

House Bill 501

By: Representative Tankersley of the 160<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to require licensure of recreational therapists; to provide for definitions; to create the Georgia Board of Recreational Therapy; to provide for establishment, appointment, and membership of the board; to provide for powers, duties, and meetings of the board; to provide for licensure application, qualifications, and renewals; to prohibit the unauthorized practice of recreational therapy; to provide for continuing education requirements; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to read as follows:

"CHAPTER 40A

43-40A-1.

As used in this chapter, the term:

(1) 'Board' means the Georgia Board of Recreational Therapy established pursuant to Code Section 43-40A-2.

(2) 'Recreational therapist' means any individual who administers recreational therapy for compensation.

(3) 'Recreational therapy' means a treatment service designed to restore, remediate, and rehabilitate a person's level of functioning and independence in life activities, to promote health and wellness, and reduce or eliminate the activity limitations and restrictions to participation in life situations caused by an illness or disabling condition. Such treatment services shall include, but shall not be limited to:

- 25 (A) Remediating or restoring an individual's participation levels that are limited due  
26 to impairment in physical, cognitive, social, or emotional abilities;
- 27 (B) Analyzing and evaluating recreational and psychosocial activities to determine the  
28 physical, social, and programmatic elements necessary for involvement and modifying  
29 those elements to promote full participation and maximization of functional  
30 independence;
- 31 (C) Using recreational modalities in designed intervention strategies to maximize  
32 physical, cognitive, social, or emotional abilities;
- 33 (D) Incorporating the individual's interests and the individual's family and community  
34 to maximize relevance to the individual's goals;
- 35 (E) Promoting the concept of healthy living into treatment strategies to decrease the  
36 potential for secondary conditions;
- 37 (F) Developing community support and encouraging attitudinal changes to reflect  
38 dignity, self-respect, and involvement within one's community;
- 39 (G) Fostering peer and intergenerational relationships;
- 40 (H) Conducting an individualized assessment for the purpose of collecting systematic,  
41 comprehensive, and accurate data necessary to determine the course of action and  
42 subsequent individualized treatment plan;
- 43 (I) Planning and developing the individualized treatment plan that identifies an  
44 individual's goals, objectives, and treatment intervention strategies;
- 45 (J) Implementing the individualized treatment plan that is consistent with the overall  
46 treatment program;
- 47 (K) Systematically evaluating and comparing the individual's response to the  
48 individualized treatment plan and suggesting modifications as appropriate;
- 49 (L) Developing a discharge plan in collaboration with the individual, the individual's  
50 family, and other treatment team members;
- 51 (M) Identifying, designing, fabricating, applying, or training in the use of adaptive  
52 recreational equipment;
- 53 (N) Identifying, applying, and evaluating the use of noninvasive and  
54 nonpharmacological approaches to reduce or alleviate pain or manage pain to minimize  
55 its impact upon participation;
- 56 (O) Identifying, providing, and educating individuals to use resources that support a  
57 healthy, active, and engaged life;
- 58 (P) Minimizing the impact of environmental constraints as a barrier to participation;
- 59 (Q) Collaborating with and educating the individual, family, caregiver, and others to  
60 foster an environment that is responsive to the needs of the individual; or

(R) Consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility.

43-40A-2.

(a) There is created the Georgia Board of Recreational Therapy which shall consist of five members. The board shall be assigned to the Secretary of State's office for administrative purposes and shall be under the jurisdiction of the division director and shall operate in accordance with and pursuant to the provisions of Chapter 1 of this title, as applicable.

(b) The Governor shall appoint, subject to confirmation by the Senate, all members of the board for initial terms of office beginning July 1, 2017. The Governor shall appoint two initial members of the board to serve for terms of two years and three initial members of the board, including the public member, to serve for terms of four years. After the initial terms specified in this subsection, members of the board shall take office on the first day of July immediately following the expired term of that office and shall serve for a term of four years and until their successors are appointed and qualified. Any person appointed to the board when the Senate is not in session may serve on the board without Senate confirmation until the Senate acts on that appointment. No member shall serve on the board for more than two full consecutive terms. Any vacancy due to death, resignation, removal, or otherwise shall be filled for the remainder of the unexpired term in the same manner as regular appointments.

(c) All members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

43-40A-3.

(a)(1) There shall be four professional members of the board who shall:

(A) Be citizens of the United States and residents of this state for at least three years prior to the date of appointment;

(B) Have been engaged in recreational therapy practice for compensation for at least five years immediately preceding their appointment; and

(C) Be eligible for licensure under this chapter. Effective July 1, 2018, and thereafter, all professional members of the board shall be licensed under this chapter.

(2) No more than one professional member of the board may be an owner of or affiliated with any recreational therapy school.

(b) There shall be one consumer member of the board who shall be appointed by the Governor from the public at large, shall be a citizen of the United States and resident of this state, and shall be a person to whom neither this state nor any other state or jurisdiction or organization has ever issued a certificate, registration, license, or permit to engage in the

practice of recreational therapy nor be an owner of or affiliated with any recreational therapy school.

(c) The Governor may remove any member of the board for incompetence, neglect of duty, unprofessional conduct, conviction of a felony, failure to meet the qualifications of this chapter, or committing any act prohibited by this chapter or any rules and regulations of the board.

43-40A-4.

The board shall meet at least once each year at a time fixed by the board. At its annual meeting, the board shall elect from its members a chairperson, vice chairperson, and any other officers as deemed necessary who shall hold office for a term of one year. Additionally, the board may appoint such committees as it considers necessary to fulfill its duties. In addition to its annual meeting, the board may hold additional meetings at the call of the chairperson or at the request of any two members of the board or as approved by the division director.

43-40A-5.

The board shall have the following powers and duties:

(1) To adopt, amend, and repeal rules and regulations reasonable and necessary to carry out the performance of its duties as set forth in this chapter;

(2) To examine all applicants for licenses to practice recreational therapy who are entitled under this chapter to be so examined and issue licenses to practice recreational therapy according to this chapter;

(3) To have and use a common seal bearing the name 'Georgia Board of Recreational Therapy' by which the board shall authenticate the acts of the board;

(4) To establish rules and regulations regarding licensure, including, but not limited to, inactive status as the board deems appropriate;

(5) To issue, deny, or reinstate the licenses or permits of duly qualified applicants for licensure under this chapter;

(6) To revoke, suspend, issue terms and conditions, place on probation, limit practice, fine, require additional training, require community service, or otherwise sanction licensees or others over whom the board has jurisdiction under this chapter;

(7) To initiate investigations for purposes of discovering violations of this chapter and any rules and regulations of the board;

(8) To administer oaths, subpoena witnesses and documentary evidence, and take testimony in all matters relating to its duties;

(9) To conduct hearings, reviews, and other proceedings according to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

(10) To conduct investigative interviews;

(11) To issue cease and desist orders to stop the unlicensed practice of recreational therapy or other professions licensed or permitted under this chapter and impose penalties for such violations; and

(12) All other powers and duties conferred upon professional licensing boards as provided in Chapter 1 of this title.

43-40A-6.

(a) Except as provided in subsection (b) of this Code section, consultation and evaluation and prevention, wellness, education, adaptive sports and recreation, and related services provided by a recreational therapist may be performed without a referral.

(b) Initiation of recreational therapy to individuals with medically-related conditions shall be based on a referral from any qualified health care professional who, within the scope of the professional's licensure, is authorized to refer for health care services.

43-40A-7.

(a) No individual shall practice or hold oneself out as being able to practice recreational therapy or provide recreational therapy services in this state unless such individual is licensed by the board. Nothing in this chapter shall be construed to prohibit students enrolled in board-approved schools or courses in recreational therapy from performing recreational therapy that is incidental to their respective courses of study or supervised work.

(b) A licensed recreational therapist may use the letters 'TR,' 'TRS,' and 'CTRS/L' in connection with his or her name or place of business.

(c) No person shall use in conjunction with that person's name or the activity of the business the words 'therapeutic recreation specialist,' 'therapeutic recreation,' 'recreational therapy,' 'recreational therapist,' 'recreation therapy,' 'recreation therapist,' the letters 'CTRS,' 'RS,' or 'TR,' or any other words, abbreviations, or insignia indicating or implying directly or indirectly that recreational therapy is provided or supplied, including the billing of services labeled as recreational therapy, unless such services are provided under the direction of a recreational therapist.

(d) Any person that violates this paragraph shall be guilty of a misdemeanor.

43-40A-8.

No person shall coerce a licensed recreational therapist into compromising client safety by requiring the licensed recreational therapist to delegate activities or tasks if the licensed recreational therapist determines that it is inappropriate to do so. Licensed recreational therapists shall not be subject to disciplinary action by the board for refusing to delegate activities or tasks or refusing to provide the required training for delegation if the licensed recreational therapist determines that the delegation may compromise client safety.

43-40A-9.

(a) An applicant shall possess the following qualifications to be licensed:

(1) Be at least 18 years of age;

(2) Be of good moral character;

(3) Successfully complete an academic program with a baccalaureate degree or higher from an accredited college or university with a major in therapeutic recreation or a major in recreation or leisure with an option in therapeutic recreation;

(4) Successfully complete a period of field experience as defined by the National Council for Therapeutic Recreation Certification (NCTRC) under the supervision of a Certified Therapeutic Recreation Specialist (CTRS) approved by the educational institution where the applicant has met his or her academic requirements; and

(5) Successfully complete the proctored examination administered by the NCTRC.

(b) The board may, upon notice and opportunity for a hearing, deny an application for reinstatement of a license or reinstate the license with conditions. Conditions imposed may include a requirement for continuing education, practice under the supervision of a licensed recreational therapist, or any other conditions.

43-40A-10.

An individual licensed as a recreational therapist shall be eligible for renewal of such license if he or she:

(1) Has not violated any provision of this chapter or any rules or regulations of the board or demonstrated poor moral character; and

(2) Has met continuing competency requirements by completing a minimum of 30 hours of continuing education in formal courses approved by the board and any other requirements that may be established by the rules and regulations of the board."

**SECTION 2.**

All laws and parts of laws in conflict with this Act are repealed.