

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

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

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

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

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

20 As used in the Therapeutic Recreation Practice Act:

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

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, recreational and leisure
5 activities and ultimately quality of life for
6 individuals hospitalized and/or receiving treatment
7 for various diagnoses and individuals with
8 disabilities. For purposes of accomplishing
9 therapeutic recreation goals, therapeutic recreation
10 may include:

11 (1) remediating or restoring an individual's
12 participation levels in recreational and leisure
13 activities that are limited due to impairment in
14 physical, cognitive, social or emotional
15 abilities,

16 (2) analyzing and evaluating recreational activities
17 to determine the physical, social, and
18 programmatic elements necessary for involvement
19 and modifying those elements to promote full
20 participation and maximization of functional
21 independence in recreational and leisure
22 activities, and

1 (3) using recreational modalities in designed
2 intervention strategies to maximize physical,
3 cognitive, social, or emotional abilities to
4 promote participation in recreational and leisure
5 activities.

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

9 (1) conducting an individualized assessment for the
10 purpose of collecting systematic, comprehensive,
11 and accurate data necessary to determine the
12 course of action and subsequent individualized
13 treatment plan,

14 (2) planning and developing the individualized
15 therapeutic recreation treatment plan that
16 identifies an individual's goals, objectives, and
17 potential treatment intervention strategies for
18 recreational and leisure activities,

19 (3) implementing the individualized therapeutic
20 recreation treatment plan that is consistent with
21 the overall treatment program,

22 (4) systematically evaluating and comparing the
23 individual's response to the individualized

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 A. There is hereby established the Therapeutic Recreation
23 Committee to assist the State Board of Medical Licensure and

1 Supervision in conducting examinations for applicants and to advise
2 the Board on all matters pertaining to the licensure, education, and
3 continuing education of therapeutic recreation specialists and the
4 practice of therapeutic recreation or recreation therapy.

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

8 a. three members shall, upon initial appointment, be
9 qualified persons who have been actively practicing
10 therapeutic recreation in this state for at least
11 three (3) years, provided, their successors shall be
12 licensed therapeutic recreation specialists, and

13 b. two members shall be lay persons.

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

21 a. The lay members shall be appointed for staggered terms
22 of office which will expire July 1, 2010, and July 1,
23 2011. Thereafter, members appointed to these

1 positions shall serve for terms of three (3) years or
2 until successors are appointed and qualified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1 7. Initiate prosecution and civil proceedings;
- 2 8. Suspend, revoke or deny the license of any therapeutic
3 recreation specialist for violation of any provisions of the
4 Therapeutic Recreation Practice Act or rules and regulations
5 promulgated by the Board pursuant to this act;
- 6 9. Maintain a record listing the name of each therapeutic
7 recreation specialist licensed in this state;
- 8 10. Compile a list of therapeutic recreation specialists
9 licensed to practice in this state. The list shall be available to
10 any person upon application to the Board and the payment of such fee
11 as determined by the Board for the reasonable expense thereof
12 pursuant to the provisions of the Therapeutic Recreation Practice
13 Act; and
- 14 11. Make such expenditures and employ such personnel as it may
15 deem necessary for the administration of the provisions of the
16 Therapeutic Recreation Practice Act.

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

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

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

1 2. Be of good moral character;

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

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

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

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

21 C. Notwithstanding subsection A of this section, the Board may
22 grant initial licenses to therapeutic recreation specialists who are

1 certified by the NCTRC prior to July 1, 2009, and who hold an active
2 CTRS credential.

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

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

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

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

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

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

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

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

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

15 A. Consultation and evaluation by a therapeutic recreation
16 specialist may be performed without a referral. Initiation of
17 therapeutic recreation services to individuals with medically
18 related conditions shall be based on a referral from any qualified
19 health care professional who, within the scope of his or her
20 professional license, is authorized to refer for health care
21 services.

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

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

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

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

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

18 A. Upon payment to the State Board of Medical Licensure and
19 Supervision of a fee as provided by the Therapeutic Recreation
20 Practice Act and submission of a written application on forms
21 provided by the Board, the Board may issue a license without
22 examination to any person who is licensed or otherwise certified as
23 a therapeutic recreation specialist by another state or national

1 certifying body which has substantially the same standards for
2 licensure as are required by this state pursuant to the provisions
3 of the Therapeutic Recreation Practice Act.

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

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

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

20 B. It shall be a misdemeanor for a person to violate any
21 provision of the Therapeutic Recreation Practice Act and, upon
22 conviction, such person shall be subject to one or more of the
23 following actions which may be taken by the State Board of Medical

1 Licensure and Supervision in consultation with the Therapeutic
2 Recreation Committee:

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN SERVICES, dated
10 2-19-09 - DO PASS, As Coauthored.