

State of Arkansas

As Engrossed: H3/4/25

95th General Assembly

## A Bill

Regular Session, 2025

HOUSE BILL 1218

By: Representatives J. Mayberry, Duffield, Pilkington

By: Senator C. Penzo

### For An Act To Be Entitled

AN ACT TO CREATE LICENSURE FOR THERAPEUTIC RECREATION  
SPECIALISTS; TO CREATE THE THERAPEUTIC RECREATION  
PRACTICE ACT; AND FOR OTHER PURPOSES.

### Subtitle

TO CREATE LICENSURE FOR THERAPEUTIC  
RECREATION SPECIALISTS; AND TO CREATE  
THE THERAPEUTIC RECREATION PRACTICE ACT.

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

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

#### CHAPTER 108 – THERAPEUTIC RECREATION SPECIALISTS

##### Subchapter 1 – General Provisions

##### 17-108-101. Title.

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

##### 17-108-102. Purpose.

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

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

(2) Protect the public from being misled by incompetent and  
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.

5  
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 employed by a licensed or certified provider of  
15 services for individuals with intellectual and developmental disabilities  
16 that provides recreational activities as a part of his or her duties;

17 (6) A person providing recreational programs to an individual  
18 with disabilities as a normal part of the leisure lifestyle of the individual  
19 with disabilities, including supporting individuals with intellectual and  
20 developmental disabilities in Special Olympics, Miracle League, and other  
21 community activities;

22 (7)(A) A person employed by the United States Government while  
23 in the discharge of his or her official duties.

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

28 (8) Any occupational therapist or occupational therapy assistant  
29 in the area of recreation and leisure.

30  
31 17-108-105. Penalties.

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

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

5       (c) A person found guilty of a violation of this chapter may be  
6 subject to emergency suspension or revocation of licensure dependent upon the  
7 findings.

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

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

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17       17-108-106. Criminal background checks.

18       (a) An applicant applying for a therapeutic recreation specialist  
19 license issued by the Department of Health shall apply to the Identification  
20 Bureau of the Division of Arkansas State Police for a state and federal  
21 criminal background check to be conducted by the Identification Bureau of the  
22 Division of Arkansas State Police and the Federal Bureau of Investigation.

23       (b) If an applicant has a conviction listed under § 17-3-102, the  
24 department shall deny the application to be a therapeutic recreation  
25 specialist or waive the disqualification under the procedures under § 17-3-  
26 102.

27  
28       17-108-107. Advertisement as therapeutic recreation specialist without  
29 a license.

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

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

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

1 (A) Revoke his or her license;

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

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

6  
7 Subchapter 2 – Recreational Therapy Technical Advisory Committee

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9 17-108-201. Recreational Therapy Technical Advisory Committee –  
10 Creation and membership.

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

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

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

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

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

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

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

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

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

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

31 (3) The Secretary of the Department of Health shall call the  
32 first meeting of the committee.

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

35  
36 17-108-202. Recreational Therapy Technical Advisory Committee – Powers

1 and duties.

2 The Recreational Therapy Technical Advisory Committee shall:

3 (1) Advise the Department of Health on all matters pertaining to  
4 the licensure, education, and continuing education requirements for  
5 therapeutic recreation specialists and the practice of therapeutic recreation  
6 in this state; and

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

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11 17-108-203. Department of Health – Powers and duties.

12 (a) The Department of Health shall:

13 (1) Determine, as recommended by the Recreational Therapy  
14 Technical Advisory Committee, the qualifications of applicants for licensure  
15 and determine which applicants successfully pass the required examinations  
16 for licensure;

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

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

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

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

25 (6) Initiate prosecution and civil proceedings;

26 (7) Suspend, revoke, or deny the license of a therapeutic  
27 recreation specialist for violation of this chapter or rules of the  
28 department;

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

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

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

36 (10) Make expenditures and employ personnel for the

1 administration of this chapter.

2 (b) The department may promulgate the rules regarding the requirements  
3 for licensure, standards for training, standards for institutions for  
4 training, and standards of practice after licensure, including power of  
5 revocation of a license to practice therapeutic recreation.

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7 17-108-204. Employees.

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

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

13  
14 Subchapter 3 – Licensure

15  
16 17-108-301. Qualifications of licensure.

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

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

21 (2) Has successfully completed an academic program with a  
22 baccalaureate degree or higher from an accredited college or university with  
23 a major in therapeutic recreation or a major in recreation or leisure  
24 with an option or emphasis, or both, in therapeutic recreation;

25 (3) Has successfully completed a period of field experience  
26 under the supervision of a therapeutic recreation specialist approved by the  
27 educational institution where the applicant has met his or her academic  
28 requirements;

29 (4) Has successfully completed the proctored examination  
30 approved by the department; and

31 (5) Submits an application with a fee as determined by the  
32 department.

33 (b) The department may grant initial licenses to a therapeutic  
34 recreation specialist who is certified by the National Council for  
35 Therapeutic Recreation Certification before July 1, 2015, and who holds an  
36 active certified therapeutic recreation specialist credential issued by the



1 National Council for Therapeutic Recreation Certification.

3 17-108-302. Licensure without examination.

4 Upon proper application and payment of fees, the Department of Health  
5 may issue a license without examination to a person who is licensed or  
6 otherwise certified as a therapeutic recreation specialist by another state  
7 or national certifying body which has substantially the same standards for  
8 licensure as are required by this state under this chapter.

10 17-108-303. Temporary License.

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

15 (b) The temporary license shall:

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

18 (2) Expire upon notice that the applicant has or has not passed  
19 the examination.

21 17-108-304. Renewals.

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

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

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

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

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

34 (2) The conditions imposed upon a license under subdivision  
35 (c)(1) of this section may include a requirement for continuing education,  
36 practice under the supervision of a therapeutic recreation specialist, or any

1 other conditions deemed appropriate by the department.

3 17-108-305. Title and practice protection.

4 (a)(1) A person or entity shall not use or assume the title  
5 "therapeutic recreation specialist", "licensed therapeutic recreation  
6 specialist", "certified therapeutic specialist" or the abbreviation "TRS",  
7 "TRS/L", "CTRS", or "CTRS/L", or use any words, letters, abbreviations, or  
8 insignia indicating or implying directly or indirectly that the person holds  
9 a therapeutic recreation specialist license or is providing therapeutic  
10 recreation services unless the person is licensed under this chapter.

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

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

18 17-108-306. Referrals.

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

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

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

27 17-108-307. Delegation of tasks.

28 (a) A person shall not coerce a therapeutic recreation specialist into  
29 compromising client safety by requiring the therapeutic recreation specialist  
30 to delegate activities or tasks if the therapeutic recreation specialist  
31 determines that it is inappropriate to delegate a task.

32 (b) A therapeutic recreation specialist is not subject to disciplinary  
33 action by the Department of Health for refusing to delegate activities or  
34 tasks or refusing to provide the required training for delegation if the  
35 therapeutic recreation specialist determines that the delegation may  
36 compromise client safety.

1  
2 17-108-308. Grounds for denial, revocation, or suspension.  
3 The Department of Health may deny, revoke, suspend, place on probation,  
4 or refuse to renew a license if the department finds that the individual or  
5 licensee has:  
6 (1) Been convicted of a felony listed under § 17-3-102; or  
7 (2) Violated a rule of the department or any law regulating the  
8 practice of therapeutic recreation.

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10 */s/J. Mayberry*  
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