



**STATE OF NORTH CAROLINA
OFFICE OF ADMINISTRATIVE HEARINGS**

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March 22, 2013

Becky Garrett
PO Box 67
Saxpawah, NC 27340

Re: 21 NCAC 65 .0601, .0602, .0901

Dear Ms. Garrett:

At its March 21, 2013 meeting the Rules Review Commission objected to the above-captioned rules in accordance with G.S. 150B-21.10.

The Commission objected to rules .0601 and .0901 on the basis of a failure to adopt them in accordance with the Administrative Procedure Act. The agency failed to make the technical changes as requested by counsel and cannot approve the rule until the changes are made. The issues leading to the technical change requests are serious enough that when cumulated they render the rules ambiguous.

The Commission objected to rule .0602 on the basis of ambiguity. It is not clear whether the use of the licensee's email address, as set out in the first sentence of (a) is mandatory or discretionary on the licensee's part. The board's rule .0603 requires an applicant to "notify the Board within 30 days of a change of name, work or home address." Rule .0401 concerning application procedures states in (g) that the "Board shall mail any notices to a licensee at the last known address." Taken together these three rules make it ambiguous whether the use of the email address to mail renewal notices is mandatory or at the discretion of the licensee.

Administration
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Rules Division
919/431-3000
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Judges and
Assistants
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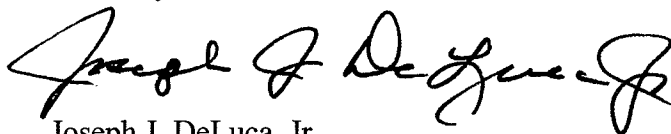
Rules Review
Commission
919/431-3000
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Civil Rights
Division
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An Equal Employment Opportunity Employer

Please respond to this letter in accordance with the provisions of G.S. 150B-21.12. If you have any questions regarding the Commission's action, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph J. DeLuca, Jr.", written in a cursive style.

Joseph J. DeLuca, Jr.
Commission Counsel

JJD:jbe

1 21 NCAC 65 .0601 is proposed for amendment with changes as published in 27:05 NCR 589 as follows:

2
3 **21 NCAC 65 .0601 CONTINUING EDUCATION REQUIREMENTS FOR LICENSED**
4 **RECREATIONAL THERAPIST AND LICENSED RECREATIONAL THERAPY**
5 **ASSISTANT**

6 (a) During the two-year licensing period, a recreational therapist or recreational therapy assistant who is licensed by the
7 North Carolina Board of Recreation Therapy Licensure shall complete continuing education as outlined below.
8 Candidates for license renewal must complete a minimum of 20 ~~points~~ hours of continuing education to renew the
9 license. The renewal cycle is two years prior to your expiration date, 20 hours or 2.0 CEUs must be earned within these
10 two years. Content of continuing education must be directly related to the practice of recreational therapy or therapeutic
11 recreation and must be consistent with the current Job Analysis conducted by the National Council for Therapeutic
12 Recreation Certification. A licensee shall acquire credit through continuing education courses, academic courses, and
13 professional publications and presentations.

14 (b) ~~Point Values~~ will be awarded as the ~~following:~~ follows:

15 ~~One CEP (Continuing Education Point) = one contact hour~~

16 0.1 CEU (Continuing Education Unit) = one contact hour

17 ~~10 CEPs = 10 contact hours = 1.0 CEU~~ 1.0 CEU (Continuing Education Unit) = ten hours

18 2.0 CEUs = 20 Hours of Continuing Education every two years

19 Renewal Cycle is two years back from renewal due date

20 (c) Continuing education is accepted if provided by an organization that adheres to the National or International Council
21 on Continuing Education Standards or by other approved providers of continuing education as defined by Board. The
22 content of the continuing education experiences must be linked directly to the knowledge areas from the most recent
23 National Job Analysis Study conducted by the National Council for Therapeutic Recreation Certification and any
24 subsequent amendments or changes.

25 (d) Academic Courses: Credit equivalents for completing academic coursework are: three semester hours equals 45
26 Hours ~~CEPs~~ or 4.5 CEUs.

27 (e) Professional Publications and Presentations: No more than 10 CEPs in the area of professional publications and
28 presentations shall be accepted for each renewal period according to the following point value: Repeat presentations are
29 limited to the current renewal cycle and does not apply to their use in subsequent cycles.

30	Editorials	one CEP <u>1 Hour</u>
31	Articles on original research	six CEPs <u>6 Hours</u>
32	Professional newsletter article	one CEP <u>1 Hour, Maximum 4 Hours</u>
33		<u>per cycle</u>
34	Editing a textbook	three CEPs <u>4 Hours</u>
35	Authoring a textbook chapter	four CEPs <u>6 Hours</u>
36	Journal article	four CEPs <u>4 Hours</u>
37	Journal reviews or book review	one CEP <u>1 Hour</u>
38	Poster presentation	one CEP <u>1 Hour</u>
39	Research abstract	one CEP <u>1 Hour</u>
40	Textbook	eight CEPs <u>10 Hours</u>
41	Unpublished masters or doctoral thesis	four CEPs <u>8 Hours</u>
42	Presentations at professional meetings	two CEPs <u>2 Hours</u>
43	Field placement supervision	three CEPs <u>3 Hours</u>
44	<u>Professional Recreational Therapy Board Member Service (1 year)</u>	<u>one 1 Hour</u>

45 (f) Credit shall not be given for repeat or multiple presentations of same seminar, publication, in-service, original paper
46 or poster presentation during the renewal cycle.

47 (g) Field placement supervisors shall be granted credit for supervision of no more than two field placement students
48 during the renewal cycle. Submission of Clinical Appraisal and Reference Summary Form is accepted documentation.

49 (h) First year Licensees shall attend Board directed Compliance and Ethics Training for four hours credit. Existing
50 Licensees shall attend Board directed Ethics training once per Renewal cycle for two hours credit.

51 (i) Submission for on-line training documentation shall show value awarded, content, sponsoring body and submit link to
52 website for verification. Maximum of ten hours may be awarded.

53 (j) Professional Recreational Therapy Board Member service shall be documented by letter of service from the
54 professional board.

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56 *History Note: Authority G.S. 90C-2; 90C-24(a)(3);*

57 *Temporary Adoption Eff. December 1, 2005;*

58 *Eff. January 1, 2007.*

59 *Eff. April 1, 2013*

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1 21 NCAC 65 .0602 is proposed for amendment with changes as published in 27:05 NCR 589 as follows:

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3 **21 NCAC 65 .0602 RENEWAL REQUIREMENTS FOR LICENSED RECREATIONAL THERAPIST**
4 **AND LICENSED RECREATIONAL THERAPY ASSISTANT**

5 (a) Board staff shall send a renewal notice to the licensee 60 days prior to the expiration date at their last known email
6 address.

7 (b) Licenses issued shall be subject to renewal every two years upon completion of continuing education requirements as
8 defined in Rule .0601.

9 (c) Each Licensee must complete and submit a renewal application package. All materials must be postmarked by
10 ~~December 15th~~ the 15th of the month of your birth date of the year ~~prior to the applicant's~~ expiration date printed on
11 their license. The renewal application package must be submitted to the Board and must be accompanied by the proper
12 fees, updated color photo and documentation

13
14 (d) Unless a person has advised the Board that he or she does not intend to renew the license, Board staff shall send a
15 renewal to the person's last known ~~home~~ or email address.

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17 *History Note: Authority G.S. 90C-2; 90C-24(a)(3);*

18 *Eff. January 1, 2007;*

19 *Amended Eff. October 1, 2009.*

20 *Amended Eff. April 15, 2013*

1 21 NCAC 65 .0901 is proposed for amendment as published in 27:05 NCR 589 as follows:

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3 **21 NCAC 65 .0901 ENDORSEMENT**

4 (a) The applicant for licensure by endorsement, possessing a current license from another state, must make application to
5 and be evaluated by the Board in accordance to the procedures outlined in the requirements for licensure.

6 (b) The application package shall be accompanied by:

7 (1) One current head and shoulders color photograph of the applicant identification;

8 (2) Official college transcripts;

9 (3) Verification of current state licensure;

10 (4) Verification of successful passage of the National Council for Therapeutic Recreation Certification
11 Therapeutic Recreation Exam; and

12 (5) Licensure Fees stated in Rule .0500.

13 (c) The Board shall issue a license to practice as a licensed recreational therapist or a licensed recreational therapy
14 assistant to any applicant who:

15 (1) Meets all licensure requirements, and

16 (2) Is currently licensed as a recreational therapist or recreational therapy assistant by a state with
17 requirements substantially equivalent to the North Carolina Board of Recreational Therapy Licensure
18 requirements at the time of application.

19 (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal,
20 suspension, or revocation of a license to practice that occupation in this State at the time the act was
21 committed.

22 (d) The applicant for licensure by endorsement, to a military-trained applicant, must make application to and be
23 evaluated by the Board in accordance to the procedures outlined in the requirements for licensure who:

24 (1) Has been awarded a military occupational specialty and has done all of the following at a level that is
25 substantially equivalent to the education requirements in Rule .0301 or .0302

26 (2) Has engaged in the active practice of the recreational therapy in North Carolina for at least two of the
27 five years preceding the date of the application under this section.

28 (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal,
29 suspension, or revocation of a license to practice that occupation in this State at the time the act was
30 committed.

31 (4) One current head and shoulders color photograph of the applicant identification

32 (5) Verification of successful passage of the National Council for Therapeutic Recreation Certification
33 Therapeutic Recreation Exam; and

34 (6) Licensure Fees stated in Rule .0500.

35 (e) The applicant for licensure by endorsement, to a military-trained spouse, must make application to and be evaluated
36 by the Board in accordance to the procedures outlined in the requirements for licensure who:

37 (1) Has been awarded a military occupational specialty and has done all of the following at a level that is
38 substantially equivalent to the education requirements in Rule .0301 or .0302

39 (2) Has engaged in the active practice of the recreational therapy in North Carolina for at least two of the
40 five years preceding the date of the application under this section.

41 (3) Has not committed any act in any jurisdiction that would have constituted grounds for refusal,
42 suspension, or revocation of a license to practice that occupation in this State at the time the act was
43 committed.

44 (4) One current head and shoulders color photograph of the applicant identification

45 (5) Verification of successful passage of the National Council for Therapeutic Recreation Certification
46 Therapeutic Recreation Exam; and

47 (6) Licensure Fees stated in Rule .0501.

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49

50 *History Note: Authority G.S. 90C-24(a)(3); 90C-33; G.S. 93B-15.1*

51 *Eff. December 1, 2006.*

52 *Eff. April 1, 2013*

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