

ASSEMBLY, No. 962

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

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District 7 (Burlington)

Co-Sponsored by:

Assemblyman Kennedy

SYNOPSIS

“Recreational Therapists Licensing Act.”

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT providing for the licensure of recreational therapists,
2 supplementing Title 45 of the Revised Statutes, and amending
3 P.L. , c. (C.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. This act shall be known and may be cited as the
9 “Recreational Therapists Licensing Act.”
10

11 2. The Legislature finds and declares that the profession of
12 recreational therapy affects the public health, safety, and welfare of
13 the citizens of the State of New Jersey. It is therefore in the public
14 interest to regulate persons offering recreational therapy services
15 and to establish professional licensing and certification standards
16 for those persons presently practicing recreational therapy and for
17 those seeking to practice. Licensing and certification will enable
18 other professionals, health services providers, employers, and the
19 general public to recognize qualified practicing recreational
20 therapists, and will provide assurances that professionals engaged in
21 recreational therapy meet acceptable standards of education,
22 experience, ethics, and competency.
23

24 3. As used in this act:

25 “Board” means the State Board of Creative Arts Therapies
26 established in section 4 of P.L. , c. (C.) (pending before the
27 Legislature as Assembly Bill No. 1220 of 2018).

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

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

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

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

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

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

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

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

1 4. There is created within the Division of Consumer Affairs in
2 the Department of Law and Public Safety under the State Board of
3 Creative Arts Therapies established in section 4 of
4 P.L. , c. (C.) (pending before the Legislature as Assembly
5 Bill No. 1220 of 2018) a Recreational Therapy Advisory
6 Committee. The Recreational Therapy Advisory Committee shall
7 consist of five members who are residents of the State. All
8 members shall have been actively engaged in the practice of
9 recreational therapy in this State for at least five years immediately
10 preceding their appointment, and except for the members first
11 appointed, shall all be licensed recreational therapists. The
12 members first appointed to the committee shall be qualified for
13 licensure pursuant to the provisions of this act and shall become
14 licensed recreational therapists as soon as practical.

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

23 The Governor may remove any member of the committee for
24 misconduct, incompetency, or neglect of duty after providing the
25 committee member with a written statement of charges and an
26 opportunity for a hearing.

27

28 5. Members of the committee shall be reimbursed for expenses
29 and provided with the office, meeting facilities, and personnel
30 required for the proper conduct of the business of the committee.

31

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

39

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

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

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

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

- 1 d. suspend, revoke, or fail to renew the license of a recreational
2 therapist pursuant to P.L.1978, c.73 (C.45:1-14 et seq.);
- 3 e. maintain a list of the names and addresses of all licensed
4 recreational therapists who are licensed under this act;
- 5 f. establish standards for the continuing education of licensed
6 recreational therapists;
- 7 g. prescribe or change the fees for licensures, renewals, and
8 other services performed pursuant to P.L.1974, c.46 (C.45:1-3.1 et
9 seq.); and
- 10 h. promulgate rules and regulations to carry out matters
11 delegated to the committee by the board concerning any provisions
12 of this act, in conformance with the "Administrative Procedure
13 Act," P.L.1968, c.410 (C.52:14B-1 et seq.).
14
- 15 8. a. No person shall practice or indicate an ability to practice
16 recreational therapy, whether or not compensation is received or
17 expected; make any representation as a recreational therapist; use
18 the term "recreational therapist," "licensed recreational therapist,"
19 the initials "CTRS," "CTRS/L," or other similar terms or
20 abbreviations; or provide recreational therapy services unless the
21 person holds a valid license to practice in this State.
- 22 b. Only an individual may be licensed to practice recreational
23 therapy within the State. No firm, partnership, association or
24 corporation may advertise or otherwise offer to provide or convey
25 the impression that it is providing recreational therapy services
26 unless an individual holding a current valid license pursuant to the
27 provisions of this act shall be rendering the recreational therapy
28 services.
29
- 30 9. Nothing in this act shall be construed to apply to:
31 a. the activities and services of qualified members of other
32 professions licensed by the State, when acting within the scope of
33 their profession and doing work of a nature consistent with their
34 training, provided they do not hold themselves out to the public as
35 possessing a license issued pursuant to this act or represent
36 themselves by any professional designation protected by this act;
- 37 b. any person enrolled in a course of study leading to a degree
38 or certificate in therapeutic recreation who is performing
39 recreational therapy services incidental to the person's course work
40 when supervised by a licensed professional, if the person is
41 designated by a title which clearly indicates his or her status as a
42 student;
- 43 c. any therapeutic recreation assistant providing therapeutic
44 recreation services under the direct supervision of a licensed
45 therapeutic recreation specialist. Such an individual would not be
46 permitted to conduct assessments and/or develop treatment plans; or

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

4
5 10. To be eligible for licensure as a recreational therapist, an
6 applicant shall fulfill the following requirements:

7 a. be at least 18 years of age;
8 b. be of good moral character;
9 c. submit to the committee evidence of having successfully
10 completed a bachelor level program or higher in recreational
11 therapy or therapeutic recreation, or a bachelor level program or
12 higher in a related field which includes courses pertaining to
13 recreational therapy or therapeutic recreation as required for
14 certification by the National Council for Therapeutic Recreation
15 Certification; and

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

20
21 11. a. The committee shall issue a license to any applicant who,
22 in the opinion of the committee, has satisfactorily met all the
23 requirements of this act.

24 b. All licenses shall be issued for a two year period upon the
25 payment of the prescribed licensure fee and the submission of a
26 written application, and shall be renewed upon filing a renewal
27 application, payment of a renewal fee, and presentation of
28 satisfactory evidence to the committee of certification as a certified
29 therapeutic recreational specialist by the National Council for
30 Therapeutic Recreation Certification.

31
32 12. Upon payment to the board of a prescribed fee and the
33 submission of a written application, the committee may grant a
34 license to any person who is licensed by a governmental agency
35 located in another state if the requirements of that licensure are
36 substantially equivalent to the requirements of this act, as
37 determined by the committee.

38
39 13. A recreational therapist licensed pursuant to the provisions
40 of this act shall not disclose any confidential information that the
41 therapist may have acquired while performing recreational therapy
42 services for a client unless in accordance with the federal health
43 privacy rules set forth at 45 CFR Parts 160 and 164.

44
45 14. Section 4 of P.L. , c. (C.) (pending before the
46 Legislature as Assembly Bill No. 1220 of 2018) is amended to read
47 as follows:

15 The Governor shall appoint the members with the advice and
16 consent of the Senate. Each member shall be appointed for a term
17 of three years, except that of the members first appointed, three
18 shall serve for a term of three years, two shall serve for a term of
19 two years and one shall serve for a term of one year. Each member
20 shall hold office until his successor has been qualified and
21 appointed. Any vacancy in the membership of the board shall be
22 filled for the unexpired term in the manner provided for in the
23 original appointment. No member of the board may serve more
24 than two successive terms in addition to any unexpired term to
25 which the member has been appointed.
26 (cf: P.L. , c. , s.)

15 sections 1 through 13 of this act shall take effect on the 180th day next following the date of enactment, except that section 4 shall take effect immediately and the committee may take such anticipatory administrative action in advance of enactment as shall be necessary for the implementation of this act, and section 14 shall take effect upon the enactment of P.L. , c. (C.) (pending before the Legislature as Assembly Bill No. 1220 of 2018).

39 This bill provides for the licensure of recreational therapists.
40 “Recreational therapy” means a systematic process utilizing
41 recreation, leisure, and play interventions for the treatment and
42 maintenance of functional abilities and the promotion of health and
43 wellness for individuals with disabilities or those affected by an
44 illness in order to accomplish certain physical, social cognitive, and
45 emotional goals.

46 The bill establishes the Recreational Therapy Advisory
47 Committee under the State Board of Creative Arts Therapies in the
48 Division of Consumer Affairs in the Department of Law and Public

1 Safety. The bill requires one member of the State Board of Creative
2 Arts Therapies to be licensed as a recreational therapist.

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

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

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

36 The bill provides that no person is permitted to practice or
37 indicate an ability to practice recreational therapy, whether or not
38 compensation is received or expected; make any representation as a
39 recreational therapist; use the term "recreational therapist,"
40 "licensed recreational therapist," the initials "CTRS," "CTRS/L," or
41 other similar terms or abbreviations; or provide recreational therapy
42 services unless the person holds a valid license to practice in this
43 State. Furthermore, the bill provides that only an individual may be
44 licensed to practice recreational therapy within the State.

45 This bill does not apply to: the activities and services of qualified
46 members of other professions licensed by the State, when acting
47 within the scope of their profession and doing work of a nature
48 consistent with their training; any student enrolled in a course of

1 study leading to a degree or certificate in therapeutic recreation,
2 when supervised by a licensed professional, who is performing
3 recreational therapy services incidental to the student's course work;
4 any therapeutic recreation assistant providing therapeutic recreation
5 services under the direct supervision of a licensed therapeutic
6 recreation specialist; or any individual providing recreational or
7 activity programs to a person with disabilities as a normal part of
8 the leisure lifestyle of the person with disabilities.