

SENATE, No. 2734

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 18, 2018

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

SYNOPSIS

“Recreational Therapists Licensing Act.”

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT providing for the licensure of recreational therapists, and
2 supplementing Title 45 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. This act shall be known and may be cited as the
8 “Recreational Therapists Licensing Act.”

9
10 2. The Legislature finds and declares that the profession of
11 recreational therapy affects the public health, safety, and welfare of
12 the citizens of the State of New Jersey. It is therefore in the public
13 interest to regulate persons offering recreational therapy services
14 and to establish professional licensing and certification standards
15 for those persons presently practicing recreational therapy and for
16 those seeking to practice. Licensing and certification will enable
17 other professionals, health services providers, employers, and the
18 general public to recognize qualified practicing recreational
19 therapists, and will provide assurances that professionals engaged in
20 recreational therapy meet acceptable standards of education,
21 experience, ethics, and competency.

22
23 3. As used in this act:

24 “Board” means the State Board of Medical Examiners.

25 “Certified Therapeutic Recreation Specialist” (CTRS) means any
26 individual certified by the National Council for Therapeutic
27 Recreation Certification.

28 “Committee” means the Recreational Therapy Advisory
29 Committee established pursuant to section 4 of this act.

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

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

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

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

42 (3) using recreational modalities in designed intervention
43 strategies to maximize physical, social, cognitive, or emotional
44 abilities to promote participation in recreation and leisure activities.

45 “Recreational therapy services” means those services provided
46 for the purpose of accomplishing recreational therapy goals
47 including:

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

1 members who are residents of the State. All members shall have
2 been actively engaged in the practice of recreational therapy in this
3 State for at least five years immediately preceding their
4 appointment, and except for the members first appointed, shall all
5 be licensed recreational therapists. The members first appointed to
6 the committee shall be qualified for licensure pursuant to the
7 provisions of this act and shall become licensed recreational
8 therapists as soon as practical.

9 The Governor, with the advice and consent of the Senate, shall
10 appoint each member of the committee for three years, except that
11 of the members first appointed, three shall serve for a term of three
12 years and two shall serve for a term of two years. Any vacancy in
13 the membership shall be filled for the unexpired term in the manner
14 provided by the original appointment. No member of the committee
15 may serve more than two successive terms in addition to any
16 unexpired term to which the member has been appointed.

17 The Governor may remove any member of the committee for
18 misconduct, incompetency, or neglect of duty after providing the
19 committee member with a written statement of charges and an
20 opportunity for a hearing.

21

22 5. Members of the committee shall be reimbursed for expenses
23 and provided with the office, meeting facilities, and personnel
24 required for the proper conduct of the business of the committee.

25

26 6. The committee shall organize within 30 days after the
27 appointment of its members and shall annually elect from among its
28 members a chairperson and a vice-chairperson, and may appoint a
29 secretary, who need not be a member of the committee. The
30 committee shall meet at least twice a year and may hold additional
31 meetings as necessary to discharge its duties. A majority of the
32 committee membership shall constitute a quorum.

33

34 7. The committee shall have the following powers and duties:

35 a. evaluate the qualifications and make a determination of the
36 eligibility for licensure of all applicants under this act, attesting to
37 the applicant's professional qualification to practice as a licensed
38 recreational therapist;

39 b. issue and renew licenses for recreational therapists pursuant
40 to the provisions of this act;

41 c. investigate allegations of and conduct hearings regarding
42 misconduct or violations of provisions of this act;

43 d. suspend, revoke, or fail to renew the license of a recreational
44 therapist pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);

45 e. maintain a list of the names and addresses of all licensed
46 recreational therapists who are licensed under this act;

47 f. establish standards for the continuing education of licensed
48 recreational therapists;

1 g. prescribe or change the fees for licensures, renewals, and
2 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
3 seq.); and

4 h. promulgate rules and regulations to carry out matters
5 delegated to the committee by the board concerning any provisions
6 of this act, in conformance with the "Administrative Procedure
7 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
8

9 8. a. No person shall practice or indicate an ability to practice
10 recreational therapy, whether or not compensation is received or
11 expected; make any representation as a recreational therapist; use
12 the term "recreational therapist," "licensed recreational therapist,"
13 the initials "CTRS," "CTRS/L," or other similar terms or
14 abbreviations; or provide recreational therapy services unless the
15 person holds a valid license to practice in this State.

16 b. Only an individual may be licensed to practice recreational
17 therapy within the State. No firm, partnership, association or
18 corporation may advertise or otherwise offer to provide or convey
19 the impression that it is providing recreational therapy services
20 unless an individual holding a current valid license pursuant to the
21 provisions of this act shall be rendering the recreational therapy
22 services.
23

24 9. Nothing in this act shall be construed to apply to:

25 a. the activities and services of qualified members of other
26 professions licensed by the State, when acting within the scope of
27 their profession and doing work of a nature consistent with their
28 training, provided they do not hold themselves out to the public as
29 possessing a license issued pursuant to this act or represent
30 themselves by any professional designation protected by this act;

31 b. any person enrolled in a course of study leading to a degree
32 or certificate in therapeutic recreation who is performing
33 recreational therapy services incidental to the person's course work
34 when supervised by a licensed professional, if the person is
35 designated by a title which clearly indicates his or her status as a
36 student;

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

41 d. any individual providing recreational or activity programs to
42 a person with disabilities as a normal part of the leisure lifestyle of
43 the person with disabilities.
44

45 10. To be eligible for licensure as a recreational therapist, an
46 applicant shall fulfill the following requirements:

47 a. be at least 18 years of age;

48 b. be of good moral character;

1 c. submit to the committee evidence of having successfully
2 completed a bachelor level program or higher in recreational
3 therapy or therapeutic recreation, or a bachelor level program or
4 higher in a related field which includes courses pertaining to
5 recreational therapy or therapeutic recreation as required for
6 certification by the National Council for Therapeutic Recreation
7 Certification; and

8 d. submit to the committee evidence of having successfully
9 completed all certification requirements for, and maintained
10 certification as, a certified therapeutic recreational specialist by the
11 National Council for Therapeutic Recreation Certification.

12
13 11. a. The committee shall issue a license to any applicant who,
14 in the opinion of the committee, has satisfactorily met all the
15 requirements of this act.

16 b. All licenses shall be issued for a two year period upon the
17 payment of the prescribed licensure fee and the submission of a
18 written application, and shall be renewed upon filing a renewal
19 application, payment of a renewal fee, and presentation of
20 satisfactory evidence to the committee of certification as a certified
21 therapeutic recreational specialist by the National Council for
22 Therapeutic Recreation Certification.

23
24 12. Upon payment to the board of a prescribed fee and the
25 submission of a written application, the committee may grant a
26 license to any person who is licensed by a governmental agency
27 located in another state if the requirements of that licensure are
28 substantially equivalent to the requirements of this act, as
29 determined by the committee.

30
31 13. A recreational therapist licensed pursuant to the provisions
32 of this act shall not disclose any confidential information that the
33 therapist may have acquired while performing recreational therapy
34 services for a client unless in accordance with the federal health
35 privacy rules set forth at 45 CFR Parts 160 and 164.

36
37 14. This act shall take effect on the 180th day next following the
38 date of enactment, except that section 4 shall take effect
39 immediately and the committee may take such anticipatory
40 administrative action in advance of enactment as shall be necessary
41 for the implementation of this act.

42
43
44 STATEMENT

45
46 This bill provides for the licensure of recreational therapists. As
47 defined under the bill, “recreational therapy” means a systematic
48 process utilizing recreation, leisure, and play interventions for the

1 treatment and maintenance of functional abilities and the promotion
2 of health and wellness for individuals with disabilities or those
3 affected by an illness in order to accomplish certain physical, social
4 cognitive, and emotional goals. This bill also establishes the
5 Recreational Therapy Advisory Committee in the Division of
6 Consumer Affairs under the State Board of Medical Examiners in
7 the Department of Law and Public Safety.

8 The committee is to consist of five members, appointed by the
9 Governor with the advice and consent of the Senate, who are
10 residents of the State and who have been actively engaged in the
11 practice of recreational therapy for at least five years immediately
12 preceding their appointment. Except for the members first
13 appointed, all members must be licensed recreational therapists.
14 However, the members first appointed to the committee must be
15 qualified for licensure pursuant to the provisions of the bill and
16 must become licensed recreational therapists as soon as practical.

17 To be eligible for licensure as a recreational therapist, an
18 applicant must be at least 18 years of age and be of good moral
19 character. In addition, the applicant must submit to the committee
20 evidence of: 1) having successfully completed a bachelor level
21 program or higher in recreational therapy or therapeutic recreation,
22 or a bachelor level program or higher in a related field which
23 includes courses pertaining to recreational therapy or therapeutic
24 recreation as required for certification by the National Council for
25 Therapeutic Recreation Certification; and 2) having successfully
26 completed all certification requirements for, and maintained
27 certification as, a certified therapeutic recreational specialist by the
28 National Council for Therapeutic Recreation Certification.

29 Under the bill, recreational therapist licenses are issued for a
30 two-year period upon the payment of the prescribed licensure fee
31 and the submission of a written application. The license may be
32 renewed upon filing a renewal application, payment of a renewal
33 fee, and presentation of satisfactory evidence to the committee of
34 certification as a certified therapeutic recreational specialist by the
35 National Council for Therapeutic Recreation Certification. The
36 committee is permitted to grant a license to any person who at the
37 time of application submission and payment of a licensure fee is
38 licensed by a governmental agency located in another state if the
39 requirements of that licensure are substantially equivalent to the
40 requirements of the bill, as determined by the committee.

41 The bill provides that no person is permitted to practice or
42 indicate an ability to practice recreational therapy, whether or not
43 compensation is received or expected; make any representation as a
44 recreational therapist; use the term "recreational therapist,"
45 "licensed recreational therapist," the initials "CTRS," "CTRS/L," or
46 other similar terms or abbreviations; or provide recreational therapy
47 services unless the person holds a valid license to practice in this

1 State. Furthermore, the bill provides that only an individual may be
2 licensed to practice recreational therapy within the State.

3 This bill does not apply to: the activities and services of qualified
4 members of other professions licensed by the State, when acting
5 within the scope of their profession and doing work of a nature
6 consistent with their training; any student enrolled in a course of
7 study leading to a degree or certificate in therapeutic recreation,
8 when supervised by a licensed professional, who is performing
9 recreational therapy services incidental to the student's course work;
10 any therapeutic recreation assistant providing therapeutic recreation
11 services under the direct supervision of a licensed therapeutic
12 recreation specialist; or any individual providing recreational or
13 activity programs to a person with disabilities as a normal part of
14 the leisure lifestyle of the person with disabilities.