

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 546

By: Halligan

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 540.2 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;

24

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

23 (3) using recreational modalities in designed
24 intervention strategies to maximize physical,

1 cognitive, social, or emotional abilities to
2 promote participation in recreational and leisure
3 activities.

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

- 7 (1) conducting an individualized assessment for the
8 purpose of collecting systematic, comprehensive,
9 and accurate data necessary to determine the
10 course of action and subsequent individualized
11 treatment plan,
- 12 (2) planning and developing the individualized
13 therapeutic recreation treatment plan that
14 identifies an individual's goals, objectives, and
15 potential treatment intervention strategies for
16 recreational and leisure activities,
- 17 (3) implementing the individualized therapeutic
18 recreation treatment plan that is consistent with
19 the overall treatment program,
- 20 (4) systematically evaluating and comparing the
21 individual's response to the individualized
22 therapeutic recreation treatment plan and
23 suggesting modifications as appropriate,
24

- (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 Oklahoma State Board of Medical Licensure and Supervision; and

4. "Committee" means the Therapeutic Recreation Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 17 a. The lay members shall be appointed for staggered terms
18 of office which will expire July 1, 2010, and July 1,
19 2011. Thereafter, members appointed to these
20 positions shall serve for terms of three (3) years or
21 until successors are appointed and qualified.
22 b. Vacancies shall be filled by the Board in the same
23 manner as the original appointment.
24

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

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

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

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

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

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

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

22 1. Promulgate the rules and regulations necessary for the
23 performance of its duties pursuant to the provisions of the
24 Therapeutic Recreation Practice Act, including the requirements for

1 licensure, standards for training, standards for institutions for
2 training and standards of practice after licensure, including power
3 of revocation of a license;

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

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

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

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

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

19 7. Initiate prosecution and civil proceedings;

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

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

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

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

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

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

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

19 2. Be of good moral character;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 B. Upon proper application and payment of fees, the Board may
20 issue a temporary license to a person who has applied for a license
21 pursuant to the provisions of this act and who is eligible to take
22 the examination pursuant to the provisions of this act. The
23 temporary license shall be available to an applicant only with
24 respect to his or her first application for licensure. The

1 temporary license shall expire upon notice that the applicant has or
2 has not passed the examination.

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

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

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

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

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

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