

CHAPTER 467
(CORRECTED COPY)

AN ACT providing for the licensure of recreational therapists, supplementing Title 45 of the Revised Statutes , and amending P.L.2019, c.273 (C.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.45:8B-104 Short title.

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

C.45:8B-105 Findings, declarations relative to licensure of recreational therapists.

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

C.45:8B-106 Definitions relative to licensure of recreational therapists.

3. As used in this act:

“Board” means the State Board of Creative Arts and Activities Therapies established in section 4 of P.L.2019, c.273 (C.45:8B-71).

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

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

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

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

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

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

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

(1) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan;

(2) planning and developing an individualized recreational therapy treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies for play, recreation, leisure, and related community activities;

(3) implementing an individualized recreational therapy treatment plan that is consistent with the overall treatment plan;

(4) systematically evaluating and comparing the individual's response to the individualized recreational therapy treatment plan and making modifications as appropriate;

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

(6) identifying and training in the use of adaptive play, recreation, and leisure equipment;

(7) identifying, providing, and educating individuals to use play, recreation, leisure, and community resources that support a healthy, active, and engaged life;

(8) providing leisure education and counseling to address issues that hinder health and engagement in play, recreation, leisure, and related community activities;

(9) providing community integration, reintegration, inclusion, and transitioning services to maximize health and participation in play, recreation, leisure, and related community activities;

(10) addressing functional skill recovery, development, or maintenance related to health and participation in play, recreation, leisure, and community activities and utilizing play, recreation, and leisure activities as modalities to advance health and functioning;

(11) assisting individuals in constructing a healthy leisure lifestyle that supports continued recovery, health promotion, and quality of life;

(12) providing play, recreation, and leisure opportunities for individuals with illness, disability, or challenges for therapeutic purposes; or

(13) consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility in recreational and leisure activities.

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

C.45:8B-107 Duties of State Board of Creative Arts and Activities Therapies.

4. The State Board of Creative Arts and Activities Therapies shall:

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

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

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

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

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

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

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

h. promulgate rules and regulations to carry out matters concerning any provisions of this act, in conformance with the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.).

C.45:8B-108 Licensure required to practice.

5. a. No person shall practice or indicate an ability to practice recreational therapy, whether or not compensation is received or expected; make any representation as a recreational therapist; use the term “recreational therapist,” “licensed recreational therapist,” the initials “CTRS,” “CTRS/L,” or other similar terms or abbreviations; or provide recreational therapy services unless the person holds a valid license to practice in this State.

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

C.45:8B-109 Construction of act.

6. Nothing in this act shall be construed to apply to:

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

b. any person enrolled in a course of study leading to a degree or certificate in therapeutic recreation who is performing recreational therapy 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;

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

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

C.45:8B-110 Eligibility for licensure.

7. To be eligible for licensure as a recreational therapist, an applicant shall:

a. be at least 18 years of age;

b. be of good moral character;

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

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

C.45:8B-111 Issuance of license.

8. a. The board shall issue a license to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this act.

b. All licenses shall be issued for a two-year period upon the payment of the prescribed licensure fee and the submission of a written application, and shall be renewed upon filing a

renewal application, payment of a renewal fee, and presentation of satisfactory evidence to the board of certification as a certified therapeutic recreational specialist by the National Council for Therapeutic Recreation Certification.

C.45:8B-112 Granting of license to out-of-State practitioner.

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

C.45:8B-113 Client confidentiality.

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

11. Section 4 of P.L.2019, c.273 (C.45:8B-71) is amended to read as follows:

C.45:8B-71 State Board of Creative Arts and Activities Therapies.

4. There is created within the Division of Consumer Affairs in the Department of Law and Public Safety, the State Board of Creative Arts and Activities Therapies. The board shall consist of thirteen members who are residents of the State. Except for the members first appointed: ten of the members shall be therapists who are licensed in creative arts therapies or activities therapies, including but not limited to two members licensed in art therapy, two members licensed in dance/movement therapy, two members licensed in drama therapy, two members licensed in recreational therapy, and two members licensed in music therapy under the provisions of the "Art Therapist Licensing Act," P.L.2015, c.199 (C.45:8B-51 et seq.), the "Creative Arts Therapies Licensing Act," P.L.2019, c.273 (C.45:8B-68 et seq.), the "Recreational Therapists Licensing Act," P.L.2019, c.467 (C.45:8B-104 et al.), or the "Music Therapist Licensing Act," P.L.2019, c.471 (C.45:8B-90.1 et seq.), as applicable, and shall have been actively engaged in the practice of a creative arts therapy or activities therapy for at least five years immediately preceding their appointment. The remaining members shall be public members. The members first appointed shall include: two members licensed in art therapy, two members who practice dance/movement therapy, two members who practice drama therapy, two members who practice recreational therapy, and two members who practice music therapy.

The Governor shall appoint the members with the advice and consent of the Senate. Each member shall be appointed for a term of three years, except that of the members first appointed, five shall serve for a term of three years, five shall serve for a term of two years and three shall serve for a term of one year. Each member shall hold office until his successor has been qualified and appointed. Any vacancy in the membership of the board shall be filled for the unexpired term in the manner provided for in the original appointment. No member of the board may serve more than two successive terms in addition to any unexpired term to which the member has been appointed.

12. Section 3 of P.L.2019, c.273 (C.45:8B-70) is amended to read as follows:

C.45:8B-70 Definitions relative to creative arts and activities therapy professions.

3. As used in this act:

“Board” means the State Board of Creative Arts and Activities Therapies.

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

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

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

- (1) increasing awareness of self and others;
- (2) coping with symptoms, stress, and traumatic experiences;
- (3) enhancing cognitive abilities;
- (4) identifying and assessing clients’ needs in order to implement therapeutic intervention to meet developmental, behavioral, mental, and emotional needs; and
- (5) other related psychotherapeutic remedies.

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

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

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

“Drama therapy” means the integrated use of psychotherapeutic principles, theater and creative processes to further the emotional, physical, cognitive, and social well-being of the individual. As a behavioral health discipline, the application of fundamental mental health, psychological, developmental, and mind/body principles are synthesized in an experiential process in order to: (1) facilitate human development and adjustment throughout the lifespan; (2) identify and assess clients with mental, emotional or behavioral disorders that interfere with mental health or adequate functioning in order to implement therapeutic intervention to meet developmental, behavioral, mental and emotional needs; (3) conduct assessment for the purposes of evaluation and establishing treatment goals and objectives; and (4) plan, implement and evaluate treatment interventions designed to meet developmental, behavioral, mental, and emotional needs for individuals or groups.

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

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

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

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

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

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

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

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

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

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

13. Section 23 of P.L.2019, c.273 (C.45:8B-90) is amended to read as follows:

C.45:8B-90 Art Therapists Advisory Committee abolished and replaced by the State Board of Creative Arts and Activities Therapies.

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.

14. Sections 1 through 10 of this act shall take effect on the 180th day next following the date of enactment and the remainder of this act shall take effect immediately.

Approved January 21, 2020.