

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:		Date filed:	
State Admin Rule Filing Id:		Time filed:	

		Agency No.		Rule No.		Section No.
Utah Admin. Code Ref (R no.):	R	156	-	40	-	
Changed to Admin. Code Ref. (R no.):	R		-		-	

1.	Agency:	Commerce/Division of Occupational and Professional Licensing			
	Room no.:				
	Building:	Heber M. Wells Building			
	Street address 1:	160 East 300 South			
	Street address 2:				
	City, state, zip:	Salt Lake City UT 84111-2316			
	Mailing address 1:	PO Box 146741			
	Mailing address 2:				
	City, state, zip:	Salt Lake City UT 84114-6741			
	Contact person(s):				
	Name:	Phone:	Fax:	E-mail:	
	Noel Taxin	801-530-6621	801-530-6511	ntaxin@utah.gov	

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2.	Title of rule or section (catchline):	Recreational Therapy Practice Act Rule			
3.	Type of notice:	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___			
4.	Purpose of the rule or reason for the change:	The Division and Recreational Therapy Board are proposing amendments to update and clarify the rule as a result of statute amendments to Title 58, Chapter 40 which were passed during the 2012 Legislative Session in S.B. 53.			
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___			
6.	Summary of the rule or change:				

Statute and rule citations are updated throughout the rule as well as minor phonetic changes throughout the rule. Section 102-Definitions: Definitions for "approved graduate degree", "approved emphasis, option, or concentration in therapeutic recreation or recreational therapy" and "written plan of operation" are added to the rule. Other minor wording are changes are made throughout this section. Section 302a-Education Requirements: Minor amendments relating to master therapeutic recreation specialist (MTRS), therapeutic recreation specialist (TRS) and therapeutic recreation technician (TRT) educational requirements are made in this section. Section 302b-Experience Requirements: Experience requirements for a TRT were increased to 20 hours of direct supervision. Experience requirements are further clarified throughout this section to support the new statute language. Section 302c-Examination Requirements: Amendments are being proposed to clarify the examination requirements for a TRT license. Section 302e-Qualifications for Supervision: Proposed amendments add that a supervisor is required to sign a patient chart and observe the TRT services. Section 302f-Temporary Licensure: Proposed amendments clarify that a temporary license cannot be issued for a period to exceed 120 days to allow an applicant to pass the required examinations. Section 304 regarding continuing education is being added to clarify and establish the criteria for licensees to obtain continuing education which is now required due to the recent statute amendments. Section 502 regarding unprofessional conduct is being added to define additional categories of unprofessional conduct that are applicable to recreational therapy licensees.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XXX

The Division will incur minimal costs of approximately \$50.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No XXX; Yes ___

The proposed amendments only apply to licensed MTRS, TRS and TRT's and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No ___; Yes XXX

The proposed amendments only apply to licensed MTRS, TRS and TRT's and applicants for licensure in those classifications. The proposed amendments may affect some businesses that hire TRT's in that they may need to adjust the TRT hire date until the person has completed the education, experience and examination requirements. However, no fiscal impact is anticipated beyond those considered by the Legislature in passing S.B. 53.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No Yes XXXX

The proposed amendments only apply to licensed MTRS, TRS and TRT's and applicants for licensure in those classifications. The proposed amendments being added to clarify continuing education requirements for recreational therapy licensees are only as a result of statute amendments to Title 58, Chapter 40. The Division also anticipates that TRT employers may see some increased costs relating to supervision expenses. However, no fiscal impact to other persons or licensees is anticipated beyond those considered by the Legislature in passing S.B. 53.

8. Compliance costs for affected persons:

The proposed amendments only apply to licensed MTRS, TRS and TRT's and applicants for licensure in those classifications. The proposed amendments being added to clarify continuing education requirements for recreational therapy licensees are only as a result of statute amendments to Title 58, Chapter 40. The Division also anticipates that TRT employers may see some increased costs relating to supervision expenses. However, no fiscal impact to other persons or licensees is anticipated beyond those considered by the Legislature in passing S.B. 53.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This rule filing implements statutory amendments resulting from the passage of S.B. 53, including clarification of criteria for licensure such as continuing education requirements; it also makes minor technical changes. No fiscal impact to businesses is anticipated beyond those considered by the Legislature in passing S.B. 53.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10.	This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.		
	State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :		
	Section 58-40-101	Subsection 58-1-106(1)(a)	
	Subsection 58-1-202(1)(a)		
11.	This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; <i>if none, leave blank</i>):		
		First Incorporation	Second Incorporation
	Official Title of Materials Incorporated (from title page)	National Council for Therapeutic Recreation Certification (NCTRC) Certification Standards, Part I	NCTRC National Job Analysis, Part V
	Publisher	NCTRC	NCTRC
	Date Issued	January 2012	January 2011
	Issue, or version		
	ISBN Number (optional)		
	ISSN Number (optional)		
	Cost of Incorporated Reference		
	Action: Adds, updates, or removes	Adds	Adds
	(If this rule incorporates more than two items by reference, please attach additional pages)		
	12.	The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)	
		A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):	11/14/2012
		B) A public hearing (optional) will be held:	
On (mm/dd/yyyy):		At (hh:mm AM/PM):	At (place):
10/15/2012		9:00 AM	160 East 300 South, Conference Room 474 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):	11/21/2012	
	NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.		
14.	Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:		
	licensing	recreational therapy	
	recreation therapy		
15.	Attach an RTF document containing the text of this rule change (filename):	R156-40.pro	
To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the <i>Utah State Bulletin</i> , and delaying the first possible effective date.			

AGENCY AUTHORIZATION

**Agency head or
designee, and title:**

Mark B. Steinagel, Division Director

**Date
(mm/dd/yyyy):**

09/27/2012

eRules v. 2: ProposedRule.doc 09/03/2009 (<http://www.rules.utah.gov/agencyresources/forms/ProposedRule.doc>)

Additional incorporation by reference document:

Title of document: American Therapeutic Recreation Association's (ATRA) Code of Ethics

Publisher: ATRA

Date Issued: November 2009

Adds

R156. Commerce, Occupational and Professional Licensing.

R156-40. Recreational Therapy Practice Act Rule.

R156-40-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 40, as used in Title 58, Chapters 1 and 40 or this rule:

(1) "Approved graduate degree[~~in recreation therapy or a graduate degree with an approved emphasis in recreation therapy~~]", as used in Subsection 58-40-302(2)(a) [5(1)(a)(i)], means an earned graduate (Masters, Ed.D., or Ph.D.) degree in recreational therapy or a graduate degree with an approved emphasis in recreational therapy, which includes:

(a) a minimum of nine semester hours or 12 quarter hours of upper division or graduate level course work in therapeutic recreation and/or recreational therapy;

(b) a minimum of 24 semester hours or 32 quarter hours of supportive coursework as outlined by the January 2012 NCTRC Certification Standards, Part I, which are incorporated by reference; and

(c) (i) an approved practicum which includes a minimum 480 hour, 12 consecutive week field placement experience in recreational therapy services that uses the therapeutic recreation process as defined in the January 2011 NCTRC National Job Analysis, which is incorporated by reference, under the supervision of an onsite field placement supervisor who is licensed in Utah as a TRS or MTRS; and

(ii) if the practicum is conducted outside Utah, the supervisor must be certified by NCTRC as an CTRS and meet NCTRC standards for field placement supervision. This practicum must be verified on an official university transcript.

(2) "Approved emphasis, option, or concentration in therapeutic recreation or recreational therapy", as used in Subsection 58-40-302(3)(a)(ii), means an emphasis, option or concentration posted on the transcript that meets the January 2012 NCTRC Certification Standards, Part I, which are incorporated by reference, including:

(a) a minimum of 18 semester or 24 quarter hours of therapeutic recreation and general recreation content coursework with no less than a minimum of 12 semester or 16 quarter hours in therapeutic recreation, consisting of a minimum of four three-credit hour courses;

(b) a total of 18 semester or 24 quarter hours of support coursework with a minimum of:

(i) three semester hours or three quarter hours coursework in the content area of anatomy and physiology;

(ii) three semester hours or three quarter hours coursework in the content area of abnormal psychology; and

(iii) three semester hours or three quarter hours coursework in the content area of human growth and development across the lifespan. The remaining semester hours or quarter hours of coursework must be fulfilled in the content area of "human service" as defined by the NCTRC; and

(c) (i) a minimum 480 hour, 12 week field placement experience in therapeutic recreation services that uses the therapeutic recreation

process as defined in the January 2011 NCTRC National Job Analysis, which is incorporated by reference, under the supervision of an onsite field placement supervisor who is both state licensed as a TRS or MTRS and NCTRC CTRS certified and meets the standards for field placement supervision; and

(ii) if the practicum is conducted outside Utah, the supervisor must be certified by NCTRC as a CTRS and meet NCTRC standards for field placement supervision. This practicum must be verified on an official university transcript.

([2]3) "CTRS" means a person certified as a Certified Therapeutic Recreation Specialist by the [National Council for Therapeutic Recreation Certification]NCTRC.

([3]4) "Full-time, on-site", as used in Subsections [58-40-5(3)(e), 58-40-6(3)(a)(i) and (3)(b)(i)] 58-40-601(3)(a) and (b), means an individual who is employed on the premises with the hiring agency for a minimum of 30 hours per week.

([4]5) "Maintain the on[-]going documentation", as used in Subsection 58-40-[6]601(3)(b), means:

- (a) [collecting data for the assessment process;
- (b)—]documenting the on[-]going treatment or intervention provided to clients according to the treatment plan; and
- ([e]b) providing [periodic-]review of [client]patient status according to federal, state, and agency regulations.

([5]6) "MTRS" means a person licensed as a master therapeutic recreation specialist.

([6]7) "NCTRC" means the National Council for Therapeutic Recreation Certification.

([7]8) "Supervision", as used in [Subsections 58-40-5(3)(e), 58-40-6(1)(a), (2)(b), (3)(a)(i) and (3)(b)(i)]Section 58-40-601, means full-time, on-site oversight by an MTRS or TRS of the recreational therapy services offered.

([8]9) "Supervision of a temporary TRS", as used in Subsection R156-40-[302e(d)]302f(1)(d), means that the MTRS or TRS supervisor is responsible for the recreational therapy activities performed by the temporary TRS and will review and approve the treatment plans as well as any modifications to the treatment plans as evidenced by the signature of the MTRS or TRS in the treatment plan.

([9]10) "TRS" means a person licensed as a therapeutic recreation specialist.

([10]11) "TRT" means a person licensed as a therapeutic recreation technician.

(12) "Written plan of operation", as used in Subsection 58-40-102(6)(b)(viii), means a comprehensive management plan that outlines recreational therapy services that, at a minimum, includes:

- (a) vision and mission statement;
- (b) policy and procedures;
- (c) assessment protocol;

- (d) treatment and/or intervention plan;
- (e) scope of care; and
- (f) personnel management.

~~[[11]13)~~ "Unprofessional conduct" is defined in Title 58, Chapters 1 and 40.

R156-40-302a. Qualifications for Licensure - Education Requirements.

In accordance with Section 58-40-~~[5]302~~, the educational requirements for licensure include:

(1) An MTRS applicant shall:

(a) complete an approved graduate degree as defined in R156-40-102(1);

(b) have a current NCTRC certification as a CTRS or a current license as a TRS; and

~~[[b]c)~~ document completion of the education and 4000 hours of paid experience while nationally certified as a CTRS or licensed as a TRS.

(2) A TRS applicant shall:

(a) have a current NCTRC certification as a CTRS; and

(b) document completion of the education and practicum requirements for licensure as a TRS on an official university transcript.

(3) A TRT applicant shall:

(a) have an approved educational course in therapeutic recreation taught by an MTRS, as required by Subsection 58-40-~~[5(3)(b)(i)]302(4)(b)(i)~~, which shall consist of 90 hours of structured education under the instruction and direction of a licensed MTRS, or if completed out of state, under the direction of a nationally certified CTRS, which includes:

(i) theories and concepts of recreational therapy;

(ii) the therapeutic recreation process;

(iii) characteristics of illness and disability and their effects on leisure;

(iv) medical and psychiatric terminology including psychiatric, pharmacology, gerontology, and abbreviations;

(v) ethics;

(vi) role and function of other health and human service professionals, including: agencies, medical specialists and allied health professionals; and

(vii) health and safety.

R156-40-302b. Qualifications for Licensure - Experience Requirements.

In accordance with Section 58-40-~~[5]302~~, the experience requirements for licensure include:

(1) An MTRS is required to complete 4000 hours of paid experience, as required by Subsection 58-40-~~[5(1)(a)(ii)]302(2)(b)~~, which means an individual must either work as a TRS in Utah in a paid position practicing recreational therapy ~~[and/]~~ or work outside of Utah as a CTRS in a paid position practicing recreational therapy ~~[-as defined in Subsection 58-40-~~

~~2(4)(a) and (b) for 4000 hours].~~

(2) A TRS is required to complete an approved practicum, as required by Subsection 58-40-~~[5(2)(b)]~~ 302(3)(b), which means a practicum verified on the degree transcript.

(3) A TRT is required to complete an approved practicum, as required by Subsection 58-40-~~[5(3)(e)]~~ 302(4)(c), which means 125 hours of field work experience to be completed over a duration of not more than nine months under the direction of a licensed MTRS or TRS supervisor, that includes:

(a) a minimum of ~~[ten]~~ 20 hours of direct face to face supervision of programming, documentation and treatment intervention by the MTRS or TRS supervisor;

(b) training in ~~[the therapeutic recreation process as defined in Subsections 58-40-2(4)(a) and (b)]~~ recreational therapy or therapeutic recreation process as defined in Subsection 58-40-102(5) and (6);

(c) interdisciplinary contact;

(d) administration contact; and

(e) community relations.

R156-40-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections ~~[58-40-5(1)(e), 58-40-5(2)(f) and 58-40-5(3)(g)]~~ 58-40-302(2)(c), (3)(c) and (4)(d), applicants for licensure shall pass the following examinations:

(1) Applicants for licensure as an MTRS or TRS shall pass the NCTRC certification examination as evidenced by a current NCTRC certification as an CTRS.

(2) Applicants for licensure as a TRT shall pass both the [Utah Recreation Therapy Theory Examination for TROTTEd with a minimum passing score of 70%] Therapeutic Recreation Technician Theory Examination with a minimum score of 70% and the Therapeutic Recreation Technician Laws and Rules Exam with a minimum score of 75%.

(3) Applicants for licensure as a TRT who fail the Therapeutic Recreation Technician Theory Examination three consecutive times must repeat the educational coursework.

R156-40-302d. Time Limitation for TRT applicants.

(1) In accordance with Subsection 58-40-~~[5(3)]~~ 302(4) and Sections R156-40-302a, R156-40-302b and R156-40-302c, a TRT applicant shall pass the examinations and apply for licensure after completion of the 125 practicum hours required under Subsection R156-40-302b(3) and must do so within the same nine month period referred to in that Subsection.

(2) A TRT applicant who does not complete the education, practicum and examinations within nine months is not eligible to be employed as a TRT in a therapeutic recreation department.

(3) A TRT student who does not seek licensure within two years after completion of the education course shall retake the education, practicum and pass the examination prior to applying for licensure.

R156-40-302e. Qualifications for Supervision.

"Supervision of a therapeutic recreation technician", as used in Subsection 58-40-~~[6(3)(a)(i) and (3)(b)(i)]~~ 601(3), means that the MTRS or TRS supervisor is responsible for:

(1) providing on-site training, observation, direction and evaluation~~[, as defined in Subsection 58-40-2(4)(b),]~~ to include:

(a) reviewing the recreational therapy intervention to be performed by the TRT as defined by the treatment plan;

(b) demonstrating as evidenced by the signature of the MTRS or TRS in the patient chart~~[periodic]~~ review and evaluation of ongoing documentation;

(c) reviewing and observing the recreational therapy program according to administrative and governing regulations; and

(d) reviewing and evaluating adherence to the standards of the profession.

R156-40-302f. Qualifications for Temporary License as a TRS - Supervision Required.

(1) In accordance with Section 58-1-303, an applicant for temporary licensure as a TRS shall:

(a) submit an application for temporary license in the form prescribed by the division which includes a verification that the applicant has registered and been approved to take the next available NCTRC examination;

(b) pay a fee determined by the department under Section 63J-1-504;

(c) meet all the requirements for licensure, except passing the NCTRC examination; and

(d) practice recreational therapy under the supervision of a Utah licensed TRS or MTRS as defined in Subsection R156-40-102(8).

(2) The temporary license ~~[will not be issued for a period greater than ten months]~~ shall be issued for a period not to exceed 120 days to allow the applicant to pass the NCTRC examination.

(3) The temporary license will not be renewed or extended for any purpose.

R156-40-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 40 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

R156-40-304. Continuing Education.

In accordance with Section 58-40-304, qualified continuing education requirements are established as follows:

(1) All licensed MTRS, TRS, and TRT's shall complete 20 hours of qualified continuing education or provide a current CTRS certification during each two-year period of licensure.

(2) Qualified continuing education hours for licensees who have not

been licensed for the entire two-year period will be prorated from the date of licensure.

(3) Continuing education under this section shall:

(a) be relevant to the licensee's professional practice;

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide recreational therapy continuing education; and

(c) have a method of verification of attendance and completion.

(4) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of not less than 50 minutes in formally established classroom courses, seminars, lectures, conferences or training sessions which meet the criteria listed in Subsection (3) above, and which are approved by, conducted by, or under the sponsorship of:

(i) the Division of Occupational and Professional Licensing;

(ii) recognized universities and colleges; or

(iii) professional associations, societies and organizations representing a licensed profession whose program objectives relate to the practice of recreational therapy;

(b) a maximum of ten hours per two-year period may be recognized for teaching continuing education courses relevant to recreational therapy;

(c) a maximum of 12 hours per two-year period may be recognized for continuing education that is provided via the internet and/or webinar which provides a certificate of completion;

(d) a maximum of six hours per two-year period may be recognized for continuing education provided by the Division of Occupational and Professional Licensing;

(e) a maximum of four hours per two-year period may be recognized for CPR and first aid certification through a live course, not online; and

(f) a maximum of six hours per two-year period may be recognized for publications in an article, journal, newsletter or other professional publications.

(5) If properly documented that a licensee is subject to circumstances which prevent that licensee from meeting the continuing education requirements established under this section, the licensee may be excused from the requirement for a period of up to three years. However it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

(6) A licensee shall be responsible for maintaining competent records of completed qualified continuing education for a period of six years and if requested, demonstrate the licensee meets requirements under this section.

R156-40-502. Unprofessional Conduct.

Unprofessional conduct includes:

(1) failing to establish and maintain professional boundaries with a patient or former patient;

(2) exploiting a current and/or former patient for personal gain;

(3) failing as an MTRS/TRS to ensure the student TRT completes the

minimum required education and experience prior to working with patients;
(4) failing as an MTRS/TRS to ensure the student TRT is competent to
provide recreational therapy services when signing the education and
experience verification; and
(5) failing to abide by the provisions of the American Therapeutic
Recreation Association (ATRA) Code of Ethics, November 2009, which is
incorporated by reference.

KEY: licensing, recreational therapy, recreation therapy

Date of Enactment or Last Substantive Amendment: [~~December 22, 2008~~]2012

Notice of Continuation: August 15, 2011

**Authorizing, and Implemented or Interpreted Law: 58-40-101; 58-1-
106(1) (a) ; 58-1-202(1) (a)**