

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1786

By: Adelson

4
5 AS INTRODUCED

6 An Act relating to professions and occupations;
7 creating the Therapeutic Recreation Practice Act;
8 providing short title; stating purpose; defining
9 terms; requiring certain license; providing certain
10 exceptions; creating the Therapeutic Recreation
11 Committee; providing for Committee membership,
12 appointment, qualifications, terms, succession,
13 vacancies, reimbursement, meetings, officers, quorum
14 and powers and duties; providing powers and duties of
15 the State Board of Medical Licensure and Supervision;
16 providing certain requirements for licensure;
17 providing for denial of certain application;
18 providing for certain notice and hearing; providing
19 for certain reinstatement with conditions; providing
20 for certain licensure for certain specialists;
21 providing for duration of license; providing
22 conditions for certain renewal; authorizing use of
23 certain letters in connection with a name or place of
24 business; prohibiting use of certain words, letters,
abbreviations or insignia in certain circumstances;
prohibiting the implication of providing certain
services; allowing certain consultations and
evaluations without referral; requiring referrals in
certain circumstances; providing for certain services
that do not require a referral; prohibiting certain
coercion; prohibiting certain disciplinary action for
refusal to delegate certain actions in certain
circumstance; authorizing certain license without
examination; authorizing certain temporary license in
certain circumstances; providing for expiration of
certain temporary license; prohibiting certain
representation as a provider of certain services
without licensure; providing for certain violations
and penalties; providing for codification; and
providing an effective date.

1 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 540 of Title 59, unless there is
4 created a duplication in numbering, reads as follows:

5 This act shall be known and may be cited as the "Therapeutic
6 Recreation Practice Act".

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 540.1 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 In order to safeguard the public health, safety and welfare, to
11 protect the public from being misled by incompetent and un-
12 authorized persons, to assure the highest degree of professional
13 conduct on the part of therapeutic recreation specialists and to
14 assure the availability of therapeutic recreation services of high
15 quality to persons in need of such services, it is the purpose of
16 this act to provide for the regulation of persons offering
17 therapeutic recreation service to the public.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 541.2 of Title 59, unless there
20 is created a duplication in numbering, reads as follows:

21 As used in the Therapeutic Recreation Practice Act:

22 1. "Therapeutic recreation specialist" means a person licensed
23 to practice therapeutic recreation in the State of Oklahoma;

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1 2. a. "Therapeutic recreation" or "recreation therapy" means
2 the specialized application of recreation to assist
3 with the treatment and/or maintenance of the health
4 status, functional abilities and ultimately quality of
5 life for individuals hospitalized and/or receiving
6 treatment for various diagnoses and individuals with
7 disabilities. For purposes of accomplishing
8 therapeutic recreation goals, therapeutic recreation
9 may include:

- 10 (1) remediating or restoring an individual's
11 participation levels that are limited due to
12 impairment in physical, cognitive, social or
13 emotional abilities,
14 (2) analyzing and evaluating recreational and
15 psychosocial activities to determine the
16 physical, social, and programmatic elements
17 necessary for involvement and modifying those
18 elements to promote full participation and
19 maximization of functional independence, and
20 (3) using recreational modalities in designed
21 intervention strategies to maximize physical,
22 cognitive, social, or emotional abilities.

1 b. For purposes of accomplishing therapeutic recreation
2 goals, therapeutic recreation services include, but
3 are not limited to:

4 (1) conducting an individualized assessment for the
5 purpose of collecting systematic, comprehensive,
6 and accurate data necessary to determine the
7 course of action and subsequent individualized
8 treatment plan,

9 (2) planning and developing the individualized
10 treatment plan that identifies an individual's
11 goals, objectives, and potential treatment
12 intervention strategies,

13 (3) implementing the individualized therapeutic
14 recreation treatment plan that is consistent with
15 the overall treatment program,

16 (4) systematically evaluating and comparing the
17 individual's response to the individualized
18 treatment plan and suggesting modifications as
19 appropriate,

20 (5) developing a discharge plan in collaboration with
21 the individual, the individual's family,
22 treatment team, and other identified support
23 networks where appropriate,
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- (6) identifying and training in the use of adaptive recreational equipment,
- (7) identifying, providing, and educating individuals to use resources that support a healthy, active and engaged life,
- (8) minimizing the impact of environmental constraints as a barrier to participation,
- (9) collaborating with and educating the individual, family, caregiver, and others to foster an environment that is responsive to the needs of the individual, and
- (10) consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility;

3. "Board" means the Oklahoma State Board of Medical Licensure and Supervision; and

4. "Committee" means the Therapeutic Recreation Committee.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 541.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall practice or hold oneself out as being able to practice therapeutic recreation or provide therapeutic recreation services in this state unless the person is licensed in accordance with the provisions of the Therapeutic Recreation Practice Act.

1 B. Nothing in this act shall be construed to prevent or
2 restrict the practice, services, or activities of:

3 1. Any person of other licensed professions or personnel
4 supervised by licensed professions in this state from performing
5 work incidental to the practice of his or her profession or
6 occupation, if that person does not represent himself or herself as
7 a therapeutic recreation specialist;

8 2. Any person enrolled in a course of study leading to a degree
9 or certificate in therapeutic recreation from performing therapeutic
10 recreation services incidental to the person's course work when
11 supervised by a licensed professional, if the person is designated
12 by a title which clearly indicates his or her status as a student;

13 3. Any person whose training and national certification attests
14 to the individual's preparation and ability to practice his or her
15 profession, if that person does not represent himself or herself as
16 a therapeutic recreation specialist;

17 4. Any therapeutic recreation assistant providing therapeutic
18 recreation services under the direct supervision of a licensed
19 therapeutic recreation specialist. Such an individual would not be
20 permitted to conduct assessments and/or develop treatment plans;

21 5. Any individual providing recreational programs to a person
22 with disabilities as a normal part of the leisure lifestyle of the
23 person with disabilities; and
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1 6. Any person employed by an agency, bureau or division of the
2 federal government while in the discharge of official duties;
3 provided, however, if such individual engages in the practice of
4 therapeutic recreation outside the line of official duty, the
5 individual must be licensed as herein provided.

6 SECTION 5. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 541.4 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. There is hereby established the Therapeutic Recreation
10 Committee to assist the State Board of Medical Licensure and
11 Supervision in conducting examinations for applicants and to advise
12 the Board on all matters pertaining to the licensure, education, and
13 continuing education of therapeutic recreation specialists and the
14 practice of therapeutic recreation or recreation therapy.

15 B. 1. The Therapeutic Recreation Committee shall consist of
16 five (5) members who shall be appointed by the State Board of
17 Medical Licensure and Supervision as follows:

- 18 a. three members shall, upon initial appointment, be
19 qualified persons who have been actively practicing
20 therapeutic recreation in this state for at least
21 three (3) years, provided, their successors shall be
22 licensed therapeutic recreation specialists, and
- 23 b. two members shall be lay persons.

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1 2. The professional members of the Committee shall be appointed
2 for staggered terms of one (1), two (2) and three (3) years,
3 respectively. Terms of office of each appointed member shall expire
4 July 1 of that year in which they expire regardless of the calendar
5 date when such appointments were made. Subsequent appointments
6 shall be made for a term of three (3) years or until successors are
7 appointed and qualified.

8 a. The lay members shall be appointed for staggered terms
9 of office which will expire July 1, 2009, and July 1,
10 2010. Thereafter, members appointed to these
11 positions shall serve for terms of three (3) years or
12 until successors are appointed and qualified.

13 b. Vacancies shall be filled by the Board in the same
14 manner as the original appointment.

15 3. Members of the Committee shall be reimbursed for all actual
16 and necessary expenses incurred in the performance of duties
17 required by the Therapeutic Recreation Practice Act in accordance
18 with the provisions of the State Travel Reimbursement Act.

19 4. The Committee shall meet at least quarterly. At the initial
20 meeting of the Committee, members shall elect a chair. The chair
21 shall represent the Committee at all meetings of the Board. Three
22 members of the Committee shall constitute a quorum for the purpose
23 of conducting official business of the Committee.

24 C. The Committee shall have the power and duty to:

1 1. Advise the Board on all matters pertaining to the licensure,
2 education, and continuing education requirements for and practice of
3 therapeutic recreation or recreation therapy in this state; and

4 2. Assist and advise the Board in all hearings involving
5 therapeutic recreation specialists who are deemed to be in violation
6 of the Therapeutic Recreation Practice Act.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 541.5 of Title 59, unless there
9 is created a duplication in numbering, reads as follows:

10 The State Board of Medical Licensure and Supervision shall have
11 the power and duty to:

12 1. Promulgate the rules and regulations necessary for the
13 performance of its duties pursuant to the provisions of the
14 Therapeutic Recreation Practice Act, including the requirements for
15 licensure, standards for training, standards for institutions for
16 training and standards of practice after licensure, including power
17 of revocation of a license;

18 2. Determine, as recommended by the Therapeutic Recreation
19 Committee, the qualifications of applicants for licensure and
20 determine which applicants successfully passed such examinations;

21 3. Determine necessary fees to carry out the provisions of the
22 Therapeutic Recreation Practice Act;

23 4. Make such investigations and inspections as are necessary to
24 ensure compliance with the Therapeutic Recreation Practice Act and

1 the rules and regulations of the Board promulgated pursuant to the
2 act;

3 5. Conduct hearings as required by the provisions of the
4 Administrative Procedures Act;

5 6. Report to the district attorney having jurisdiction or the
6 Attorney General any act committed by any person which may
7 constitute a misdemeanor pursuant to the provisions of the
8 Therapeutic Recreation Practice Act;

9 7. Initiate prosecution and civil proceedings;

10 8. Suspend, revoke or deny the license of any physical
11 therapist and physical therapist assistant for violation of any
12 provisions of the Therapeutic Recreation Practice Act or rules and
13 regulations promulgated by the Board pursuant to this act;

14 9. Maintain a record listing the name of each therapeutic
15 recreation specialist licensed in this state;

16 10. Compile a list of therapeutic recreation specialists
17 licensed to practice in this state. The list shall be available to
18 any person upon application to the Board and the payment of such fee
19 as determined by the Board for the reasonable expense thereof
20 pursuant to the provisions of the Therapeutic Recreation Practice
21 Act; and

22 11. Make such expenditures and employ such personnel as it may
23 deem necessary for the administration of the provisions of the
24 Therapeutic Recreation Practice Act.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 541.6 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. To be eligible for licensure as a therapeutic recreation
5 specialist pursuant to the provisions of the Therapeutic Recreation
6 Practice act, an applicant shall:

7 1. Be at least eighteen (18) years of age;

8 2. Be of good moral character;

9 3. Have successfully completed an academic program with a
10 baccalaureate degree or higher from an accredited college or
11 university with a major in therapeutic recreation or a major in
12 recreation or leisure with an option and/or emphasis in therapeutic
13 recreation;

14 4. Have successfully completed a period of field experience as
15 defined by the National Council for Therapeutic Recreation
16 Certification (NCTRC) under the supervision of a Certified
17 Therapeutic Recreation Specialist (CTRS) approved by the educational
18 institution where the applicant has met his or her academic
19 requirements; and

20 5. Successfully completed the proctored examination
21 administered by the NCTRC.

22 B. The State Board of Medical Licensure and Supervision may,
23 upon notice and opportunity for a hearing, deny an application for
24 reinstatement of a license or reinstate the license with conditions.

1 Conditions imposed may include a requirement for continuing
2 education, practice under the supervision of a licensed therapeutic
3 recreation specialist, or any other conditions deemed appropriate by
4 the Board.

5 C. Notwithstanding subsection A of this section, the Board may
6 grant initial licenses to therapeutic recreation specialists who are
7 certified by the NCTRC prior to July 1, 2008, and who hold an active
8 CTRS credential.

9 SECTION 8. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 541.7 of Title 59, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Initial licenses and renewals shall be valid for two (2)
13 years.

14 B. Persons licensed as therapeutic recreation specialists are
15 eligible for renewal of their licenses if they:

16 1. Have completed a minimum of one hundred (100) hours of
17 therapeutic recreation service; and

18 2. Have met continuing competency requirements by completing a
19 minimum of twenty (20) hours of continuing education programs that
20 meet the recertification standards of the National Council for
21 Therapeutic Recreation Certification and other requirements
22 established by rule of the State Board of Medical Licensure and
23 Supervision.

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1 SECTION 9. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 541.8 of Title 59, unless there
3 is created a duplication in numbering, reads as follows:

4 A. A licensed therapeutic recreation specialist may use the
5 letters TRS/L or CTRS/L in connection with his or her name or place
6 of business. CTRS/L is contingent upon maintenance of the National
7 Council for Therapeutic Recreation Certification (NCTRC) credential.

8 B. A person or business entity, its employees, agents, or
9 representatives shall not use in conjunction with that person's name
10 or the activity of the business the words therapeutic recreation
11 specialist, therapeutic recreation, recreational therapy,
12 recreational therapist, recreation therapist, the letters CTRS, TRS,
13 or TR, or any other words, abbreviations or insignia indicating or
14 implying directly or indirectly that therapeutic recreation is
15 provided or supplied, including the billing of services labeled as
16 therapeutic recreation, unless such services are provided under the
17 direction of a therapeutic recreation specialist licensed pursuant
18 to this act.

19 SECTION 10. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 541.9 of Title 59, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Consultation and evaluation by a therapeutic recreation
23 specialist may be performed without a referral. Initiation of
24 therapeutic recreation services to individuals with medically

1 related conditions shall be based on a referral from any qualified
2 health care professional who, within the scope of the professional
3 license, is authorized to refer for health care services.

4 B. Prevention, wellness, education, adaptive sports, recreation
5 and related services shall not require a referral.

6 SECTION 11. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 541.10 of Title 59, unless there
8 is created a duplication in numbering, reads as follows:

9 A. No person shall coerce a licensed therapeutic recreation
10 specialist into compromising client safety by requiring the licensed
11 therapist to delegate activities or tasks if the licensed
12 therapeutic recreation specialist determines that it is
13 inappropriate to do so.

14 B. A licensed therapeutic recreation specialist shall not be
15 subject to disciplinary action by the State Board of Medical
16 Licensure and Supervision for refusing to delegate activities or
17 tasks or refusing to provide the required training for delegation,
18 if the licensed therapeutic recreation specialist determines that
19 the delegation may compromise client safety.

20 SECTION 12. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 541.11 of Title 59, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Upon payment to the State Board of Medical Licensure and
24 Supervision of a fee as provided by the Therapeutic Recreation

1 Practice Act and submission of a written application on forms
2 provided by the Board, the Board may issue a license without
3 examination to any person who is licensed or otherwise certified as
4 a therapeutic recreation specialist by another state or national
5 certifying body which has substantially the same standards for
6 licensure as are required by this state pursuant to the provisions
7 of the Therapeutic Recreation Practice Act.

8 B. Upon proper application and payment of fees, the Board may
9 issue a temporary license to a person who has applied for a license
10 pursuant to the provisions of this act and who is eligible to take
11 the examination pursuant to the provisions of this act. The
12 temporary license shall be available to an applicant only with
13 respect to his or her first application for licensure. The
14 temporary license shall expire upon notice that the applicant has or
15 has not passed the examination.

16 SECTION 13. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 541.12 of Title 59, unless there
18 is created a duplication in numbering, reads as follows:

19 A. No person shall advertise, in any manner, or otherwise
20 represent himself or herself as a therapeutic recreational
21 specialist or as a provider of therapeutic recreation or recreation
22 therapy services unless the person is licensed pursuant to the
23 provisions of the Therapeutic Recreation Practice Act.

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1 B. Any person who violates any provision of the Therapeutic
2 Recreation Practice Act shall be found guilty of a misdemeanor and,
3 upon conviction, shall be subject to punishment pursuant to the
4 provisions of Section 491 of Title 59 of the Oklahoma Statutes and
5 to one or more of the following actions which may be taken by the
6 State Board of Medical Licensure and Supervision in consultation
7 with the Therapeutic Recreation Committee:

- 8 1. Revocation of license;
- 9 2. Suspension of license not to exceed six (6) months from the
10 date of hearing; or
- 11 3. Invocation of restrictions in the form of probation as
12 defined by the Board.

13 SECTION 14. This act shall become effective November 1, 2008.

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