

**RECREATIONAL THERAPY PRACTICE ACT AMENDMENTS**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: Lynn N. Hemingway

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ renumbers the Recreational Therapy Practice Act in relation to licensure, scope of practice, and other matters;
- ▶ provides that one member of the board assist the division in reviewing complaints;
- ▶ provides requirements for licensure under the act;
- ▶ provides exemptions from licensure under the act;
- ▶ clarifies the scope of practice and other requirements of a person licensed under the act;
- ▶ extends the sunset date of the Recreational Therapy Practice Act; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

30 ENACTS:

31 **58-40-103**, Utah Code Annotated 1953

32 **58-40-301**, Utah Code Annotated 1953

33 **58-40-302**, Utah Code Annotated 1953

34 **58-40-304**, Utah Code Annotated 1953

35 **58-40-305**, Utah Code Annotated 1953

36 **58-40-501**, Utah Code Annotated 1953

37 **58-40-502**, Utah Code Annotated 1953

38 RENUMBERS AND AMENDS:

39 **58-40-101**, (Renumbered from 58-40-1, as last amended by Laws of Utah 1985,  
40 Chapter 53)

41 **58-40-102**, (Renumbered from 58-40-2, as last amended by Laws of Utah 2004,  
42 Chapter 11)

43 **58-40-201**, (Renumbered from 58-40-4, as last amended by Laws of Utah 1993,  
44 Chapter 297)

45 **58-40-303**, (Renumbered from 58-40-11, as repealed and reenacted by Laws of Utah  
46 1993, Chapter 297)

47 **58-40-401**, (Renumbered from 58-40-8, as repealed and reenacted by Laws of Utah  
48 1993, Chapter 297)

49 **58-40-601**, (Renumbered from 58-40-6, as last amended by Laws of Utah 2004,  
50 Chapter 11)

51 **58-40-602**, (Renumbered from 58-40-7, as last amended by Laws of Utah 2004,  
52 Chapter 11)

53 REPEALS:

54 **58-40-3**, as repealed and reenacted by Laws of Utah 1992, Chapter 108



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

57 Section 1. Section **58-40-101**, which is renumbered from Section 58-40-1 is

58 renumbered and amended to read:

59 **CHAPTER 40. RECREATIONAL THERAPY PRACTICE ACT**

60 **Part 1. General Provisions**

61 ~~[58-40-1].~~ **58-40-101. Title.**

62 This chapter is known as the "Recreational Therapy Practice Act."

63 Section 2. Section **58-40-102**, which is renumbered from Section 58-40-2 is

64 renumbered and amended to read:

65 ~~[58-40-2].~~ **58-40-102. Definitions.**

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

67 (1) "Approved[;]" ~~[when used to refer to a course of education, training, experience,~~  
68 ~~examination, or other licensing requirement;]~~ means ~~[with]~~ approval by the division in  
69 collaboration with the board when used to refer to a licensing requirement.

70 (2) (a) "Assessment" means ~~[the use of skilled observation or evaluation by~~  
71 ~~administering and interpreting standardized or nonstandardized tests and measurements to~~  
72 ~~identify areas for recreational therapy services.];~~

73 (i) a systematic collection of data to identify the strengths and limitations of a person's  
74 physical, cognitive, social, behavioral, emotional, spiritual, and leisure capabilities; and

75 (ii) interpreting and analyzing collected data to identify and determine a course of  
76 action for recreational therapy services for a patient.

77 (b) "Assessment" includes:

78 (i) a record review;

79 (ii) the implementation of standardized and non-standardized instruments, tests, and  
80 measurements; and

81 (iii) the skilled observation and interview of a person.

82 (3) "Board" means the Board of Recreational Therapy created in Section 58-40-201.

83 (4) ~~(a)~~ "Practice of recreational therapy" means to engage in the paid performance of  
84 providing ~~[therapeutic recreation]~~ recreational therapy services according to the therapeutic  
85 ~~[recreational]~~ recreation process ~~[to individuals]~~ to a person with an emotional, social,

86 intellectual, or physical pathology.

87 ~~[(b) A therapeutic recreational process involves minimum skills for competent practice~~  
88 ~~and includes necessary knowledge to provide the following patient services:]~~

89 ~~[(i) assessment of individual needs for therapeutic recreational intervention;]~~

90 ~~[(ii) development of an individualized treatment or intervention plan based on assessed~~  
91 ~~interests and needs;]~~

92 ~~[(iii) appropriate implementation of therapeutic intervention services;]~~

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

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

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

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

102 (b) "Recreational therapy services" include:

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

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

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

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

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

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

113 (vii) serving as a resource to help a person find recreation opportunities that will

114 promote the person's physical, cognitive, social, behavioral, emotional, or spiritual health and  
115 well-being; and

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

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

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

124 ~~[(a) advertising or representing himself as being able to teach or conduct a recreational~~  
125 ~~therapy program; or]~~

126 ~~[(b) using in connection with his name the initials MTRS, TRS, or TRT, or any term,~~  
127 ~~title, abbreviation, sign, or device relating to the practice of recreational therapy or the licenses~~  
128 ~~under this chapter.]~~

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

131 ~~[(a) failing to supervise a therapeutic recreational technician, a student intern, or~~  
132 ~~temporarily licensed therapeutic recreational specialist when required to do so;]~~

133 ~~[(b) failing to keep or maintain a recreational therapy treatment plan;]~~

134 ~~[(c) making sexual advances to a patient or requesting of a patient sexual favors, sexual~~  
135 ~~intercourse, or other verbal or physical conduct of a sexual nature;]~~

136 ~~[(d) possessing or using illegal or unprescribed prescription drugs or medications;]~~

137 ~~[(e) using or being under the influence of intoxicating beverages while performing~~  
138 ~~recreational therapy; or]~~

139 ~~[(f) violating Sections 58-40-6 through 58-40-7.]~~

140 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-40-501.

141 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-40-502.

142 Section 3. Section **58-40-103** is enacted to read:

143 **58-40-103. Rulemaking.**

144 When exercising rulemaking authority under this chapter, the division shall comply  
145 with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

146 Section 4. Section **58-40-201**, which is renumbered from Section 58-40-4 is  
147 renumbered and amended to read:

148 **Part 2. Board**

149 ~~[58-40-4].~~ **58-40-201. Board.**

150 (1) There is created [a] the Board of Recreational Therapy~~[. It shall be appointed],~~  
151 consisting of:

152 (a) two master therapeutic recreation specialists;

153 (b) one therapeutic recreation specialist;

154 (c) one therapeutic recreation technician; and

155 (d) one member of the general public.

156 (2) The board shall be appointed and serve in accordance with Section 58-1-201.

157 ~~[(2) The board shall consist of two master therapeutic recreational specialists, one~~  
158 ~~therapeutic recreational specialist, one therapeutic recreational technician, and one member~~  
159 ~~appointed from the general public.]~~

160 (3) ~~(a) The [board's duties, functions, and responsibilities]~~ duties and responsibilities of  
161 the board shall [comply] be in accordance with Sections 58-1-202 [through] and 58-1-203.

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

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

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

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

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

171 **Part 3. Licensing**

172 **58-40-301. Licensure required -- License classifications.**

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

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

177 (a) master therapeutic recreation specialist;

178 (b) therapeutic recreation specialist; or

179 (c) therapeutic recreation technician.

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

181 **58-40-302. Qualifications for licensure.**

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

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

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

185 (c) be of good moral character.

186 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a  
187 master therapeutic recreation specialist under this chapter shall as defined by division rule:

188 (a) complete an approved graduate degree;

189 (b) complete 4,000 qualifying hours of paid experience as:

190 (i) a licensed therapeutic recreation specialist if completed in the state; or

191 (ii) a certified therapeutic recreation specialist certified by the National Council for  
192 Therapeutic Recreation Certification if completed outside of the state; and

193 (c) pass an approved examination.

194 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a  
195 therapeutic recreation specialist under this chapter shall, as defined by division rule:

196 (a) complete an approved:

197 (i) bachelor's degree in therapeutic recreation or recreational therapy;

- 198           (ii) bachelor's degree with an approved emphasis, option, or concentration in  
 199 therapeutic recreation or recreational therapy; or  
 200           (iii) graduate degree;  
 201           (b) complete an approved practicum; and  
 202           (c) pass an approved examination.
- 203           (4) In addition to the requirements of Subsection (1), an applicant for licensure as a  
 204 therapeutic recreation technician under this chapter shall, as defined by division rule:
- 205           (a) have a high school diploma or GED equivalent;  
 206           (b) complete an approved:  
 207           (i) educational course in therapeutic recreation taught by a licensed master therapeutic  
 208 recreation specialist; or  
 209           (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational  
 210 therapy from an accredited college or university;  
 211           (c) complete an approved practicum under the supervision of:  
 212           (i) a licensed master therapeutic recreation specialist; or  
 213           (ii) an on-site, full-time, employed therapeutic recreation specialist; and  
 214           (d) pass an approved examination.

215           Section 7. Section **58-40-303**, which is renumbered from Section 58-40-11 is  
 216 renumbered and amended to read:

217           ~~[58-40-11].~~   **58-40-303. Term of license -- Expiration -- Renewal.**

218           (1) ~~[Each license issued]~~ The division shall issue a license under this chapter ~~[shall be~~  
 219 ~~issued]~~ in accordance with a two-year renewal cycle established by rule. ~~[A renewal period~~  
 220 ~~may be extended or shortened]~~

221           (2) The division may, by rule, extend or shorten a renewal cycle by as much as one year  
 222 to ~~[maintain established renewal cycles or to change an established renewal cycle]~~ stagger the  
 223 renewal cycles it administers.

224           ~~[(2)]~~ (3) ~~[Each]~~ A license automatically expires on the expiration date shown on the  
 225 license unless ~~[renewed by the licensee]~~ the licensee renews it in accordance with Section



226 58-1-308.

227 Section 8. Section **58-40-304** is enacted to read:

228 **58-40-304. Continuing education.**

229 In collaboration with the board, the division shall make rules to provide that as a  
230 condition precedent for license renewal, a licensee shall complete continuing education  
231 requirements during each license period.

232 Section 9. Section **58-40-305** is enacted to read:

233 **58-40-305. Exemptions from licensure.**

234 In addition to the exemptions from licensure in Section 58-1-307, a person may conduct  
235 or participate in a recreational activity without being licensed under this chapter if the person is  
236 using the recreational activity for the sole outcome of the recreational experience and is not  
237 using recreational activity as a therapeutic intervention following the therapeutic recreation  
238 process.

239 Section 10. Section **58-40-401**, which is renumbered from Section 58-40-8 is  
240 renumbered and amended to read:

241 **Part 4. License Denial and Discipline**

242 ~~[58-40-8].~~ **58-40-401. Grounds for denial of license -- Disciplinary**  
243 **proceedings.**

244 Grounds for ~~[refusal]~~ refusing to issue a license to an applicant, for refusal to renew the  
245 license of a licensee, ~~[to revoke, suspend, restrict, or place]~~ for revoking, suspending,  
246 restricting, or placing on probation the license of a licensee, [to issue] for issuing a public or  
247 private reprimand to a licensee, and [to issue] for issuing a cease and desist [orders] order shall  
248 be in accordance with Section 58-1-401.

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

250 **Part 5. Unlawful and Unprofessional Conduct -- Penalties**

251 **58-40-501. Unlawful conduct.**

252 "Unlawful conduct" includes:

253 (1) providing, leading, facilitating, teaching, or offering to provide or teach recreational

254 therapy services unless licensed under this chapter or exempted from licensure under Section  
255 58-1-307 or 58-40-305;

256 (2) using the initials MTRS, TRS, or TRT, or other abbreviation, term, title, or sign  
257 relating to the practice of recreational therapy services unless licensed under this chapter; and

258 (3) employing or aiding and abetting the employment of an unqualified or unlicensed  
259 person to:

260 (a) practice as a recreational therapist; or

261 (b) provide recreational therapy services.

262 Section 12. Section **58-40-502** is enacted to read:

263 **58-40-502. Unprofessional conduct.**

264 "Unprofessional conduct" includes:

265 (1) failing to supervise a therapeutic recreation technician, a student intern, or a  
266 temporarily licensed therapeutic recreation specialist when required to do so under this chapter  
267 or by rule;

268 (2) failing to keep or maintain a recreational therapy treatment plan;

269 (3) failing to safeguard a person's right to privacy as to the person's identity, condition,  
270 diagnosis, personal effects, or other matters about which the licensee is privileged to know  
271 from providing recreational therapy services;

272 (4) failing to report to the division the unsafe, unethical, or illegal practice of a person  
273 who is providing recreational therapy services;

274 (5) making sexual advances to a patient, requesting sexual intercourse or sexual favors  
275 from a patient, or engaging in other verbal or physical conduct of a sexual nature in the  
276 presence of a patient;

277 (6) exploiting a patient or former patient for personal gain;

278 (7) possessing or dispensing illegal or non-prescribed prescription drugs or  
279 medications;

280 (8) using or being under the influence of alcohol or an illegal or non-prescribed  
281 prescription drug or medication while performing recreational therapy services; and

282 (9) other actions as defined by division rule.

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

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

286 ~~[58-40-6].~~ **58-40-601. Scope of practice.**

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

289 (a) practice recreational therapy ~~[as]~~:

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

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

292 (iii) as a consultant; and

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

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

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

297 ~~[b)]~~ (c) may not practice recreational therapy in private practice or as a consultant; and

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

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

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

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

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

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

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

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

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

312 Subsection 58-40-102(2)(a)(i);

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

314 58-40-102(2)(a)(ii);

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

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

317 intervention plan.

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

319 renumbered and amended to read:

320 ~~[58-40-7].~~ **58-40-602. Recreational therapy treatment or intervention plans.**

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

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

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

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

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

329 ~~[(d) evaluations of progress and treatment;]~~

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

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

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

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

338 Section 15. Section **63I-1-258** is amended to read:

339 **63I-1-258. Repeal dates, Title 58.**

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

341 (2) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is  
342 repealed July 1, 2016.

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

344 (4) Title 58, Chapter 20a, Environmental Health Scientist Act, is repealed July 1, 2013.

345 (5) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, [~~2013~~]  
346 2023.

347 (6) Title 58, Chapter 41, Speech-language Pathology and Audiology Licensing Act, is  
348 repealed July 1, 2019.

349 (7) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2015.

350 (8) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July  
351 1, 2013.

352 (9) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2014.

353 (10) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2017.

354 (11) Section 58-13-2.5 is repealed July 1, 2013.

355 Section 16. **Repealer.**

356 This bill repeals:

357 Section **58-40-3, License classifications.**