

**ESB 546**

**THE HOUSE OF REPRESENTATIVES**  
Wednesday, April 1, 2009

**ENGROSSED**

**Senate Bill No. 546**

**As Amended**

ENGROSSED SENATE BILL NO. 546 - By: HALLIGAN of the Senate and WILLIAMS of the House.

( Therapeutic Recreation Practice Act - violations and penalties – codification -  
effective date )

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

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

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

9       In order to safeguard the public health, safety and welfare, to protect the public  
10 from being misled by incompetent and un-authorized persons, to assure the highest  
11 degree of professional conduct on the part of therapeutic recreation specialists and to  
12 assure the availability of therapeutic recreation services of high quality to persons in

1 need of such services, it is the purpose of this act to provide for the regulation of persons  
2 offering therapeutic recreation service to the public.

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

6 As used in the Therapeutic Recreation Practice Act:

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

9 2. a. "Therapeutic recreation" or "recreation therapy" means the specialized  
10 application of recreation to assist with the treatment and/or  
11 maintenance of the health status, functional abilities, recreational and  
12 leisure activities and ultimately quality of life for individuals  
13 hospitalized and/or receiving treatment for various diagnoses and  
14 individuals with disabilities. For purposes of accomplishing  
15 therapeutic recreation goals, therapeutic recreation may include:

16 (1) remediating or restoring an individual's participation levels in  
17 recreational and leisure activities that are limited due to  
18 impairment in physical, cognitive, social or emotional abilities,

19 (2) analyzing and evaluating recreational activities to determine  
20 the physical, social, and programmatic elements necessary for  
21 involvement and modifying those elements to promote full

- 1 participation and maximization of functional independence in  
2 recreational and leisure activities, and
- 3 (3) using recreational modalities in designed intervention strategies  
4 to maximize physical, cognitive, social, or emotional abilities to  
5 promote participation in recreational and leisure activities.
- 6 b. For purposes of accomplishing therapeutic recreation goals,  
7 therapeutic recreation services include, but are not limited to:
- 8 (1) conducting an individualized assessment for the purpose of  
9 collecting systematic, comprehensive, and accurate data  
10 necessary to determine the course of action and subsequent  
11 individualized treatment plan,
- 12 (2) planning and developing the individualized therapeutic  
13 recreation treatment plan that identifies an individual's goals,  
14 objectives, and potential treatment intervention strategies for  
15 recreational and leisure activities,
- 16 (3) implementing the individualized therapeutic recreation  
17 treatment plan that is consistent with the overall treatment  
18 program,
- 19 (4) systematically evaluating and comparing the individual's  
20 response to the individualized therapeutic recreation treatment  
21 plan and suggesting modifications as appropriate,

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

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

19 4. "Committee" means the Therapeutic Recreation Committee.

20 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma  
21 Statutes as Section 540.3 of Title 59, unless there is created a duplication in numbering,  
22 reads as follows:

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

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

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

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

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

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

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

1           6. Any person employed by an agency, bureau or division of the federal government  
2 while in the discharge of official duties; provided, however, if such individual engages in  
3 the practice of therapeutic recreation outside the line of official duty, the individual must  
4 be licensed as herein provided; and

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

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

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

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

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

21           b.       two members shall be lay persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4           7. Initiate prosecution and civil proceedings;

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

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

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

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

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

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

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

22           2. Be of good moral character;

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

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

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

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

16           C. Notwithstanding subsection A of this section, the Board may grant initial  
17 licenses to therapeutic recreation specialists who are certified by the NCTRC prior to  
18 July 1, 2009, and who hold an active CTRS credential.

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

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

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

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

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

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

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

16 B. A person or business entity, its employees, agents, or representatives shall not  
17 use in conjunction with that person's name or the activity of the business the words  
18 therapeutic recreation specialist, therapeutic recreation, recreational therapy,  
19 recreational therapist, recreation therapist, the letters CTRS, TRS, or TR, or any other  
20 words, abbreviations or insignia indicating or implying directly or indirectly that  
21 therapeutic recreation is provided or supplied, including the billing of services labeled as

1 therapeutic recreation, unless such services are provided under the direction of a  
2 therapeutic recreation specialist licensed pursuant to this act.

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

6 A. Consultation and evaluation by a therapeutic recreation specialist may be  
7 performed without a referral. Initiation of therapeutic recreation services to individuals  
8 with medically related conditions shall be based on a referral from any qualified health  
9 care professional who, within the scope of his or her professional license, is authorized to  
10 refer for health care services.

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

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

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

20 B. A licensed therapeutic recreation specialist shall not be subject to disciplinary  
21 action by the State Board of Medical Licensure and Supervision for refusing to delegate  
22 activities or tasks or refusing to provide the required training for delegation, if the

1 licensed therapeutic recreation specialist determines that the delegation may  
2 compromise client safety.

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

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

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

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

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

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

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

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

13           COMMITTEE REPORT BY: COMMITTEE ON PUBLIC HEALTH, dated 03-31-09 - DO  
14           PASS, As Amended.