

1 State of Arkansas  
2 95th General Assembly  
3 Regular Session, 2025  
4

# A Bill

HOUSE BILL 1218

5 By: Representatives J. Mayberry, Duffield, Pilkington  
6 By: Senator C. Penzo  
7

## For An Act To Be Entitled

8  
9 AN ACT TO CREATE LICENSURE FOR THERAPEUTIC RECREATION  
10 SPECIALISTS; TO CREATE THE THERAPEUTIC RECREATION  
11 PRACTICE ACT; AND FOR OTHER PURPOSES.  
12  
13

## Subtitle

14  
15 TO CREATE LICENSURE FOR THERAPEUTIC  
16 RECREATION SPECIALISTS; AND TO CREATE  
17 THE THERAPEUTIC RECREATION PRACTICE ACT.  
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
20

21 SECTION 1. Arkansas Code Title 17, is amended to add an additional  
22 chapter to read as follows:

23 CHAPTER 108 – THERAPEUTIC RECREATION SPECIALISTS  
24

25 Subchapter 1 – General Provisions  
26

27 17-108-101. Title.

28 This chapter shall be known and may be cited as the "Therapeutic  
29 Recreation Practice Act".  
30

31 17-108-102. Purpose.

32 The purpose of this chapter is to provide for the regulation of persons  
33 offering therapeutic recreation services to the public in order to:

34 (1) Safeguard the public health, safety, and welfare;

35 (2) Protect the public from being misled by incompetent and  
36 unauthorized persons; and



1           (3) Ensure the highest degree of professional conduct on the  
2 part of therapeutic recreation specialists and the availability of  
3 therapeutic recreation services to persons in need of therapeutic recreation  
4 services.

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6           17-108-103. Definitions.

7           As used in this chapter:

8           (1)(A) "Therapeutic recreation" means the specialized  
9 application of recreation to assist with the treatment or maintenance, or  
10 both, of the health status, functional abilities, recreational and leisure  
11 activities, and quality of life for individuals hospitalized or receiving  
12 treatment, or both, for various diagnoses and individuals with disabilities.

13           (B) "Therapeutic recreation" includes without limitation:

14           (i) Remediating or restoring an individual's  
15 participation levels in recreational and leisure activities that are limited  
16 due to impairment in physical, cognitive, social, or emotional abilities;

17           (ii) Analyzing and evaluating recreational  
18 activities to determine the physical, social, and programmatic elements  
19 necessary for involvement in recreational and leisure activities and  
20 modifying the physical, social, and programmatic elements to promote full  
21 participation and maximization of functional independence in recreational and  
22 leisure activities;

23           (iii) Using recreational modalities in designed  
24 intervention strategies to maximize physical, cognitive, social, or emotional  
25 abilities to promote participation in recreational and leisure activities;

26           (iv) Conducting an individualized assessment to  
27 collect systematic, comprehensive, and accurate data necessary to determine  
28 the course of action and subsequent individualized treatment plan;

29           (v) Planning and developing an individualized  
30 therapeutic recreation treatment plan that identifies an individual's goals,  
31 objectives, and potential treatment intervention strategies for recreational  
32 and leisure activities;

33           (vi) Implementing an individualized therapeutic  
34 recreation treatment plan that is consistent with an overall treatment  
35 program;

36           (vii) Systematically evaluating and comparing an

1 individual's response to his or her individualized therapeutic recreation  
2 treatment plan and suggesting modifications as appropriate;

3 (viii) Developing a discharge plan in collaboration  
4 with an individual, the individual's family, the treatment team, and other  
5 identified support networks where appropriate;

6 (ix) Identifying and training in the use of adaptive  
7 recreational equipment;

8 (x) Identifying, providing, and educating  
9 individuals to use recreational and leisure resources that support a healthy,  
10 active, and engaged life;

11 (xi) Minimizing the impact of environmental  
12 constraints as a barrier to participation in recreational and leisure  
13 activities;

14 (xii) Collaborating with and educating an  
15 individual, the individual's family, the individual's caregiver, and other  
16 persons to foster an environment that is responsive to the recreational and  
17 leisure needs of the individual; and

18 (xiii) Consulting with groups, programs,  
19 organizations, or communities to improve physical, social, and programmatic  
20 accessibility in recreational and leisure activities; and

21 (2) "Therapeutic recreation specialist" means a person licensed  
22 to practice therapeutic recreation in this state.

23  
24 17-108-104. Unlawful practice – Exemptions.

25 (a) A person shall not practice or hold himself or herself out as  
26 being able to practice therapeutic recreation or provide therapeutic  
27 recreation services in this state unless the person is licensed under this  
28 chapter as a therapeutic recreation specialist.

29 (b) This chapter does not prevent or restrict the practice, services,  
30 or activities of:

31 (1) A person of other licensed professions or personnel  
32 supervised by licensed professions in this state from performing work  
33 incidental to the practice of his or her profession or occupation, if that  
34 person does not represent himself or herself as a therapeutic recreation  
35 specialist;

36 (2) A person enrolled in a course of study leading to a degree

1 or certificate in therapeutic recreation from performing therapeutic  
2 recreation services incidental to the person's course work when supervised  
3 by a licensed professional, if the person is designated by a title which  
4 clearly indicates his or her status as a student;

5 (3) A person whose training and national certification attests  
6 to the individual's preparation and ability to practice his or her  
7 profession, if that person does not represent himself or herself as a  
8 therapeutic recreation specialist;

9 (4)(A) A therapeutic recreation assistant providing therapeutic  
10 recreation services under the direct supervision of a therapeutic recreation  
11 specialist licensed in this state.

12 (B) A therapeutic recreation assistant is not permitted to  
13 conduct assessments or develop treatment plans;

14 (5) A person providing recreational programs to an individual  
15 with disabilities as a normal part of the leisure lifestyle of the individual  
16 with disabilities;

17 (6)(A) A person employed by the United States Government while  
18 in the discharge of his or her official duties.

19 (B) If a person under subdivision (b)(6)(A) of this  
20 section engages in the practice of therapeutic recreation outside of his or  
21 her official duties, the person is required to be licensed under this  
22 chapter; and

23 (7) Any occupational therapist or occupational therapy assistant  
24 in the area of recreation and leisure.

25  
26 17-108-105. Penalties.

27 (a) A person who violates any of the provisions of this chapter upon  
28 conviction shall be guilty of a misdemeanor and shall be punished by  
29 imprisonment for not more than six (6) months or by a fine not exceeding one  
30 thousand five hundred dollars (\$1,500), or by both fine and imprisonment, at  
31 the discretion of the court.

32 (b) It shall be the duty of the prosecuting attorney in the county  
33 where the violation occurs, upon request by the Department of Health, to  
34 initiate proper legal proceedings in a court of competent jurisdiction to  
35 enforce the provisions of this chapter.

36 (c) A person found guilty of a violation of this chapter may be

1 subject to emergency suspension or revocation of licensure dependent upon the  
2 findings.

3 (d)(1) The courts of this state have jurisdiction and power to enjoin  
4 the unlawful practice of therapeutic recreation and related techniques in a  
5 proceeding by the department or by any citizen of this state in the county in  
6 which the alleged unlawful practice occurred, the county in which the  
7 defendant resides, or in Pulaski County.

8 (2) The issuance of an injunction does not relieve a person from  
9 criminal prosecution for violation of this chapter, but the remedy of  
10 injunction shall be in addition to liability to criminal prosecution.

11  
12 17-108-106. Criminal background checks.

13 (a) An applicant applying for a therapeutic recreation specialist  
14 license issued by the Department of Health shall apply to the Identification  
15 Bureau of the Division of Arkansas State Police for a state and federal  
16 criminal background check to be conducted by the Identification Bureau of the  
17 Division of Arkansas State Police and the Federal Bureau of Investigation.

18 (b) If an applicant has a conviction listed under § 17-3-102, the  
19 department shall deny the application to be a therapeutic recreation  
20 specialist or waive the disqualification under the procedures under § 17-3-  
21 102.

22  
23 17-108-107. Advertisement as therapeutic recreation specialist without  
24 a license.

25 (a) A person shall not advertise in any manner or otherwise represent  
26 himself or herself as a therapeutic recreation specialist or as a provider of  
27 therapeutic recreation or recreation therapy services unless the person is  
28 licensed under this chapter.

29 (b)(1) A violation of this section is a misdemeanor.

30 (2) Upon conviction, the Department of Health, in consultation  
31 with the Recreational Therapy Technical Advisory Committee, may:

32 (A) Revoke his or her license;

33 (B) Suspend his or her license for a period not to exceed  
34 six (6) months from the date of the hearing; or

35 (C) Place restrictions on the person's license in the form  
36 of probation as determined by the department.

1  
2 Subchapter 2 – Recreational Therapy Technical Advisory Committee

3  
4 17-108-201. Recreational Therapy Technical Advisory Committee –  
5 Creation and membership.

6 (a) There is created the Recreational Therapy Technical Advisory  
7 Committee within the Department of Health.

8 (b)(1) The committee shall consist of five (5) members, who shall be  
9 appointed by the Secretary of the Department of Health, for a term of three  
10 (3) years.

11 (2)(A) Three (3) members shall be therapeutic recreation  
12 specialists under this chapter.

13 (B) Two (2) members, to represent the public, shall not be  
14 engaged in or retired from the practice of therapeutic recreation.

15 (c)(1)(A) The initial professional members shall be appointed for  
16 staggered terms of one (1) year, two (2) years, and three (3) years.

17 (B) The initial lay members shall be appointed for  
18 staggered terms of one (1) year and two (2) years.

19 (2) The terms of each initial member shall expire July 1 of  
20 the year of the end of his or her term regardless of the date of appointment.

21 (d) A vacancy shall be filled by the department in the same manner as  
22 the original appointment.

23 (e)(1) The committee shall meet at least quarterly.

24 (2) At the initial meeting, the members shall elect a chair who  
25 shall represent the committee at all meetings of the department.

26 (3) The Secretary of the Department of Health shall call the  
27 first meeting of the committee.

28 (f) Three (3) members of the committee shall constitute a quorum for  
29 the purpose of conducting official business of the committee.

30  
31 17-108-202. Recreational Therapy Technical Advisory Committee – Powers  
32 and duties.

33 The Recreational Therapy Technical Advisory Committee shall:

34 (1) Advise the Department of Health on all matters pertaining to  
35 the licensure, education, and continuing education requirements for  
36 therapeutic recreation specialists and the practice of therapeutic recreation

1 in this state; and

2 (2) Assist and advise the department in all hearings involving  
3 therapeutic recreation specialists who are deemed to be in violation of this  
4 chapter.

5  
6 17-108-203. Department of Health – Powers and duties.

7 (a) The Department of Health shall:

8 (1) Determine, as recommended by the Recreational Therapy  
9 Technical Advisory Committee, the qualifications of applicants for licensure  
10 and determine which applicants successfully pass the required examinations  
11 for licensure;

12 (2) Determine necessary fees to carry out this chapter;

13 (3) Make investigations and inspections to ensure compliance  
14 with this chapter and the rules of the department;

15 (4) Conduct hearings as required under the Arkansas  
16 Administrative Procedure Act, § 25-15-201 et seq.;

17 (5) Report to the prosecuting attorney having jurisdiction or  
18 the Attorney General an act committed by a person that may constitute a  
19 misdemeanor under this chapter;

20 (6) Initiate prosecution and civil proceedings;

21 (7) Suspend, revoke, or deny the license of a therapeutic  
22 recreation specialist for violation of this chapter or rules of the  
23 department;

24 (8) Maintain a record listing the name of each therapeutic  
25 recreation specialist licensed in this state;

26 (9)(A) Compile a list of therapeutic recreation specialists  
27 licensed to practice in this state.

28 (B) The list shall be available to any person upon  
29 application to the department and the payment of a fee as determined by  
30 the department for the reasonable expense under this chapter; and

31 (10) Make expenditures and employ personnel for the  
32 administration of this chapter.

33 (b) The department may promulgate the rules regarding the requirements  
34 for licensure, standards for training, standards for institutions for  
35 training, and standards of practice after licensure, including power of  
36 revocation of a license to practice therapeutic recreation.

1  
2 17-108-204. Employees.

3 (a) The Department of Health may employ an executive director, regular  
4 or special counsel, inspectors, clerks, secretaries, and other personnel that  
5 the department deems necessary to carry out the provisions of this chapter.

6 (b) An employee under this section shall not have any financial  
7 interest in the practice or instruction of therapeutic recreation.

8  
9 Subchapter 3 – Licensure

10  
11 17-108-301. Qualifications of licensure.

12 (a) Except as provided in subsection (b) of this section, the  
13 Department of Health may issue a license to practice as a therapeutic  
14 recreation specialist to an applicant who:

15 (1) Is at least eighteen (18) years of age;

16 (2) Has successfully completed an academic program with a  
17 baccalaureate degree or higher from an accredited college or university with  
18 a major in therapeutic recreation or a major in recreation or leisure  
19 with an option or emphasis, or both, in therapeutic recreation;

20 (3) Has successfully completed a period of field experience  
21 under the supervision of a therapeutic recreation specialist approved by the  
22 educational institution where the applicant has met his or her academic  
23 requirements;

24 (4) Has successfully completed the proctored examination  
25 approved by the department; and

26 (5) Submits an application with a fee as determined by the  
27 department.

28 (b) The department may grant initial licenses to a therapeutic  
29 recreation specialist who is certified by the National Council for  
30 Therapeutic Recreation Certification before July 1, 2015, and who holds an  
31 active certified therapeutic recreation specialist credential issued by the  
32 National Council for Therapeutic Recreation Certification.

33  
34 17-108-302. Licensure without examination.

35 Upon proper application and payment of fees, the Department of Health  
36 may issue a license without examination to a person who is licensed or



1 otherwise certified as a therapeutic recreation specialist by another state  
 2 or national certifying body which has substantially the same standards for  
 3 licensure as are required by this state under this chapter.

4  
 5 17-108-303. Temporary License.

6 (a) Upon proper application and payment of fees, the Department of  
 7 Health may issue a temporary license to a person who has applied for a  
 8 license under this chapter and who is eligible to take the examination under  
 9 this chapter.

10 (b) The temporary license shall:

11 (1) Be available to an applicant only for his or her first  
 12 application for licensure; and

13 (2) Expire upon notice that the applicant has or has not passed  
 14 the examination.

15  
 16 17-108-304. Renewals.

17 (a) All licenses under this chapter are valid for two (2) years from  
 18 the date of issuance.

19 (b) Upon receipt of a renewal application and renewal fees as  
 20 determined by the Department of Health, the department may renew a license as  
 21 a therapeutic recreation specialist if the person:

22 (1) Has completed a minimum of one hundred (100) hours of  
 23 experience performing therapeutic recreation services; and

24 (2) Has completed a minimum of twenty (20) hours of continuing  
 25 education related to the practice of therapeutic recreation and other  
 26 requirements established by rule of the department.

27 (c)(1) The department may, upon notice and opportunity for a hearing,  
 28 deny an application for renewal or reinstate a license with conditions.

29 (2) The conditions imposed upon a license under subdivision  
 30 (c)(1) of this section may include a requirement for continuing education,  
 31 practice under the supervision of a therapeutic recreation specialist, or any  
 32 other conditions deemed appropriate by the department.

33  
 34 17-108-305. Title and practice protection.

35 (a)(1) A person or entity shall not use or assume the title  
 36 "therapeutic recreation specialist", "licensed therapeutic recreation

1 specialist", "certified therapeutic specialist" or the abbreviation "TRS",  
2 "TRS/L", "CTRS", or "CTRS/L", or use any words, letters, abbreviations, or  
3 insignia indicating or implying directly or indirectly that the person holds  
4 a therapeutic recreation specialist license or is providing therapeutic  
5 recreation services unless the person is licensed under this chapter.

6 (2) A person may only use the abbreviation "CTRS/L" if the  
7 person maintains credentials with the National Council for Therapeutic  
8 Recreation Certification.

9 (b) This section does not apply to a person who is providing  
10 therapeutic recreation services under the direction of a therapeutic  
11 recreation specialist licensed under this chapter.

12  
13 17-108-306. Referrals.

14 (a) Consultation and evaluation by a therapeutic recreation specialist  
15 may be performed without a referral.

16 (b) Initiation of therapeutic recreation services to individuals with  
17 medically related conditions shall be based on a referral from a physician  
18 who is either a medical doctor or a doctor of osteopathy.

19 (c) Prevention, wellness, education, adaptive sports, recreation, and  
20 related services shall not require a referral.

21  
22 17-108-307. Delegation of tasks.

23 (a) A person shall not coerce a therapeutic recreation specialist into  
24 compromising client safety by requiring the therapeutic recreation specialist  
25 to delegate activities or tasks if the therapeutic recreation specialist  
26 determines that it is inappropriate to delegate a task.

27 (b) A therapeutic recreation specialist is not subject to disciplinary  
28 action by the Department of Health for refusing to delegate activities or  
29 tasks or refusing to provide the required training for delegation if the  
30 therapeutic recreation specialist determines that the delegation may  
31 compromise client safety.

32  
33 17-108-308. Grounds for denial, revocation, or suspension.

34 The Department of Health may deny, revoke, suspend, place on probation,  
35 or refuse to renew a license if the department finds that the individual or  
36 licensee has:

- 1           (1) Been convicted of a felony listed under § 17-3-102; or
- 2           (2) Violated a rule of the department or any law regulating the
- 3 practice of therapeutic recreation.

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