

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1761 Session of
2015

INTRODUCED BY MURT, DRISCOLL, COHEN, GIBBONS AND McNEILL,
DECEMBER 10, 2015

REFERRED TO COMMITTEE ON PROFESSIONAL LICENSURE,
DECEMBER 10, 2015

AN ACT

1 Amending the act of December 20, 1985 (P.L.457, No.112),
2 entitled "An act relating to the right to practice medicine
3 and surgery and the right to practice medically related acts;
4 reestablishing the State Board of Medical Education and
5 Licensure as the State Board of Medicine and providing for
6 its composition, powers and duties; providing for the
7 issuance of licenses and certificates and the suspension and
8 revocation of licenses and certificates; provided penalties;
9 and making repeals," further providing for definitions and
10 for State Board of Medicine; and providing for recreational
11 therapists.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 2 of the act of December 20, 1985
15 (P.L.457, No.112), known as the Medical Practice Act of 1985, is
16 amended by adding definitions to read:

17 Section 2. Definitions.

18 The following words and phrases when used in this act shall
19 have the meanings given to them in this section unless the
20 context clearly indicates otherwise:

21 * * *

22 "Recreational therapist." An individual licensed to practice

1 recreational therapy or therapeutic recreation.

2 "Recreational therapy." A service designed to treat an
3 individual affected by an illness or disabling condition in
4 order to accomplish any of the following:

5 (1) Restore, remediate or rehabilitate the individual's
6 level of functioning and independence in play, leisure,
7 recreation and community activities.

8 (2) Promote health and wellness through engagement in
9 play, leisure, recreation and community activities.

10 (3) Reduce or eliminate limitations and restrictions to
11 participation in play, leisure, recreation and community
12 activities.

13 * * *

14 Section 2. Section 3(a), (b) and (f) of the act, amended
15 July 4, 2008 (P.L.580, No.45) and December 22, 2011 (P.L.572,
16 No.124), are amended to read:

17 Section 3. State Board of Medicine.

18 (a) Establishment.--The State Board of Medicine shall
19 consist of the commissioner or his designee, the Secretary of
20 Health or his designee, two members appointed by the Governor
21 who shall be persons representing the public at large and seven
22 members appointed by the Governor, six of whom shall be medical
23 doctors with unrestricted licenses to practice medicine and
24 surgery in this Commonwealth for five years immediately
25 preceding their appointment and one who shall be a nurse
26 midwife, physician assistant, certified registered nurse
27 practitioner, respiratory therapist, licensed athletic trainer
28 [or], perfusionist or recreational therapist licensed or
29 certified under the laws of this Commonwealth. All professional
30 and public members of the board shall be appointed by the

1 Governor, with the advice and consent of a majority of the
2 members elected to the Senate.

3 (b) Terms of office.--The term of each professional and
4 public member of the board shall be four years or until his or
5 her successor has been appointed and qualified, but not longer
6 than six months beyond the four-year period. In the event that
7 any of said members shall die or resign or otherwise become
8 disqualified during his or her term, a successor shall be
9 appointed in the same way and with the same qualifications and
10 shall hold office for the unexpired term. No member shall be
11 eligible for appointment to serve more than two consecutive
12 terms. The Governor shall assure that nurse midwives, physician
13 assistants, certified registered nurse practitioners,
14 perfusionists [and], respiratory therapists, athletic trainers
15 and recreational therapists are appointed to four-year terms on
16 a rotating basis so that, of every four appointments to a four-
17 year term, one is a nurse midwife, one is a physician assistant,
18 one is a certified registered nurse practitioner and one is a
19 respiratory therapist.

20 * * *

21 [(f) Sunset.--The board is subject to evaluation, review and
22 termination in the manner provided in the act of December 22,
23 1981 (P.L.508, No.142), known as the Sunset Act.]

24 * * *

25 Section 3. The act is amended by adding a section to read:
26 Section 13.6. Recreational therapist.

27 (a) Licensure qualifications.--To be eligible to apply for
28 licensure as a recreational therapist, an applicant must fulfill
29 the following requirements:

30 (1) Be at least 18 years of age.

1 (2) Be of good moral character.

2 (3) Complete a bachelor level program or higher in
3 recreational therapy or therapeutic recreation, or a bachelor
4 level program or higher in a related field which includes
5 courses pertaining to recreational therapy or therapeutic
6 recreation as required for certification by the National
7 Council for Therapeutic Recreation Certification.

8 (4) Submit a completed application and fee as required
9 by the board by regulation.

10 (5) Complete all certification requirements for and
11 maintain certification by the National Council for
12 Therapeutic Recreation Certification.

13 (6) Not be addicted to alcohol, narcotics or other
14 habit-forming drugs.

15 (7) Have not been convicted of a felony under the act of
16 April 14, 1972 (P.L.233, No.64), known as The Controlled
17 Substance, Drug, Device and Cosmetic Act, or of an offense
18 under the laws of another jurisdiction which, if committed in
19 this Commonwealth, would be a felony under The Controlled
20 Substance, Drug, Device and Cosmetic Act, unless the
21 following apply:

22 (i) Ten years have elapsed from the date of
23 conviction.

24 (ii) The applicant satisfactorily demonstrates to
25 the board that the applicant has made significant
26 progress in personal rehabilitation since the conviction
27 and the licensure of the applicant is not expected to
28 created a substantial risk of harm to the health and
29 safety of the applicant's clients or the public or a
30 substantial risk of further criminal violations.

1 (iii) The applicant otherwise satisfies the
2 qualifications required under this act.

3 (b) Current professionals.--It shall be unlawful four years
4 after the effective date of this section for any person to
5 practice or indicate an ability to practice recreational therapy
6 unless licensed under this act.

7 (c) Duration of license.--A recreational therapist license
8 issued under this section shall be valid for a period of two
9 years and shall be nontransferable.

10 (d) Title and practice protection.--No person may practice
11 or hold himself out as being able to practice recreational
12 therapy, use the term "recreational therapist," licensed
13 recreational therapist," the initials "CTRS/L" or other similar
14 terms or provide recreational therapy services in this
15 Commonwealth without being licensed under this act to do so.

16 (e) Recreational therapy services.--The techniques used by
17 recreational therapists to treat individuals include all of the
18 following:

19 (1) Conducting an individualized assessment for the
20 purpose of collecting systematic, comprehensive and accurate
21 data necessary to determine the course of action and
22 subsequent individualized treatment plan.

23 (2) Planning and developing an individualized
24 recreational therapy treatment plan that identifies an
25 individual's goals, objectives and potential treatment
26 intervention strategies for play, recreation, leisure and
27 community activities.

28 (3) Implementing an individualized recreational therapy
29 treatment plan that is consistent with the overall treatment
30 plan.

1 (4) Systematically evaluating and comparing the
2 individual's response to the individualized recreational
3 therapy treatment plan and making modifications as
4 appropriate.

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

8 (6) Identifying and training in the use of adaptive
9 play, recreation and leisure equipment.

10 (7) Identifying, providing and educating individuals to
11 use play, recreation, leisure and community resources that
12 support a healthy, active and engaged life.

13 (8) Providing leisure education and counseling to
14 address issues that hinder health and engagement in play,
15 recreation, leisure and community activities.

16 (9) Providing community integration, reintegration,
17 inclusion and transitioning services to maximize health and
18 participation in play, recreation, leisure and community
19 activities.

20 (10) Addressing functional skill recovery, development
21 or maintenance related to health and participation in play,
22 recreation, leisure and community activities and utilizing
23 play, recreation, leisure and community activities as
24 modalities to advance health and functioning.

25 (11) Assisting individuals in constructing a healthy
26 leisure lifestyle that supports continued recovery, health
27 promotion and quality of life.

28 (12) Providing play, recreation, leisure and community
29 opportunities for individuals with illness, disability or
30 challenges for therapeutic purposes.

1 (13) Minimizing personal and environmental contextual
2 barriers and maximizing personal and environmental contextual
3 facilitators to enhance health and participation in play,
4 recreation, leisure and community activities.

5 (14) Collaborating with and educating the individual,
6 family, caregiver and others to foster an environment that is
7 responsive to the health, play, recreation, leisure and
8 community engagement needs of the individual.

9 (15) Consulting with groups, programs, organizations or
10 communities to improve physical, social and programmatic
11 accessibility in play, recreation, leisure and community
12 activities.

13 (f) License renewal.--A licensee is eligible for biennial
14 renewal of a recreational therapist license if the following
15 requirements are met:

16 (1) A completed application and fee as established by
17 regulation of the board are submitted to the board.

18 (2) Continuing education requirements as established by
19 the board have been completed.

20 (3) The applicant holds current certification as a
21 therapeutic recreational specialist by the National Council
22 for Therapeutic Recreation Certification.

23 (4) Any other requirements are met as established by the
24 board.

25 (g) Referrals.--

26 (1) Consultation and evaluation by a recreational
27 therapist may be performed without a referral.

28 (2) Recreational therapy services provided to
29 individuals with medically related conditions shall be based
30 on a referral from a qualified health care professional who,

1 within the scope of the professional's licensure, is
2 authorized to make referrals for health care services.

3 (3) A referral shall not be required for recreational
4 therapy services related to prevention, wellness, education,
5 adaptive sports and recreation.

6 (h) Construction.--Nothing in this section shall be
7 construed to:

8 (1) Prohibit an individual currently holding a
9 professional license from practicing within the applicable
10 scope of practice for that individual's professional license.

11 (2) Prohibit students enrolled in a recreational therapy
12 related course of study from performing recreational therapy
13 that is incidental to their course of study or required
14 supervised work relating to their course of study.

15 (3) Prohibit an individual practicing as a music
16 therapist from providing music therapy services.

17 (4) Prohibit an individual employed by the Federal
18 Government to provide recreational therapy service while in
19 the discharge of the person's official duties.

20 Section 4. This act shall take effect in 60 days.