

MINUTES

**UTAH
RECREATIONAL THERAPY
LICENSING BOARD**

BOARD MEETING

September 22, 2009

**Room 402 – 4TH Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:04 A.M.

ADJOURNED: 11:04 A.M.

**Bureau Manager:
Board Secretary:**

Noel Taxin
Karen McCall

Board Members Present:

Patrick R. Park, Board Chairperson
Susan P. Call
Shawna Peterson
Gwen T. Nelson

Board Members Absent:

Megan Roth

Guests:

Susan France, CTRS
Jodi Leynse, CTRS Candidate
Karie Swenson, CTRS
Monica Dixon, CTRS
Kami Hardcastle, MTRS

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the September 16, 2008 Board meeting were read.

Ms. Call made a motion to approve the minutes with minor revisions. Ms. Nelson seconded the motion.
The Board vote was unanimous.

DISCUSSION ITEMS:

Board Chairperson

Ms. Nelson made a motion to retain Mr. Park as the Board chairperson. Ms. Call seconded the motion.

TRS to TRT Licensing, TRT Students
Working without TRS/MTRS on Site,
Specifics of Supervision of TRT's and Other
Issues

The Board vote was unanimous.

Mr. Park accepted the nomination.

TRS to TRT Licensing:

Ms. Taxin explained there have been telephone calls from supervisors and graduates who have met requirements for TRS licensure except passing the CTRS examination and their desire to apply for the TRT license in order to continue working. She voiced concern as the TRS education and experience are a higher level than the TRT education and experience. She stated it is difficult for graduates not to do more than the TRT scope of practice allows. Ms. Taxin stated she has informed these individuals that they will need to complete all requirements for TRT licensure if they desire that classification.

Ms. Swenson commented that agencies are suggesting these individuals get the TRT in order to continue their employment.

TRT Students Working without TRS/MTRS on Site:

Ms. Taxin stated another issue is students who continue to work in the TRT scope of practice after qualifications are met and are not licensed. She stated many of these individuals are not practicing in the therapeutic recreation model but are practicing with diversional activities. She provided an example of an agency advertising for a TRT aide and when she reviewed the job descriptions for the TRT and TRT aide they were the same. Ms. Taxin stated she explained to the agency the licensing classifications and different scopes of practice and the situation has been corrected. She gave the example of MTRS's and TRS's allowing line staff to take patients bowling or to 7-11 for treats and then write notes regarding the outings as if they are part of the treatment plans. Ms. Taxin stated some agencies are confused regarding treatment plan goals and activities that help to meet those objectives and participating in diversional activities. She suggested the Association include an

article in their newsletter clarifying the difference between therapeutic recreational vs. diversional activities.

Ms. Taxin also voiced concern that some TRT individuals are not passing the examination and continue to work without a license. She stated the supervisors are in a position to help the individuals strengthen their weaknesses so they can pass the examination and become licensed. Ms. Taxin stated supervisors should help those they supervise to be better practitioners.

Ms. Hardcastle stated she has a student who will be taking the TRS examination in October for the 3rd time. She stated she no longer wants to supervise this individual if she does not pass the examination.

Ms. Taxin suggested Ms. Hardcastle may want to evaluate the individual to determine if she should encourage the individual to continue toward TRS licensure and identify areas of improvement and mentor her or recommend she discontinue pursuing education/experience in the field.

Ms. Taxin voiced concern regarding TRT students working 2 to 3 hours a week to collect their practicum hours and how it takes a long time to obtain the 125 required hours. She stated the TRT candidates are not learning when the process is so long, they are just working. Ms. Taxin stated the MTRS and TRS supervisors should encourage the students to complete the class and practicum, take the examination and become licensed as soon as possible. Ms. Taxin stated maybe the courses need to be reviewed and updated to better help students understand as the Division and she receive many phone calls from potential TRT's who are confused about the process.

Ms. Hardcastle offered to submit a copy of what she teaches the potential TRT licensee. She stated many employment agencies are paying for the class and when the potential TRT finds out what is required of them they do not want to finish the class or the process.

Ms. Taxin stated it is a waste of funds if agencies are paying for the course(s) and individuals are not following through to completion.

Ms. France explained that the MTRS and/or TRS are not part of the hiring process. She stated administration hires and then sends the employees to the class. Ms. France voiced her frustration.

Ms. Taxin recommended the MTRS/TRS supervisors talk with administration regarding saving money by seeking candidates better matched for the profession and request being part of the hiring process. She then reviewed the pass/fail statistics for the TRT examination.

Ms. Hardcastle stated some who do not become licensed might be Salt Lake Community College (SLCC) students who take some recreational therapy classes and the examination thinking they might want to go into the profession later.

Ms. Nelson asked if there is a way to find out who are teaching the courses and talk with them regarding the issues.

Ms. Taxin responded there are about 5 main MTRS's that are teaching the classes at different locations/schools.

Specifics of Supervision of TRT's:

Ms. Taxin stated the Division has received calls voicing confusion on the requirements of supervision for the TRT as the MTRS comes in to consult but is not at the facility on a regular basis. She stated there needs to be more education for the profession as to the requirements as it affects the patient care.

Mr. Park suggested some training be incorporated into the next Association conference.

Ms. Hardcastle asked if Ms. Taxin would be willing to conduct a presentation at the April 1 and 2, 2010 conference.

Ms. Taxin responded she would probably be available to be a presenter if the Association would send a formal request with specifics of the topic, etc for her to consider. She stated there may be some other individuals that are more qualified to speak depending on the subject and she suggested that be researched.

Ms. Leynse commented she did not have the Laws and Rules discussed in her education program. She stated as a student she would have liked to have it included.

Ms. Taxin explained there are some TRT applicants who took the examination prior to completing the practicum. She stated the examination registration form requires the applicant's signature to attest they have completed the education course and the practicum. Ms. Taxin stated the application and the renewal form also require a signature confirming the Laws and Rules have been read and are understood. She stated anything requiring a signature should be read carefully and understood prior to signing.

Mr. Park asked if some of those who passed the examination and are not licensed have completed the practicum.

Ms. Taxin responded she does not know and that type of information is unavailable.

Ms. Taxin stated questions have come from individuals working 2 to 3 hours a week on their practicum. She voiced concern regarding how much teaching the MTRS or TRS is able to do in that short period of time.

Ms. Call commented the Rules require the 125 hours of practicum to be completed in not more than 9 months. She stated a fulltime employee could complete the hours in 2 months.

Ms. Hardcastle stated the individuals she supervises are working fulltime. She stated it might be helpful to list in the Rules specific scope of practice duties to be completed during the practicum.

Ms. Taxin informed the Board of the following Recreational Therapy license numbers as of September 15, 2009:

50 licensed MTRS's. Ms. Taxin stated she can think of no more than 5 that currently offer the TRT education program.

300 licensed TRS's.

2 temporary TRS's with 1 in pending for additional information.

328 licensed TRT's.

There are no probationers at this time.

Ms. Call inquired regarding the 6 temporary TRT licenses that were issued and if all 6 received their full license.

Ms. Taxin responded 5 received the full TRT licensure and 1 was denied based on failure to take and pass the examination. She stated if an individual has difficulty passing examinations they should be encouraged to start taking it right after completing the education and practicum to lower the stress and give them time for retakes if they do not pass the first time.

Other Issues:

Ms. Taxin stated there have been a number of questions regarding direct supervision. She stated direct supervision means the supervisor is physically on site. Ms. Taxin expanded 58-1 defines 3 types of supervision: general, indirect and direct. She stated perhaps the Rules need to be more specific and require the TRS/MTRS to meet a specific amount of time each week and then identify what the review/meeting needs to consist of. She suggested the Rules may need to be expanded. Ms. Taxin explained the Law is for the Association to review, update and change through the Legislature and the Board and Division make Rule changes as the Law allows.

Ms. Swenson asked if the General supervision, Direct supervision and Indirect supervision apply to students as well as TRT licensee's.

Ms. Taxin responded she believes student supervision should be direct as students are learning and should not be doing an activity by themselves. She stated the guidelines for supervision of students is through the University program as they are not regulated under the Recreational Therapy Practice Act or Rules until they are licensed.

Ms. Taxin read the definitions of General, Direct and Indirect supervision from the Division Act, 58-1. She then read the Recreational Therapy Practice Act regarding scope of practice and supervision of the TRT licensee, 58-40-6(3), and stated the Law is not clear if supervision should be direct or indirect. Ms. Taxin stated if the Law said "as further defined by Rule" then the Board could update the Rules as needed. She read the Rules under R156-40-102(7), regarding supervision. Ms. Taxin stated some agencies do not have a MTRS or TRS on-site, full-time to give the appropriate supervision.

Ms. France stated most agencies will not hire a full-time MTRS or TRS for direct supervision.

Ms. Nelson suggested a TRT be allowed to supervise a student in TRT activities under the direct supervision of the MTRS or TRS.

Ms. Taxin stated the Law would need to be changed to address the issue.

Ms. Call stated she believes the TRT education should be at a higher standard. She stated it would do no harm to say the licensing requirements are the minimum requirements.

Ms. Taxin responded there is no pre-requisite to apply for the recreation therapy program. She stated there should probably be a better screening process.

Ms. Taxin requested the Board and guests to review the supervision requirements of the TRT by a TRS or MTRS and make recommendations regarding how much supervision should be for a TRT, if they should have indirect supervision or direct supervision and clarify more regarding the duties of the MTRS/TRS

supervisor and how many hours a week should be required. She also requested them to consider clarifying what the supervisor should be reviewing and supervising. Ms. Taxin stated the Division has adopted definitions for general direct and indirect supervision but the Board may add to the definitions in their Rules.

Ms. France asked if there are other States who offer TRT licensing.

Ms. Taxin responded Oklahoma, New Hampshire, North Carolina and Utah offer TRT licensure. She stated she will review the Law and determine if changes can be made by Rule.

Mr. Park suggested the Board meet again to further discuss and make decisions on the Law and Rule issues.

Board members agreed to meet December 1, 2009 for further discussion.

Mr. Park suggested Ms. Taxin contact the educators to meet at the same time.

Further discussion will take place December 1, 2009.

Retired Volunteer Practitioner Act

Ms. Taxin informed the Board of three Legislative Bills presented at the 2009 Legislative session. She stated she recommended the Recreational Therapists be included in these Bills as it was appropriate.

Ms. Taxin stated the Retired Volunteer Practitioner Act allows people who have been licensed in the specific profession/occupation to work as a volunteer if they meet specific requirements. She stated for Recreational Therapy, the volunteer must have a current NCTRC certification and still meet licensure requirements for MTRS and TRS Volunteer certification. The TRT must have completed the practicum and taken and passed the Utah examination. She stated the Volunteer certification must be for volunteer work only and the volunteer must practice within their scope of practice as outlined in the Laws and Rules, ie: the TRT Volunteer must still be

supervised by an appropriate licensed MTRS's or TRS's.

Charitable Care Amendments

Ms. Taxin reported she recommended Recreational Therapy be included in this Bill when it was amended. This Act covers the uncompensated volunteer charity health care in exchange for limitation on liability for the health care facilities and professionals who provide these volunteer services. If the services are grossly negligent, willful or wanton the volunteer will not be covered.

Malpractice Amendments

Ms. Taxin stated the Malpractice Amendments address emergency care in the emergency room. She stated recreational therapy was also included in this bill. Ms. Taxin stated the Malpractice Act provides emergency care in good faith but is not immune from suit because of an expectation of payment and may only be liable for civil damages if fault is established. She stated the emergency room immunity does not apply under specific conditions which are outlined in the Act.

Board members thanked Ms. Taxin.

Board Training

Ms. Taxin conducted the annual Board training.

Ms. Taxin reviewed the Open and Public Meetings Act guidelines with formal Board meetings for business and reminded the Board that all Board meetings are recorded with the recording being retained for a year. She reviewed the guidelines for Board meetings and explained that Board business must be conducted in the formal Board meeting with an agenda having been posted 24 hours in advance for any interested public people to be able to attend. She explained that a quorum of Board members is required to make decisions with motions and votes. She explained that agenda items cannot be added after that 24 hours prior to a Board meeting period and will have to wait for the next scheduled Board meeting. Ms. Taxin explained the purpose for closing a meeting and stated that with the Open Public Meetings Act there are very few reasons to close a meeting and have the public leave. Ms. Taxin reviewed electronic (telephonic) participation by Board members and for interviews. She stated that Board members and public

visitors may be requested to leave a Board meeting if they are being disruptive. Ms. Taxin covered the issue of requesting a probationer, an applicant or any individual to leave the meeting for Board discussion and stated that meetings are open and comments should be made to the individual in order for them to understand the issues. She stressed the importance of Board members being professional, remembering that they are here to protect the public, to be fair, attentive and balanced in their comments and decisions. She stated that Board members should be respectful to each other as well as any visitors or people with appointments. She stated that they should listen and consider other view points; sometimes being creative but clear and open in communication and hold judgment until after all the facts have been presented. Ms. Taxin recommended that the Board review and be familiar with the Recreational Therapy Laws and Rules in order to make correct decisions. She stated that they should be positive role models.

The Board thanked Ms. Taxin for the information.

2010 Meeting Schedule

The Board noted meetings are scheduled for April 29 and October 28, 2010.

Ms. Call notified Ms. Taxin that she has a conflicting appointment and will be unable to attend a meeting on April 29, 2010.

Ms. Taxin stated the Board will review the schedule on December 1, 2009 and decide if the date should be changed or the meeting cancelled.

NEXT MEETING SCHEDULED FOR:

December 1, 2009

ADJOURN:

The time is 11:04 am and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

Date Approved

Chairperson, Utah Recreational Therapy Licensing Board

October 21, 2009
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing

Awaiting Formal Approval