

**Enforcing
The
California
Recreation Therapy
Title Protection Law**

**Protecting Health Care
Safety**

California Park and Recreation Society Conference

**Presentation
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**Recreation Therapy Title Protection
Trademark Regulation
California Business and Professions Code
Section 17505.2
Enacted October 3, 1997**

Purpose of the Law

Protect the public from unqualified and incompetent persons calling themselves recreation therapists. Establishes qualification standards for recreation therapists and recreation therapy assistants. This law regulates the use of the title of recreation therapy and related titles to those who meet academic and experience based educational standards and certification standards set by the **California Board of Recreation and Park Certification** and/or the **National Council for Therapeutic Recreation Certification**. Incidents of title abuse occur as individuals use the title of recreation therapist without meeting state and national certification standards. Activity Departments are also misrepresented to the public as Recreation Therapy Departments where unqualified individuals provide treatment services. Clients are exposed to negligence and harm related to ignorance and special concerns related to specific injury, illness and/or disability and activity.

Basic Facts of Recreation Therapy Title Protection

- This law **prohibits** any person who does not meet state and/or national certification standards from representing himself or herself as recreation therapist or recreation therapy assistant, or from representing that the services he/she provides are recreation therapy or related in any way to recreation therapy.
- This law **prohibits** a person not meeting those standards from using specified words and abbreviations in connection with his or her services, name, or place of business.
- Any person injured by **violation** of the Recreation Therapy Title protection law may bring a civil suit recovers \$1,500 for the first violation and \$2,500 for each subsequent **violation**.
- The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement. This bill provides that no reimbursement is required by this act for a specified reason.

Effective use of the law requires that everyone do the following:

- Apply basic advocacy skills to enforce the law.
- Educate your self and others, including consumers, professionals and administrators about the law.
- Conscientiously observe for **violations** of the law.
- Report **violations** to the Therapeutic Recreation Section Board at CPRS.
- Be ready to work with the procedures to apply the law.

Harmful Consequences of Treatment from Unqualified and Incompetent Providers

- Failure to protect from infection and/or disease.
- Failure to monitor patient status to identify conditions or changes leading to patient harm or deterioration.
- Failure to respond and/or take corrective action in response to identified conditions, leading to patient harm or deterioration.
- Failure to maintain emergency appropriate to the setting resulting in serious harm.
- Failure to maintain equipment failure that harms patient.
- Failure to monitor use of equipment, resulting in injury to patient or other patients if treatment occurs in a group setting.
- Failure to ensure that the equipment, furnishings and/or supplies do not present hazards to patients.
- Failure to store, prepare, maintain and serve food to ensure against growth/transmissions of pathogens.
- Failure to control temperature of hot water used by patients (max. 110 degrees Fahrenheit).
- Failure to take necessary precautions to ensure patients are not harmed by patients, staff or visitors.
- Failure or inadequate assessment of patients physical capacity, resulting in strained/torn muscles, broken bones, or physical stress leading cardiac or respiratory failure.
- Failure or inadequate assessment leading to improper placement of in a living situation beyond the patients functional capabilities. The patient may decompensate and unable to provide for basic food, clothing or shelter resulting in grave disability.
- Physical, mental or sexual abuse of a patient abuse.

Promote the Implementation of Recreation Therapy Title Protection

Successful implementation of this law is critical to the health and safety of patients. We must protect them from businesses that falsely claim to have recreation therapy services or, individuals falsely claiming to be recreation therapists. It is vital in protecting and strengthening the profession. Only by reporting and enforcing the title protection law can the profession move toward licensure and more stringently protect the patients we serve. It is our professional responsibility to enforce the recreation therapy title protection law.

Text of the Law

The SB 1347 Healing arts. BILL NUMBER: SB 1347 CHAPTERED 10/06/97 CHAPTER 677 FILED WITH SECRETARY OF STATE OCTOBER 6, 1997 APPROVED BY GOVERNOR OCTOBER 3, 1997

INTRODUCED BY Committee on Business and Professions (Senators Polanco (Chair), Ayala, Craven, Greene, Johannessen, Kelley, O'Connell, and Rosenthal)

MARCH 18, 1997 An act, to add Section 17505.2 to, the Business and Professions Code, relating to healing arts.

SEC. 6. Section 17505.2 is added to the Business and Professions Code, to read: 17505.2.

(a) It is unlawful for a person to represent himself or herself as a recreation therapist, to represent the services he or she performs as recreation therapy, or to use terms set forth in subdivision (c), unless he or she meets all of the following requirements:

(1) Graduation from an accredited college or university with a minimum of a baccalaureate degree in recreation therapy or in recreation and leisure studies with a specialization in recreation therapy. Alternatively, a person who does not have one of the preceding degrees may qualify if he or she has a baccalaureate degree in a specialization acceptable for certification or eligible for certification by any accrediting body specified in paragraph

(2) Current certification or eligibility for certification as a recreation therapist by the California Board of Recreation and Park Certification or the National Council for Therapeutic Recreation Certification, Inc.

(b) No person shall represent himself or herself as a recreation therapist assistant, or represent the services he or she performs as being in any way related to recreation therapy, unless he or she, at a minimum, has current certification or has eligibility for certification by the California Board of Recreation and Park Certification or the National Council for Therapeutic Recreation Certification, Inc., as a recreation therapist assistant.

(c) A person who does not meet the requirements of subdivision (a) or (b) may not use any of the following words or abbreviations in connection with his or her services, name, or place of business:

- (1) Recreation therapist registered.
- (2) Recreation therapist certified.
- (3) Certified therapeutic recreation specialist.
- (4) Recreation therapist.
- (5) Recreation therapist assistant registered.
- (6) Certified therapeutic recreation assistant.
- (7) RTR.
- (8) RTC.
- (9) CTRS.
- (10) RT.
- (11) RTAR.
- (12) CTRA.

(d) For purposes of subdivision (c), the abbreviation RT shall not be construed to include rehabilitation therapist or respiratory therapist.

(e) Any person injured by a violation of this section may bring a civil action and may recover one thousand five hundred dollars (\$1,500) for the first violation and two thousand five hundred dollars (\$2,500) for each subsequent violation. This is the sole remedy for a violation of this section.

SEC. 7. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution. Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

Enforce the Recreation Therapy Title Protection Law!

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Law!**

**Report Violations of the
Law**

**Contact the California Park
and Recreation Society at:**

**Phone: 916-666-9149 Fax:
916-666-9149**

Email: board@cprs.org