

[Second Reprint]  
**ASSEMBLY, No. 1604**

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**STATE OF NEW JERSEY**  
**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman ANGELICA M. JIMENEZ**

**District 32 (Bergen and Hudson)**

**Senator TROY SINGLETON**

**District 7 (Burlington)**

**Co-Sponsored by:**

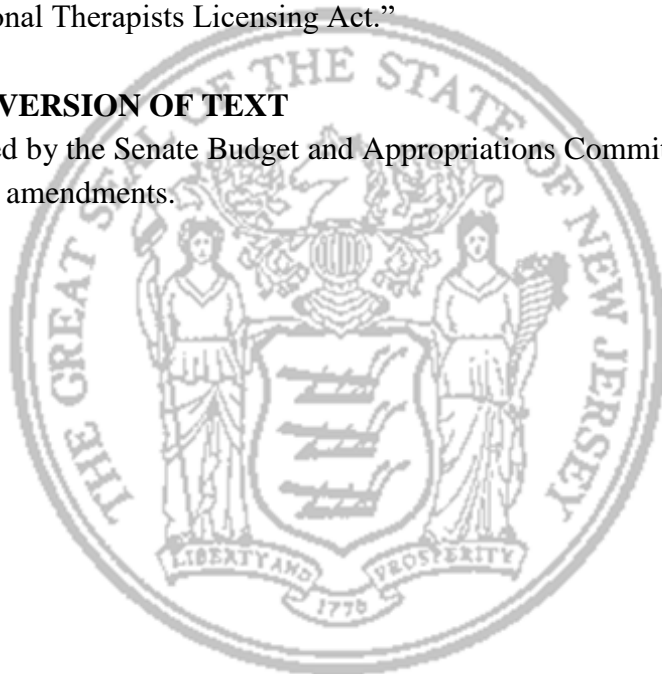
**Assemblyman Kennedy and Senator Cunningham**

**SYNOPSIS**

“Recreational Therapists Licensing Act.”

**CURRENT VERSION OF TEXT**

As reported by the Senate Budget and Appropriations Committee on January 6, 2020, with amendments.



**(Sponsorship Updated As Of: 1/14/2020)**

1 AN ACT providing for the licensure of recreational therapists,  
 2 <sup>1</sup>**[and]**<sup>1</sup> supplementing Title 45 of the Revised Statutes <sup>1</sup>, and  
 3 amending <sup>2</sup>**[P.L. , c. (C. )]**<sup>1</sup> P.L.2019, c.273 (C. ) <sup>2</sup>.  
 4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
 6 *of New Jersey:*  
 7

8 1. This act shall be known and may be cited as the  
 9 “Recreational Therapists Licensing Act.”  
 10

11 2. The Legislature finds and declares that the profession of  
 12 recreational therapy affects the public health, safety, and welfare of  
 13 the citizens of the State of New Jersey. It is therefore in the public  
 14 interest to regulate persons offering recreational therapy services  
 15 and to establish professional licensing and certification standards  
 16 for those persons presently practicing recreational therapy and for  
 17 those seeking to practice. Licensing and certification will enable  
 18 other professionals, health services providers, employers, and the  
 19 general public to recognize qualified practicing recreational  
 20 therapists, and will provide assurances that professionals engaged in  
 21 recreational therapy meet acceptable standards of education,  
 22 experience, ethics, and competency.  
 23

24 3. As used in this act:

25 “Board” means the State Board of <sup>1</sup>**[Medical Examiners]**  
 26 Creative Arts <sup>2</sup>and Activities<sup>2</sup> Therapies established in section 4 of  
 27 <sup>2</sup>**[P.L. , c. (C. ) (pending before the Legislature as Assembly**  
 28 Bill No. 1220 of 2018)]<sup>1</sup> P.L.2019, c.273 (C. ) <sup>2</sup> .

29 “Certified Therapeutic Recreation Specialist” (CTRS) means any  
 30 individual certified by the National Council for Therapeutic  
 31 Recreation Certification.

32 <sup>2</sup>**[“Committee” means the Recreational Therapy Advisory**  
 33 **Committee established pursuant to section 4 of this act.]**<sup>2</sup>

34 “Recreational therapist” means any person licensed to practice  
 35 recreational therapy pursuant to provisions of this act.

36 “Recreational therapy” means a systematic process utilizing  
 37 recreation, leisure, and play interventions for the treatment and  
 38 maintenance of functional abilities and the promotion of health and  
 39 wellness for individuals with disabilities or those affected by an  
 40 illness in order to accomplish any of the following:

41 (1) restoring or remediating an individual’s participation levels  
 42 in recreation and leisure activities that may be limited due to an  
 43 impairment in physical, social, cognitive, or emotional abilities;

44 (2) reducing or eliminating limitations or restrictions to  
 45 participation in recreation, leisure, and play activities; or

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SCM committee amendments adopted December 12, 2019.

<sup>2</sup>Senate SBA committee amendments adopted January 6, 2020.

- 1 (3) using recreational modalities in designed intervention
- 2 strategies to maximize physical, social, cognitive, or emotional
- 3 abilities to promote participation in recreation and leisure activities.
- 4 “Recreational therapy services” means those services provided
- 5 for the purpose of accomplishing recreational therapy goals
- 6 including:
- 7 (1) conducting an individualized assessment for the purpose of
- 8 collecting systematic, comprehensive, and accurate data necessary
- 9 to determine the course of action and subsequent individualized
- 10 treatment plan;
- 11 (2) planning and developing an individualized recreational
- 12 therapy treatment plan that identifies an individual's goals,
- 13 objectives, and potential treatment intervention strategies for play,
- 14 recreation, leisure, and related community activities;
- 15 (3) implementing an individualized recreational therapy
- 16 treatment plan that is consistent with the overall treatment plan;
- 17 (4) systematically evaluating and comparing the individual's
- 18 response to the individualized recreational therapy treatment plan
- 19 and making modifications as appropriate;
- 20 (5) developing a discharge plan in collaboration with the
- 21 individual and the individual's family, treatment team, and other
- 22 identified support networks where appropriate;
- 23 (6) identifying and training in the use of adaptive play,
- 24 recreation, and leisure equipment;
- 25 (7) identifying, providing, and educating individuals to use play,
- 26 recreation, leisure, and community resources that support a healthy,
- 27 active, and engaged life;
- 28 (8) providing leisure education and counseling to address issues
- 29 that hinder health and engagement in play, recreation, leisure, and
- 30 related community activities;
- 31 (9) providing community integration, reintegration, inclusion,
- 32 and transitioning services to maximize health and participation in
- 33 play, recreation, leisure, and related community activities;
- 34 (10) addressing functional skill recovery, development, or
- 35 maintenance related to health and participation in play, recreation,
- 36 leisure, and community activities and utilizing play, recreation, and
- 37 leisure activities as modalities to advance health and functioning;
- 38 (11) assisting individuals in constructing a healthy leisure
- 39 lifestyle that supports continued recovery, health promotion, and
- 40 quality of life;
- 41 (12) providing play, recreation, and leisure opportunities for
- 42 individuals with illness, disability, or challenges for therapeutic
- 43 purposes; or
- 44 (13) consulting with groups, programs, organizations, or
- 45 communities to improve physical, social, and programmatic
- 46 accessibility in recreational and leisure activities.

1 “Related community activities” means those activities necessary  
2 for individuals to participate in recreation and leisure at home and  
3 in the community.  
4

5 <sup>2</sup>[4. There is created within the Division of Consumer Affairs in  
6 the Department of Law and Public Safety under the State Board of  
7 <sup>1</sup>[Medical Examiners] Creative Arts Therapies established in  
8 section 4 of P.L. , c. (C. ) (pending before the Legislature as  
9 Assembly Bill No. 1220 of 2018)<sup>1</sup> a Recreational Therapy Advisory  
10 Committee. The Recreational Therapy Advisory Committee shall  
11 consist of five members who are residents of the State. All members  
12 shall have been actively engaged in the practice of recreational  
13 therapy in this State for at least five years immediately preceding  
14 their appointment, and except for the members first appointed, shall  
15 all be licensed recreational therapists. The members first appointed  
16 to the committee shall be qualified for licensure pursuant to the  
17 provisions of this act and shall become licensed recreational  
18 therapists as soon as practical.

19 The Governor, with the advice and consent of the Senate, shall  
20 appoint each member of the committee for three years, except that  
21 of the members first appointed, three shall serve for a term of three  
22 years and two shall serve for a term of two years. Any vacancy in  
23 the membership shall be filled for the unexpired term in the manner  
24 provided by the original appointment. No member of the committee  
25 may serve more than two successive terms in addition to any  
26 unexpired term to which the member has been appointed.

27 The Governor may remove any member of the committee for  
28 misconduct, incompetency, or neglect of duty after providing the  
29 committee member with a written statement of charges and an  
30 opportunity for a hearing.]<sup>2</sup>  
31

32 <sup>2</sup>[5. Members of the committee shall be reimbursed for  
33 expenses and provided with the office, meeting facilities, and  
34 personnel required for the proper conduct of the business of the  
35 committee.]<sup>2</sup>  
36

37 <sup>2</sup>[6. The committee shall organize within 30 days after the  
38 appointment of its members and shall annually elect from among its  
39 members a chairperson and a vice-chairperson, and may appoint a  
40 secretary, who need not be a member of the committee. The  
41 committee shall meet at least twice a year and may hold additional  
42 meetings as necessary to discharge its duties. A majority of the  
43 committee membership shall constitute a quorum.]<sup>2</sup>  
44

45 <sup>2</sup>[7.] <sup>4.2</sup> The <sup>2</sup>[committee] State Board of Creative Arts and  
46 Activities Therapies<sup>2</sup> shall <sup>2</sup>[have the following powers and  
47 duties]<sup>2</sup>:

- 1 a. evaluate the qualifications and make a determination of the
- 2 eligibility for licensure of all applicants under this act, attesting to
- 3 the applicant's professional qualification to practice as a licensed
- 4 recreational therapist;
- 5 b. issue and renew licenses for recreational therapists pursuant
- 6 to the provisions of this act;
- 7 c. investigate allegations of and conduct hearings regarding
- 8 misconduct or violations of provisions of this act;
- 9 d. suspend, revoke, or fail to renew the license of a recreational
- 10 therapist pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);
- 11 e. maintain a list of the names and addresses of all licensed
- 12 recreational therapists who are licensed under this act;
- 13 f. establish standards for the continuing education of licensed
- 14 recreational therapists;
- 15 g. prescribe or change the fees for licensures, renewals, and
- 16 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
- 17 seq.); and
- 18 h. promulgate rules and regulations to carry out matters
- 19 <sup>2</sup>**[delegated to the committee by the board]**<sup>2</sup> concerning any
- 20 provisions of this act, in conformance with the "Administrative
- 21 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
- 22
- 23 <sup>2</sup>**[8.]** 5.<sup>2</sup> a. No person shall practice or indicate an ability to
- 24 practice recreational therapy, whether or not compensation is
- 25 received or expected; make any representation as a recreational
- 26 therapist; use the term "recreational therapist," "licensed
- 27 recreational therapist," the initials "CTRS," "CTRS/L," or other
- 28 similar terms or abbreviations; or provide recreational therapy
- 29 services unless the person holds a valid license to practice in this
- 30 State.
- 31 b. Only an individual may be licensed to practice recreational
- 32 therapy within the State. No firm, partnership, association or
- 33 corporation may advertise or otherwise offer to provide or convey
- 34 the impression that it is providing recreational therapy services
- 35 unless an individual holding a current valid license pursuant to the
- 36 provisions of this act shall be rendering the recreational therapy
- 37 services.
- 38
- 39 <sup>2</sup>**[9.]** 6.<sup>2</sup> Nothing in this act shall be construed to apply to:
- 40 a. the activities and services of qualified members of other
- 41 professions licensed by the State, when acting within the scope of
- 42 their profession and doing work of a nature consistent with their
- 43 training, provided they do not hold themselves out to the public as
- 44 possessing a license issued pursuant to this act or represent
- 45 themselves by any professional designation protected by this act;
- 46 b. any person enrolled in a course of study leading to a degree
- 47 or certificate in therapeutic recreation who is performing
- 48 recreational therapy services incidental to the person's course work

1 when supervised by a licensed professional, if the person is  
2 designated by a title which clearly indicates his or her status as a  
3 student;

4 c. any therapeutic recreation assistant providing therapeutic  
5 recreation services under the direct supervision of a licensed  
6 therapeutic recreation specialist. Such an individual would not be  
7 permitted to conduct assessments and/or develop treatment plans; or

8 d. any individual providing recreational or activity programs to  
9 a person with disabilities as a normal part of the leisure lifestyle of  
10 the person with disabilities.

11

12 <sup>2</sup>[10.] 7.<sup>2</sup> To be eligible for licensure as a recreational therapist,  
13 an applicant shall <sup>2</sup>[fulfill the following requirements]<sup>2</sup>:

14 a. be at least 18 years of age;

15 b. be of good moral character;

16 c. submit to the <sup>2</sup>[committee] board<sup>2</sup> evidence of having  
17 successfully completed a bachelor level program or higher in  
18 recreational therapy or therapeutic recreation, or a bachelor level  
19 program or higher in a related field which includes courses  
20 pertaining to recreational therapy or therapeutic recreation as  
21 required for certification by the National Council for Therapeutic  
22 Recreation Certification; and

23 d. submit to the <sup>2</sup>[committee] board<sup>2</sup> evidence of having  
24 successfully completed all certification requirements for, and  
25 maintained certification as, a certified therapeutic recreational  
26 specialist by the National Council for Therapeutic Recreation  
27 Certification.

28

29 <sup>2</sup>[11.] 8.<sup>2</sup> a. The <sup>2</sup>[committee] board<sup>2</sup> shall issue a license to  
30 any applicant who, in the opinion of the <sup>2</sup>[committee] board<sup>2</sup>, has  
31 satisfactorily met all the requirements of this act.

32 b. All licenses shall be issued for a two year period upon the  
33 payment of the prescribed licensure fee and the submission of a  
34 written application, and shall be renewed upon filing a renewal  
35 application, payment of a renewal fee, and presentation of  
36 satisfactory evidence to the <sup>2</sup>[committee] board<sup>2</sup> of certification as  
37 a certified therapeutic recreational specialist by the National  
38 Council for Therapeutic Recreation Certification.

39

40 <sup>2</sup>[12.] 9.<sup>2</sup> Upon payment to the board of a prescribed fee and  
41 the submission of a written application, the <sup>2</sup>[committee] board<sup>2</sup>  
42 may grant a license to any person who is licensed by a  
43 governmental agency located in another state if the requirements of  
44 that licensure are substantially equivalent to the requirements of this  
45 act, as determined by the <sup>2</sup>[committee] board<sup>2</sup>.

1       <sup>2</sup>[13.] 10.<sup>2</sup> A recreational therapist licensed pursuant to the  
 2 provisions of this act shall not disclose any confidential information  
 3 that the therapist may have acquired while performing recreational  
 4 therapy services for a client unless in accordance with the federal  
 5 health privacy rules set forth at 45 CFR Parts 160 and 164.

6  
 7       <sup>2</sup>[<sup>1</sup>14.] 11.<sup>2</sup> Section 4 of <sup>2</sup>[P.L. , c. (pending before the  
 8 Legislature as Assembly Bill No. 1220 of 2018)<sup>1</sup>] P.L.2019, c.273  
 9 (C. )<sup>2</sup> is amended to read as follows:

10       4. There is created within the Division of Consumer Affairs in  
 11 the Department of Law and Public Safety, the State Board of  
 12 Creative Arts <sup>2</sup>and Activities<sup>2</sup> Therapies. The board shall consist of  
 13 <sup>2</sup>[eleven] thirteen<sup>2</sup> members who are residents of the State. Except  
 14 for the members first appointed: <sup>1</sup>[eight] <sup>2</sup>[seven<sup>1</sup>] ten<sup>2</sup> of the  
 15 members shall be therapists who are licensed in creative arts  
 16 therapies <sup>2</sup>or activities therapies<sup>2</sup>, including but not limited to <sup>2</sup>two  
 17 members licensed in<sup>2</sup> art therapy, <sup>2</sup>two members licensed in<sup>2</sup>  
 18 dance/movement therapy, <sup>2</sup>two members licensed in<sup>2</sup> drama  
 19 therapy, <sup>2</sup>two members licensed in recreational therapy,<sup>2</sup> and <sup>2</sup>two  
 20 members licensed in<sup>2</sup> music therapy under the provisions of <sup>2</sup>[this  
 21 act] the “Art Therapist Licensing Act,” P.L.2015, c.199 (C.45:8B-  
 22 51 et seq.), the “Creative Arts Therapies Licensing Act,” P.L.2019,  
 23 c.273 (C. ), the “Recreational Therapists Licensing Act,”  
 24 P.L. , c. (C. ) (pending before the Legislature as this bill), or  
 25 the “Music Therapist Licensing Act,” P.L. , c. (C. ) (pending  
 26 before the Legislature as Senate Bill No. 1687 or Assembly Bill No.  
 27 2183 of 2018), as applicable,<sup>2</sup> and shall have been actively engaged  
 28 in the practice of a creative arts therapy <sup>2</sup>or activities therapy<sup>2</sup> for at  
 29 least five years immediately preceding their appointment. <sup>2</sup>[<sup>1</sup>One  
 30 member shall be licensed as a recreational therapist pursuant to the  
 31 provisions of P.L. , c. (C. ) (pending before the Legislature  
 32 as Senate Bill No. 2734 and Assembly Bill No. 1604 of 2018).<sup>1</sup>]<sup>2</sup>  
 33 The remaining members shall be public members. <sup>2</sup>The members  
 34 first appointed shall include: two members licensed in art therapy,  
 35 two members who practice dance/movement therapy, two members  
 36 who practice drama therapy, two members who practice recreational  
 37 therapy, and two members who practice music therapy.<sup>2</sup>

38       The Governor shall appoint the members with the advice and  
 39 consent of the Senate. Each member shall be appointed for a term  
 40 of three years, except that of the members first appointed, <sup>2</sup>[three]  
 41 five<sup>2</sup> shall serve for a term of three years, <sup>2</sup>[two] five<sup>2</sup> shall serve  
 42 for a term of two years and <sup>2</sup>[one] three<sup>2</sup> shall serve for a term of  
 43 one year. Each member shall hold office until his successor has  
 44 been qualified and appointed. Any vacancy in the membership of  
 45 the board shall be filled for the unexpired term in the manner  
 46 provided for in the original appointment. No member of the board

1 may serve more than two successive terms in addition to any  
2 unexpired term to which the member has been appointed.<sup>1</sup>

3 (cf: P.L.2019, c.273, s.4)

4  
5 <sup>2</sup>12. Section 3 of P.L.2019, c.273 (C. ) is amended to read  
6 as follows:

7 3. As used in this act:

8 “Board” means the State Board of Creative Arts **【Therapists】**  
9 and Activities Therapies.

10 “Board Certified Dance/Movement Therapist” means a person  
11 who practices dance movement therapy and is certified by the  
12 Dance/Movement Therapy Certification Board.

13 “Creative arts therapist” means any person licensed to practice a  
14 creative arts therapy pursuant to the provisions of this act.

15 “Creative arts therapy” means the integrated use of  
16 psychotherapeutic principles with art media, the creative process,  
17 creative expression, or creative movement to assist individuals,  
18 families or groups in:

19 (1) increasing awareness of self and others;

20 (2) coping with symptoms, stress, and traumatic experiences;

21 (3) enhancing cognitive abilities;

22 (4) identifying and assessing clients’ needs in order to  
23 implement therapeutic intervention to meet developmental,  
24 behavioral, mental, and emotional needs; and

25 (5) other related psychotherapeutic remedies.

26 “Dance/movement therapist” means any person licensed to  
27 practice dance/movement therapy pursuant to the provisions of this  
28 act.

29 “Dance/movement therapy” means the integrated use of  
30 dance/movement and psychotherapeutic principles in a creative  
31 process which furthers the emotional, physical, cognitive, and  
32 social integration of the individual by utilizing, as a behavioral  
33 health discipline, the application of fundamental mental health,  
34 psychological, developmental and mind/body principles in order to:  
35 (1) facilitate human development and adjustment throughout the  
36 lifespan; (2) identify and assess clients with mental, emotional, or  
37 behavioral disorders that interfere with mental health or adequate  
38 functioning in order to implement therapeutic intervention to meet  
39 developmental, behavioral, mental and emotional needs; (3)  
40 conduct assessment for the purposes of evaluation and establishing  
41 treatment goals and objectives; and (4) plan, implement and  
42 evaluate treatment interventions designed to meet developmental,  
43 behavioral, mental and emotional needs for individuals or groups.

44 “Drama therapist” means any person licensed to practice drama  
45 therapy pursuant to the provisions of this act.

46 “Drama therapy” means the integrated use of psychotherapeutic  
47 principles, theater and creative processes to further the emotional,  
48 physical, cognitive, and social well-being of the individual. As a



1 behavioral health discipline, the application of fundamental mental  
2 health, psychological, developmental, and mind/body principles are  
3 synthesized in an experiential process in order to: (1) facilitate  
4 human development and adjustment throughout the lifespan; (2)  
5 identify and assess clients with mental, emotional or behavioral  
6 disorders that interfere with mental health or adequate functioning  
7 in order to implement therapeutic intervention to meet  
8 developmental, behavioral, mental and emotional needs; (3)  
9 conduct assessment for the purposes of evaluation and establishing  
10 treatment goals and objectives; and (4) plan, implement and  
11 evaluate treatment interventions designed to meet developmental,  
12 behavioral, mental, and emotional needs for individuals or groups.

13 “Drama Therapy Board Certified Trainer” means a person who  
14 has been practicing drama therapy for a minimum of five years and  
15 is certified by the North American Drama Therapy Association.

16 “Licensed associate art therapist” means an individual who holds  
17 a current, valid license issued pursuant to section 11 of P.L.2015,  
18 c.199 (C.45:8B-61).

19 “Licensed associate dance/movement therapist” means an  
20 individual who holds a current, valid license issued pursuant to  
21 section 13 of this act.

22 “Licensed associate drama therapist” means an individual who  
23 holds a current, valid license issued pursuant to section 12 of this  
24 act.

25 “Licensed clinical dance/movement therapist” means an  
26 individual who holds a current, valid license issued pursuant to  
27 section 11 of this act.

28 “Licensed clinical drama therapist” means an individual who  
29 holds a current, valid license issued pursuant to section 10 of this  
30 act.

31 “Licensed professional art therapist” means an individual who  
32 holds a current, valid license issued pursuant to section 10 of  
33 P.L.2015, c.199 (C.45:8B-60).

34 “Registered Dance/Movement Therapist” (R-DMT) means a  
35 person who practices dance/movement therapy and is registered by  
36 the Dance/Movement Therapy Certification Board.

37 “Registered Drama Therapist” means a person who practices  
38 drama therapy and is registered by the North American Drama  
39 Therapy Association.

40 “Supervision” means: (1) ensuring that the extent, kind, and  
41 quality of creative arts therapy performed, as the case may be, is  
42 consistent with the education, training, and experience of the person  
43 being supervised; (2) reviewing client or patient records,  
44 monitoring and evaluating assessment, and treatment decisions of a  
45 creative arts therapy supervisee; (3) monitoring and evaluating the  
46 ability of the licensed associate in a creative arts therapy to provide  
47 services to the particular clientele at the site or sites where he will  
48 be practicing; (4) ensuring compliance with laws and regulations

governing the practice of a licensed professional in a creative arts therapy; and (5) completing that amount of direct observation, or review of audio or videotapes of a creative arts therapy, as deemed appropriate by the board.<sup>2</sup>

(cf: P.L.2019, c.273, s.4)

<sup>2</sup>13. Section 23 of P.L.2019, c.273 (C. ) is amended to read as follows:

23. The Art Therapists Advisory Committee created within the Division of Consumer Affairs in the Department of Law and Public Safety, under the State Board of Marriage and Family Therapy under section 4 of P.L.2015, c.199 (C.45:8B-54) is hereby abolished, and all of its powers, functions, and duties are continued in the State Board of Creative Arts and Activities Therapies. All appropriations and other moneys available and to become available to the Art Therapists Advisory Committee are hereby continued in the board and shall be available for the objects and purposes for which such moneys are appropriated subject to any terms, restrictions, limitations, or other requirements imposed by State or federal law. Whenever, in any law, rule, regulation, order, contract, document, judicial or administrative proceeding, or otherwise, reference is made to the Art Therapists Advisory Committee, the same shall mean and refer to the State Board of Creative Arts and Activities Therapies within the Division of Consumer Affairs in the Department of Law and Public Safety. <sup>2</sup>

(cf: P.L.2019, c.273, s.4)

<sup>1</sup>[14. This] <sup>2</sup>[15.] 14.<sup>2</sup> Sections 1 through <sup>2</sup>[13] 10<sup>2</sup> of this<sup>1</sup> act shall take effect on the 180th day next following the date of enactment <sup>2</sup>[, except that section 4] and the remainder of this act<sup>2</sup> shall take effect immediately <sup>2</sup>[and the committee may take such anticipatory administrative action in advance of enactment as shall be necessary for the implementation of this act <sup>1</sup>, and section 14 shall take effect upon the enactment of P.L. , c. (C. ) (pending before the Legislature as Assembly Bill No. 1220 of 2018)]<sup>1</sup><sup>2</sup>.