

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: All Rules Submitted

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

On the Submission for Permanent Rule form for each rule:

In Box 3, you have checked the incorrect action, as all of these rules are being amended. Please change the form to reflect that.

In Box 6, you state that you conducted the public hearing on October 22; however, you published in the Register that the hearing would be held October 21. Assuming this was just a typographical error, please insert the correct date on the form. If you did move the date of the hearing to October 22, please be sure to include proof that you published the new hearing date through the Codifier.

Please be sure to sign every form in Box 11 and type the rulemaking coordinator's name and title below the signature.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0601

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

In the Introductory Statement on line 1, state "21 NCAC 65 .0601 is amended as published in 34:07 NCR 554 with changes as follows:"

In (a), line 6, should "recreational therapist" and "recreational therapy assistant" be capitalized, as these terms are capitalized in Rule .0801?

On line 7, replace "outlined below," with "set forth in this Rule,"

On line 9, I think you need to insert an "and" after "expiration date,"

In (b), line 15, replace "will" with "shall" to be consistent with line 11.

In (c), line 18, please properly incorporate the Job Analysis pursuant to G.S. 150B-21.6. You can use the language in Rule .0301(c)(3)(A) as a guide.

*In (d), line 24, please delete the comma after "IACET" so it will read "**IACET, IACET** must send..."*

Also on line 24, please insert a comma after "attendance"

On line 26, please insert a comma after "head"

In (e), line 28, please delete the colon after "courses"

In (f), line 34, please insert a comma after "contents"

In (h), Page 2, line 15, please replace "is" with "shall be"

*On Page 2, line 17, this should be Paragraph (i), not (g). On line 19, this should be Paragraph (j), not (h), and on line 25, it should be Paragraph (k), not (i). These are currently incorrect in the Code, so you will need to show this as a change. Thus: **(g) (i)***

In the History Note, G.S. 90C-2 is repealed, so please delete this reference.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

Also in the History Note, given that 90C-24(a)(13) specifically conveys authority to the Board to regulate continuing education, why not just cite to 90C-24, rather than specific subsections?

On line 32, please add an amended effective date, so it reads: "Amended Eff. March 1, 2020; May 1, 2013."

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

21 NCAC 65 .0601 is proposed for amendment as follows:

**21 NCAC 65 .0601 CONTINUING EDUCATION REQUIREMENTS FOR LICENSED
RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY
ASSISTANT**

(a) During the two-year licensing period, a recreational therapist or recreational therapy assistant who is licensed by the North Carolina Board of Recreation Therapy Licensure shall complete continuing education as outlined below. Candidates for license renewal must complete a minimum of 20 hours of continuing education to renew the license. The renewal cycle is two years prior to licensee's expiration date, 20 hours or 2.0 CEUs must be earned within these two years.

(b) Values shall be awarded as the follows:

0.1 CEU (Continuing Education Unit) = one contact hour

1.0 CEU (Continuing Education Unit) = ten hours

2.0 CEUs = 20 Hours of Continuing Education every two years

No credit will be awarded for sessions less than one hour in length.

~~Renewal Cycle is two years back from renewal due date~~

(c) Content of continuing education must be consistent with the current standards listed in the National Council for Therapeutic Recreation Council Job Analysis and any subsequent amendments or changes. A licensee shall acquire credit through professional service, continuing education courses, academic courses, and professional publications and presentations.

(d) A licensee seeking renewal earning continuing education credit approved by the International Council on Continuing Education (IACET) shall include documentation in licensees' renewal application showing credit earned, content, the licensee's name and attendance dates. A licensee seeking renewal credit for sessions not approved by IACET, must send documentation to show name, content, attendance and amount of credit earned. Documentation to support renewal credit earned for attending professional sessions shall be a transcript, certificate, letter from continuing education's provider's letter head or the licensee's employer's training log including the content, attendance dates, licensee's name and credit earned.

(e) A licensee seeking renewal credits for academic courses: shall submit official transcript with course(s) and credit earned. One semester hour = 15 hours.

(f) A licensee seeking renewal credits from professional publications and presentations shall earn no more than 10 hours in the area of professional publications and presentations. Credit shall not be given for repeat or multiple presentations of same seminar, publication, in-service, original paper or poster presentation during a renewal cycle. Credit shall be split equally between presenters. Documentation for publications shall be a copy of the title page, table of contents and publication date. Documentation for presentations shall be in the form of letter from sponsoring body stating the licensee's name, date, content and the length of presentation.

(g) Values for publications and presentations are as follows:

(1) Authoring and publishing printed editorials one hour

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|----|------|--|-------------|
| 1 | (2) | Authoring and publishing peer reviewed articles on original research | six hours |
| 2 | (3) | Authoring and publishing professional newsletter article | one hour |
| 3 | (4) | Editing a textbook of original work | four hours |
| 4 | (5) | Authoring and publishing a textbook chapter of original work | six hours |
| 5 | (6) | Authoring and publishing a peer reviewed journal article of | |
| 6 | | professional practice | four hours |
| 7 | (7) | Authoring and publishing a journal reviews or book review | one hour |
| 8 | (8) | Presenting peer reviewed poster session | one hour |
| 9 | (9) | Authoring and publishing a research abstract | one hour |
| 10 | (10) | Authoring and publishing a textbook of original work | ten hours |
| 11 | (11) | Authoring unpublished masters or doctoral thesis | eight hours |
| 12 | (12) | Presenting one hour at professional meetings | two hours |
- (h) Licensees seeking renewal credit for field-placement intern supervision shall be granted credit for no more than two field placement students during a renewal cycle for three hours credit per intern. Submission of the NCBRTL Clinical Appraisal and Reference Summary Form is accepted documentation. The NCBRTL Clinical Appraisal and Reference Summary Form can be found on the Board website, www.ncbrtl.org
- (g) Licensees shall attend the Board's Compliance and Ethics Training for four hours credit during their first year of licensure. Existing licensees may attend the Board's Compliance and Ethics training for four hours renewal credit.
- (h) Licensees seeking renewal credit submission for on-line training shall submit as proof of completion a certificate, letter or transcript as follows:
- (1) documentation to show content of the session(s);
 - (2) documentation to show licensees' date of completion of the session;
 - (3) documentation to support amount of credit awarded; and
 - (4) the website address of the sponsoring body.
- (i) Licensee seeking renewal credit for professional Recreational Therapy board member service shall be documented by letter of service from the professional board stating the dates served. One hour credit shall be given for one year's service. If the year's service crosses over the licensee's renewal cycle, credit can be used for next renewal cycle.

*History Note: Authority G.S. 90C-2; 90C-24(a)(3);
Temporary Adoption Eff. December 1, 2005;
Eff. January 1, 2007;
Amended Eff. May 1, 2013.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0602

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

In the Introductory Statement on line 1, state "21 NCAC 65 .0602 is amended as published in 34:07 NCR 554 with changes as follows:"

In (a), line 9, please either retain "his or her" or insert a "the" before "licensee's"

Please delete the blank line spaces on lines 11, 16, 25, and 31.

In (b), line 12, please replace "referenced in" with "required by"

On line 13, please begin the sentence with "The" rather than "A"

On line 14, please insert a "the" before "documentation"

Also on line 14, do not include "referenced in Rule .0601" It is unnecessary in light of the language on line 12. To show this change on line 14, you will remove the underlining from "referenced in Rule .0601" and will strike, highlight, and bracket the language.

On line 15, uploaded to where? The Board's website? If so, why not state that?

In (c), lines 17, 20, 21, and 23, why is "Licensee" capitalized? The term is not capitalized elsewhere in the Rule.

On line 18, replace "will" with "shall"

What is the purpose of the language on lines 18-20, "The grace period allows... corrections." Why is this included in the Rule?

Line 21, what is "seek/attend" Do you mean "seek and attend" or "seek or attend"?

On line 21, I believe "Board" should be capitalized to be consistent with the rest of the Rule.

On line 23, it seems that "misses the 15th due date and" is unnecessary in light of the language in the rest of the Paragraph, and I suggest deleting it.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

In (d), line 26, this is being changed from (c) to (d). Thus, you will show that change: “~~(c)~~ (d)” As you published this correctly in the Register, you won’t show it as a change made after publication. Just make the change.

Also on line 26, what is “update”? If this is supposed to be “updated” what makes it updated? Is a new picture required every two years?

In (e), isn’t this what is required by Rule .0601(g) (The second (g) on Page 2)? Why do you need it both places?

Assuming you do need to retain it, why is “Licensee” capitalized on line 32?

On line 33, why is “Renewal” capitalized?

In the History Note, line 37, please change the effective date to March 1, 2020.

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

21 NCAC 65 .0602 is proposed for amendment as follows:

**21 NCAC 65 .0602 RENEWAL REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST AND
LICENSED RECREATIONAL THERAPY ASSISTANT**

- (a) Board staff shall send a renewal and fee notice to a licensee 60 days prior to the expiration date at the licensees' last known contact address listed on licensee's online profile unless a person has advised the Board that he or she does not intend to renew the license. Pursuant to Rule .0603 of this Section, it is the responsibility of the licensee to keep ~~his or her~~ licensee's address current on the ~~his or her licensee's~~ licensee's online profile on Board website, www.ncbrtl.org.
- (b) Licenses issued shall be subject to renewal every two years and shall include documentation as referenced in Rule .0601 in this Section to support completion of continuing education requirements. A two-year cycle renews every two years on the licensee's birth month. A licensee must submit documentation referenced in Rule .0601 to NCBRTL postmarked or uploaded online by the 15th of the licensee's birth month.
- (c) A Licensee who is due for renewal and wants to submit required documentation received after the 15th of licensee's birth month will be given a grace period until the 30th of the birth month. The grace period allows the NCBRTL Board to review submitted documentation and contact the licensee for any additional information and corrections. This grace period allows a Licensee to make any required corrections before the 30th, when a license becomes lapsed. During a grace period a Licensee may seek/attend conferences but must require board approval in order for the continuing education credits to count for licensee's current renewal documentation. Any Licensee who misses the 15th due date and applies to renew with a lapsed license (after the 30th) will be required to fill out a reinstatement-application as stated in Rule .0701.
- (d) Each licensee shall complete and submit a renewal application, continuing education documentation and update color photo of the licensee. All materials shall be postmarked or submitted on his or her online profile on the Board website by the 15th of the licensee's birth month. If the renewal application and fee is not received or postmarked by the ~~30th~~ 15th of the licensee's birth month, the license shall ~~expire~~. expire on the 30th of licensee's birth month.
- (e) First year Licensee's must complete a mandatory Compliance and Ethics Training offered by NCBRTL within their first year of issue date. Proof of attendance, given at training, must be included with Renewal application.

History Note: Authority G.S. 90C-24(a)(3); 90-29;

Eff. January 1, 2007;

Amended Eff. February 1, 2020, March 1, 2016; May 1, 2013; October 1, 2009.

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0701

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

In the Submission for Permanent Rule form, Box 9B, you state that this amendment "expands time allowed for reinstatement" but the Rule does not do that. Consider using the explanation you published in the Register, "Clarifies the time limit of reinstatement period and requirements"

In the Introductory Statement on line 1, state "21 NCAC 65 .0701 is amended as published in 34:07 NCR 554 with changes as follows:"

In (a), line 5, and (b), lines 14 and 15, please consider replacing "must" with "shall"

In (a)(1), what authority are you relying upon to limit the time period for reinstatement to 60 days after expiration? G.S. 90C-30 states:

§ 90C-30. Reinstatement.

A person who has allowed his or her license to lapse by failure to renew it pursuant to this Chapter must apply for licensure on a reinstatement form provided by the Board. The Board shall require the applicant to return the completed reinstatement licensure form including renewal requirements established by the Board as defined by rule. **If the license has lapsed for more than two years, the Board shall require the applicant to successfully demonstrate competency as defined by rules established by the Board.** If the Board determines that the license should be reinstated, it shall issue a license renewal to the applicant. (2005-378, s. 2.)

It appears that a former licensee has up to two years to renew from the statute.

In (a)(1), line 6, what are the contents of this form?

In (a)(2), line 9, consider inserting a comma after "conviction(s)"

In (a)(5), what are these fees? Is the application fee the "licensure renewal fee" in Rule .0501(c)(2)? What other fees will have been missed?

In (b), line 14, why do you need "pursuant to G.S. 90C"?

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 29, 2020

In (c), line 18, what is “successfully” here?

In the History Note, line 22, please change the Amended Eff. date to March 1, 2020.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

21 NCAC 65 .0701 is proposed for amendment as follows:

.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 must:

- (1) Complete a reinstatement ~~license~~ application form provided by the Board within 60 days of expiration;
- (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 licensure fees.

(b) Persons whose license is suspended for failure to renew, pursuant to G.S. 90C, 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 successfully ~~meet~~ met.

History Note: Authority G.S. 90C-24(a)(3); 90C-30;
Eff. December 1, 2006.
Amended Eff. February 1, 2020

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0801

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

In the Submission for Permanent Rule form, Box 9B, you state that this amendment "allows licensee to request inactive status for up to five years" but the Rule does not do that. Consider using the explanation you published in the Register, "Allows for licensees to request and pay Inactive Status for longer amounts of time."

In the Introductory Statement on line 1, state "21 NCAC 65 .0801 is amended as published in 34:07 NCR 554 with changes as follows:"

In (a), line 5, please insert a comma after "request"

In (e), I note this Paragraph applies only to Licensed Recreational Therapists, and not Assistants. Is this omission on purpose?

In (f), line 26, why is "Inactive" capitalized?

Also on line 26, received by whom? If it is the Board, why not state that here?

In the History Note, line 31, please change the Amended Eff. date to March 1, 2020.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

21 NCAC 65 .0801 is proposed for amendment as follows:

21 NCAC 65 .0801 INACTIVE STATUS

(a) A licensee shall request inactive status by completing the Inactive Status Request Form, that includes the licensee's contact information, the number of year's requested, ~~and~~ the reason for request and paying the fee set forth in Rule .0501 of this Chapter. The form is available through the Board or Board's website, www.ncbrtl.org.

(b) While on inactive status, an individual shall not practice recreational therapy in North Carolina.

(c) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period of one year or less may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;

(2) Completion of 10 continuing education hours, or the amount of hours as set forth in Rule .0601 in this Chapter for license renewal for a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant; and

(3) Payment of the license renewal fee.

(d) A Licensed Recreational Therapist or Licensed Recreational Therapy Assistant who has been on inactive status for a period greater than one year may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board;

(2) Completion of 10 continuing education hours per year of inactive status, or the amount of hours, as set forth in Rule .0601 in this Chapter for license renewal; and

(3) Payment of the current license renewal fee.

(e) A Licensed Recreational Therapist who has been on inactive status for a period greater than five years may convert to active status by:

(1) Submission of a reinstatement application as set forth in Rule .0701 in this Chapter to the Board; and

(2) Submission of proof of passage of the examination as set forth in Rule .0301 in this Chapter.

(f) The Inactive request must be received on or before 15th of Licensee's birth month or due date.

*History Note: Authority G.S. 90C-24(a)(3); 90C-31;
Temporary Adoption Eff. December 1, 2005;
Eff. December 1, 2006;
Amended Eff. February 1, 2020; March 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0902

DEADLINE FOR RECEIPT: Wednesday, February 12, 2020

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 call our office to inquire concerning the staff recommendation.

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

In the Introductory Statement on line 1, state "21 NCAC 65 .0902 is amended as published in 34:07 NCR 554 with changes as follows:"

In (e), line 25, please strike "d)" and replace it with "(d)"

In (e)(4), line 30, please insert an "and" after "Certification;"

In the History Note, line 37, please change the Amended Eff. date to March 1, 2020.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2020

21 NCAC 65 .0902 is proposed for amendment as follows:

21 NCAC 65 .0902 MILITARY ENDORSEMENT

(a) The military trained applicant for licensure by endorsement shall make application to the Board by showing his or her credentials are substantially equivalent or exceed the requirements for licensure, as set forth in Section .0300 of this Chapter.

(b) The application in Paragraph (a) of this Rule shall be accompanied by:

(1) A color photograph;

(2) Official college transcripts from all colleges attended;

(3) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification;

~~(4) The licensure fee as set forth in Rule .0501 in this Chapter;~~

~~(5)~~ (4) Verification of military training as a MOS Recreational Therapist or MOS Recreational Therapy Assistant;

~~(6)~~ (5) Verification of two years of active practice within the five years preceding the date of application as a MOS Recreational Therapist or MOS Recreational Therapy Assistant; and

~~(7)~~ (6) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.

(c) Applicants pursuant to G.S. 93B-15.1(a2) shall pass the Military Exemption MOS Recreational Therapy Examination given by the North Carolina Board of Recreational Therapy Licensure.

(d) A military spouse applicant for licensure by endorsement, who possesses a current license whose licensure requirements are substantially equivalent or exceed the requirements for licensure in North Carolina shall make application with and be evaluated by the Board as set forth in Section .0300 of this Chapter.

(e) The application in Paragraph d) shall be accompanied by:

(1) A color photograph;

(2) Official college transcripts from all colleges attended;

(3) Verification of current state license;

(4) Verification of passage of the Exam given by National Council for Therapeutic Recreation Certification;

~~(5) The licensure fee as set forth in Rule .0501 of this Chapter; and~~

~~(6)~~ (5) A statement that the applicant has not committed any act in any jurisdiction that would have constituted grounds for refusal, suspension, or revocation of a license to practice that occupation in this State at the time the act was committed.

History Note: Authority G.S. 90C-27; 90C-33; 93B-15.1;

Eff. February 1, 2020 March 1, 2016.