

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0203

DEADLINE FOR RECEIPT: Friday, February 12, 2016

NOTE WELL: *This request when viewed on computer extends 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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption. And when you make changes to this and all other Rules pursuant to this Request for Technical Change, please be sure to state "21 NCAC 65 .0203 is amended with changes as published in 30:06 NCR 644 as follows:" (See Rule 26 NCAC 02C .0404)

On line 6, please insert a comma after "(ATRA SOP)" In order to do so, you will need to follow Rules 26 NCAC 02C .0108 and .0405. Therefore, it will look like this: "... Practice ~~[(ATRA SOP)]~~ ATRA SOP..."

On line 8, please simply remove the extra space between the hyphen and "eight"

On line 9, "forty dollars" should not be capitalized.

Also on line 9, please insert a hyphen between "non" and "ATRA"

In the History Note, you need to show changes to the current authority cited, which is:

Authority G.S. 90C-22(6); 90C-24(a)(3);

Therefore, please strike 90C-22(6) and replace it with 90C-22(2)

For the multiple citations to 90C-24, please put them in numerical order and separate them. It will look like this: "90C-24(a)(1); 90C-24(a)(3); 90C-24(a)(13);"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, "Amended Eff. March 1, 2016."

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, 2016

21 NCAC 65 .0203 is adopted as published in 30:06 NCR 644 as follows:

21 NCAC 65 .0203 LICENSED RECREATIONAL THERAPIST STANDARDS OF PRACTICE

A Licensed Recreational Therapist ~~must~~ shall practice recreational therapy, also known as therapeutic recreation, in accordance with the most recent version of the American Therapeutic Recreation Association, ATRA Standards for the Practice (ATRA SOP) of Therapeutic Recreation and Self-Assessment Guide published by the American Therapeutic Recreation Association (ATRA) and including any subsequent amendments or changes. A copy ~~can~~ may be purchased from ATRA at: ~~http://www.atra-tr.org.~~ <https://www.atra-online.com/> at a cost of twenty- eight dollars (\$28) for ATRA members and Forty Dollars (\$40) for non ATRA members.

*History Note: Authority G.S. 90C-22(2); 90C-24(a)(3) (1) (13);
 Eff. December 1, 2006;
 Amended Eff: February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0204

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption. Please also remove the extra "21" between "0204" and "is"

On line 5, change "to" to "with" before "ATRA SOP"

On line 5, please insert a comma after "(ATRA SOP)" In order to do so, you will need to follow Rules 26 NCAC 02C .0108 and .0405. Therefore, it will look like this: "... Practice ~~[(ATRA SOP)]~~ ATRA SOP..."

On line 6, please capitalize "Section"

There is no need to restate the location and cost of this Guide, as you did so in Rule .0203 and referenced that Rule. I recommend you end the Rule after "Section".

In the History Note, you need to show changes to the current authority cited, which is:

Authority G.S. 90C-22(6); 90C-24(a)(3);

Therefore, please strike 90C-22(6) and replace it with 90C-22(2)

For the multiple citations to 90C-24, please put them in numerical order and separate them. It will look like this: "90C-24(a)(1); 90C-24(a)(13);"

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, "Amended Eff. March 1, 2016."

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, 2016

21 NCAC 65 .0204 21 is adopted as published in 30:06 NCR 644 as follows:

21 NCAC 65 .0204 LICENSED RECREATIONAL THERAPY ASSISTANT STANDARDS OF PRACTICE

Under the supervision of a Licensed Recreational Therapist, a Licensed Recreational Therapy Assistant ~~must~~ shall practice recreational therapy in accordance to ATRA SOP Self-Assessment guide as incorporated by reference in Rule .0203 of this section ~~with the most recent version of the ATRA Standards for the Practice of Therapeutic Recreation and Self-Assessment Guide~~ published by the American Therapeutic Recreation Association (ATRA) and any subsequent amendments or changes. A copy ~~can~~ may be purchased from ATRA at: ~~http://www.atra-tr.org~~, <https://www.atra-online.com/> at the cost of twenty-eight (\$28) for ATRA members and forty dollars (\$40) for non ATRA Members.

*History Note: Authority G.S. 90C-22(3), (7); 90C-24(a)(1), (13);
Eff. December 1, 2006;
Amended Eff: February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0205

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), line 7, please state "Rule .0203 of this Section."

Throughout this Rule, it appears that more language was removed than intended. For example, the sentence in (b), line 10, reads "Clinical supervision shall be performed in accordance with ATRA SOP the following elements." Did you mean to insert "including" here?

*On line 11, please state **"the ATRA SOP."***

In (b)(1)(B), line 16, please insert a "the" before "LRTA"

In (b)(1)(D), line 23, please delete "plan" and insert "plan." at the end of the line.

Does your regulated public understand what (b)(1)(F) means?

In (b)(1)(G), should this read "Be available in-person or by telecommunication to the LRTA while the LRTA is in practice:"?

In (b)(1)(H), lines 29 and 30, replace for "providing" with "that provides"

Please delete the blank line space on line 31.

In (b)(2)(B), Page 2, line 1, should it read "as set forth in the ATRA SOP..."?

In (b)(2)(D), what is the difference between a "client" and "patient"?

In (b)(2)(E), should this be "patient or client" care, or (as it says in Paragraph (a), line 7), is there only documentation for clients?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

In (b)(3), lines 10 and 14, replace “must” with “shall”

In (b)(3)(A), why do you have a website on line 13? Should the sentence have ended on line 10, “LRT;”?

In the History Note, you need to show changes to the current authority cited, which is:

Authority G.S. 90C-22(3);

Therefore, you need to show that you are adding the multiple citations to G.S. 90C-24. Please make sure you put them in numerical order and separate them as discussed in earlier Requests for Technical Changes.

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, “Amended Eff. March 1, 2016.”

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

21 NCAC 65 .0205 is adopted as published in 30:06 NCR 644-645 as follows:

21 NCAC 65 .0205 SUPERVISION OF A LICENSED RECREATIONAL THERAPY ASSISTANT

(a) The Licensed Recreational Therapy Assistant (LRTA) ~~must~~ shall perform duties and functions under the clinical supervision of the Licensed Recreational Therapist (LRT). Once the LRT determines the LRTA has demonstrated competence to provide ~~specific~~ interventions, client documentation, and to make recommendations for program modification, the LRTA shall practice in accordance with ATRA SOP as referred to in Rule.0203 ~~as defined and described in the most recent version of ATRA Standards for the Practice of Therapeutic Recreation and Self-Assessment Guide.~~

(b) Clinical supervision, ~~as defined in the glossary of the ATRA Standards of Practice,~~ must shall be performed in accordance with ATRA SOP ~~in accordance with a written agency policy that includes, at minimum,~~ the following elements:

(1) The Licensed Recreational Therapist ~~must;~~ shall:

- (A) Determine the recreational therapy treatment plan and the elements of that plan appropriate for delegation to a ~~licensed recreational therapy assistant (LRTA);~~ LRTA;
- (B) Determine whether ~~licensed recreational therapy assistants~~ LRTA acting under his or her supervision possess the competence to perform the delegated duties;
- (C) Delegate responsibilities to the LRTA that are consistent with assessed competencies and within the overall LRTA scope of practice as defined and described in the most recent version of the ~~ATRA Standards for the Practice of Therapeutic Recreation and Self-Assessment Guide;~~ ATRA SOP;
- (D) Review chart documentation, ~~re-examine~~ re-examine, and reassess the patient or client and revise the recreational therapy treatment plan ~~as warranted;~~
- (E) Establish the recreational therapy discharge plan;
- (F) Determine whether co-signature of chart documentation done by the LRTA is necessary for safe and effective care and treatment;
- (G) Be ~~immediately~~ available directly or by telecommunication to the LRTA while in practice; and
- (H) Be limited to clinically supervising only the number of LRTAs ~~as is appropriate~~ for providing safe and effective patient or client intervention at all times.

(2) A Licensed Recreational Therapy Assistant ~~must;~~ shall:

- (A) Assist in the practice of recreational therapy only to the extent allowed by the supervising LRT;
- (B) Assist in the assessment of patient or client needs ~~to the extent defined by the most recent version of the ATRA Standards for the Practice of Therapeutic Recreation and Self-~~

~~Assessment Guide and described in written agency policy~~ ATRA SOP and employer policy;

- (C) Make modifications of the recreational therapy treatment programs that are consistent with the recreational therapy treatment plan and under the supervision of the LRT;
- (D) Engage in off-site patient or client related functions that are appropriate for the LRTA's qualifications and assessed competency in consideration of the functional status of the patient or client; and
- (E) Document client care provided in accordance with written ~~agency~~ employer policy.

(3) Prohibited Practice:

- (A) A LRTA must not engage in practices of a LRT ~~as defined and described in the most recent version of the ATRA Standards for the Practice of Therapeutic Recreation and Self Assessment Guide and any subsequent changes and amendments. A copy can be purchased from ATRA at: <http://www.atra-tr.org>; <https://www.atra-online.com/>; and~~
- (B) A LRTA must not engage in acts beyond the scope of practice delegated by the supervising LRT.

*History Note: Authority G.S. 90C-22(3)-24(a)(1), (3), (6), (13);
Temporary Adoption Eff. December 1, 2005;
Eff. January 1, 2007.
Amended Eff: February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0301

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), line 15, I recommend replacing "must" with "shall."

In (b)(1), line 18, please put "academic major" in quotation marks, since that is the term being defined.

In (b)(2), line 19, please put "specialization in recreational therapy or therapeutic recreation" in quotation marks.

In (b)(3), line 23, please put "accredited college or university"

In (c), line 27, I believe you also meant to delete "a" before "minimum"

On line 33, change "changes." to "editions."

On line 37, please insert a comma after "Certification"

In (c)(2), Page 2, line 3, please insert quotation marks around "Supportive coursework"

On line 5, what are "safely and effectively"?

In (c)(3), it take I you are stating what is required for the major pursuant to G.S. 90-27(a), which states:

§ 90C-27. Requirements for licensure.

- (a) The Board shall license any person as a "Licensed Recreational Therapist" who meets the following education, credential, and experience requirements:

Amanda J. Reeder
Commission Counsel

Date submitted to agency: January 29, 2016

(1) Passage of an appropriate examination as a therapeutic recreation specialist or a recreational therapist by the North Carolina Recreational Therapy Licensure Board or current certification as a "Certified Therapeutic Recreation Specialist" by the National Council for Therapeutic Recreation Certification.

(2) A minimum level of education or experience, as defined by rules of the Board, inclusive of practice competency standards or guidelines promulgated by professional associations and credentialing and accrediting organizations.

(3) For purposes of this subsection, an academic major or specialization shall be defined by rules of the Board and shall be inclusive of information gathered through surveys of educational institutions in the State having a bachelors or masters degree with a specialization in recreational therapy or therapeutic recreation.

In (c)(3), (a) through (d) should be capitalized. So, on line 17, "(A)" As you published these in the NC Register capitalized, you do not need to show the change. Just make it.

In (c)(3)(A), line 17, please put "field placement course" and "internship course" in quotation marks.

On line 20, please replace "National Council for Therapeutic Recreation Certification" with just "NCTRC"

On line 22, please replace "changes" with "amendments and editions."

In (c)(3)(D), lines 34 and 35, "university supervisor" and "agency supervisor" do not need to be in quotation marks.

Also in (c)(3)(D), Page 3, line 3, please delete "referred to be Rule.0203" and state "as set forth in Rule .0203 of this Chapter."

On line 4, please state "The CPASRF may be accessed at the Board's website, www.ncbtrl.org, or by contacting the Board."

In (c)(4), line 8, what does "continuously" mean?

On line 13, is "successful work performance" the same as "successful performance" as defined in (c)(4) on line 24? If so, why isn't the term the same?

On lines 18 and 19, end the sentence after "NCBRTL."

On line 25, please remove the quotation marks from "agency supervisor."

In (d), line 30, the NCRTC determines successful passage of the exam because that the entity that administers the exam, correct?

This is not the correct History Note for this Rule. The History Note in the Code reads:

*History Note: Authority G.S. 90C-27(a)(2)(3); 90C-22(2)(i),(7); 90C-24;
Temporary Adoption Eff. December 1, 2005;
Eff. June 1, 2006;
Amended Eff. October 1, 2007.*

You must show all changes to statutory authority to the Note as it currently appears in the Code. Please make sure you put them in numerical order and separate them as discussed in earlier Requests for Technical Changes.

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, "Amended Eff. March 1, 2016."

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, 2016

21 NCAC 65 .0301 is adopted as published in 30:06 NCR 644 as follows:

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

(a) ~~In accordance with the grandfathering provision, Section 4 of G.S. 90C, these educational requirements do not apply to those currently certified by the North Carolina Therapeutic Recreation Certification Board who apply for licensure prior to January 15, 2008. For the purposes of G.S. 90C-27(a), a candidate for licensure as a recreational therapist must shall have graduated from an accredited college or university with a baccalaureate degree or higher and with a major or specialization in recreational therapy or therapeutic recreation. An academic major is defined as a degree in recreational therapy or therapeutic recreation. A specialization in recreational therapy or therapeutic recreation is defined as a degree in recreation and leisure studies, or recreation, or health and physical education, or health and human performance with a specialization, also known as an option, emphasis or concentration, in therapeutic recreation or recreational therapy. An accredited college or university is defined as a college or university accredited by an accreditation body recognized by the United States Department of Education. The academic major or specialization must be verified by an official transcript.~~

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

- (1) An academic major is defined as a degree in recreational therapy or therapeutic recreation.
- (2) A specialization in recreational therapy or therapeutic recreation is defined as a degree in recreation and leisure studies, or recreation, or health and physical education, or health and human performance with a specialization, also known as an option, emphasis or concentration, in therapeutic recreation or recreational therapy.
- (3) An accredited college or university is defined as a college or university accredited by an accreditation body recognized by the United States Department of Education.

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

- (1) Coursework for a degree or specialization in recreational therapy or therapeutic recreation must shall reflect a minimum of three courses (nine semester hours) and as of December 31, 2007 four courses (12 semester hours) and as of July 1, 2010 five courses courses, three hours per course (15 semester hours) in which the title, course description and course outline reflects recreational therapy or therapeutic recreation content according to the current National Council for Therapeutic Recreation Certification (NCTRC) Job Analysis Study published by the National Council for Therapeutic Recreation Certification (NCTRC) ~~NCTRC~~, which is herein incorporated by reference, including any subsequent amendments and changes. A copy may be obtained at no cost on the National Council for Therapeutic Recreation Certification (NCTRC) ~~NCTRC~~ website at: <http://www.nctrc.org>. For candidates for licensure who have passed the National Council for Therapeutic Recreation Certification (NCTRC) ~~NCTRC~~ examination and were certified by the National Council for Therapeutic Recreation Certification prior to

~~December 31, 2002~~, a therapeutic recreation or recreational therapy content course taught is considered the same as a therapeutic recreation or recreational therapy content course taken.

- (2) Supportive coursework are courses, not including the recreational therapy or therapeutic recreation content courses, ~~which~~ that provide knowledge necessary to develop the ability to safely and effectively practice recreational therapy or therapeutic recreation and are required for the major or specialization in recreational therapy or therapeutic recreation. ~~Support content~~ Supportive courses provide knowledge about human development, human functioning, health, health care and human services, illness and disabling conditions. Supportive ~~coursework~~ courses for a degree or specialization in recreational therapy or therapeutic recreation ~~must~~ shall include three semester hours of anatomy and physiology, three semester hours of abnormal psychology, three semester hours of human growth and development across the lifespan, and nine semester hours in the area of health and human services. Health and human services coursework may include content in the areas of education, ethics, and other supportive ~~coursework~~ courses related to the practice of recreational therapy.

(3) In addition to the coursework required in ~~(a)~~ (c) (1) and (2), a field placement course ~~is also~~ shall be required for a major or specialization in therapeutic recreation or recreational therapy.

(a) A field placement course, sometimes called an internship course, is a course taken for college or university credit and shall require clinical education in an agency providing therapeutic recreation services to clients. The field placement or internship course ~~must~~ shall meet the criteria for a field placement set forth by the National Council for Therapeutic Recreation Certification (NCTRC) in the ~~July 2007~~ NCTRC Standards publication herein incorporated by reference including any subsequent changes. A copy of the NCTRC field placement requirements may be obtained at no cost on the National Council for Therapeutic Recreation Certification (NCTRC) website at: <http://www.nctrc.org>.

(b) A ~~university supervisor~~ “university supervisor” of a field placement course is defined as the university faculty assigned to supervise the student and course from the university.

(c) An ~~agency supervisor~~ “agency supervisor” is the recreational therapist or therapeutic recreation specialist, in an agency providing therapeutic recreation or recreational therapy services to patients or clients, assigned to provide clinical supervision to the field placement student from the agency. Supervisors of students completing field placements in North Carolina ~~must~~ shall be licensed by the North Carolina Board of Recreational Therapy Licensure (NCBRTL).

~~(d) Successful performance in a field placement course must be demonstrated to the NCBRTL.~~ Successful performance “Successful performance” in a field placement course is defined as a grade of D or Pass ~~or higher~~ awarded by the ~~university field placement supervisor~~ “university supervisor”. ~~and “Successful Performance” from the “agency supervisor” is defined by an Overall Rating~~ overall rating of “Achieves Performance Expectations” awarded by the agency supervisor documented on the performance appraisal form Clinical Performance Appraisal and Summary

Reference Form, (CPASRF) provided by the NCBRTL. The ~~performance appraisal form~~ CPASRF includes the content and performance criteria from the ~~ATRA SOP Standards for Practice of Therapeutic Recreation and Self Assessment Guide~~, as referred to be Rule.0203 ~~Clinical Performance Appraisal Summary~~ CPASRF provided by the Board or Board's website www.ncbtrl.org, which is herein incorporated by reference. A copy of the ~~ATRA Standards for the Practice of Therapeutic Recreation and Self Assessment Guide~~ may be purchased from the American Therapeutic Recreation Association (ATRA) at: <http://www.atra-TR.org>.

(4) Candidates for licensure, licensure who have been continuously certified as a Certified Therapeutic Recreation Specialist, CTRS™ by the National Council for Therapeutic Recreation Certification (NCTRC) since 1990 and have completed all recreational therapy or therapeutic recreation content courses, and all support content course requirements, but have not completed an internship or field placement course shall be issued a license to practice as a recreational therapist if they verify a minimum of one year of successful work performance as a recreational therapist or therapeutic recreation specialist during which time they were a "Certified Therapeutic Recreation Specialist" CTRS™ by the ~~National Council for Therapeutic Recreation Certification~~ NCTRC. Successful work performance ~~must~~ shall be verified to the ~~North Carolina Board of Recreational Therapy Licensure (NCBRTL)~~ NCBRTL on a ~~performance appraisal form~~ CPASRF provided by the ~~North Carolina Board of Recreational Therapy Licensure (NC BRTL)~~ NCBRTL as referred to in Rule .0203, that includes the content and performance criteria from the ~~ATRA Standards for the Practice of Therapeutic Recreation and Self Assessment Guide, Clinical Performance Appraisal Summary~~, which is herein incorporated by reference. A copy of the ~~ATRA Standards for the Practice of Therapeutic Recreation and Self Assessment Guide~~ may be purchased from the American Therapeutic Recreation Association (ATRA) at: <http://www.atra-TR.org>. Successful ~~performance~~ "Successful performance" is defined as an overall rating completed by the ~~immediate supervisor~~ "agency supervisor" of "Achieves Expectations" on the ~~performance appraisal form~~ CPASRF provided by the ~~North Carolina Board of Recreational Therapy Licensure~~ NCBRTL.

~~(b)(d) Candidates must submit evidence of a passing score on the National Council for Therapeutic Recreation Certification examination. The passing score on the National Council for Therapeutic Recreation Certification Examination is determined by the National Council for Therapeutic Recreation Certification. Successful passage of the NCTRC examination is shall be determined by the NCTRC. Applicants for licensure shall submit evidence of successful passage of the NCTRC examination to the NCBRTL. Evidence of successful passage of the NCTRC examination shall be copy of his or her NCTRC certificate or a successful passage notification letter from NCTRC.~~

History Note: Authority G.S. G.S.90C-22(2)(i), (7), 90C-24; 90C-27(a) (2)(3);
Adoption Date: December 1, 2006
Eff. October 1, 2007

1
2

Eff. February 1, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0302

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (b), line 8, should "course work" be one word, to be consistent with Rule .0301?

In (b)(1), lines 10 and 11, it appears that this language repeats lines 9 and 10 and can be deleted.

Generally, the use of the term "minimum" in rule is discouraged, as the Rule sets minimum standards. Do you need to use this term here?

In (b)(3), line 16, please insert a comma after "human services" and change "and" to "or"

In (b)(3), I recommend creating a list of (A) through (D) to clearly show the different types of hours needed.

If you do not wish to do that, I suggest inserting semicolons between categories, deleting the "and" on line 18 before "three" and inserting an "and" before "the remaining" on line 19.

On line 21, this is not the proper way to change "and/or" to "or" Strike all of "and/or" and state "or"

In (b)(4), line 22, do not insert the comma after "or"

On line 23, how does the LRTA have the authority to do this? Is this assigned by the LRT?

On line 28, please put "Successful performance in a field placement course" in quotation marks since you are defining the term.

On lines 30 and 31, please take "agency supervisor" out of quotation marks.

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

On line 32, can the applicant get it from the Board as well? I ask because you have similar language in Rule .0301 that refers to the Board or its website.

This is not the correct History Note for this Rule. The History Note is:

*History Note: Authority G.S. 90C-22(2)(i),(7); 90C-24(a)(3); 90C-27(b);
Temporary Adoption Eff. December 1, 2005;
Eff. December 1, 2006;
Amended Eff. October 1, 2007.*

Please show any changes to the language that is currently in the Code.

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, "Amended Eff. March 1, 2016."

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, 2016

21 NCAC 65 .0302 is adopted as published in 30:06 NCR 647 as follows:

21 NCAC 65 .0302 MINIMUM LEVEL OF EDUCATION AND COMPETENCY FOR LICENSED RECREATIONAL THERAPY ASSISTANTS

(a) For the purposes of ~~G.S. 90C-27(b)~~ G.S. 90C-27(b), an academic major is defined as an Associate of Applied Science Degree in therapeutic recreation or recreational therapy from a community college by an accrediting agency approved by the United States Department of Education.

(b) Course work for an Associate degree ~~must~~ shall reflect the following:

- (1) ~~A minimum of nine~~ Nine semester hours in therapeutic recreation or recreational therapy content courses. ~~January 15, 2008;~~ nine hours in recreational therapy or therapeutic recreation content ~~courses; courses;~~
- (2) Ten semester hours in therapeutic recreation or recreational therapy ~~intervention;~~ intervention ~~courses;~~
- (3) ~~A minimum of 15-~~ Fifteen semester hours of supportive ~~coursework~~ coursework, including at least one course from three of the following areas: psychology, sociology, physical and biological science, human services and physical education courses. ~~Beginning January 15, 2008, the~~ The degree requirements for supportive coursework ~~must~~ shall include a minimum of five semester hours of anatomy and physiology and three semester hours of abnormal psychology, three semester hours of growth and development ~~across life span~~ the remaining four semester hours in any combination of supportive coursework ~~must~~ shall be in the areas of psychology, sociology, ~~physical-physical,~~ and biological science, human services ~~and/or~~ physical education;
- (4) A course with a ~~minimum~~ 380 hour field placement experience in a clinical, residential, ~~or-or,~~ community-based agency under the supervision of a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant. The field placement ~~must~~ shall be a minimum of 12 consecutive weeks with each week including a minimum of 20 hours. Supervisors of field placements in North Carolina ~~must~~ shall be licensed by the ~~North Carolina Board of Recreational Therapy Licensure (NC-BRTL)-NCBRTL.~~ Successful performance in a field placement course ~~must~~ shall be demonstrated to the NCBRTL. Successful performance in a field placement course is defined as a grade of D or pass ~~or-higher~~ awarded by the university field placement supervisor and an Overall Rating of "Achieves Performance Expectations" awarded by the ~~agency-supervisor~~ "agency supervisor" on the performance appraisal form (~~CPASRF~~) provided by the NC-BRTL NCBRTL, available on the Board's website, www.ncbrtl.org. The performance appraisal form includes the content and performance criteria from the ATRA Standards for Practice of Therapeutic Recreation and Self Assessment Guide, Clinical Performance Appraisal Summary, which is herein incorporated by reference. A copy of the ATRA Standards for the Practice of Therapeutic Recreation and Self Assessment Guide may be purchased from the American Therapeutic Recreation Association (ATRA) at: <http://www.atra-tr.org> ~~https://www.atra-online.com/~~.

1

2 *History Note:* Authority G.S. 90C-27(b); 90C-24(a)(3); G.S. 90C-22(2) (i), (7), (8);

3 *Effective date: October 1, 2007*

4 *Eff. February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0401

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), line 5, please insert a comma after the website address and replace "a" with "an"

In (b), line 8, is the preview and correction for the applicant? If so, please state "website for applicant preview and correction."

In (c)(2), the correct citation is Rule .0501, not Rule .0500.

In (c)(4), what is the "agency internship supervisor"? Is it the agency supervisor or university supervisor, as defined in Rule .0301? Assuming it is one of those two, please use the same term and state "as defined in Rule .0301 of this Chapter."

In (c)(5), while forms are not required to be in rule, the contents are required to be in rule or law. Are the contents of this form in rule or law?

In (d), just so I understand, I take it the Board will deny licensure to someone who does not complete the full application required by (c)? Or violates G.S. 90C-32?

In (e), line 23, if you are changing "Should" to "If", please change "be" to "is" Also, what is the use of this sentence? Why is it in your Rule?

Also on line 23, please insert a comma after "reason" and note that the comma left after "~~license~~," needs to be struck.)

In (f), line 25, please extend the underline to "a" before "A"

In the History Note, please state "90C-27(a)(2); 90C-27(b)(2)"

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

In the History Note, the earliest date this rule may be amended effective is March 1. And please underline it, "Amended Eff. March 1, 2016."

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, 2016

21 NCAC 65 .0401 21 is adopted as published in 30:06 NCR 647-648 as follows:

**21 NCAC 65 .0401 APPLICATION PROCEDURES FOR LICENSED RECREATIONAL
THERAPIST AND LICENSED RECREATIONAL THERAPY ASSISTANT**

(a) An applicant for licensure may request, in writing or on the Board's website, www.ncbrtl.org a ~~current~~ application package from the North Carolina Board of Recreational Therapy Licensure.

(b) All materials ~~must~~ shall be postmarked by the application deadline, the 15th of each month, and posted on the Board ~~website.~~ website for preview and correction. Those received after the 15th shall go to the Board as received.

(c) All items ~~must~~ shall be provided to constitute a full application package, including:

(1) A ~~current~~ head and shoulders color photograph of the applicant;

(2) The initial application for licensure fee as stated in Rule .0500 of this Chapter; ~~and~~

(3) Official transcripts from each college or university ~~attended.~~ attended;

(4) Clinical Performance Appraisal and Summary Reference Form signed by agency internship supervisor as referenced in Rule .0301;

(5) A completed NCBRTL application; and

(6) Proof of successful exam passage as referenced in Rule.0301.

(d) The Board or staff designee shall review each application to determine an applicant's eligibility for licensure as a Recreational Therapist or a Recreational Therapy Assistant. The Board shall notify the applicant in writing if the applicant is ineligible for licensure. ~~The Board may require supplemental information to the application to determine the facts governing qualifications and competency of an applicant. The procedure for gathering such information may include an interview of the applicant by the Board.~~

(e) ~~The individual who is issued a license shall be issued a license number.~~ The Board shall issue all licensees a license number. Should If that number be retired for any reason (such as death or failure to renew the license) , such as death or failure to renew the license, that number shall not be re-issued.

(f) The Board shall issue all licensees ~~A~~ licensure card and certificate bearing the current name of the licensee, and licensee number. number be issued to and the expiration date shall each person having an active license.

(g) The Board shall ~~mail~~ send any notices to a licensee ~~at~~ to the last known ~~address~~ contact information.

(h) ~~A license issued by the Board is the property of the Board and must be surrendered by the licensee to the Board upon demand according to these Rules.~~

History Note: Authority G.S. 90C-24(a)(3); 90C-27(a)(2), (b)(2); 90C-32;

Temporary Adoption Eff. December 1, 2005;

Eff. January 1, 2007.

Eff. February 1, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0501

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), line 4, this is not the proper way to insert a comma after "check" This was published correctly as "~~check~~ check," Please go back to the language as it was published.

In (b), line 8, I suggest inserting a "The" before "Processing fee" and making "processing" lowercase.

In (c)(4), line 18, please spell out "year"

This is not quite the correct History Note for this Rule. The History Note in the Code reads:

*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. September 1, 2009.*

You will need to make changes to the Amended date thusly:

*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.*

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, 2016

21 NCAC 65 .0501 is adopted as published in 30:06 NCR 648 as follows:

21 NCAC 65 .0501 LICENSURE FEES

(a) A cashier's check, money order, certified check, an employer's ~~check~~ 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-personal checks~~ checks, or online payment shall be accepted for payment of renewal fee and record maintenance fee. 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) <u>\$100.00</u>
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(B) Licensed Recreational Therapy Assistant	(\$ 50.00) <u>\$50.00</u>
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(2) Licensure renewal fees (due every two years)

(A) Licensed Recreational Therapist	(\$ 75.00) <u>\$75.00</u>
-------------------------------------	--------------------------------------

(B) Licensed Recreational Therapy Assistant	(\$35.00) <u>\$35.00</u>
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(3) Inactive status	(\$ 35.00) <u>\$35.00</u>
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(4) Record Maintenance fee (due non-renewal yr)

(A) Licensed Recreational Therapist	(\$ 75.00) <u>\$75.00</u>
-------------------------------------	--------------------------------------

(B) Licensed Recreational Therapy Assistant	(\$35.00) <u>\$35.00</u>
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~~(5) Purchase of mailing labels to promote continuing education (\$ 50.00)~~

History Note: Authority G.S. 90C-24(a)(3(10)); 90C-28;

Temporary Adoption Eff. December 6, 2005;

Eff. December 1, 2006.

Amended Eff. September 1, 2009

Eff. February 1, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0602

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), shouldn't line 5 state "send a renewal and fee notice to a licensee"?

I believe on line 6, you refer to "last known address" to mirror the language in G.S. 90C-29. However, practically speaking, do you mean the last address you have on file for the licensee?

Given the language in Rule .0603, do you need the last sentence? If you do, why not state "Pursuant to Rule .0603 of this Section, it is the responsibility..."

In (b), line 9, please insert "shall" before "documentation" And I take it that this "documentation" is the documentation specified in Rule .0601 of the Section?

In (c), line 11, I believe you are requiring the renewal application, continuing education documentation, and color photo. If that is what you mean, please just state it like that. However, what should the color photo be of? The licensee? If so, please state that.

On line 13, there is no need to restate the website address.

On line 14, replace "will" with "shall"

In the History Note, please add G.S. 90-29.

Also in the History Note, you will show the new Amended Effective Date like this:

*History Note: Authority G.S. 90C-24(a)(3);
Eff. January 1, 2007;
Amended Eff. March 1, 2016; May 1, 2013; October 1, 2009.*

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

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, 2016

21 NCAC 65 .0602 is adopted as published in 30:06 NCR 648 as follows:

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

(a) Board staff shall send a renewal notice and fee to a licensee 60 days prior to the expiration date at the licensees' last known ~~preferred~~ contact address unless a person has advised the Board that he or she does not intend to renew the license. It is the responsibility of the licensee to keep his or her address current on the their online profile on Board website, www.ncbrtl.org.

(b) Licenses issued shall be subject to renewal every two years and include documentation to support completion of continuing education requirements as set forth in Rule .0601 of this Section.

(c) Each licensee ~~must~~ shall complete and submit a renewal application ~~package~~. And continuing education documentation and color photo. All materials ~~must~~ shall be postmarked or submitted on his or her online profile on the Board website www.ncbrtl.org by the 15th of the licensees' birth month. If renewal application and fee is not received or postmarked by the 30th of the licensees birth month, the license will expire. The renewal application package must shall be submitted to the Board accompanied by the proper fees, color photo and continuing education documentation.

*History Note: Authority G.S. 90C-24(a)(3);
Eff. January 1, 2007;
Amended Eff. May 1, 2013; October 1, 2009.
Eff: February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0603

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

Since (a) on line 6 and (b) on line 9 is new, please underline both. It will look like this: "(a)"

In (a), line 7, please state "The Board shall issue..."

Also on line 7, should "user name" be one word, or is that how the Board uses the term? And why are "User" in the term "User name" and "password" capitalized?

In (b), line 10, underline "identification" and "or"

This is not the correct History Note for this Rule. The History Note is this:

*History Note: Authority G.S. 90C-2; 90C-24(a)(3); 90C-29;
Eff. January 1, 2007.*

Please show the Amended Effective Date like this:

*History Note: Authority G.S. 90C-2; 90C-24(a)(3); 90C-29;
Eff. January 1, 2007;
Amended Eff. March 1, 2016.*

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, 2016

21 NCAC 65 .0603 is adopted as published in 30:06 NCR 648 as follows:

**21 NCAC 65 .0603 CHANGE OF ADDRESS OR NAME REQUIREMENTS FOR LICENSED
RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY
ASSISTANT**

- (a) Each licensee ~~must~~ shall notify the Board and make changes to his or her online profile within 30 days of a change of name, ~~work~~ work, or home address. Board shall issue each licensee a User name and Password to log onto the Board website (www.ncbrtl.org) to update contact information.
- (b) The licensee requesting a name change shall provide to the Board a copy of a ~~current~~ government issued ~~identification~~ identification, ~~and~~ or a copy of a marriage certificate, marriage license, divorce ~~decree~~ decree, or evidence of legal change of name.

*History Note: Authority G.S. 90C-2; 90C-24(a)(3); 90C-29;
Eff. January 1, 2007;
Amended Eff. May 1, 2013; October 1, 2009;
Eff. January 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0604

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please check the box "Notice Required" in Box 6 of the form.

On line 6, please state "with his or her renewal form" or "with the renewal form..."

Also on line 6, please state "This form documents the duties.."

On line 7, please replace "referred to" with "set forth in" and state "Rule .0205 of this Chapter."

On line 8, I recommend removing the parenthesis, and using a comma after "website" instead, but is only a recommendation.

In the History Note, please end line 10 with a semicolon after "90C-29"

Please state on line 11, "Eff. March 1, 2016."

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, 2016

1 21 NCAC 65 .0604 is adopted as published in 30:06 NCR 648 as follows:

2
3 **21 NCAC 65 .0604 LRTA RENEWAL SUPERVISION REQUIREMENT**

4
5 Each Licensed Recreational Therapy Assistant shall submit proof of supervision by submitting the LRTA
6 Supervision Verification Form with renewal application every two years. This form documents duties and functions
7 referred to in Rule .0205. This form may be obtained through NCBRTL office or Board website
8 (www.ncbrtl.org).

9
10 *History Note: Authority G.S. 90C-22(3); 90C- 29*

11 *Effective Date: February 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0801

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please note that this is an amendment, not an adoption. Please also check the box "Notice Required" in Box 6 of the form.

In the Introductory Statement on line 1 of the Rule, please change it to reflect that this is an amendment, not an adoption.

In (a), line 4, insert "the" before "Inactive"

Also on line 4, insert a comma after "Form" and I suggest changing "including" with "that includes."

Are the contents of the form those set forth here – the contact information and the reason for the request? So, should it state "...Form, that includes the licensee's contact information and the reason for the request, and the fee set forth in Rule .0501 of this Chapter."?

If not, please replace ".0501," with "Rule .0501 of this Chapter."

In (b), line 7, please insert a comma after "status"

In (c)(1) through (3), as well as (d)(1) through (3) and (e)(1) and (2), I suggest using active verbs. So, you would change "submission" to "submitting" and so forth. However, that is only a suggestion.

In (c)(1), line 10, (d)(1), line 17, and (e)(1), line 24, that application is not defined in Rule .0701. I believe you mean "as set forth in Rule .0701 of this Chapter." Each time.

In (c)(2) and (d)(2), I take it you need to retain the term "minimum"?

Also in (c)(2) and (d)(2), how is the proration calculated?

In (c)(2), line 12, and (d)(2), line 19, please replace "as defined in Rule .0601" with "as set forth in Rule .0601 of this Chapter."

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

In (d), line 16, given the language in (e), shouldn't it be "for a period greater than one year but less than five years may convert..."? Or is this unnecessary, since LRTAs will not be held to (e)?

In (d)(2), line 18, please delete the comma after "hours"

On line 20, the semicolon should be before "and" so that it reads "renewal; and" Since this is how you published it in the Register, you do not need to show it as a change made after publication; you can just do it.

In (e), to be consistent with (d) and (e), I recommend stating "A Licensed Recreational Therapist who has been on inactive status for a period greater than five years..."

Please end (e)(1), line 24, with an "and"

In (e)(2), line 25, please state "Rule .0301 of this Chapter."

This is not the correct History Note for this Rule. The History Note is this:

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

Please show the Amended Effective Date like this:

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

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, 2016

21 NCAC 65 .0801 is adopted as published in 30:06 NCR 648 as follows:

21 NCAC 65 .0801 INACTIVE STATUS

(a) A licensee shall request inactive status by completing Inactive Status Request Form including contact information, reason for request and pay the \$35 fee in accordance with .0501. The form is available through the Board or Board's website, www.ncbrtl.org.

~~(a) (b)~~ While on ~~the~~ inactive status list, an individual ~~must~~ shall not practice recreational therapy in North Carolina.

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

(1) Submission of a reinstatement application as defined in Rule .0701 to the Board;

(2) Completion of a minimum of 10 continuing education point-hours, or the amount of points hours pro-rated to the amount of time inactive, as defined in Rule .0601 for license renewal for a Licensed Recreational Therapist or Licensed Recreational Therapy Assistant; and

(3) Payment of the current license renewal fee.

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

(1) Submission of a reinstatement application as defined in Rule .0701 to the Board;

(2) Completion of a minimum of 10 continuing education point-hours, per year of inactive status, or the amount of point-hours, pro-rated to the amount of time inactive, as defined in Rule .0601 for license renewal and;

(3) Payment of the current license renewal fee; and fee.

(e) A Licensed Recreational Therapist who has been on the inactive status for five years or longer may convert to active status by:

(1) Submission of a reinstatement application as defined in Rule .0701 to the Board;

~~(4) (2)~~ Submission of proof of passage completion of the examination as referred to in Rule .0301, of the National Council for Therapeutic Recreation Certification for the Licensed Recreational Therapist.

~~(d) Persons certified by the State of North Carolina as a Therapeutic Recreation Specialist or Therapeutic Recreation Assistant presently on the inactive status list when this Rule takes effect will be notified of the rule change at their last known address.~~

~~(e) Persons listed as Inactive Status by the State of North Carolina Therapeutic Recreation Certification Board have until January 15, 2008 to apply for licensure through the exemption clause.~~

History Note: Authority G.S. 90C-24(a)(3); 90C-31;

Eff. December 1, 2006.

Eff. February 1, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Board of Recreational Therapy Licensure

RULE CITATION: 21 NCAC 65 .0902

DEADLINE FOR RECEIPT: Friday, February 12, 2016

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 this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form for this Rule, please check the box "Notice Required" in Box 6 of the form.

Please note that G.S. 93B-15.1 was amended by two 2015 Session Laws, and now all occupational licensing boards have additional routes to grant licensure in 93B-15.1(a2). That likely needs to be included in this Rule. A copy of that law is attached to this Request for your review.

In (a), line 4, what are you saying here? I believe you mean "The military trained applicant for licensure by endorsement shall make..."

In (b), line 7, "Paragraph" should be capitalized.

In (b)(3), line 10, and (d)(4), line 27, the exam is not called the "Therapeutic Recreation Exam" in Rule .0301(d). Should they be called the same thing?

In (b)(4) and (d)(5), please state "The" and isn't there only one licensure fee per applicant? So, should it be "The licensure fee set forth in..."?

In (c), line 21, please delete the comma after "equivalent"

In (d), line 23, please state "The application in Paragraph (c)" in order to be consistent with (b).

In (d)(6), a military spouse is not required under G.S. 93B-15.1 to have an MOS. Please remove this reference on line 31 both places.

Please adjust the formatting for (d)(7).

In the History Note, please change line 37 to read "Eff. March 1, 2016."

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, 2016

93B-15.1. Licensure for individuals with military training and experience; proficiency examination; licensure by endorsement for military spouses; temporary license

(a) Except as provided by subsection (a2) of this section, and notwithstanding any other provision of law, an occupational licensing board, as defined in [G.S. 93B-1](#), shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if, upon application to an occupational licensing board, the applicant satisfies the following conditions:

(1) Has been awarded a military occupational specialty and has done all of the following at a level that is substantially equivalent to or exceeds the requirements for licensure, certification, or registration of the occupational licensing board from which the applicant is seeking licensure, certification, or registration in this State: completed a military program of training, completed testing or equivalent training and experience, and performed in the occupational specialty.

(2) Has engaged in the active practice of the occupation for which the person is seeking a license, certification, or permit from the occupational licensing board in this State for at least two of the five years preceding the date of the application under this section.

(3) 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.

(4) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(a1) No later than 30 days following receipt of an application, an occupational licensing board shall notify an applicant when the applicant's military training or experience does not satisfy the requirements for licensure, certification, or registration and shall specify the criteria or requirements that the board determined that the applicant failed to meet and the basis for that determination.

(a2) An occupational licensing board, as defined in [G.S. 93B-1](#), shall issue a license, certification, or registration to a military-trained applicant to allow the applicant to lawfully practice the applicant's occupation in this State if the military-trained applicant, upon application to the occupational licensing board:

(1) Presents official, notarized documentation, such as a U.S. Department of Defense Form 214 (DD-214), or similar substantiation, attesting to the applicant's military occupational specialty certification and experience in an occupational field within the board's purview; and

(2) Passes a proficiency examination offered by the board to military-trained applicants in lieu of satisfying the conditions set forth in subsection (a) of this section; however, if an applicant fails the proficiency

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 29, 2016

examination, then the applicant may be required by the board to satisfy those conditions.

In any case where a proficiency examination is not offered routinely by an occupational licensing board, the board shall design a fair proficiency examination for military-trained applicants to obtain licensure, certification, or registration under this section. If a proficiency examination is offered routinely by an occupational licensing board, that examination shall satisfy the requirements of this section.

(b) Notwithstanding any other provision of law, an occupational licensing board, as defined in [G.S. 93B-1](#), shall issue a license, certification, or registration to a military spouse to allow the military spouse to lawfully practice the military spouse's occupation in this State if, upon application to an occupational licensing board, the military spouse satisfies the following conditions:

(1) Holds a current license, certification, or registration from another jurisdiction, and that jurisdiction's requirements for licensure, certification, or registration are substantially equivalent to or exceed the requirements for licensure, certification, or registration of the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(2) Can demonstrate competency in the occupation through methods as determined by the Board, such as having completed continuing education units or having had recent experience for at least two of the five years preceding the date of the application under this section.

(3) 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.

(4) Is in good standing and has not been disciplined by the agency that had jurisdiction to issue the license, certification, or permit.

(5) Pays any fees required by the occupational licensing board for which the applicant is seeking licensure, certification, or registration in this State.

(c) All relevant experience of a military service member in the discharge of official duties or, for a military spouse, all relevant experience, including full-time and part-time experience, regardless of whether in a paid or volunteer capacity, shall be credited in the calculation of years of practice in an occupation as required under subsection (a) or (b) of this section.

(c1) Each occupational licensing board shall publish a document that lists the specific criteria or requirements for licensure, registration, or certification by the board, with a description of the criteria or requirements that are satisfied by military training or experience as provided in this section, and any necessary documentation needed for obtaining the credit or satisfying the requirement. The information required by this subsection shall be published on the

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occupational licensing board's Web site and the Web site of the North Carolina Division of Veterans Affairs.

(d) A nonresident licensed, certified, or registered under this section shall be entitled to the same rights and subject to the same obligations as required of a resident licensed, certified, or registered by an occupational licensing board in this State.

(e) Nothing in this section shall be construed to apply to the practice of law as regulated under Chapter 84 of the General Statutes.

(f) An occupational licensing board may issue a temporary practice permit to a military-trained applicant or military spouse licensed, certified, or registered in another jurisdiction while the military-trained applicant or military spouse is satisfying the requirements for licensure under subsection (a) or (b) of this section if that jurisdiction has licensure, certification, or registration standards substantially equivalent to the standards for licensure, certification, or registration of an occupational licensing board in this State. The military-trained applicant or military spouse may practice under the temporary permit until a license, certification, or registration is granted or until a notice to deny a license, certification, or registration is issued in accordance with rules adopted by the occupational licensing board.

(g) An occupational licensing board may adopt rules necessary to implement this section.

(h) Nothing in this section shall be construed to prohibit a military-trained applicant or military spouse from proceeding under the existing licensure, certification, or registration requirements established by an occupational licensing board in this State.

(i) For the purposes of this section, the State Board of Education shall be considered an occupational licensing board when issuing teacher licenses under [G.S. 115C-296](#).

(j) For the purposes of this section, the North Carolina Medical Board shall not be considered an occupational licensing board.

Credits

Added by [S.L. 2012-196, § 1, eff. July 24, 2012](#). Amended by [S.L. 2014-67, § 1, eff. Jan. 1, 2015](#); [S.L. 2015-143, § 1, eff. July 8, 2015](#).

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21 NCAC 65 .0902 is adopted as published in 30:06 NCR 649 as follows:

21 NCAC 65 .0902 MILITARY ENDORSEMENT

(a) The military trained applicant for licensure by endorsement, substantially equivalent or exceeds the requirements for licensure, must make application with and be evaluated by the Board as set forth in Section .0300 of this Chapter.

(b) The application in paragraph (a) shall be accompanied by:

(1) A color photograph;

(2) Official college transcripts from all colleges attended;

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

(4) Licensure Fees as set forth in Rule .0501 in this Chapter;

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

(6) 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) 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) A military spouse applicant for licensure by endorsement, who possesses a current license whose licensure requirements are substantially equivalent, or exceeds 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.

(d) The application 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 Therapeutic Recreation Exam given by National Council for Therapeutic Recreation Certification;

(5) Licensure Fees as set forth in Rule .0501 in this Chapter;

(6) 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) 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.

Effective Date: February 1, 2016