

ENROLLED SENATE
BILL NO. 546

By: Halligan of the Senate

and

Williams of the House

An Act relating to professions and occupations; creating the Therapeutic Recreation Practice Act; providing short title; stating purpose; defining terms; requiring certain license; providing certain exceptions; creating the Therapeutic Recreation Committee; providing for Committee membership, appointment, qualifications, terms, succession, vacancies, reimbursement, meetings, officers, quorum and powers and duties; providing powers and duties of the State Board of Medical Licensure and Supervision; providing certain requirements for licensure; providing for denial of certain application; providing for certain notice and hearing; providing for certain reinstatement with conditions; providing for certain licensure for certain specialists; providing for duration of license; providing conditions for certain renewal; authorizing use of certain letters in connection with a name or place of business; prohibiting use of certain words, letters, abbreviations or insignia in certain circumstances; prohibiting the implication of providing certain services; requiring certain referrals; prohibiting certain freestanding clinics; 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.

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

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

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

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

In order to safeguard the public health, safety and welfare, to protect the public from being misled by incompetent and unauthorized persons, to assure the highest degree of professional conduct on the part of therapeutic recreation specialists and to assure the availability of therapeutic recreation services of high quality to persons in need of such services, it is the purpose of this act to provide for the regulation of persons offering therapeutic recreation service to the public.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.2 of Title 59, unless there is created a duplication in numbering, reads as follows:

As used in the Therapeutic Recreation Practice Act:

1. "Therapeutic recreation specialist" means a person licensed to practice therapeutic recreation in the State of Oklahoma;
2. a. "Therapeutic recreation" or "recreation therapy" means the specialized application of recreation to assist with the treatment and/or maintenance of the health status, functional abilities, recreational and leisure activities and ultimately quality of life for

individuals hospitalized and/or receiving treatment for various diagnoses and individuals with disabilities. For purposes of accomplishing therapeutic recreation goals, therapeutic recreation may include:

- (1) remediating or restoring an individual's participation levels in recreational and leisure activities that are limited due to impairment in physical, cognitive, social or emotional abilities,
- (2) analyzing and evaluating recreational activities to determine the physical, social, and programmatic elements necessary for involvement and modifying those elements to promote full participation and maximization of functional independence in recreational and leisure activities, and
- (3) using recreational modalities in designed intervention strategies to maximize physical, cognitive, social, or emotional abilities to promote participation in recreational and leisure activities.

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

- (1) conducting an individualized assessment for the purpose of collecting systematic, comprehensive, and accurate data necessary to determine the course of action and subsequent individualized treatment plan,
- (2) planning and developing the individualized therapeutic recreation treatment plan that identifies an individual's goals, objectives, and potential treatment intervention strategies for recreational and leisure activities,

- (3) implementing the individualized therapeutic recreation treatment plan that is consistent with the overall treatment program,
- (4) systematically evaluating and comparing the individual's response to the individualized therapeutic recreation treatment plan and suggesting modifications as appropriate,
- (5) developing a discharge plan in collaboration with the individual, the individual's family, treatment team, and other identified support networks where appropriate,
- (6) identifying and training in the use of adaptive recreational equipment,
- (7) identifying, providing, and educating individuals to use recreational and leisure resources that support a healthy, active and engaged life,
- (8) minimizing the impact of environmental constraints as a barrier to participation in recreational and leisure activities,
- (9) collaborating with and educating the individual, family, caregiver, and others to foster an environment that is responsive to the recreational and leisure needs of the individual, and
- (10) consulting with groups, programs, organizations, or communities to improve physical, social, and programmatic accessibility in recreational and leisure activities;

3. "Board" means the 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 540.3 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. No person shall practice or hold himself or herself 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.

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

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

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

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

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

5. Any individual providing recreational programs to a person with disabilities as a normal part of the leisure lifestyle of the person with disabilities;

6. Any person employed by an agency, bureau or division of the federal government while in the discharge of official duties; provided, however, if such individual engages in the practice of

therapeutic recreation outside the line of official duty, the individual must be licensed as herein provided; and

7. Any occupational therapist or occupational therapy assistants in the area of play and leisure.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.4 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

- a. The lay members shall be appointed for staggered terms of office which will expire July 1, 2010, and July 1, 2011. Thereafter, members appointed to these positions shall serve for terms of three (3) years or until successors are appointed and qualified.

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

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

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

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

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

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

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.5 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

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

4. Make such investigations and inspections as are necessary to ensure compliance with the Therapeutic Recreation Practice Act and the rules and regulations of the Board promulgated pursuant to the act;

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

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

7. Initiate prosecution and civil proceedings;

8. Suspend, revoke or deny the license of any therapeutic recreation specialist for violation of any provisions of the Therapeutic Recreation Practice Act or rules and regulations promulgated by the Board pursuant to this act;

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

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

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

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.6 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

2. Be of good moral character;

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

4. Have successfully completed a period of field experience under the supervision of a Certified Therapeutic Recreation Specialist (CTRS) or a licensed therapeutic specialist approved by the educational institution where the applicant has met his or her academic requirements; and

5. Successfully completed the proctored examination approved by the State Board of Medical Licensure and Supervision.

B. The State Board of Medical Licensure and Supervision may, upon notice and opportunity for a hearing, deny an application for reinstatement of a license or reinstate the license with conditions. Conditions imposed may include a requirement for continuing education, practice under the supervision of a licensed therapeutic recreation specialist, or any other conditions deemed appropriate by the Board.

C. Notwithstanding subsection A of this section, the Board may grant initial licenses to therapeutic recreation specialists who are certified by the National Council for Therapeutic Recreation Certification (NCTRC) prior to July 1, 2009, and who hold an active CTRS credential.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.7 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

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

2. Have met continuing competency requirements by completing a minimum of twenty (20) hours of continuing education programs related to the practice of therapeutic recreation and other requirements established by rule of the State Board of Medical Licensure and Supervision.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.8 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.9 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Initiation of therapeutic recreation services to individuals with medically related conditions shall be based on a referral from

a physician who is either a medical doctor or a doctor of osteopathy.

B. No freestanding clinic may be operated under this license.

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

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.10 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

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

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.11 of Title 59, unless there is created a duplication in numbering, reads as follows:

A. Upon payment to the State Board of Medical Licensure and Supervision of a fee as provided by the Therapeutic Recreation Practice Act and submission of a written application on forms provided by the Board, the Board may issue a license without examination to any person who is licensed or otherwise certified as a therapeutic recreation specialist by another state or national certifying body which has substantially the same standards for licensure as are required by this state pursuant to the provisions of the Therapeutic Recreation Practice Act.

B. Upon proper application and payment of fees, the Board may issue a temporary license to a person who has applied for a license pursuant to the provisions of this act and who is eligible to take

the examination pursuant to the provisions of this act. The temporary license shall be available to an applicant only with respect to his or her first application for licensure. The temporary license shall expire upon notice that the applicant has or has not passed the examination.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 540.12 of Title 59, unless there is created a duplication in numbering, reads as follows:

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

B. It shall be a misdemeanor for a person to violate any provision of the Therapeutic Recreation Practice Act and, upon conviction, such person shall be subject to one or more of the following actions which may be taken by the State Board of Medical Licensure and Supervision in consultation with the Therapeutic Recreation Committee:

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

SECTION 14. This act shall become effective November 1, 2010.

Passed the Senate the 12th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of May, 2009.

Presiding Officer of the House
of Representatives