

1 ENGROSSED SENATE
2 BILL NO. 546

By: Halligan of the Senate
and
Williams of the House

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6 [Therapeutic Recreation Practice Act - violations
7 and penalties - codification -
8 effective date]
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

19 In order to safeguard the public health, safety and welfare, to
20 protect the public from being misled by incompetent and un-
21 authorized persons, to assure the highest degree of professional
22 conduct on the part of therapeutic recreation specialists and to
23 assure the availability of therapeutic recreation services of high
24 quality to persons in need of such services, it is the purpose of

1 this act to provide for the regulation of persons offering
2 therapeutic recreation service to the public.

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

6 As used in the Therapeutic Recreation Practice Act:

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

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

19 (1) remediating or restoring an individual's
20 participation levels in recreational and leisure
21 activities that are limited due to impairment in
22 physical, cognitive, social or emotional
23 abilities,

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1 (2) analyzing and evaluating recreational activities
2 to determine the physical, social, and
3 programmatic elements necessary for involvement
4 and modifying those elements to promote full
5 participation and maximization of functional
6 independence in recreational and leisure
7 activities, and

8 (3) using recreational modalities in designed
9 intervention strategies to maximize physical,
10 cognitive, social, or emotional abilities to
11 promote participation in recreational and leisure
12 activities.

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

16 (1) conducting an individualized assessment for the
17 purpose of collecting systematic, comprehensive,
18 and accurate data necessary to determine the
19 course of action and subsequent individualized
20 treatment plan,

21 (2) planning and developing the individualized
22 therapeutic recreation treatment plan that
23 identifies an individual's goals, objectives, and
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1 potential treatment intervention strategies for
2 recreational and leisure activities,

3 (3) implementing the individualized therapeutic
4 recreation treatment plan that is consistent with
5 the overall treatment program,

6 (4) systematically evaluating and comparing the
7 individual's response to the individualized
8 therapeutic recreation treatment plan and
9 suggesting modifications as appropriate,

10 (5) developing a discharge plan in collaboration with
11 the individual, the individual's family,
12 treatment team, and other identified support
13 networks where appropriate,

14 (6) identifying and training in the use of adaptive
15 recreational equipment,

16 (7) identifying, providing, and educating individuals
17 to use recreational and leisure resources that
18 support a healthy, active and engaged life,

19 (8) minimizing the impact of environmental
20 constraints as a barrier to participation in
21 recreational and leisure activities,

22 (9) collaborating with and educating the individual,
23 family, caregiver, and others to foster an
24 environment that is responsive to the

1 recreational and leisure needs of the individual,
2 and

3 (10) consulting with groups, programs, organizations,
4 or communities to improve physical, social, and
5 programmatic accessibility in recreational and
6 leisure activities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 b. two members shall be lay persons.

19 2. The professional members of the Committee shall be appointed
20 for staggered terms of one (1), two (2) and three (3) years,
21 respectively. Terms of office of each appointed member shall expire
22 July 1 of that year in which they expire regardless of the calendar
23 date when such appointments were made. Subsequent appointments

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1 shall be made for a term of three (3) years or until successors are
2 appointed and qualified.

3 a. The lay members shall be appointed for staggered terms
4 of office which will expire July 1, 2010, and July 1,
5 2011. Thereafter, members appointed to these
6 positions shall serve for terms of three (3) years or
7 until successors are appointed and qualified.

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

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

14 4. The Committee shall meet at least quarterly. At the initial
15 meeting of the Committee, members shall elect a chair. The chair
16 shall represent the Committee at all meetings of the Board. Three
17 members of the Committee shall constitute a quorum for the purpose
18 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,
21 education, and continuing education requirements for and practice of
22 therapeutic recreation or recreation therapy in this state; and
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1 2. Assist and advise the Board in all hearings involving
2 therapeutic recreation specialists who are deemed to be in violation
3 of the Therapeutic Recreation Practice Act.

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

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

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

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

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

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

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

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

7 7. Initiate prosecution and civil proceedings;

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

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

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

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

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1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 540.6 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
15 under the supervision of a Certified Therapeutic Recreation
16 Specialist (CTRS) or a licensed therapeutic specialist approved by
17 the educational institution where the applicant has met his or her
18 academic requirements; and

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

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

1 education, practice under the supervision of a licensed therapeutic
2 recreation specialist, or any other conditions deemed appropriate by
3 the Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 A. Upon payment to the State Board of Medical Licensure and
23 Supervision of a fee as provided by the Therapeutic Recreation
24 Practice Act and submission of a written application on forms

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

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

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

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

23 B. It shall be a misdemeanor for a person to violate any
24 provision of the Therapeutic Recreation Practice Act and, upon

1 conviction, such person shall be subject to one or more of the
2 following actions which may be taken by the State Board of Medical
3 Licensure and Supervision in consultation with the Therapeutic
4 Recreation Committee:

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

10 SECTION 14. This act shall become effective November 1, 2010.
11 Passed the Senate the 4th day of March, 2009.

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13 _____
14 Presiding Officer of the Senate

15 Passed the House of Representatives the ____ day of _____,
16 2009.

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18 _____
19 Presiding Officer of the House
20 of Representatives

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