

House Bill 704

By: Representatives Tankersley of the 160th, Powell of the 32nd, Hawkins of the 27th, and Burns of the 159th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and
2 businesses, so as to require licensure of recreational therapists; to provide for definitions; to
3 create the Georgia Board of Recreational Therapy; to provide for establishment,
4 appointment, and membership of the board; to provide for powers, duties, and meetings of
5 the board; to provide for licensure application, qualifications, and renewals; to prohibit the
6 unauthorized practice of recreational therapy; to provide for continuing education
7 requirements; to provide for criminal penalties and disciplinary action; to provide for
8 statutory construction; to provide for related matters; to repeal conflicting laws; to provide
9 an effective date; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 "CHAPTER 40A

15 43-40A-1.

16 As used in this chapter, the term:

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

19 (2) 'Discharge plan' means a document that:

20 (A) Summarizes an individual's response to treatment including, but not limited to,
21 current functioning level, treatment goals, outcomes, and status changes; and

22 (B) Outlines any recommendations for continued services.

23 (3) 'Recreational therapist' means any individual who practices recreational therapy.

24 (4) 'Recreational therapy' means the application of recreation utilizing a treatment plan
 25 to assist with:

26 (A) The improvement or maintenance of health status; or

27 (B) The development of functional abilities to facilitate engagement in recreational or
 28 leisure activities.

29 (5) 'Treatment plan' means a document created for an individual that:

30 (A) Utilizes the results of an individualized assessment to outline goals, objectives, and
 31 intervention strategies; and

32 (B) Is systematically evaluated and compared to such individual's responses and is
 33 modified as appropriate throughout the treatment process.

34 43-40A-2.

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

39 (b) The Governor shall appoint all members of the board as follows:

40 (1) Two recreational therapists who have been engaged in recreational therapy practice
 41 for at least five years immediately preceding their appointment;

42 (2) One recreational therapist who has been engaged in recreational therapy practice for
 43 at least ten years immediately preceding his or her appointment;

44 (3) One recreational therapist that has:

45 (A) A master's level degree or higher in recreational therapy or a related field;

46 (B) Taught recreational therapy or courses in a related field; and

47 (C) Been engaged in recreational therapy practice for at least 15 years;

48 (4) One consumer member who is:

49 (A) Appointed from the public at large;

50 (B) A citizen of the United States and a resident of this state;

51 (C) An individual to whom neither this state nor any other state or jurisdiction or
 52 organization has ever issued a certificate, registration, license, or permit to engage in
 53 the practice of recreational therapy;

54 (D) Not an owner of or affiliated with any recreational therapy school; and

55 (E) A current or past user of recreational therapy or an individual who has a family
 56 member who has utilized recreational therapy.

57 (c) Each of the board members appointed as provided in paragraphs (1) through (3) of
 58 subsection (b) of this Code section shall:

59 (1) Be citizens of the United States and shall have been residents of this state for at
 60 least three years prior to the date of appointment; and

61 (2) Be eligible for licensure under this chapter. Effective July 1, 2021, and thereafter,
 62 all professional members of the board shall be licensed under this chapter.

63 (d) The Governor shall appoint, subject to confirmation by the Senate, all members of the
 64 board for initial terms of office beginning on July 1, 2020. The Governor shall appoint two
 65 initial members of the board to serve for terms of two years and three initial members of
 66 the board, including the consumer member provided for in subsection (b) of this Code
 67 section, to serve for terms of three years. After the initial terms expire, as specified in this
 68 subsection, members of the board shall take office on the first day of July immediately
 69 following the expired term of such office and shall serve for a term of three years and until
 70 their successors are appointed and qualified. Any individual appointed to the board when
 71 the Senate is not in session may serve on the board without Senate confirmation until the
 72 Senate acts on such appointment. No member shall serve on the board for more than two
 73 consecutive full terms. Any vacancy due to death, resignation, removal, or otherwise shall
 74 be filled for the remainder of the unexpired term in the same manner as are regular
 75 appointments.

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

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

82 43-40A-3.

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

90 43-40A-4.

91 The board shall have the following powers and duties:

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

- 94 (2) To examine all applicants for licenses to practice recreational therapy who are
 95 entitled under this chapter to be so examined and to issue licenses to practice recreational
 96 therapy according to this chapter;
 97 (3) To have and use a common seal bearing the name 'Georgia Board of Recreational
 98 Therapy' by which the board shall authenticate the acts of the board;
 99 (4) To establish rules and regulations regarding licensure, including, but not limited to,
 100 inactive status as the board deems appropriate;
 101 (5) To issue, deny, or reinstate the licenses or permits of duly qualified applicants for
 102 licensure under this chapter;
 103 (6) To revoke, suspend, issue terms and conditions, place on probation, limit practice,
 104 fine, require additional training, require community service, or otherwise sanction
 105 licensees or others over whom the board has jurisdiction under this chapter;
 106 (7) To initiate investigations for purposes of discovering violations of this chapter and
 107 any rules and regulations of the board;
 108 (8) To administer oaths, subpoena witnesses and documentary evidence, and take
 109 testimony in all matters relating to its duties;
 110 (9) To conduct hearings, reviews, and other proceedings according to Chapter 13 of
 111 Title 50, the 'Georgia Administrative Procedure Act';
 112 (10) To conduct investigative interviews;
 113 (11) To issue cease and desist orders to stop the unlicensed practice of recreational
 114 therapy and to impose penalties for such violations; and
 115 (12) All other powers and duties conferred upon professional licensing boards as
 116 provided in Chapter 1 of this title.

117 43-40A-5.

118 To be licensed as a recreational therapist, an applicant shall:

- 119 (1) Be at least 18 years of age;
 120 (2) Successfully complete an academic program with a baccalaureate degree or higher
 121 from an accredited college or university with a major in recreational therapy or the
 122 equivalency thereof, that meets the criteria established by the board through rules and
 123 regulations;
 124 (3) Successfully complete any field experience or internship, as may be specified by
 125 rules and regulations and approved by the board;
 126 (4) Successfully complete an examination approved by the board;
 127 (5) Be of good moral character;
 128 (6) Have satisfactory results from a criminal background check report conducted by the
 129 Georgia Crime Information Center and the Federal Bureau of Investigation, as

130 determined by the advisory board. Application for a license under this Code section shall
 131 constitute express consent and authorization for the board to perform such criminal
 132 background check. Each applicant who submits an application for licensure agrees to
 133 provide the board with any and all information necessary to run such criminal
 134 background check, including, but not limited to, classifiable sets of fingerprints. The
 135 applicant shall be responsible for all fees associated with the performance of such
 136 background check; and
 137 (7) Complete such other requirements as may be prescribed by the board.

138 43-40A-6.

139 (a) An individual licensed as a recreational therapist shall be eligible to renew such license
 140 if he or she has:

141 (1) Not been found to be in violation of any provision of this chapter or any rules or
 142 regulations of the board;

143 (2) Not demonstrated poor moral character; and

144 (3) Met continuing competency requirements by completing a minimum of 20 hours of
 145 continuing education within 24 months in courses approved by the board; and

146 (4) Fulfilled any other requirements that may be established by the rules and regulations
 147 of the board.

148 (b) Licenses shall be renewed biennially.

149 (c) Each individual licensed under this chapter shall be responsible for renewing his or her
 150 license before the expiration date.

151 43-40A-7.

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

158 (b) A licensed recreational therapist may use the letters 'LRT' in connection with his or her
 159 name or place of business.

160 (c) No individual shall use in conjunction with such individual's name or the activity of
 161 his or her business the words 'therapeutic recreation specialist,' 'therapeutic recreation,'
 162 'recreational therapy,' 'recreational therapist,' 'recreation therapy,' or 'recreation therapist';
 163 the acronyms 'RT,' 'TRS,' or 'TR'; or any other words, abbreviations, or insignia indicating
 164 or implying directly or indirectly that recreational therapy is provided or supplied.

165 including the billing of services labeled as recreational therapy, unless such services are
 166 provided under the direction of a recreational therapist.

167 (d) Any person that violates this Code section shall be guilty of a misdemeanor.

168 43-40A-8.

169 An individual licensed as a recreational therapist under this chapter may provide
 170 recreational therapy services that include, but shall not be limited to, one or more of the
 171 following services:

172 (1) Therapy that utilizes recreational modalities in designed intervention strategies to
 173 maximize physical, cognitive, social, spiritual, or emotional abilities to promote
 174 participation in recreational and leisure activities;

175 (2) Conducting an individualized assessment in order to develop goals and recreation
 176 therapy interventions for an individualized treatment plan;

177 (3) Planning, developing, modifying, or implementing an individualized treatment plan;

178 (4) Identifying adaptive recreational equipment that would be beneficial to an individual
 179 involved in a treatment plan;

180 (5) Training individuals in the use of adaptive recreational equipment;

181 (6) Documenting individual progress toward identified goals established in an
 182 individual's treatment plan; or

183 (7) Developing a discharge plan in collaboration with an individual, his or her family and
 184 treatment team, and other identified support networks where appropriate.

185 43-40A-9.

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

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

192 43-40A-10.

193 Nothing in this chapter shall be construed to prevent or restrict the practice, services, or
 194 activities of:

195 (1) Any individual licensed in this state or supervised by an individual licensed in this
 196 state from performing work incidental to the practice of his or her profession or
 197 occupation, if such individual does not represent himself or herself as a recreational
 198 therapist;

199 (2) Any individual whose training and national certification attests to the individual's
 200 preparation and ability to practice his or her profession, if such individual does not
 201 represent himself or herself as a recreational therapist;

202 (3) Any individual enrolled in a course of study leading to a degree or certificate in
 203 recreational therapy from performing recreational therapy services incidental to the
 204 individual's coursework when supervised by a licensed professional, if such individual
 205 is designated by a title which clearly indicates his or her status as a student;

206 (4) Any individual assisting in the provision of recreational therapy services under the
 207 direct supervision of a licensed recreation therapist; provided, however, that such
 208 individual shall not be permitted to conduct assessments or develop treatment plans;

209 (5) Any individual providing recreational programs to an individual with disabilities as
 210 a normal part of the leisure lifestyle of such individual with disabilities;

211 (6) Any individual employed by an agency, department, bureau, or division of the federal
 212 government while in the discharge of official duties but only when engaged in such
 213 official duties as an employee of such agency, department, bureau, or division;

214 (7) Any individual providing services in a state facility or to children in state custody;
 215 or

216 (8) Any occupational therapist or occupational therapy assistant licensed pursuant to
 217 Chapter 28 of this title.

218 43-40A-11.

219 No person shall coerce a licensed recreational therapist, by requiring him or her to delegate
 220 activities or tasks that would compromise client safety if the licensed recreational therapist
 221 determines that it is inappropriate to do so. A licensed recreational therapist shall not be
 222 subject to disciplinary action by the board for refusing to delegate activities or tasks or
 223 refusing to provide the required training for delegation if the licensed recreational therapist
 224 determines that the delegation may compromise client safety.

225 43-40A-12.

226 (a) The board may revoke, suspend, deny, or refuse to issue or renew a license; place a
 227 licensee on probation; or issue a letter of admonition upon proof that the licensee or
 228 applicant has:

229 (1) Procured or attempted to procure a license by fraud, deceit, misrepresentation,
 230 misleading omission, or material misstatement of fact;

231 (2) Been convicted of a felony or of any crime involving moral turpitude as provided
 232 under state law;

- 233 (3) Willfully or negligently acted in a manner inconsistent with the health or safety of
 234 persons under such licensee's care;
- 235 (4) Had a license to practice a business or profession suspended or revoked or has
 236 otherwise been subject to discipline related to such licensee's practice of a business or
 237 profession in any other jurisdiction;
- 238 (5) Committed a fraudulent act that materially affects the fitness of the licensee or
 239 applicant to practice a business or profession;
- 240 (6) Excessively or habitually used alcohol or drugs, provided that the advisory board
 241 shall not discipline a licensee under this paragraph if such licensee is enrolled in a
 242 substance abuse program approved by the board; or
- 243 (7) A physical or mental disability that renders such licensee incapable of safely
 244 practicing recreational therapy.
- 245 (b) The board is authorized to conduct investigations into allegations of conduct described
 246 in subsection (a) of this Code section.
- 247 (c) In addition to revoking, suspending, denying, or refusing to renew a license, the board
 248 may fine a licensee found to have violated any provision of this chapter or any rule or
 249 regulation adopted by the board under this chapter of not less than \$50.00 nor more than
 250 \$500.00 for each such violation.
- 251 (d) Any person may file a complaint with the board with respect to a licensed recreational
 252 therapist."

253 **SECTION 2.**

254 This Act shall become effective upon its approval by the Governor or upon its becoming law
 255 without such approval.

256 **SECTION 3.**

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