

# Senate File 286 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SF 115)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act establishing a recreational therapy board, requiring the  
2 licensure of recreational therapists, and providing for fees  
3 and penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2088SV 83  
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1 1 Section 1. Section 147.1, subsections 3 and 6, Code 2009,  
1 2 are amended to read as follows:  
1 3 3. "Licensed" or "certified", when applied to a physician  
1 4 and surgeon, podiatric physician, osteopathic physician and  
1 5 surgeon, physician assistant, psychologist, chiropractor,  
1 6 nurse, dentist, dental hygienist, dental assistant,  
1 7 optometrist, speech pathologist, audiologist, pharmacist,  
1 8 physical therapist, physical therapist assistant, occupational  
1 9 therapist, occupational therapy assistant, recreational  
1 10 therapist, respiratory care practitioner, practitioner of  
1 11 cosmetology arts and sciences, practitioner of barbering,  
1 12 funeral director, dietitian, marital and family therapist,  
1 13 mental health counselor, social worker, massage therapist,  
1 14 athletic trainer, acupuncturist, nursing home administrator,  
1 15 hearing aid dispenser, or sign language interpreter or  
1 16 transliterator means a person licensed under this subtitle.

1 17 6. "Profession" means medicine and surgery, podiatry,  
1 18 osteopathic medicine and surgery, practice as a physician  
1 19 assistant, psychology, chiropractic, nursing, dentistry,  
1 20 dental hygiene, dental assisting, optometry, speech pathology,  
1 21 audiology, pharmacy, physical therapy, physical therapist  
1 22 assisting, occupational therapy, occupational therapy  
1 23 assisting, recreational therapy, respiratory care, cosmetology  
1 24 arts and sciences, barbering, mortuary science, marital and  
1 25 family therapy, mental health counseling, social work,  
1 26 dietetics, massage therapy, athletic training, acupuncture,  
1 27 nursing home administration, hearing aid dispensing, or sign  
1 28 language interpreting or transliterating.

1 29 Sec. 2. Section 147.2, subsection 1, Code 2009, is amended  
1 30 to read as follows:

1 31 1. A person shall not engage in the practice of medicine  
1 32 and surgery, podiatry, osteopathic medicine and surgery,  
1 33 psychology, chiropractic, physical therapy, physical therapist  
1 34 assisting, nursing, dentistry, dental hygiene, dental  
1 35 assisting, optometry, speech pathology, audiology,  
2 1 occupational therapy, occupational therapy assisting,  
2 2 recreational therapy, respiratory care, pharmacy, cosmetology  
2 3 arts and sciences, barbering, social work, dietetics, marital  
2 4 and family therapy or mental health counseling, massage  
2 5 therapy, mortuary science, athletic training, acupuncture,  
2 6 nursing home administration, hearing aid dispensing, or sign  
2 7 language interpreting or transliterating, or shall not  
2 8 practice as a physician assistant, unless the person has  
2 9 obtained a license for that purpose from the board for the  
2 10 profession.

2 11 Sec. 3. Section 147.13, Code 2009, is amended by adding  
2 12 the following new subsection:

2 13 NEW SUBSECTION. 24. For recreational therapists, the  
2 14 board of recreational therapy.

2 15 Sec. 4. Section 147.14, subsection 1, Code 2009, is  
2 16 amended by adding the following new paragraph:  
2 17 NEW PARAGRAPH. x. For recreational therapy, three  
2 18 licensed recreational therapists who have engaged in the  
2 19 practice of recreational therapy or therapeutic recreation in  
2 20 Iowa for at least three years immediately preceding their  
2 21 appointment to the board and two members who are not licensed  
2 22 to practice recreational therapy and who shall represent the  
2 23 general public.

2 24 Sec. 5. Section 147.74, Code 2009, is amended by adding  
2 25 the following new subsection:

2 26 NEW SUBSECTION. 9A. A recreational therapist licensed  
2 27 under chapter 148F may use the words "certified therapeutic  
2 28 recreation specialist" after the person's name or signify the  
2 29 same by the use of "C.T.R.S." after the person's name.

2 30 Sec. 6. NEW SECTION. 148F.1 TITLE AND PURPOSE.  
2 31 This chapter may be cited and referred to as the  
2 32 "Recreational Therapy Practice Act".  
2 33 The purpose of this chapter is to provide for the  
2 34 regulation of persons offering recreational therapy services  
2 35 to the public in order to safeguard the public health, safety,  
3 1 and welfare.

3 2 Sec. 7. NEW SECTION. 148F.2 DEFINITIONS.

3 3 As used in this chapter:

3 4 1. "Board" means the board of recreational therapy.  
3 5 2. "Recreational therapy" means a treatment service  
3 6 designed to restore, remediate, or rehabilitate a patient's or  
3 7 client's level of functioning caused by an illness or  
3 8 disabling condition, with the purpose being to provide  
3 9 recreational resources and opportunities in order to improve  
3 10 health and well-being. "Recreational therapy" includes all  
3 11 direct patient or client services of assessment, planning,  
3 12 design, implementation, evaluation, and documentation of  
3 13 specific interventions, management, consultation, research,  
3 14 and education. Recreational therapy does not include actions  
3 15 taken by persons who are classified as activities directors,  
3 16 assistants, or aides or who perform a similar function to such  
3 17 persons in state facilities or facilities or programs  
3 18 regulated pursuant to chapter 135B, 135C, or 231C.

3 19 3. "Therapeutic recreation" means treatment services or  
3 20 recreational therapy services provided to persons with  
3 21 illnesses or disabling conditions.

3 22 Sec. 8. NEW SECTION. 148F.3 DUTIES OF THE BOARD.

3 23 The board shall administer this chapter. The board's  
3 24 duties shall include but are not limited to the following:

3 25 1. Adopting rules consistent with this chapter and with  
3 26 chapters 147 and 272C which are necessary for the performance  
3 27 of its duties.

3 28 2. Establishing and maintaining as a matter of public  
3 29 record a registry of recreational therapists licensed pursuant  
3 30 to this chapter.

3 31 3. Adopting rules relating to the process and knowledge  
3 32 base of recreational therapy as delineated in the national  
3 33 council for therapeutic recreation certification job analysis  
3 34 study, as adopted by the board in rule. The rules shall adopt  
3 35 by reference the specific edition of the job analysis study  
4 1 which is to be followed.

4 2 4. Acting on matters concerning licensure and the process  
4 3 of applying for, granting, suspending, imposing supervisory or  
4 4 probationary conditions upon, reinstating, revoking, or  
4 5 renewing a license.

4 6 5. Establishing and collecting licensure fees as provided  
4 7 in section 147.80 and retaining fees as provided in section  
4 8 147.82.

4 9 6. Developing continuing education requirements as a  
4 10 condition of license renewal.

4 11 7. Evaluating requirements for licensure in other states  
4 12 to determine if reciprocity may be granted.

4 13 Sec. 9. NEW SECTION. 148F.4 PERSONS AND PRACTICES NOT  
4 14 AFFECTED.

4 15 This chapter does not prevent or restrict the practice,  
4 16 services, or activities of any of the following:

4 17 1. A person licensed in this state by any other law from  
4 18 engaging in the profession or occupation for which the person  
4 19 is licensed.

4 20 2. A person employed as a recreational therapist by the  
4 21 government of the United States if that person provides  
4 22 recreational therapy solely under the direction or control of  
4 23 the organization by which the person is employed.

4 24 3. A person pursuing a course of study leading to a degree  
4 25 or certificate in recreational therapy in an accredited or

4 26 approved educational program, if the activities and services  
4 27 constitute a part of a supervised course of study and the  
4 28 person is designated by a title which clearly indicates the  
4 29 person's status as a student or trainee.

4 30 Sec. 10. NEW SECTION. 148F.5 LICENSE REQUIRED.

4 31 All persons practicing recreational therapy shall be  
4 32 required to hold a license issued by the board by July 1,  
4 33 2010. To obtain licensure an applicant shall successfully  
4 34 complete an approved education program and pass an examination  
4 35 prescribed and approved by the board.

5 1 Sec. 11. NEW SECTION. 148F.6 REQUIREMENTS FOR LICENSURE  
5 2 == TEMPORARY LICENSE.

5 3 Beginning July 1, 2010, an individual who does not meet the  
5 4 requirements for licensure established pursuant to section  
5 5 148F.3 may apply for or renew a temporary license. The  
5 6 temporary license shall be valid for one year and may be  
5 7 renewed in accordance with standards established by rule. The  
5 8 board may revoke a temporary license if the board determines  
5 9 that the temporary licensee has violated standards established  
5 10 by rule. The board may adopt requirements for temporary  
5 11 licensure to implement this section.

5 12 Sec. 12. Section 272C.1, subsection 6, Code 2009, is  
5 13 amended by adding the following new paragraph:

5 14 NEW PARAGRAPH. af. The board of recreational therapy,  
5 15 created pursuant to chapter 147.

5 16 EXPLANATION

5 17 This bill creates new Code chapter 148F that requires the  
5 18 licensure of recreational therapists. The bill provides for  
5 19 the establishment of a five-member recreational therapy board  
5 20 consisting of three members who are recreational therapists  
5 21 and two members who represent the general public. The bill  
5 22 provides for fees to fund the board and provides penalties for  
5 23 violation of the practice requirement; those penalties are set  
5 24 out for all health-related boards in Code chapters 147 and  
5 25 272C. The board is similar in composition and  
5 26 responsibilities to the other health-related licensing boards.

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