

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Recreational Therapy Licensure

RULE CITATION: All Submission for Permanent Rule Forms

DEADLINE FOR RECEIPT: Monday July 11, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

It appears that all three Rules were published originally in Vol. 36, Issue 12 of the NC Register, on 12/15/21, and then Rule .0301 was republished in Vol. 36, Issue 15, on 2/1/22.

Please change the publication date in Box 6 to reflect the correct dates for all three Rules (12/15/21 for Rules .0501 and .0701 and 2/1/22 for Rule .0301).

For Rule .0301, if you changed the Rule after the original publication (and it appears to me you have), you need only list the second publication date.

Also, please confirm whether there was a second hearing for Rule .0301 after it was republished. Currently, the Form for Rule .0301 states that the Rule was published in February but had a hearing in January. If you had a second hearing, please indicate the date. If you did not, you can take the date of the original hearing off the Form, and just leave it blank.

Finally, please confirm the dates that all three Rules were adopted by the Board.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: June 24, 2022

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0301

DEADLINE FOR RECEIPT: Monday July 11, 2022.

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In your introductory statement, please add your publication information. The intro statement should say: “21 NCAC 65 .0301 is amended as published in 36:15 NCR 1316-18 as follows:”

For future reference, formatting examples are available at: <https://www.oah.nc.gov/rules-division/information-rulemaking-coordinators/rule-format-examples>

In (c)(1), line 22, it appears you’ve deleted some existing text to add “...“APIE(D) Process.” at the end of the sentence. Looking at the notice of text in the Register, it appears there was also a deletion in (c)(1), line 21. Throughout the Rule, please restore the deleted text and show that it was deleted by striking through it. See the above link for formatting examples.

In (c)(1), lines 23-25, do the names of the course titles and topics need to be capitalized? If so, please capitalize “documentation” on line 25. Otherwise, please put all words in lower case.

In (c)(1), line 27, from where does one obtain the “Certified Therapeutic Recreation Specialist” designation? Is it the National Council for Therapeutic Recreation Certification? Please clarify in the Rule.

In (c)(1), lines 28-29, you use the acronym for the National Council for Therapeutic Recreation Certification before using the full name. Please correct.

In (c)(1), lines 28-29, you reference certification by the NCTRC. Certification as what? Are you referring to the CTRS?

In (c)(2), please consider striking “...that provide knowledge necessary to develop the ability to practice recreational therapy or therapeutic recreation...” This doesn’t really

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add anything to the definition, and you define “supportive courses” further and in more detail in the following sentence.

In (c)(2), p.2, lines 4-5, the reference to “other supportive courses” is circular, as you’re requiring health and human services coursework as part of the supportive coursework, and then define HHS coursework as including “...other supportive courses related to the practice of recreational therapy.” Please correct/clarify your requirements.

In (c)(3)(A), line 16, I went to the link provided and could not find the field placement requirements. Is it possible to provide a more direct link?

In (c)(3)(B), line 19, please uncapitalize “University”.

In (c)(3)(C), line 25, and in (d), line 36, please delete the use of the full name of the Board, as it’s used above on line 20.

In (c)(3)(D), line 32, what is “ATRA SOP”? This isn’t used elsewhere in this Rule.

In (d), line 35, please delete “Certified Therapeutic Recreation Specialist, (CTRS™)” as you already used the full name above in (c)(1).

In (d), p.3, line 4, do you need the trademark symbol after CTRS? Also, please delete the quotation mark before “CTRS”.

In (e), line 11, please move the last instance of NCTRC to line 10.

In your History Note, please fix the citation to “90C-24(a)(13).”

Also in the History Note, please italicize “August 1, 2022” and change the colon to a semi-colon.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 21 NCAC 65 .0301 IS PROPOSED FOR AMENDMENT AS FOLLOWS:

2
3 **21 NCAC 65 .0301 MINIMUM LEVEL OF EDUCATION AND COMPETENCY FOR LICENSED**
4 **RECREATIONAL THERAPIST**

5 (a) For the purposes of G.S. 90C-27(a), a candidate for licensure as a recreational therapist shall have graduated from
6 an accredited college or university with a baccalaureate degree or higher and with a major or specialization in
7 recreational therapy or therapeutic recreation. The academic major or specialization shall be verified by an official
8 transcript.

9 (b) For the purposes of this Rule, the following terms mean:

10 (1) An "academic major" is defined as a degree in recreational therapy or therapeutic recreation.

11 (2) A "specialization in recreational therapy or therapeutic recreation" is defined as a degree in
12 recreation and leisure studies, or recreation, or health and physical education, or health and human
13 performance with a specialization, also known as an option, emphasis, or concentration, in
14 therapeutic recreation or recreational therapy.

15 (3) An "accredited college or university" is defined as a college or university accredited by an
16 accreditation body recognized by the United States Department of Education or by the Committee
17 on Accreditation of Recreational Therapy Education (CARTE) under the Commission of
18 Accreditation of Allied Health Education (CAAHEP).

19 (c) An academic major or specialization is defined by the following components:

20 (1) Coursework for a degree or specialization in recreational therapy or therapeutic recreation shall
21 reflect six courses, three hours per course in which the title, course description, and course outline
22 reflects recreational therapy or therapeutic recreation content related to the "APIE(D) Process".
23 Course titles may include Introduction or Foundations, Assessment, Planning, Implementation,
24 Evaluation, Research, and Advancement of the Profession. Topics that should be addressed in
25 classes should include Ethics, Standards of Practice, documentation. Recreational
26 Therapy/Therapeutic Recreation coursework offered in North Carolina must be taught by a licensed
27 recreational therapist (LRT) or out of state by a Certified Therapeutic Recreation Specialist (CTRS).
28 For candidates for licensure who have passed the NCTRC examination and were certified by the
29 National Council for Therapeutic Recreation Certification, a therapeutic recreation or recreational
30 therapy content course taught is considered the same as a therapeutic recreation or recreational
31 therapy content course taken.

32 (2) "Supportive coursework" are courses, not including the recreational therapy or therapeutic recreation
33 content courses, that provide knowledge necessary to develop the ability to practice recreational
34 therapy or therapeutic recreation and are required for the major or specialization in recreational
35 therapy or therapeutic recreation. Supportive courses provide knowledge about human development,
36 human functioning, health, health care and human services, illness and disabling conditions.
37 Supportive courses for a degree or specialization in recreational therapy or therapeutic recreation

1 shall include three semester hours of anatomy and physiology, three semester hours of abnormal
2 psychology, three semester hours of human growth and development across the lifespan, and nine
3 semester hours in the area of health and human services. Health and human services coursework
4 may include content in the areas of education, ethics, and other supportive courses related to the
5 practice of recreational therapy.

6 (3) In addition to the coursework required in Subparagraphs (c)(1) and (2) of this Rule, a field placement
7 course shall be required for an academic major or specialization in therapeutic recreation or
8 recreational therapy.

9 (A) A "field placement course," sometimes called an "internship course," is a course taken for
10 college or university credit and shall require clinical education in an agency providing
11 therapeutic recreation services to clients. The field placement or internship course shall
12 meet the criteria for a field placement set forth by the NCTRC in the NCTRC Standards
13 publication herein incorporated by reference including any subsequent amendments and
14 editions. A copy of the NCTRC field placement requirements may be obtained at no cost
15 on the National Council for Therapeutic Recreation Certification (NCTRC) website at:
16 <http://www.nctrc.org> .

17 (B) A "university supervisor" of a field placement course is defined as the university faculty
18 assigned to supervise the student and course from the university. If the university is in
19 North Carolina, University supervisors shall be licensed by the North Carolina Board of
20 Recreational Therapy Licensure (NCBRTL) throughout the entire internship experience.

21 (C) An "agency supervisor" is the recreational therapist or therapeutic recreation specialist, in
22 an agency providing therapeutic recreation or recreational therapy services to patients or
23 clients, assigned to provide clinical supervision to the field placement student from the
24 agency. Supervisors of students completing field placements in North Carolina shall be
25 licensed by the North Carolina Board of Recreational Therapy Licensure (NCBRTL)
26 throughout the entire internship experience.

27 (D) "Successful performance" in a field placement course is defined as a grade of D or Pass
28 awarded by the university supervisor. "Successful performance from the agency
29 supervisor" is defined by an overall rating of "Achieves Expectations" documented on the
30 Clinical Performance Appraisal and Summary Reference Form, (CPASRF) that may be
31 accessed at the Board's website, www.ncbrtl.org or by contacting the Board. The CPASRF
32 includes the content and performance criteria from the ATRA SOP, as set forth in Rule
33 .0203 of this Chapter. The CPASRF is provided by the Board or at the Board's website
34 www.ncbrtl.org

35 (d) Candidates for licensure who have been certified as a Certified Therapeutic Recreation Specialist, (CTRS™) by
36 the National Council for Therapeutic Recreation Certification (NCTRC) ~~since 1990~~ and have completed all
37 recreational therapy or therapeutic recreation content courses, and all support content course requirements, but

1 ~~have not completed an internship or field placement course cannot locate their internship supervisor, shall file an~~
2 Internship Supervisor Location Appeals Form and shall be issued a license to practice as a recreational therapist
3 if they verify a minimum of one year of successful performance as a recreational therapist or therapeutic recreation
4 specialist during which time they were a " CTRS™ by the NCTRC. Successful work performance shall be verified
5 to the NCBRTL on a CPASRF provided by NCBRTL. "Successful performance" is defined as an overall rating
6 completed by the agency supervisor of "Achieves Expectations" on the CPASRF provided by the NCBRTL.

- 7 (e) Successful passage of the NCTRC examination shall be determined by the NCTRC. Applicants for licensure shall
8 submit evidence of successful passage of the NCTRC examination to the NCBRTL. Evidence of successful
9 passage of the NCTRC examination shall be copy of his or her NCTRC certificate or a successful passage
10 notification letter from
11 NCTRC.

12
13 *History Note: Authority 90C-22(2)(i); 90C-22(7); 90C-24(13); 90C-27(a);*
14 *Temporary Adoption Eff. December 1, 2005;*
15 *Eff. June 1, 2006;*
16 *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21,*
17 *2018.*
18 *Amended Eff. August 1, 2022; March 1, 2016; October 1, 2007;*
19
20

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0501

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In reviewing this Rule, the staff recommends the following changes be made:

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<https://www.oah.nc.gov/rules-division/information-rulemaking-coordinators/rule-format-examples>

Moreover, please add line numbers as shown in the above formatting examples.

In (b), you state that the processing fee for returned checks “shall be the maximum allowed by law.” What law are you referring to, because I didn’t see this referenced in the statutes cited in the History Note. I’d either specify what law you mean in the body of the text, or add a citation to the History Note.

In the History Note, please change “Effective August 1, 2022” to “Amended Eff. August 1, 2022.” Note the period at the end of the sentence.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel

Date submitted to agency: June 24, 2022

SECTION .0500 – LICENSURE FEES

21 NCAC 65 .0501 LICENSURE FEES

- (a) A cashier's check, money order, certified check, an employer's check, or online payment is acceptable for the initial application licensure fees.
- (b) Fees are nonrefundable and payable to the North Carolina Board of Recreational Therapy Licensure. A cashier's check, money order, certified check, an employer's check, personal checks, or online payment shall be accepted for payment of renewal fee and record maintenance fee. The processing fee for returned checks shall be the maximum allowed by law.

(c) The Board shall collect the following fees:

(1)	Initial Application for Licensure Fee	
	(A) Licensed Recreational Therapist	\$100.00
	(B) Licensed Recreational Therapy Assistant	\$50.00
(2)	Licensure renewal fees (due every two years)	
	(A) Licensed Recreational Therapist	\$75.00 <u>\$85.00</u>
	(B) Licensed Recreational Therapy Assistant	\$35.00 <u>\$40.00</u>
(3)	Inactive status	\$35.00 <u>\$45.00</u>
(4)	Record Maintenance fee (due non- renewal year)	
	(A) Licensed Recreational Therapist	\$75.00 <u>\$80.00</u>
	(B) Licensed Recreational Therapy Assistant	\$35.00 <u>\$40.00</u>

*History Note: Authority G.S. 90C-24(a)(3); 90C-24(a)(10); 90C-28;
Temporary Adoption Eff. December 6, 2005;
Eff. December 1, 2006;
Amended Eff. March 1, 2016; September 1, 2009;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21,
2018.
Effective August 1, 2022*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0701

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Moreover, please add line numbers as shown in the above formatting examples.

In (a)(1), I think it would be clearer to say "...application form provided by the Board with current contact..."

In (a)(1), I do not understand what you're requiring in the new language. Particularly confusing is the last clause "and application with continuing education." Please revise to be more clear.

In (a)(3), you require the applicant to submit evidence of meeting education and competency requirements that were "applicable at the time of reinstatement". As the person is only applying for reinstatement, and has not yet been reinstated, do you mean to say at the time of application? Otherwise, please clarify your intent here.

In (a)(5), did you mean to say "...missed Renewal or Record Maintenance licensure fees"?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Brian Liebman
Commission Counsel
Date submitted to agency: June 24, 2022

SECTION .0700 – REINSTATEMENT

21 NCAC 65 .0701 REINSTATEMENT OF LAPSED LICENSE

(a) A recreational therapist or a recreational therapy assistant whose license has lapsed and who desires reinstatement of that license shall:

- (1) Complete a reinstatement application form with current contact and employment information provided by the Board within 60 days of ~~expiration~~; expiration or missed submissions of Record Maintenance Fee or Renewal fee and application with continuing education;
- (2) Submit evidence of satisfaction of all court conditions resulting from any misdemeanor or felony conviction(s), if applicable;
- (3) Submit evidence of meeting education and competency requirements pursuant to Rule .0301 or Rule .0302 as applicable at the time of reinstatement;
- (4) Submit evidence of meeting continuing education requirements in accordance with Rule .0601; and
- (5) Submit payment of application fee and any missed Renewal or Maintenance licensure fees.

(b) Persons whose license is suspended for failure to renew must not practice recreational therapy and must not hold themselves out as licensed by the Board until they apply for and receive reinstatement of their license by the Board.

(c) The Board shall inform the applicant in writing of the Board's decision within 30 days after the application deadline and the Board finds the complete application shows the requirements have been met.

*History Note: Authority G.S. 90C-24(a)(3); 90C-28; 90C-30;
Temporary Adoption Eff. December 1, 2005;
Eff. December 1, 2006;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 21, 2018;
Amended Eff. March 1, 2020.
Amended Eff. August 1, 2022*