreational activities occurring when individuals who were not well trained and educated, uncertified, and/or portraying themselves under a title they do not hold, are allowed to work with patients with disabilities or traumatic injuries.
2. Individuals who portrayed themselves as fully accredited and educated recreational therapists practicing with patients while under the influence of both legal and illegal substances.
3. Patients facing psychological, physical, and emotional trauma after being involved in a recreational outing that would not otherwise be prescribed to them according to existing information in their treatment plans.
4. Inadequate training on specialized recreation equipment and procedures made for patients who have special requirements culminated in a patient being left unattended on non-specialized workout equipment in private residence, even though the patient was supposed to be at a proper facility.
5. Title misuse, practicing while uncertified either by lapse of previous certification or otherwise resulting in patients purchasing services that were provided by uncertified staff.

Financial Impact

In the event of the passage of HB 704 as written, the estimated start-up and operational costs of the Georgia Board of Recreational Therapy would total to \$563,992 in its first year of existence. This figure is broken down in the table provided in Appendix C.

If, instead, recreational therapy is regulated as a sub-license, certificate, or registration of a pre-existing board, the estimated cost of the first year would be reduced to \$287,502. This figures is broken down in the table provided in Appendix D.

Present Requirements and Voluntary Efforts

Present Requirements

Currently, recreational therapists can be certified by the National Council for Therapeutic Recreation Certification (NCTRC) in all 50 states. This Council determines the standards for certifying entry level therapists across the nation. These standards include current and evolving principles to best prepare students for clinical application. The academic pathway to certification requires a bachelor's degree in recreational therapy, an internship 560 hours in length, and a passing NCTRC examination score. Other pathways, without the appropriate degree course but still requiring a bachelors, require extensive time spent working in the therapeutic recreation field and related, specific coursework.* According to a job analysis performed by the NCTRC, the standards and exam define the tasks and knowledge areas that a recreational therapist should be proficient in to pass and work under their own right. Some of these tasks and knowledge areas are as listed below:

- ❖ Plan and Implement Interventions and/or Programs
- ❖ Evaluate Outcomes of the Interventions and/or Programs
- ❖ Documentation of Intervention Services
- ❖ Treatment Teams and/or Service Providers
- ❖ Administration of Therapeutic Recreation Facilities and Equipment
- ❖ Advancement of the Profession and Awareness and Advocacy

Students are required to undergo clinical training and fieldwork in addition to academic studies. At a minimum, 560 hours, or 14 consecutive weeks, in therapeutic recreation services that qualify under NCTRC's Standards must be performed under the guidance of a NCTRC Certified Therapeutic Recreation Specialist (CTRS). Once students have finished the academic and field portions, they must complete and pass the NCTRC's competency examination. Upon passing examination and meeting all criteria, students are eligible for certification as a CTRS.

While this is the current practice in Georgia for entering the workforce with field credentials, neither this nor any other certification process has been listed as the required exam for licensure under HB 704. The Bureau of Labor Statistics estimates there are 650 recreational therapists in Georgia working in the field, but the NCTRC lists only approximately 300 individuals with credentials in Georgia.

*There are two other professional eligibility pathways listed in the NCTRC's Certification Standards, but one was phased out on July 1, 2019 and the other will be on July 1, 2021.

Board

The Georgia Board of Recreational Therapy is listed as the regulatory body in HB 704. The governor would appoint two recreational therapists with five years of experience; one recreational therapist with ten years of experience; one recreational therapist with a master degree in recreational therapy or equivalent with fifteen years of practicing experience who has taught recreational therapy or related courses; and one consumer from the public at large who has received, is currently receiving, or is related to someone who has received recreational therapy treatment, with no experience working, owning, or credentialing in recreational therapy practices, schools, or services in any state. The bill does not propose a suggestion for the fee amounts that would be required. Disciplinary action would be determined by the board, where appropriate.

Recreational Therapists in Other States

The Council staff found four other states that regulate recreational therapists through licensure. The four states are North Carolina, New Hampshire, Utah, and Oklahoma. Some states regulate the profession or titles through certification and registration. States with such processes include Alabama, California, New Mexico, Washington, and Washington D.C. Some states also regulate similar titles and positions, such as Therapeutic Recreational Technician and Recreational Therapy Assistant.

The length of the license and the initial licensing fee varies from state to state. However, for most states, the life of the license does not exceed two years, and therefore, should be renewed as appropriate. The application and initials fees for licensing states range from \$70 in Utah to \$170 in New Hampshire.

The requirements are consistent among states. The applicant group noted that licensing states have similar standards to those proposed by HB 704 for Georgia. All states require a baccalaureate degree by an accredited program, as well as completion of an approved examination, with many states using the NCTRC exam. Three states require 20 hours of continuing education biannually, while New Hampshire requires 30 hours. States with other regulation processes that list continuing education as a requirement also listed 20 hours biannually.

Findings

Pursuant to O.C.G.A. § 43-1A-6, the Georgia Occupational Regulation Review Council must review bills under their consideration according to the following criteria:

- ❖ Whether the unregulated practice of the occupation may harm or endanger the health, safety, and welfare of citizens of this state and whether the potential for harm is recognizable and not remote;
- ❖ Whether the practice of the occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;
- ❖ Whether the citizens of this state are or may be effectively protected by other means;

- ❖ Whether the overall cost effectiveness and economic impact would be positive for citizens of this state; and
- ❖ Whether there are means other than state regulation to protect the interests of the state.

Based on this set of criteria, the Council has reviewed HB 704, as it was introduced, which recommends the licensure of recreational therapists. In doing so, the Council developed the following findings:

If left unregulated, there is a potential for harm to Georgia citizens.

Through the testimony given by the applicant, Dr. Brent D. Wolfe, anecdotal cases of harm were presented from Georgia, North Carolina, and New Hampshire. Most of these cases were a result of a lack of knowledge surrounding the proper practice of recreational therapy and the implementation skills necessary to produce proper outcomes. By licensing the profession, those unlicensed would not be able to present themselves as recreational therapists and those licensed could be held accountable.

Specialized skills and training are important for ensuring the necessary care is provided.

As heard through the testimony, recreational therapists receive specialized education and training to ensure patients are receiving the best care possible. The proposed regulation has education requirements that ensure licensed recreational therapists have the necessary knowledge. In addition to education, licensed recreational therapists are required to train with a certified professional that teaches them practical skills and techniques. Due to the profession's continuing expansion of knowledge and interest, continuing education is required to stay current on the newest developments in the profession.

Most citizens of this state that would be affected by this bill have other means of protection, though the effectiveness of that protection is unclear.

While the national certification process is a crucial element to credentialing competent recreational therapists, this certification only determines the competency of entry-level applicants. It could be argued that if this certification is currently in effect, there is no need for licensure. However, as the testimony has proven, the certification does not prevent those who are unqualified or uncertified from practicing.

Recommendation

The Council recommends that recreational therapy be regulated as a sub-license, certificate, or registration of the Georgia State Board of Occupational Therapy, and that a certified recreational therapist may be added to sit on the board.

The council voted and approved this recommendation with eight votes for and one absence on September 5, 2019.

Appendix A: Summary of Proposed Legislation

Summary of HB 704

- The purpose of the bill is to regulate the occupation of recreational therapy through licensure under the Georgia Board of Recreational Therapy
- This act will take effect on approval by the Governor or upon its becoming law without such approval.
- To be licensed, an applicant must
 - Be at least of 18 years of age
 - Not have engaged in activities resulting in discipline under the article
 - Have complete a baccalaureate degree, or higher, in recreational therapy or the equivalency thereof
 - Have completed an examination approved by the board
 - Pay a fee set by the board
 - Have satisfactory results from a criminal background check report by the GCIC and FBI
- No less than 20 hours of continuing education biennially will be required in order to renew a license
- Those who practice therapeutic recreation as part of their profession, recreational therapists employed by the federal government, and recreational therapy students or interns will not be subject to the licensure if they do not represent themselves as a recreational therapist or use similarly misleading title.

Appendix B: Complete Text of House Bill 704 (LC 36 4029)

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to require licensure of recreational therapists; to provide for definitions; to
3 create the Georgia Board of Recreational Therapy; to provide for establishment,
4 appointment, and membership of the board; to provide for powers, duties, and meetings of
5 the board; to provide for licensure application, qualifications, and renewals; to prohibit the
6 unauthorized practice of recreational therapy; to provide for continuing education
7 requirements; to provide for criminal penalties and disciplinary action; to provide for
8 statutory construction; to provide for related matters; to repeal conflicting laws; to provide
9 an effective date; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 SECTION 1.

12 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
13 is amended by adding a new chapter to read as follows:

14 "CHAPTER 40A

15 43-40A-1.

16 As used in this chapter, the term:

17 (1) 'Board' means the Georgia Board of Recreational Therapy established pursuant to
18 Code Section 43-40A-2.

19 (2) 'Discharge plan' means a document that:

20 (A) Summarizes an individual's response to treatment including, but not limited to,
21 current functioning level, treatment goals, outcomes, and status changes; and

22 (B) Outlines any recommendations for continued services.

23 (3) 'Recreational therapist' means any individual who practices recreational therapy.

24 (4) 'Recreational therapy' means the application of recreation utilizing a treatment plan
25 to assist with:

26 (A) The improvement or maintenance of health status; or

27 (B) The development of functional abilities to facilitate engagement in recreational or
28 leisure activities.

29 (5) 'Treatment plan' means a document created for an individual that:

30 (A) Utilizes the results of an individualized assessment to outline goals, objectives, and
31 intervention strategies; and

32 (B) Is systematically evaluated and compared to such individual's responses and is
33 modified as appropriate throughout the treatment process.

34 43-40A-2.

35 (a) There is created the Georgia Board of Recreational Therapy which shall consist of five
36 members. The board shall be assigned to the Secretary of State's office for administrative
37 purposes, shall be under the jurisdiction of the division director, and shall operate in
38 accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable.

39 (b) The Governor shall appoint all members of the board as follows:

40 (1) Two recreational therapists who have been engaged in recreational therapy practice
41 for at least five years immediately preceding their appointment;

42 (2) One recreational therapist who has been engaged in recreational therapy practice for
43 at least ten years immediately preceding his or her appointment;

44 (3) One recreational therapist that has:

45 (A) A master's level degree or higher in recreational therapy or a related field;

46 (B) Taught recreational therapy or courses in a related field; and

47 (C) Been engaged in recreational therapy practice for at least 15 years;

48 (4) One consumer member who is:

49 (A) Appointed from the public at large;

50 (B) A citizen of the United States and a resident of this state;

51 (C) An individual to whom neither this state nor any other state or jurisdiction or

52 organization has ever issued a certificate, registration, license, or permit to engage in

53 the practice of recreational therapy;

54 (D) Not an owner of or affiliated with any recreational therapy school; and

55 (E) A current or past user of recreational therapy or an individual who has a family

56 member who has utilized recreational therapy.

57 (c) Each of the board members appointed as provided in paragraphs (1) through (3) of
58 subsection (b) of this Code section shall:

59 (1) Be citizens of the United States and shall have been residents of this state for at

60 least three years prior to the date of appointment; and

61 (2) Be eligible for licensure under this chapter. Effective July 1, 2021, and thereafter,

62 all professional members of the board shall be licensed under this chapter.

63 (d) The Governor shall appoint, subject to confirmation by the Senate, all members of the

64 board for initial terms of office beginning on July 1, 2020. The Governor shall appoint two

65 initial members of the board to serve for terms of two years and three initial members of

66 the board, including the consumer member provided for in subsection (b) of this Code

67 section, to serve for terms of three years. After the initial terms expire, as specified in this

68 subsection, members of the board shall take office on the first day of July immediately
69 following the expired term of such office and shall serve for a term of three years and until
70 their successors are appointed and qualified. Any individual appointed to the board when
71 the Senate is not in session may serve on the board without Senate confirmation until the
72 Senate acts on such appointment. No member shall serve on the board for more than two
73 consecutive full terms. Any vacancy due to death, resignation, removal, or otherwise shall
74 be filled for the remainder of the unexpired term in the same manner as are regular
75 appointments.

76 (e) The Governor may remove any member of the board for incompetence, neglect of duty,
77 unprofessional conduct, conviction of a felony, failure to meet the qualifications of his or
78 her appointment or of this chapter, or committing any act prohibited by this chapter or any
79 rules and regulations of the board.

80 (f) All members of the board shall be reimbursed as provided for in subsection (f) of Code
81 Section 43-1-2.

82 43-40A-3.

83 The board shall meet at least twice each year at times fixed by the board. At the first of its
84 annual meetings, the board shall elect from its members a chairperson, a vice chairperson,
85 and any other officers as deemed necessary who shall hold office for a term of one year.

86 Additionally, the board may appoint such committees as it considers necessary to fulfill its
87 duties. In addition to its annual meetings, the board may hold additional meetings at the
88 call of the chairperson or at the request of any two members of the board or as approved
89 by the division director.

90 43-40A-4.

91 The board shall have the following powers and duties:

92 (1) To adopt, amend, and repeal rules and regulations as are reasonable and necessary
93 to carry out the performance of its duties as set forth in this chapter;

94 (2) To examine all applicants for licenses to practice recreational therapy who are
95 entitled under this chapter to be so examined and to issue licenses to practice recreational

96 therapy according to this chapter;

97 (3) To have and use a common seal bearing the name 'Georgia Board of Recreational

98 Therapy' by which the board shall authenticate the acts of the board;

99 (4) To establish rules and regulations regarding licensure, including, but not limited to,

100 inactive status as the board deems appropriate;

101 (5) To issue, deny, or reinstate the licenses or permits of duly qualified applicants for

102 licensure under this chapter;

103 (6) To revoke, suspend, issue terms and conditions, place on probation, limit practice,

104 fine, require additional training, require community service, or otherwise sanction

105 licensees or others over whom the board has jurisdiction under this chapter;

106 (7) To initiate investigations for purposes of discovering violations of this chapter and

107 any rules and regulations of the board;

108 (8) To administer oaths, subpoena witnesses and documentary evidence, and take

109 testimony in all matters relating to its duties;

110 (9) To conduct hearings, reviews, and other proceedings according to Chapter 13 of

111 Title 50, the 'Georgia Administrative Procedure Act';

112 (10) To conduct investigative interviews;

113 (11) To issue cease and desist orders to stop the unlicensed practice of recreational

114 therapy and to impose penalties for such violations; and

115 (12) All other powers and duties conferred upon professional licensing boards as

116 provided in Chapter 1 of this title.

117 43-40A-5.

118 To be licensed as a recreational therapist, an applicant shall:

119 (1) Be at least 18 years of age;

120 (2) Successfully complete an academic program with a baccalaureate degree or higher

121 from an accredited college or university with a major in recreational therapy or the

122 equivalency thereof, that meets the criteria established by the board through rules and

123 regulations;

124 (3) Successfully complete any field experience or internship, as may be specified by
125 rules and regulations and approved by the board;
126 (4) Successfully complete an examination approved by the board;
127 (5) Be of good moral character;
128 (6) Have satisfactory results from a criminal background check report conducted by the
129 Georgia Crime Information Center and the Federal Bureau of Investigation, as
130 determined by the advisory board. Application for a license under this Code section shall
131 constitute express consent and authorization for the board to perform such criminal
132 background check. Each applicant who submits an application for licensure agrees to
133 provide the board with any and all information necessary to run such criminal
134 background check, including, but not limited to, classifiable sets of fingerprints. The
135 applicant shall be responsible for all fees associated with the performance of such
136 background check; and

137 (7) Complete such other requirements as may be prescribed by the board.

138 43-40A-6.

139 (a) An individual licensed as a recreational therapist shall be eligible to renew such license
140 if he or she has:

141 (1) Not been found to be in violation of any provision of this chapter or any rules or
142 regulations of the board;

143 (2) Not demonstrated poor moral character; and

144 (3) Met continuing competency requirements by completing a minimum of 20 hours of
145 continuing education within 24 months in courses approved by the board; and

146 (4) Fulfilled any other requirements that may be established by the rules and regulations
147 of the board.

148 (b) Licenses shall be renewed biennially.

149 (c) Each individual licensed under this chapter shall be responsible for renewing his or her
150 license before the expiration date.

151 43-40A-7.

152 (a) No individual shall practice or hold himself or herself out as being able to practice
153 recreational therapy or provide recreational therapy services in this state unless such
154 individual is licensed by the board. Nothing in this chapter shall be construed to prohibit
155 students enrolled in board approved schools or courses in recreational therapy from
156 performing recreational therapy that is incidental to their respective courses of study or
157 supervised work.

158 (b) A licensed recreational therapist may use the letters 'LRT' in connection with his or her
159 name or place of business.

160 (c) No individual shall use in conjunction with such individual's name or the activity of
161 his or her business the words 'therapeutic recreation specialist,' 'therapeutic recreation,'
162 'recreational therapy,' 'recreational therapist,' 'recreation therapy,' or 'recreation therapist';
163 the acronyms 'RT,' 'TRS,' or 'TR'; or any other words, abbreviations, or insignia indicating
164 or implying directly or indirectly that recreational therapy is provided or supplied,
165 including the billing of services labeled as recreational therapy, unless such services are
166 provided under the direction of a recreational therapist.

167 (d) Any person that violates this Code section shall be guilty of a misdemeanor.
168 43-40A-8.

169 An individual licensed as a recreational therapist under this chapter may provide
170 recreational therapy services that include, but shall not be limited to, one or more of the
171 following services:

172 (1) Therapy that utilizes recreational modalities in designed intervention strategies to
173 maximize physical, cognitive, social, spiritual, or emotional abilities to promote
174 participation in recreational and leisure activities;

175 (2) Conducting an individualized assessment in order to develop goals and recreation
176 therapy interventions for an individualized treatment plan;

177 (3) Planning, developing, modifying, or implementing an individualized treatment plan;

178 (4) Identifying adaptive recreational equipment that would be beneficial to an individual
179 involved in a treatment plan;

180 (5) Training individuals in the use of adaptive recreational equipment;

181 (6) Documenting individual progress toward identified goals established in an

182 individual's treatment plan; or

183 (7) Developing a discharge plan in collaboration with an individual, his or her family and

184 treatment team, and other identified support networks where appropriate.

185 43-40A-9.

186 (a) Except as provided in subsection (b) of this Code section, consultation and evaluation

187 and prevention, wellness, education, adaptive sports and recreation, and related services

188 provided by a recreational therapist may be performed without a referral.

189 (b) Initiation of recreational therapy to individuals with medically related conditions shall

190 be based on a referral from any qualified health care professional who, within the scope of

191 the professional's licensure, is authorized to refer for health care services.

192 43-40A-10.

193 Nothing in this chapter shall be construed to prevent or restrict the practice, services, or

194 activities of:

195 (1) Any individual licensed in this state or supervised by an individual licensed in this

196 state from performing work incidental to the practice of his or her profession or

197 occupation, if such individual does not represent himself or herself as a recreational

198 therapist;

199 (2) Any individual whose training and national certification attests to the individual's

200 preparation and ability to practice his or her profession, if such individual does not

201 represent himself or herself as a recreational therapist;

202 (3) Any individual enrolled in a course of study leading to a degree or certificate in

203 recreational therapy from performing recreational therapy services incidental to the

204 individual's coursework when supervised by a licensed professional, if such individual

205 is designated by a title which clearly indicates his or her status as a student;

206 (4) Any individual assisting in the provision of recreational therapy services under the

207 direct supervision of a licensed recreation therapist; provided, however, that such

208 individual shall not be permitted to conduct assessments or develop treatment plans;

209 (5) Any individual providing recreational programs to an individual with disabilities as

210 a normal part of the leisure lifestyle of such individual with disabilities;

211 (6) Any individual employed by an agency, department, bureau, or division of the federal

212 government while in the discharge of official duties but only when engaged in such

213 official duties as an employee of such agency, department, bureau, or division;

214 (7) Any individual providing services in a state facility or to children in state custody;

215 or

216 (8) Any occupational therapist or occupational therapy assistant licensed pursuant to

217 Chapter 28 of this title.

218 43-40A-11.

219 No person shall coerce a licensed recreational therapist, by requiring him or her to delegate

220 activities or tasks that would compromise client safety if the licensed recreational therapist

221 determines that it is inappropriate to do so. A licensed recreational therapist shall not be

222 subject to disciplinary action by the board for refusing to delegate activities or tasks or

223 refusing to provide the required training for delegation if the licensed recreational therapist

224 determines that the delegation may compromise client safety.

225 43-40A-12.

226 (a) The board may revoke, suspend, deny, or refuse to issue or renew a license; place a

227 licensee on probation; or issue a letter of admonition upon proof that the licensee or

228 applicant has:

229 (1) Procured or attempted to procure a license by fraud, deceit, misrepresentation,

230 misleading omission, or material misstatement of fact;

231 (2) Been convicted of a felony or of any crime involving moral turpitude as provided

232 under state law;

233 (3) Willfully or negligently acted in a manner inconsistent with the health or safety of

234 persons under such licensee's care;

235 (4) Had a license to practice a business or profession suspended or revoked or has

236 otherwise been subject to discipline related to such licensee's practice of a business or
237 profession in any other jurisdiction;

238 (5) Committed a fraudulent act that materially affects the fitness of the licensee or
239 applicant to practice a business or profession;

240 (6) Excessively or habitually used alcohol or drugs, provided that the advisory board
241 shall not discipline a licensee under this paragraph if such licensee is enrolled in a
242 substance abuse program approved by the board; or

243 (7) A physical or mental disability that renders such licensee incapable of safely
244 practicing recreational therapy.

245 (b) The board is authorized to conduct investigations into allegations of conduct described
246 in subsection (a) of this Code section.

247 (c) In addition to revoking, suspending, denying, or refusing to renew a license, the board
248 may fine a licensee found to have violated any provision of this chapter or any rule or
249 regulation adopted by the board under this chapter of not less than \$50.00 nor more than
250 \$500.00 for each such violation.

251 (d) Any person may file a complaint with the board with respect to a licensed recreational
252 therapist."

253 SECTION 2.

254 This Act shall become effective upon its approval by the Governor or upon its becoming law
255 without such approval.

256 SECTION 3.

257 All laws and parts of laws in conflict with this Act are repealed.

Appendix C: Estimated Start-up and Operating Costs for New Board

Costs	Salary	Burden	Total
<i>Continuing</i>			
Executive Director	\$64,000	\$40,320	\$104,320
Licensing Supervisor	\$34,000	\$21,420	\$55,420
Board Support	\$25,000	\$15,750	\$40,750
Licensing Analyst	\$30,000	\$18,900	\$48,900
Compliance Analyst	\$30,000	\$18,900	\$48,900
Wall Certificate			\$250
Board Member Per Diem/Travel			\$10,000
Intake Support (.4 FTE)	\$10,200	\$6,426	\$16,626
Call Center Support (.4 FTE)	\$10,200	\$6,426	\$16,626
Inspector Support (.5 FTE)	\$16,000	\$10,080	\$26,080
Investigation Support (.5 FTE)	\$24,000	\$15,120	\$39,120
Attorney General Fees			\$10,000
Examinations/Training			\$15,000
Shared Server Costs			\$5,000
OSAH Hearings			\$3,000
<i>Start-up</i>			
IT staff work with system			\$25,000
Automation (Software Contractor)			\$75,000
Software (website/public facing)			\$12,000
Rulemaking (AG's Office)			\$20,000
Year 1 Total			\$563,992

Source: Office of the Secretary of State

Appendix D: Estimated Start-up and Operating Costs for New License Addition to Existing Board (add as sub-license, certificate, or registration)

Costs	Salary	Burden	Total
<i>Continuing</i>			
Licensing Analyst	\$30,000	\$18,900	\$48,900
Compliance Analyst	\$30,000	\$18,900	\$48,900
Wall Certificate			\$250
Intake Support (.4 FTE)	\$10,200	\$6,426	\$16,626
Call Center Support (.4 FTE)	\$10,200	\$6,426	\$16,626
Inspector Support (.5 FTE)	\$16,000	\$10,080	\$26,080
Investigation Support (.5 FTE)	\$24,000	\$15,120	\$39,120
Attorney General Fees			\$10,000
Examinations/Training			\$15,000
Shared Server Costs			\$3,000
OSAH Hearings			\$3,000
<i>Start-up</i>			
IT staff work with system			\$25,000
Automation (Software Contractor)			\$30,000
Software (website/public facing)			\$6,000
Rulemaking (AG's Office)			\$5,000
Year 1 Total			\$287,502

Source: Office of the Secretary of State