

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH70153-LU-7 (11/17)

Short Title: Update Certification/Licensure/Rec. Therapy. (Public)

Sponsors: Representatives Harrell and Womble (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO UPDATE THE LAWS REGULATING THE PRACTICE OF
3 RECREATIONAL THERAPY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 90C-1 through G.S. 90C-19 are repealed.

6 SECTION 2. Chapter 90C of the General Statutes is amended by adding the
7 following new sections to read:

8 **"§ 90C-20. Short title.**

9 This Chapter shall be known as the 'North Carolina Recreational Therapy Licensure
10 Act'.

11 **"§ 90C-21. Purpose.**

12 The North Carolina Recreational Therapy Licensure Act is enacted to safeguard the
13 public health, safety and welfare, to protect the public from being harmed by
14 unqualified persons, to ensure the highest degree of professional care and conduct on
15 the part of recreational therapists and recreational therapy assistants, to provide for the
16 establishment of standards of education, and to ensure the availability of recreational
17 therapy services of high quality to persons in need of such services. It is the purpose of
18 this Chapter to provide for the regulation of persons offering recreational therapy
19 services to the public.

20 **"§ 90C-22. Definitions.**

21 The following definitions shall apply in this Chapter:

22 (1) Board. – The North Carolina Recreational Therapy Licensure Board.

23 (2) Licensed recreational therapist. – A person who holds a license
24 pursuant to this Chapter as a recreational therapist. A person licensed
25 as a 'Recreational Therapist' under this Chapter may practice in
26 medical, residential, educational, or community settings and may:

- 1 a. Conduct an individualized patient or client assessment for the
2 purpose of collecting systematic, comprehensive, and accurate
3 data necessary to determine a course of action and subsequent
4 individualized treatment plan.
- 5 b. Plan and develop the individualized treatment plan that
6 identifies a patient or client's goals, objectives, and treatment
7 intervention strategies.
- 8 c. Implement the individualized treatment plan that is consistent
9 with the overall patient or client treatment program.
- 10 d. Systematically evaluate and compare the patient or client's
11 response to the individualized treatment plan and suggest
12 modifications as appropriate.
- 13 e. Develop a discharge plan in collaboration with the patient or
14 client, his or her family, and other treatment team members.
- 15 f. Serve as a resource for patient or client recreation opportunities
16 to promote or improve his or her general health and well-being.
- 17 g. Deliver services in accordance with the professional standards
18 of practice and Codes of Ethics promulgated by national or
19 State professional organizations.
- 20 h. Manage delivery of services in accordance with a written plan
21 of operation based upon standards advanced by appropriate
22 membership, regulatory, and credentialing agencies.
- 23 i. Provide professional and pre-professional educational training
24 of recreational therapists or recreational therapy assistants.
- 25 j. Conduct research in the field of recreational therapy or
26 therapeutic 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
29 the supervision of a licensed recreational therapist. A person licensed
30 as a 'Recreational Therapy Assistant' under this Chapter may assist in
31 the practice of recreational therapy in clinical, residential, or
32 community settings under the supervision of a licensed recreational
33 therapist and in accordance with a recreational therapy assistant's
34 training, education, and scope of practice, as determined by the Board.
- 35 (4) Person. – Any individual, corporation, partnership, association, unit of
36 government, or other legal entity.
- 37 (5) Recreational therapy. – A treatment service designed to restore,
38 remediate, or rehabilitate a patient or client's level of functioning and
39 independence in life activities, as well as reduce or eliminate the
40 activity limitations and restrictions to participation in life situations
41 caused by an illness or disabling condition.
- 42 (6) Recreational therapy technician. – Any nonlicensed person who aids in
43 the provision of recreational therapy services in accordance with the
44 provisions of this Chapter and who acts under the direction and on-site

1 supervision of a licensed recreational therapist or licensed recreational
2 therapy assistant. A recreational therapy technician may perform
3 recreational therapy related duties or functions, which are assigned and
4 are commensurate with a technician's training and competency.
5 However, a technician's work shall not include response to physician's
6 orders, designing, conducting, or interpreting individualized
7 recreational therapy patient assessments, determining or modifying
8 recreational therapy treatment plans or interventions, or any
9 independent practice or performance of recreational therapy services.

10 (7) Scope of recreational therapy. – The practice of recreational therapy
11 includes all direct patient or client services of assessment, planning,
12 design, implementation, evaluation, and documentation of specific
13 interventions, management, consultation, research, and education for
14 either individuals or groups that require specific therapeutic recreation
15 or recreational therapy intervention representing the process and
16 knowledge base delineated in the most recent National Council for
17 Therapeutic Recreation Certification (NCTRC) Job Analysis Study
18 and professional standards of practice. Scope is inclusive of
19 professional and pre-professional education and training in recreational
20 therapy or therapeutic recreation and related research.

21 (8) Therapeutic recreation. – The provision of treatment services and the
22 provision of recreation services to persons with illnesses or disabling
23 conditions. The primary purposes of treatment services, which are
24 often referred to as recreational therapy, are to restore, remediate, or
25 rehabilitate in order to improve functioning and independence as well
26 as reduce or eliminate the effects of illness or disability. The primary
27 purposes of recreation services are to provide recreation resources and
28 opportunities in order to improve health and well-being. Therapeutic
29 recreation is provided by professionals who are trained and certified,
30 registered, or licensed to provide therapeutic recreation.

31 **§ 90C-23. North Carolina Recreational Therapy Licensure Board is created.**

32 (a) The North Carolina Recreational Therapy Licensure Board is created.

33 (b) Composition. – The Board shall consist of eight members appointed as
34 follows:

35 (1) Three practicing recreational therapists, one of whom shall be
36 appointed by the Governor, one of whom shall be appointed by the
37 General Assembly upon the recommendation of the President Pro
38 Tempore, and one of whom shall be appointed by the General
39 Assembly upon the recommendation of the Speaker of the House of
40 Representatives.

41 (2) One licensed practicing recreational therapy assistant appointed by the
42 Governor.

- 1 (3) One licensed practicing recreational therapist who is engaged
2 primarily in providing education or training for recreational therapists
3 or recreational therapy assistants appointed by the Governor.
- 4 (4) One physician licensed pursuant to Article 1 of Chapter 90 of the
5 General Statutes appointed by the Governor.
- 6 (5) Two public members, one of whom shall be appointed by the General
7 Assembly upon the recommendation of the President Pro Tempore and
8 one of whom shall be appointed by the General Assembly upon the
9 recommendation of the Speaker of the House of Representatives.

10 The Governor shall make appointments after consultation with the North Carolina
11 Recreational Therapy Licensure Board and other interested persons.

12 (c) Qualifications. – The nonpublic recreational therapist or recreational therapy
13 assistant members of the Board shall hold a current license. Each nonpublic recreational
14 therapist or recreational therapy assistant member of the Board, at the time of his or her
15 appointment and for at least two years before, shall have been actively engaged in North
16 Carolina in the practice of recreational therapy or therapeutic recreation, in the
17 education and training of graduate or undergraduate students of recreational therapy or
18 therapeutic recreation, or in recreational therapy or therapeutic recreation research.

19 One public member shall not be a licensed health care professional or an agent or
20 employee of any health care institution, health care insurer, health care professional
21 school, or a member of any allied health profession. One public member shall have
22 received recreational therapy or therapeutic recreation services. For purposes of this
23 subsection, a person enrolled in a program to prepare him or her to be a licensed health
24 care professional or an allied health professional shall not be eligible to serve as a public
25 member of the Board. The spouse of any person who would be prohibited by this
26 subsection from serving on the Board as a public member shall not serve as a public
27 member of the Board. Public members shall reasonably reflect the population of this
28 State.

29 (d) Term. – Members of the Board shall serve three-year staggered terms and
30 shall serve until a successor is appointed and qualified. No member shall serve more
31 than two consecutive full terms.

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

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

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

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

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

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

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

17 **"§ 90C-24. Powers of the Board.**

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

19 (1) To administer this Chapter.

20 (2) To issue interpretations of this Chapter.

21 (3) To adopt, amend, or repeal rules and regulations in the manner
22 prescribed by Chapter 150B of the General Statutes, as may be
23 necessary to carry out the provisions of this Chapter.

24 (4) To establish qualifications of, employ, and set the compensation of the
25 Executive Director who shall not be a member of the Board.

26 (5) To employ and fix the compensation of the personnel that the Board
27 determines are necessary to carry out the provisions of this Chapter
28 and to incur other expenses necessary to effectuate this Chapter.

29 (6) To determine the qualifications of persons who are licensed pursuant
30 to this Chapter.

31 (7) To issue, renew, deny, suspend, or revoke licenses and carry out any of
32 the other actions authorized by this Chapter.

33 (8) To conduct investigations for the purpose of determining whether
34 violations of this Chapter are grounds for revoking, denying,
35 suspending, or refusing to renew the licenses of persons licensed
36 pursuant to this Chapter.

37 (9) To maintain a record of all proceedings and make available to persons
38 who hold a license and other concerned parties an annual report of all
39 Board action.

40 (10) To set fees for licensure, license renewal, and other services deemed
41 necessary to carry out the purpose of this Chapter.

42 (11) To adopt a seal containing the name of the Board to be used on
43 licenses and official reports it issues.

1 (12) To issue annually a list stating the names of persons currently licensed
2 under the privilege of this Chapter.

3 (13) To establish or approve, as defined by rule, reasonable competency
4 requirements for licensure, including the power to adopt or use
5 examination materials, study or training courses, and standards of
6 recognized accrediting and credentialing agencies and professional
7 associations and the power to establish or approve, as defined by rule,
8 reasonable standards for renewal of licensure, including requirements
9 for continuing recreational therapy or therapeutic recreation education.

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

13 **"§ 90C-25. Executive Director.**

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

19 **"§ 90C-26. The Board may accept contributions, etc.**

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

23 **"§ 90C-27. Requirements for licensure.**

24 (a) Effective January 30, 2006, until January 30, 2008, persons currently
25 practicing as recreational therapists and recreational therapy assistants shall meet the
26 following requirements for licensure:

27 (1) The Board shall license any person as a recreational therapist who
28 meets the following education, credential, and experience
29 requirements:

30 a. Current certification, including having successfully passed the
31 appropriate examination as a therapeutic recreation specialist by
32 the North Carolina Therapeutic Recreation Certification Board
33 or current certification as a certified therapeutic recreation
34 specialist by the National Council for Therapeutic Recreation
35 Certification.

36 b. A minimum level of education or experience, as defined by
37 rules and regulations of the Board, inclusive of practice
38 competency standards or guidelines promulgated by
39 professional associations and credentialing and accrediting
40 organizations.

41 (2) The Board shall license any person as a recreational therapy assistant
42 who meets the following education and experience requirements:

43 a. Current certification as a therapeutic recreation assistant by the
44 North Carolina Therapeutic Recreation Certification Board.

1 b. A minimum level of education or experience, as defined by
2 rules and regulations of the Board, inclusive of practice
3 competency standards or guidelines promulgated by
4 professional associations and credentialing and accrediting
5 organizations as deemed appropriate by the Board. For purposes
6 of this section, an academic major or specialization shall be
7 defined by rules and regulations of the Board, and shall be
8 inclusive of information gathered through surveys of
9 educational institutions in North Carolina having associate's
10 degree curricula in recreational therapy or therapeutic
11 recreation.

12 (b) Effective January 30, 2006, all new applicants for licensure shall meet the
13 following requirements:

14 (1) An applicant shall be licensed upon satisfactorily showing to the Board
15 that he or she is competent and knowledgeable about the practice of
16 recreational therapy or therapeutic recreation as provided by rules and
17 regulations of the Board.

18 (2) The Board shall license a person as a recreational therapist who passes
19 the Board examination for licensure in this classification and meets
20 one of the following education and experience requirements:

21 a. A baccalaureate degree or higher from an accredited college or
22 university with a major in recreational therapy or therapeutic
23 recreation or a major in recreation and an option in therapeutic
24 recreation, which includes a field placement requirement. For
25 purposes of this sub-subdivision, 'an option in therapeutic
26 recreation' shall include: (i) a minimum of three courses
27 dealing exclusively with therapeutic recreation content; (ii) a
28 minimum of three courses dealing exclusively with recreation
29 content; (iii) completion of a 360-hour field placement
30 experience in a clinical, residential, or community-based
31 therapeutic recreation program under an agency supervisor who
32 is licensed by the Board; and (iv) completion of supportive
33 coursework to include a minimum of 18 semester hours or 27
34 quarter hours from four of these six areas: psychology,
35 sociology, physical/biological science, special education,
36 human services, or adapted physical education.

37 b. A baccalaureate degree or higher from an accredited college or
38 university with a major in recreation and two years of full-time
39 experience in a clinical, residential, or community-based
40 therapeutic recreation program.

41 c. A baccalaureate degree or higher from an accredited college or
42 university in one of the recreation-related or allied health fields
43 and five years of full-time experience in a clinical, residential,
44 or community-based therapeutic recreation program.

1 Transcripts must show evidence of 18 semester hours or 27
2 quarter hours of upper division credits in recreational therapy or
3 therapeutic recreation coursework and evidence of appropriate
4 support courses.

5 (3) The Board shall license a person as a recreational therapy assistant
6 who passes an examination for licensure in this classification and
7 meets one of the following education and experience requirements:

8 a. An associate of arts degree from an accredited educational
9 institution with a major in recreational therapy or therapeutic
10 recreation or a major in recreation and an option in therapeutic
11 recreation, which includes a field placement requirement. For
12 purposes of this sub-subdivision, 'an option in therapeutic
13 recreation' shall include: (i) a minimum of two courses dealing
14 exclusively with recreational therapy or therapeutic recreation
15 content; (ii) a minimum of two courses dealing exclusively with
16 recreation content; (iii) completion of a 360-hour field
17 placement experience in a clinical, residential, or
18 community-based therapeutic recreation program under an
19 agency supervisor who is licensed by the Board; and (iv)
20 completion of supportive coursework to include a minimum of
21 12 semester or 18 quarter hours selected from psychology,
22 sociology, physical or biological sciences, human services, and
23 physical education activity classes.

24 b. An associate or arts degree from an accredited educational
25 institution with a major in recreation and one year of full-time
26 experience in a clinical, residential, or community-based
27 therapeutic recreation program.

28 c. An associate of arts degree or higher from an accredited
29 educational institution with a major in one of the skill areas
30 (arts, dance, drama, music, physical education) and one year of
31 full-time experience in a clinical, residential, or
32 community-based therapeutic recreation program.

33 d. Completion of the National Therapeutic Recreation 750-Hour
34 Training Program for therapeutic recreation personnel, with
35 verification by an official certificate of completion.

36 e. Four years of full-time experience in a clinical, residential, or
37 community-based therapeutic recreation program.

38 (4) The Board may issue a recreational therapist provisional license to any
39 person who meets the educational requirements of subsection (b) of
40 this section while acquiring the experience required for licensure. This
41 provisional license may be issued for a period of two years and shall
42 not be renewed, except in extraordinary circumstances upon
43 unanimous vote of the Board.

44 **"§ 90C-28. Licensure fees.**

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

6	(1)	<u>Initial application for licensure fee</u>	<u>\$200.00</u>
7	(2)	<u>Licensure renewal fee</u>	<u>\$200.00</u>
8	(3)	<u>Record maintenance fee</u>	<u>\$100.00</u>
9	(4)	<u>Inactive fee</u>	<u>\$ 50.00.</u>

10 **"§ 90C-29. License renewal.**

11 Every license issued pursuant to this Chapter shall be renewable every two years.
12 Within 30 days before the expiration date, a person who desires to continue to be
13 licensed in the field of therapeutic recreation or recreational therapy shall apply for
14 license renewal on forms furnished by the Board. They shall meet criteria for renewal
15 established by the Board as defined by rule and shall pay the required fee established by
16 the Board in accordance to this Chapter. Failure to renew the license before the
17 expiration date shall result in automatic forfeiture of any license issued pursuant to this
18 Chapter.

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

22 **"§ 90C-30. Reinstatement.**

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

31 **"§ 90C-31. Inactive list.**

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

40 **"§ 90C-32. Revocation, suspension, or denial of licensure.**

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

- 1 (1) Given false information or has withheld material information from the
2 Board in procuring or attempting to procure a license pursuant to this
3 Chapter.
- 4 (2) Been convicted of, or pleaded guilty or nolo contendere to, any crime
5 that indicates that the person is unfit or incompetent to be licensed
6 pursuant to this Chapter.
- 7 (3) Is unable to perform the functions for which a license has been issued
8 due to impairment of mental or physical faculties.
- 9 (4) Engaged in conduct that endangers the public health.
- 10 (5) Is unfit or incompetent to be licensed pursuant to this Chapter by
11 reason of deliberate or negligent acts or omissions regardless of
12 whether active injury to the patient or client is established.
- 13 (6) Engages in conduct that deceives, defrauds, or harms the public in the
14 course of claiming licensed status or practicing recreational therapy.
- 15 (7) Willfully violated any provision of this Chapter or of rules,
16 regulations, or Code of Ethics enacted by the Board.
- 17 (8) Aided, abetted, or assisted any person in violating the provisions of
18 this Chapter.

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

22 **"§ 90C-33. Reciprocity.**

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

29 **"§ 90C-34. Persons and practices not affected.**

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

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

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

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

10 **"§ 90C-35. Reports; immunity from suit.**

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

20 **"§ 90C-36. Violations and penalties.**

21 Any person who willfully violates the provisions of this Chapter shall be guilty of a
22 misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more
23 than five hundred dollars (\$500.00) or be imprisoned for a period not exceeding six
24 months, or both, in the discretion of the court.

25 **"§ 90C-37. Enjoining illegal practices.**

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

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

34 **SECTION 3.** Members serving on the North Carolina State Board of
35 Therapeutic Recreation Certification on the effective date of this act shall continue to
36 serve and complete their current terms on the North Carolina Recreational Therapy
37 Licensure Board established in G.S. 90C-23, as enacted in Section 2 of this act. The
38 Governor shall appoint the physician member to serve a three-year term pursuant to
39 G.S. 90C-23(b)(4), as enacted in Section 2 of this act. Members appointed thereafter
40 shall serve three-year staggered terms.

41 **SECTION 4.** Any current State-certified person working within the scope of
42 recreational therapy, as defined in G.S. 90C-22(7), as enacted in Section 2 of this act, as
43 a recreational therapist or a recreational therapy assistant before January 30, 2006, may
44 be exempt from all educational, examination, and experience requirements for licensure

1 pursuant to this Chapter, as enacted in Section 2 of this act. In order to qualify for this
2 exemption, an applicant must apply to the Board for licensure before January 30, 2008,
3 and he or she must be working within the scope of recreational therapy and previously
4 certified by the Board at the time of application.

5 **SECTION 5.** This act becomes effective October 1, 2005.