

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
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As Engrossed: H3/4/25

A Bill

HOUSE BILL 1218

By: Representatives J. Mayberry, Duffield, Pilkington

By: Senator C. Penzo

For An Act To Be Entitled

AN ACT TO CREATE LICENSURE FOR THERAPEUTIC RECREATION
SPECIALISTS; TO CREATE THE THERAPEUTIC RECREATION
PRACTICE ACT; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE LICENSURE FOR THERAPEUTIC
RECREATION SPECIALISTS; AND TO CREATE
THE THERAPEUTIC RECREATION PRACTICE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 17, is amended to add an additional
chapter to read as follows:

CHAPTER 108 – THERAPEUTIC RECREATION SPECIALISTS

Subchapter 1 – General Provisions

17-108-101. Title.

This chapter shall be known and may be cited as the "Therapeutic
Recreation Practice Act".

17-108-102. Purpose.

The purpose of this chapter is to provide for the regulation of persons
offering therapeutic recreation services to the public in order to:

- (1) Safeguard the public health, safety, and welfare;
- (2) Protect the public from being misled by incompetent and
unauthorized persons; and



(3) Ensure the highest degree of professional conduct on the part of therapeutic recreation specialists and the availability of therapeutic recreation services to persons in need of therapeutic recreation services.

17-108-103. Definitions.

As used in this chapter:

(1)(A) "Therapeutic recreation" means the specialized application of recreation to assist with the treatment or maintenance, or both, of the health status, functional abilities, recreational and leisure activities, and quality of life for individuals hospitalized or receiving treatment, or both, for various diagnoses and individuals with disabilities.

(B) "Therapeutic recreation" includes without limitation:

(i) Remediating or restoring an individual's participation levels in recreational and leisure activities that are limited due to impairment in physical, cognitive, social, or emotional abilities;

(ii) Analyzing and evaluating recreational activities to determine the physical, social, and programmatic elements necessary for involvement in recreational and leisure activities and modifying the physical, social, and programmatic elements to promote full participation and maximization of functional independence in recreational and leisure activities;

(iii) Using recreational modalities in designed intervention strategies to maximize physical, cognitive, social, or emotional abilities to promote participation in recreational and leisure activities;

(iv) Conducting an individualized assessment to collect systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan;

(v) Planning and developing an individualized therapeutic recreation treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies for recreational and leisure activities;

(vi) Implementing an individualized therapeutic recreation treatment plan that is consistent with an overall treatment program;

(vii) Systematically evaluating and comparing an

individual's response to his or her individualized therapeutic recreation treatment plan and suggesting modifications as appropriate;

(viii) Developing a discharge plan in collaboration with an individual, the individual's family, the treatment team, and other identified support networks where appropriate;

(ix) Identifying and training in the use of adaptive recreational equipment;

(x) Identifying, providing, and educating individuals to use recreational and leisure resources that support a healthy, active, and engaged life;

(xi) Minimizing the impact of environmental constraints as a barrier to participation in recreational and leisure activities;

(xii) Collaborating with and educating an individual, the individual's family, the individual's caregiver, and other persons to foster an environment that is responsive to the recreational and leisure needs of the individual; and

(xiii) Consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility in recreational and leisure activities; and

(2) "Therapeutic recreation specialist" means a person licensed to practice therapeutic recreation in this state.

17-108-104. Unlawful practice – Exemptions.

(a) A person shall not practice or hold himself or herself out as being able to practice therapeutic recreation or provide therapeutic recreation services in this state unless the person is licensed under this chapter as a therapeutic recreation specialist.

(b) This chapter does not prevent or restrict the practice, services, or activities of:

(1) A person of other licensed professions or personnel supervised by licensed professions in this state from performing work incidental to the practice of his or her profession or occupation, if that person does not represent himself or herself as a therapeutic recreation specialist;

(2) A person enrolled in a course of study leading to a degree

or certificate in therapeutic recreation from performing therapeutic recreation services incidental to the person's course work when supervised by a licensed professional, if the person is designated by a title which clearly indicates his or her status as a student;

(3) A person whose training and national certification attests to the individual's preparation and ability to practice his or her profession, if that person does not represent himself or herself as a therapeutic recreation specialist;

(4)(A) A therapeutic recreation assistant providing therapeutic recreation services under the direct supervision of a therapeutic recreation specialist licensed in this state.

(B) A therapeutic recreation assistant is not permitted to conduct assessments or develop treatment plans;

(5) A person employed by a licensed or certified provider of services for individuals with intellectual and developmental disabilities that provides recreational activities as a part of his or her duties;

(6) A person providing recreational programs to an individual with disabilities as a normal part of the leisure lifestyle of the individual with disabilities, including supporting individuals with intellectual and developmental disabilities in Special Olympics, Miracle League, and other community activities;

(7)(A) A person employed by the United States Government while in the discharge of his or her official duties.

(B) If a person under subdivision (b)(6)(A) of this section engages in the practice of therapeutic recreation outside of his or her official duties, the person is required to be licensed under this chapter; and

(8) Any occupational therapist or occupational therapy assistant in the area of recreation and leisure.

17-108-105. Penalties.

(a) A person who violates any of the provisions of this chapter upon conviction shall be guilty of a misdemeanor and shall be punished by imprisonment for not more than six (6) months or by a fine not exceeding one thousand five hundred dollars (\$1,500), or by both fine and imprisonment, at the discretion of the court.

(b) It shall be the duty of the prosecuting attorney in the county where the violation occurs, upon request by the Department of Health, to initiate proper legal proceedings in a court of competent jurisdiction to enforce the provisions of this chapter.

(c) A person found guilty of a violation of this chapter may be subject to emergency suspension or revocation of licensure dependent upon the findings.

(d)(1) The courts of this state have jurisdiction and power to enjoin the unlawful practice of therapeutic recreation and related techniques in a proceeding by the department or by any citizen of this state in the county in which the alleged unlawful practice occurred, the county in which the defendant resides, or in Pulaski County.

(2) The issuance of an injunction does not relieve a person from criminal prosecution for violation of this chapter, but the remedy of injunction shall be in addition to liability to criminal prosecution.

17-108-106. Criminal background checks.

(a) An applicant applying for a therapeutic recreation specialist license issued by the Department of Health shall apply to the Identification Bureau of the Division of Arkansas State Police for a state and federal criminal background check to be conducted by the Identification Bureau of the Division of Arkansas State Police and the Federal Bureau of Investigation.

(b) If an applicant has a conviction listed under § 17-3-102, the department shall deny the application to be a therapeutic recreation specialist or waive the disqualification under the procedures under § 17-3-102.

17-108-107. Advertisement as therapeutic recreation specialist without a license.

(a) A person shall not advertise in any manner or otherwise represent himself or herself as a therapeutic recreation specialist or as a provider of therapeutic recreation or recreation therapy services unless the person is licensed under this chapter.

(b)(1) A violation of this section is a misdemeanor.

(2) Upon conviction, the Department of Health, in consultation with the Recreational Therapy Technical Advisory Committee, may:

- (A) Revoke his or her license;
- (B) Suspend his or her license for a period not to exceed six (6) months from the date of the hearing; or
- (C) Place restrictions on the person's license in the form of probation as determined by the department.

Subchapter 2 – Recreational Therapy Technical Advisory Committee

17-108-201. Recreational Therapy Technical Advisory Committee – Creation and membership.

(a) There is created the Recreational Therapy Technical Advisory Committee within the Department of Health.

(b)(1) The committee shall consist of five (5) members, who shall be appointed by the Secretary of the Department of Health, for a term of three (3) years.

(2)(A) Three (3) members shall be therapeutic recreation specialists under this chapter.

(B) Two (2) members, to represent the public, shall not be engaged in or retired from the practice of therapeutic recreation.

(c)(1)(A) The initial professional members shall be appointed for staggered terms of one (1) year, two (2) years, and three (3) years.

(B) The initial lay members shall be appointed for staggered terms of one (1) year and two (2) years.

(2) The terms of each initial member shall expire July 1 of the year of the end of his or her term regardless of the date of appointment.

(d) A vacancy shall be filled by the department in the same manner as the original appointment.

(e)(1) The committee shall meet at least quarterly.

(2) At the initial meeting, the members shall elect a chair who shall represent the committee at all meetings of the department.

(3) The Secretary of the Department of Health shall call the first meeting of the committee.

(f) Three (3) members of the committee shall constitute a quorum for the purpose of conducting official business of the committee.

17-108-202. Recreational Therapy Technical Advisory Committee – Powers

and duties.

The Recreational Therapy Technical Advisory Committee shall:

(1) Advise the Department of Health on all matters pertaining to the licensure, education, and continuing education requirements for therapeutic recreation specialists and the practice of therapeutic recreation in this state; and

(2) Assist and advise the department in all hearings involving therapeutic recreation specialists who are deemed to be in violation of this chapter.

17-108-203. Department of Health – Powers and duties.

(a) The Department of Health shall:

(1) Determine, as recommended by the Recreational Therapy Technical Advisory Committee, the qualifications of applicants for licensure and determine which applicants successfully pass the required examinations for licensure;

(2) Determine necessary fees to carry out this chapter;

(3) Make investigations and inspections to ensure compliance with this chapter and the rules of the department;

(4) Conduct hearings as required under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.;

(5) Report to the prosecuting attorney having jurisdiction or the Attorney General an act committed by a person that may constitute a misdemeanor under this chapter;

(6) Initiate prosecution and civil proceedings;

(7) Suspend, revoke, or deny the license of a therapeutic recreation specialist for violation of this chapter or rules of the department;

(8) Maintain a record listing the name of each therapeutic recreation specialist licensed in this state;

(9)(A) Compile a list of therapeutic recreation specialists licensed to practice in this state.

(B) The list shall be available to any person upon application to the department and the payment of a fee as determined by the department for the reasonable expense under this chapter; and

(10) Make expenditures and employ personnel for the

administration of this chapter.

(b) The department may promulgate the rules regarding the requirements for licensure, standards for training, standards for institutions for training, and standards of practice after licensure, including power of revocation of a license to practice therapeutic recreation.

17-108-204. Employees.

(a) The Department of Health may employ an executive director, regular or special counsel, inspectors, clerks, secretaries, and other personnel that the department deems necessary to carry out the provisions of this chapter.

(b) An employee under this section shall not have any financial interest in the practice or instruction of therapeutic recreation.

Subchapter 3 – Licensure

17-108-301. Qualifications of licensure.

(a) Except as provided in subsection (b) of this section, the Department of Health may issue a license to practice as a therapeutic recreation specialist to an applicant who:

(1) Is at least eighteen (18) years of age;

(2) Has successfully completed 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 or emphasis, or both, in therapeutic recreation;

(3) Has successfully completed a period of field experience under the supervision of a therapeutic recreation specialist approved by the educational institution where the applicant has met his or her academic requirements;

(4) Has successfully completed the proctored examination approved by the department; and

(5) Submits an application with a fee as determined by the department.

(b) The department may grant initial licenses to a therapeutic recreation specialist who is certified by the National Council for Therapeutic Recreation Certification before July 1, 2015, and who holds an active certified therapeutic recreation specialist credential issued by the

National Council for Therapeutic Recreation Certification.17-108-302. Licensure without examination.

Upon proper application and payment of fees, the Department of Health may issue a license without examination to a person who is licensed or otherwise certified as a therapeutic recreation specialist by another state or national certifying body which has substantially the same standards for licensure as are required by this state under this chapter.

17-108-303. Temporary License.

(a) Upon proper application and payment of fees, the Department of Health may issue a temporary license to a person who has applied for a license under this chapter and who is eligible to take the examination under this chapter.

(b) The temporary license shall:

(1) Be available to an applicant only for his or her first application for licensure; and

(2) Expire upon notice that the applicant has or has not passed the examination.

17-108-304. Renewals.

(a) All licenses under this chapter are valid for two (2) years from the date of issuance.

(b) Upon receipt of a renewal application and renewal fees as determined by the Department of Health, the department may renew a license as a therapeutic recreation specialist if the person:

(1) Has completed a minimum of one hundred (100) hours of experience performing therapeutic recreation services; and

(2) Has completed a minimum of twenty (20) hours of continuing education related to the practice of therapeutic recreation and other requirements established by rule of the department.

(c)(1) The department may, upon notice and opportunity for a hearing, deny an application for renewal or reinstate a license with conditions.

(2) The conditions imposed upon a license under subdivision (c)(1) of this section may include a requirement for continuing education, practice under the supervision of a therapeutic recreation specialist, or any

other conditions deemed appropriate by the department.

17-108-305. Title and practice protection.

(a)(1) A person or entity shall not use or assume the title "therapeutic recreation specialist", "licensed therapeutic recreation specialist", "certified therapeutic specialist" or the abbreviation "TRS", "TRS/L", "CTRS", or "CTRS/L", or use any words, letters, abbreviations, or insignia indicating or implying directly or indirectly that the person holds a therapeutic recreation specialist license or is providing therapeutic recreation services unless the person is licensed under this chapter.

(2) A person may only use the abbreviation "CTRS/L" if the person maintains credentials with the National Council for Therapeutic Recreation Certification.

(b) This section does not apply to a person who is providing therapeutic recreation services under the direction of a therapeutic recreation specialist licensed under this chapter.

17-108-306. Referrals.

(a) Consultation and evaluation by a therapeutic recreation specialist may be performed without a referral.

(b) Initiation of therapeutic recreation services to individuals with medically related conditions shall be based on a referral from a physician who is either a medical doctor or a doctor of osteopathy.

(c) Prevention, wellness, education, adaptive sports, recreation, and related services shall not require a referral.

17-108-307. Delegation of tasks.

(a) A person shall not coerce a therapeutic recreation specialist into compromising client safety by requiring the therapeutic recreation specialist to delegate activities or tasks if the therapeutic recreation specialist determines that it is inappropriate to delegate a task.

(b) A therapeutic recreation specialist is not subject to disciplinary action by the Department of Health for refusing to delegate activities or tasks or refusing to provide the required training for delegation if the therapeutic recreation specialist determines that the delegation may compromise client safety.

17-108-308. Grounds for denial, revocation, or suspension.

The Department of Health may deny, revoke, suspend, place on probation, or refuse to renew a license if the department finds that the individual or licensee has:

- (1) Been convicted of a felony listed under § 17-3-102; or
- (2) Violated a rule of the department or any law regulating the practice of therapeutic recreation.

/s/J. Mayberry