

ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
Senate Bill 735*

AMENDMENT NO. A4
(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 1 of 12

Amends Title [NO]
Fourth Edition

Date _____, 2018

Representative Warren

1
2 moves to amend the bill on page 31, lines 10-12, by rewriting the lines to read:

3
4
5
6 **"PART VIII. RECREATIONAL THERAPY AND MUSIC THERAPY LICENSURE ACT**
7 **SECTION 8.1** Chapter 90C of the General Statutes reads as rewritten:

8 **"Chapter 90C.**

9 **"North Carolina Recreational Therapy Licensure and Music Therapy Licensure Act.**

10 **"§§ 90C-1 through 90C-19:** Repealed by Session Laws 2005-378, s. 1, effective October 5,
11 2005.

12 **"§ 90C-20. Short title.**

13 This Chapter shall be known as the "North Carolina Recreational Therapy Licensure and
14 Music Therapy Licensure Act".

15 **"§ 90C-21. Purpose.**

16 It is the purpose and intent of the Recreational Therapy Licensure and Music Therapy
17 Licensure Act to safeguard the health and safety of the public and to protect the public from harm
18 by unqualified persons by establishing a minimum level of education, experience, and
19 competence to assure the highest degree of professional care and conduct on the part of licensed
20 recreational ~~therapists and licensed recreational therapy assistants~~therapists, licensed
21 recreational therapy assistants, and licensed professional music therapists.

22 **"§ 90C-22. Definitions.**

23 In this Chapter, unless the context otherwise requires, the following definitions shall apply:

24 (1) Board. – The North Carolina ~~Board of Recreational Therapy~~
25 ~~Licensure~~Recreational Therapy Licensure and Music Therapy Licensure
26 Board.

27 (1a) Licensed professional music therapist. – A person who holds a license
28 pursuant to this Chapter as a music therapist. A person licensed as a
29 professional music therapist may:

30 a. Accept referrals for music therapy services from medical,
31 developmental, mental health, or education professionals; family
32 members; clients; caregivers; or others involved and authorized with



* S 7 3 5 - A B C F - 5 0 - V - 1 *

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

provision of client services. Before providing music therapy services to a client for an identified clinical or developmental need, the therapist collaborates, as applicable, with the primary care provider(s) to review the client's diagnosis, treatment needs, and treatment plan. During the provision of music therapy services to a client, the therapist collaborates, as applicable, with the client's treatment team.

b. Conduct a music therapy assessment of a client to determine if treatment is indicated. If treatment is indicated, the therapist collects systematic, comprehensive, and accurate information to determine the appropriateness and type of music therapy services to provide for the client.

c. Develop an individualized music therapy treatment plan for the client that is based upon the results of the music therapy assessment. The music therapy treatment plan includes individualized goals and objectives that focus on the assessed needs and strengths of the client and specify music therapy approaches and interventions to be used to address these goals and objectives.

d. Implement an individualized music therapy treatment plan that is consistent with any other developmental, rehabilitative, habilitative, medical, mental health, preventive, wellness care, or educational services being provided to the client.

e. Evaluate the client's response to music therapy and the music therapy treatment plan, documenting change and progress and suggesting modifications, as appropriate.

f. Develop a plan for determining when the provision of music therapy services is no longer needed in collaboration with the client, physician, or other provider of healthcare or education of the client, family members of the client, and any other appropriate person upon whom the client relies for support.

g. Minimize any barriers to ensure that the client receives music therapy services in the least restrictive environment.

h. Collaborate with and educate the client and the family, caregiver of the client, or any other appropriate person regarding the needs of the client that are being addressed in music therapy and the manner in which the music therapy treatment addresses those needs.

i. Utilize appropriate knowledge and skills to inform practice including use of research, reasoning, and problem solving skills to determine appropriate actions in the context of each specific clinical setting.

(2) Licensed recreational therapist. – A person who holds a license pursuant to this Chapter as a recreational therapist. A person licensed as a "Recreational Therapist" under this Chapter may practice in clinical, residential, educational, and community settings and may:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 3 of 12

- 1 a. Conduct an individualized patient or client assessment for the purpose
- 2 of collecting systematic, comprehensive, and accurate data necessary
- 3 to determine a course of action and subsequent individualized
- 4 treatment plan.
- 5 b. Plan and develop the individualized treatment plan that identifies a
- 6 patient or client's goals, objectives, and treatment intervention
- 7 strategies.
- 8 c. Implement the individualized treatment plan that is consistent with the
- 9 overall patient or client treatment program.
- 10 d. Systematically evaluate and compare the patient or client's response to
- 11 the individualized treatment plan and suggest modifications as
- 12 appropriate.
- 13 e. Develop a discharge plan in collaboration with the patient or client, his
- 14 or her ~~family, caregivers,~~ and other treatment team members.
- 15 f. Serve as a resource for patient or client recreation opportunities to
- 16 promote or improve his or her general health and well-being.
- 17 g. Deliver services in accordance with the professional standards of
- 18 practice and codes of ethics promulgated by national or State
- 19 professional organizations.
- 20 h. Manage delivery of services in accordance with a written plan of
- 21 operation based upon standards advanced by appropriate membership,
- 22 regulatory, and credentialing agencies.
- 23 i. Provide professional and preprofessional education and training of
- 24 recreational therapists or recreational therapy assistants.
- 25 j. Conduct research in the field of recreational therapy or therapeutic
- 26 recreation.
- 27 (3) Licensed recreational therapy assistant. – A person who holds a license
- 28 pursuant to this Chapter as a recreational therapy assistant to act under the
- 29 supervision of a licensed recreational therapist as defined by rule. A person
- 30 licensed as a "Recreational Therapy Assistant" under this Chapter may assist
- 31 in the practice of recreational therapy in clinical, residential, educational, and
- 32 community settings under the supervision of a licensed recreational therapist
- 33 and in accordance with a recreational therapy assistant's training, education,
- 34 and scope of practice, as defined by rule.
- 35 (3a) Music therapy. – The clinical and evidence-based use of music interventions
- 36 to accomplish individualized goals for people of all ages and ability levels
- 37 within a therapeutic relationship by a licensed professional music therapist.
- 38 (4) Person. – Any individual, corporation, partnership, association, unit of
- 39 government, or other legal entity.
- 40 (5) Recreational therapy. – A treatment service designed to restore, remediate, or
- 41 rehabilitate a patient or client's level of functioning and independence in life
- 42 activities, as well as reduce or eliminate the activity limitations and

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 4 of 12

- 1 restrictions to participation in life situations caused by an illness or disabling
2 condition.
- 3 (6) Recreational therapy aide. – Any nonlicensed person who aids in the provision
4 of recreational therapy services under the provisions of this Chapter, and who
5 acts under the direction and on-site supervision of a licensed recreational
6 therapist or licensed recreational therapy assistant. A recreational therapy aide
7 may perform recreational therapy related duties and functions which are
8 assigned and are commensurate with an aide's training and competency. An
9 aide's work shall not include responding to a physician's orders; designing,
10 conducting, or interpreting individualized recreational therapy patient or
11 client assessment; determining or modifying recreational therapy treatment
12 plans or interventions; or any independent practice or performance of
13 recreational therapy services.
- 14 (6a) Scope of music therapy – The practice of music therapy includes development
15 of music therapy treatment plans specific to the needs and strengths of the
16 client who may be seen individually or in groups. The goals, objectives, and
17 potential strategies of the music therapy services are appropriate for the client
18 and setting. Music therapy strategies may include music improvisation,
19 receptive music listening, song writing, lyric discussion, music and imagery,
20 singing, music performance, learning through music, music combined with
21 other arts, music-assisted relaxation, music-based patient education,
22 electronic music technology, adapted music intervention, and movement to
23 music. Music therapy clinical practice may be in developmental,
24 rehabilitative, habilitative, medical, mental health, preventive, wellness care,
25 or educational areas. The practice of music therapy does not include the
26 diagnosis or assessment of any physical, mental, or communication disorder.
27 Scope is inclusive of professional and preprofessional education and training
28 in music therapy and related research.
- 29 (7) Scope of recreational therapy. – The practice of recreational therapy includes
30 all direct patient or client services of assessment, planning, design,
31 implementation, evaluation, and documentation of specific interventions,
32 management, consultation, research, and education for either individuals or
33 groups that require specific therapeutic recreation or recreational therapy
34 intervention representing the process and knowledge base delineated in the
35 most recent National Council for Therapeutic Recreation Certification
36 (NCTRC) Job Analysis Study and professional standards of practice. Scope is
37 inclusive of professional and preprofessional education and training in
38 recreational therapy, therapeutic recreation, and related research.
- 39 (8) Therapeutic recreation. – The provision of treatment services and the
40 provision of recreation services to persons with illnesses or disabling
41 conditions. The primary purposes of treatment services, which are often
42 referred to as recreational therapy, are to restore, remediate, or rehabilitate in
43 order to improve functioning and independence as well as reduce or eliminate

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 5 of 12

1 the effects of illness or disability. The primary purposes of recreation services
2 are to provide recreation resources and opportunities in order to improve
3 health and well-being. Therapeutic recreation is provided by professionals
4 who are trained and certified, registered, or licensed to ~~provided~~ provide
5 therapeutic recreation.

6 **"§ 90C-23. North Carolina Recreational Therapy Licensure and Music Therapy Licensure**
7 **Board is created.**

8 (a) The North Carolina Recreational Therapy Licensure and Music Therapy Licensure
9 Board is created.

10 (b) Composition. – The Board shall consist of ~~eight~~ nine members appointed as follows:

11 (1) ~~Three~~ Two practicing recreational therapists, ~~one of whom shall be appointed~~
12 ~~by the Governor,~~ therapists, one of whom shall be appointed by the General
13 Assembly upon the recommendation of the President Pro Tempore of the
14 Senate, and one of whom shall be appointed by the General Assembly upon
15 the recommendation of the Speaker of the House of Representatives.

16 (2) One licensed practicing recreational therapy assistant appointed by the
17 Governor.

18 (3) One licensed practicing recreational therapist who is engaged primarily in
19 providing education or training for recreational therapists or recreational
20 therapy assistants appointed by the Governor.

21 (4) One physician licensed pursuant to Article 1 of Chapter 90 of the General
22 Statutes appointed by the Governor.

23 (5) Two public members, one of whom shall be appointed by the General
24 Assembly upon the recommendation of the President Pro Tempore of the
25 Senate and one of whom shall be appointed by the General Assembly upon
26 the recommendation of the Speaker of the House of Representatives.

27 (6) Two practicing music therapists, one of whom who shall be appointed by the
28 General Assembly upon the recommendation of the President Pro Tempore of
29 the Senate, and one of whom shall be appointed by the General Assembly
30 upon the recommendation of the Speaker of the House of Representatives.

31 The Governor shall make appointments after consultation with the North Carolina
32 Recreational Therapy Licensure and Music Therapy Licensure Board and other interested
33 persons.

34 (c) Qualifications. – The nonpublic recreational therapist or recreational therapy assistant
35 members of the Board shall hold a current license. Each nonpublic recreational therapist or
36 recreational therapy assistant member of the Board, at the time of his or her appointment and for
37 at least two years before, shall have been actively engaged in North Carolina in the practice of
38 recreational therapy or therapeutic recreation, in the education and training of graduate or
39 undergraduate students of recreational therapy or therapeutic recreation, or in recreational
40 therapy or therapeutic recreation research.

41 The initial music therapist Board members do not have to be licensed upon appointment.
42 However, once licensure requirements are established, the music therapist Board members shall
43 satisfy the applicable requirements for licensure pursuant to this Chapter.

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 6 of 12

1 One public member shall not be a licensed health care professional or an agent or employee
2 of any health care institution, health care insurer, health care professional school, or a member
3 of any allied health profession. One public member shall have received recreational ~~therapy or~~
4 ~~therapeutic recreation services.~~ therapy, therapeutic recreation services, or music therapy. For
5 purposes of this subsection, a person enrolled in a program to prepare him or her to be a licensed
6 health care professional or an allied health professional shall not be eligible to serve as a public
7 member of the Board. The spouse of any person who would be prohibited by this subsection from
8 serving on the Board as a public member shall not serve as a public member of the Board. Public
9 members shall reasonably reflect the population of this State.

10 (d) Term. – Members of the Board shall serve three-year staggered terms and shall serve
11 until a successor is appointed and qualified. No member shall serve more than two consecutive
12 full terms. Members of the North Carolina Recreational Therapy Licensure Board as of
13 December 31, 2018, shall continue to serve on the Board until their terms expire. Vacancies on
14 the Board created by the expiration of those terms shall be filled in accordance with subsection
15 (a) of this section.

16 (e) Vacancies. – The Governor shall fill vacancies to the Board positions for which the
17 Governor is the appointing authority within 30 days after a position is vacated. The General
18 Assembly shall fill vacancies for which it is the appointing authority in accordance with
19 G.S. 120-122. Appointees shall serve the remainder of the unexpired term and until their
20 successors have been appointed and qualified.

21 (f) Removal. – The Board may remove any of its members for gross neglect of duty,
22 incompetence, or unprofessional conduct. A member subject to disciplinary proceedings shall be
23 disqualified from Board business until the charges are resolved. The Governor may also remove
24 any member for gross neglect of duty, incompetence, or unprofessional conduct.

25 (g) Compensation. – Each member of the Board shall receive such per diem
26 compensation and reimbursement for travel and subsistence as shall be set for licensing Board
27 members generally, as provided in G.S. 93B-5.

28 (h) Officers. – The officers of the Board shall be a chairman, a vice-chairman, and other
29 officers deemed necessary by the Board to carry out the purposes of this Chapter. All officers
30 shall be elected annually by the Board for one-year terms and shall serve until their successors
31 are elected and qualified.

32 (i) Meetings. – The Board shall hold at least two meetings each year to conduct business
33 and shall adopt rules governing the calling, holding, and conducting of regular and special
34 meetings. A majority of the Board members shall constitute a quorum.

35 (j) Employees. – The Board may employ necessary personnel for the performance of its
36 functions and fix their compensation within the limits of the funds available to the Board.

37 (k) The total expense of the administration of this Chapter shall not exceed the total
38 income from fees collected pursuant to this Chapter. None of the expenses of the Board, or the
39 compensation or expenses of any officer or any employee of the Board, shall be paid or payable
40 out of the General Fund. Neither the Board nor any of its officers or employees may incur any
41 expense, debt, or other financial obligation binding upon the State.

42 **"§ 90C-24. Powers of the Board.**

43 (a) The Board shall have the following general powers and duties:

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 7 of 12

- 1 (1) To administer this Chapter.
- 2 (2) To issue interpretations of this Chapter.
- 3 (3) To adopt, amend, or repeal rules and regulations in the manner prescribed by
- 4 Chapter 150B of the General Statutes, as may be necessary to carry out the
- 5 provisions of this Chapter.
- 6 (4) To establish qualifications of, employ, and set the compensation of the
- 7 Executive Director who shall not be a member of the Board.
- 8 (5) To employ and fix the compensation of the personnel that the Board
- 9 determines are necessary to carry out the provisions of this Chapter and to
- 10 incur other expenses necessary to effectuate this Chapter.
- 11 (6) To determine the qualifications of persons who are licensed pursuant to this
- 12 Chapter.
- 13 (7) To issue, renew, deny, suspend, or revoke licenses and carry out any of the
- 14 other actions authorized by this Chapter.
- 15 (8) To conduct investigations for the purpose of determining whether violations
- 16 of this Chapter are grounds for revoking, denying, suspending, or refusing to
- 17 renew the licenses of persons licensed pursuant to this Chapter.
- 18 (9) To maintain a record of all proceedings and make available to persons who
- 19 hold a license and other concerned parties an annual report of all Board action.
- 20 (10) To set fees for licensure, license renewal, and other services deemed necessary
- 21 to carry out the purpose of this Chapter.
- 22 (11) To adopt a seal containing the name of the Board to be used on licenses and
- 23 official reports it issues.
- 24 (12) To issue annually a list stating the names of persons currently licensed under
- 25 the privilege of this Chapter.
- 26 (13) To establish or approve, as defined by rule, reasonable competency
- 27 requirements for licensure, including the power to adopt or use examination
- 28 materials, study or training courses, and standards of recognized accrediting
- 29 and credentialing agencies and professional associations and the power to
- 30 establish or approve, as defined by rule, reasonable standards for renewal of
- 31 licensure, including requirements for continuing ~~recreational therapy or~~
- 32 ~~therapeutic recreation education~~ education for individuals licensed pursuant
- 33 to this Chapter.

34 (b) The powers and duties enumerated above are granted for the purpose of enabling the
 35 Board to protect the public from misrepresentation of licensure status as provided in this Chapter
 36 and shall be liberally construed to accomplish this objective.

37 **"§ 90C-25. Executive Director.**

38 The Executive Director shall deposit all fees payable to the Board in financial institutions
 39 designated by the Board as official depositories. The funds shall be deposited in the name of the
 40 Board and shall be used to pay all expenses incurred by the Board in carrying out the purposes
 41 of this Chapter. The State Auditor shall audit the Board annually.

42 **"§ 90C-26. The Board may accept contributions, etc.**

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 8 of 12

1 The Board may accept grants, contributions, devises, and gifts that shall be kept in a separate
2 fund and shall be used by it to publicize the licensure program and its protective benefits to the
3 public.

4 **"§ 90C-27. Requirements for licensure.**

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

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

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

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

20 (b) The Board shall license any person as a "Licensed Recreational Therapy Assistant"
21 who meets the following education and experience requirements:

22 (1) A minimum level of education or experience, as defined by rules of the Board,
23 inclusive of practice competency standards or guidelines promulgated by
24 professional associations and credentialing and accrediting organizations as
25 deemed appropriate by the Board.

26 (2) For purposes of this section, an academic major or specialization shall be
27 defined by rules of the Board and shall be inclusive of information gathered
28 through surveys of educational institutions in the State having associate
29 degree curricula in recreational therapy or therapeutic recreation.

30 (c) The Board shall license any person as a "Licensed Professional Music Therapist" who
31 passes an appropriate examination as a music therapist offered by a certifying agency, or provides
32 proof to the Board of holding a current music therapy credential issued by a certifying agency
33 acceptable to the Board.

34 **"§ 90C-28. Licensure fees.**

35 Applications for licensure shall be made on forms prescribed and furnished by the Board.
36 The Board may establish fees for the actual cost of duplication services, materials, and returned
37 bank items. All fees derived from services provided by the Board under the provisions of this
38 Chapter shall be nonrefundable. The Board shall establish the amount of fees as defined by rule
39 not to exceed the following amounts:

- | | | | |
|----|-----|--|-----------------------------------|
| 40 | (1) | Initial application for licensure fee | \$200.00 |
| 41 | (2) | Licensure renewal <u>renewal/continuing education</u> fee | \$200.00 |
| 42 | (3) | Record maintenance fee | \$100.00 |
| 43 | (4) | Inactive fee | \$50.00 <u>\$50.00</u> |

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 9 of 12

1 (5) Training fee \$100.00.

2 **"§ 90C-29. License renewal.**

3 Every license issued pursuant to this Chapter shall be renewable every two years. Within 30
4 days before the expiration date, a person who desires to continue to be licensed in the field of
5 therapeutic ~~recreation or recreational therapy~~recreation, recreational therapy, or music therapy
6 shall apply for license renewal on forms furnished by the Board. The applicant shall meet criteria
7 for renewal, including continuing education, established by the Board as defined by rule and shall
8 pay the required fee established by the Board pursuant to this Chapter. Failure to renew the
9 license before the expiration date shall result in automatic forfeiture of any license issued
10 pursuant to this Chapter.

11 The Executive Director shall notify, in writing, every person at his or her last known address
12 of the expiration of his or her license and the amount that is required for its two-year renewal.

13 Record Maintenance fees are due within 30 days before the expiration date of a license in any
14 year in which a renewal fee is not due. A person who desires to continue to be licensed in the
15 field of recreational therapy, therapeutic recreation, or music therapy shall apply for license
16 record maintenance on forms furnished by the Board and pay any Record Maintenance fees
17 which are due.

18 **"§ 90C-30. Reinstatement.**

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

26 **"§ 90C-31. Inactive list.**

27 When a person licensed by the Board submits a request for inactive status and pays the
28 inactive fee, the Board shall issue to the person a statement of inactive status and shall place the
29 person's name on the "Inactive Status" list. While on that list, the person shall not hold himself
30 or herself out as licensed pursuant to this Chapter. When that person desires to be removed from
31 the inactive list and returned to an active list, an application shall be submitted to the Board on a
32 form furnished by the Board, and the fee shall be paid for license renewal. The Board shall require
33 evidence of competency as defined by rule to resume practice before returning the applicant to
34 the active status.

35 **"§ 90C-32. Revocation, suspension, or denial of licensure.**

36 The Board may require remedial education, issue of a letter of reprimand, restrict, revoke, or
37 suspend any license issued pursuant to this Chapter or deny any application for licensure if the
38 Board determines that the licensee or applicant has done any of the following:

- 39 (1) Given false information or withheld material information from the Board in
40 procuring or attempting to procure a license pursuant to this Chapter.
41 (2) Been convicted of, or pleaded guilty or nolo contendere to, any crime that
42 indicates that the person is unfit or incompetent to be licensed pursuant to this
43 Chapter.

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 10 of 12

- 1 (3) Is unable to perform the functions for which a license has been issued due to
- 2 impairment of mental or physical faculties.
- 3 (4) Engaged in conduct that endangers the public health.
- 4 (5) Is unfit or incompetent to be licensed pursuant to this Chapter by reason of
- 5 deliberate or negligent acts or omissions regardless of whether active injury
- 6 to the patient or client is established.
- 7 (6) Engages in conduct that deceives, defrauds, or harms the public in the course
- 8 of claiming licensed status or practicing recreational ~~therapy~~therapy or music
- 9 therapy.
- 10 (7) Willfully violated any provision of this Chapter, rules, or code of ethics
- 11 enacted by the Board.
- 12 (8) Aided, abetted, or assisted any person in violating the provisions of this
- 13 Chapter.
- 14 (9) Has a recreational therapy or music therapy license revoked or suspended, or
- 15 is subject to other disciplinary action in this State or another jurisdiction.

The Board may reinstate a revoked license or remove licensure restrictions when it finds that the reasons for revocation or restriction no longer exist and that the person can reasonably be expected to safely and properly practice recreational ~~therapy~~therapy or music therapy.

"§ 90C-33. Reciprocity.

The Board may grant a license, without examination or by special examination, to any person who, at the time of application, is licensed as a recreational ~~therapist or therapeutic recreation specialist~~therapist, therapeutic recreation specialist, recreational therapy assistant, or music therapist by a similar Board of another country, state, or territory whose licensing standards are substantially equivalent to or higher than those required by this Chapter. The Board shall determine the substantial equivalence upon which reciprocity is based.

"§ 90C-34. Persons and practices not affected.

Nothing in this Chapter shall be construed to prevent or restrict:

- 28 (1) Any person qualified, registered, certified, or licensed to engage in another
- 29 profession or occupation or any person working under the supervision of a
- 30 person registered, certified, or licensed to engage in another profession or
- 31 occupation in this State from performing work incidental to the practice of
- 32 that profession or occupation as long as that person does not represent himself
- 33 or herself as a recreational therapy ~~assistant or recreational therapist assistant,~~
- 34 recreational therapist, or music therapist or the work to be recreational ~~therapy~~
- 35 or therapeutic recreation~~therapy, therapeutic recreation, or music therapy~~ as
- 36 defined by this Chapter.
- 37 (2) Any person employed as a ~~therapeutic recreation specialist, therapeutic~~
- 38 ~~recreation assistant, or recreational therapist or therapist,~~ a recreational therapy
- 39 ~~assistant assistant, or music therapist~~ by the government of the United States,
- 40 if he or she provides therapeutic ~~recreation or recreation,~~ recreational ~~therapy~~
- 41 therapy, or music therapy solely under the direction and control of the
- 42 organization by which he or she is employed.

NORTH CAROLINA GENERAL ASSEMBLY

AMENDMENT

Senate Bill 735*

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 11 of 12

(3) Any person pursuing a course of study leading to a degree in recreational ~~therapy or therapeutic recreation~~ therapy, therapeutic recreation, or music therapy at an accredited college or university that meets the minimum academic requirements for a major or specialization in recreational ~~therapy~~ therapy, therapeutic recreation, or music therapy as defined by the rules and regulations of the Board.

(4) Any person fulfilling the supervised fieldwork experience required for a degree and for licensure, as defined by the rules of the Board, if the person is designated by a title that clearly indicates his or her status as a student.

(5) Expired.

"§ 90C-35. Reports; immunity from suit.

Any person who has reasonable cause to suspect malpractice, misconduct, or incapacity of a person who is licensed pursuant to this Chapter or who has reasonable cause to suspect that any person is in violation of this Chapter should report the relevant facts to the Board. Upon receipt of a charge or upon its own initiative, the Board may give notice of an administrative hearing pursuant to Chapter 150B of the General Statutes or may, after diligent investigation, dismiss unfounded charges. Any person making a report pursuant to this section shall be immune from criminal prosecution or civil liability based on that report unless the person knew the report was false or acted in reckless disregard of whether or not the report was false.

"§ 90C-36. Violations and penalties.

Any person not licensed under this Chapter ~~as a Licensed Recreational Therapist or a Licensed Recreational Therapy Assistant~~ who holds himself or herself out to be licensed ~~as a Licensed Recreational Therapist or a Licensed Recreational Therapy Assistant~~ under this Chapter or who practices recreational therapy or therapeutic recreation shall be guilty of a Class 1 misdemeanor. Any fine imposed as a result of conviction shall not exceed five hundred dollars (\$500.00). ~~Any person not licensed as a Licensed Professional Music Therapist under this Chapter who holds himself or herself out to be licensed as a Licensed Professional Music Therapist or a North Carolina Licensed Professional Music Therapist or who uses the initials "LPMT" or "NCLPMT" shall be guilty of a class 1 misdemeanor. Any fine imposed as a result of conviction shall not exceed five hundred dollars (\$500.00).~~

"§ 90C-37. Enjoining illegal practices.

(a) If the Board finds that a person is violating any of the provisions of this Chapter, it may apply in its own name to the superior court for a temporary or permanent restraining order or an injunction to prevent that person from continuing the illegal practices. The court is empowered to grant an injunction regardless of whether criminal prosecution or other action has been or may be instituted as a result of the violation. All actions by the Board shall be governed by the Rules of Civil Procedure.

(b) The venue for actions brought under this Chapter shall be in the county where the defendant resides or the county where the violation occurs."

SECTION 8.2 This part is effective January 1, 2019.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

ADOPTED

AMENDMENT NO. A4

(to be filled in by
Principal Clerk)

S735-ABCf-50 [v.1]

Page 12 of 12

1 **PART IX. EFFECTIVE DATE**

2 **SECTION 9.** Except as otherwise provided, this act is effective when it becomes
3 law."
4
5
6

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____

**The official copy of this document, with signatures
and vote information, is available in the
House Principal Clerk's Office**