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## RECREATION THERAPY LICENSURE IN OKLAHOMA

By Luke Tucker

The *Therapeutic Recreation Act*, which became effective November 1, 2010, has no sunset provision. Recreation therapists are regulated through the Oklahoma Medical Board.

### Introduction

Recreation therapists specialize in promoting the health and overall welfare of patients either suffering or recuperating from a physical, mental, social, or emotional ailment by providing them with leisure opportunities.<sup>1</sup> The treatment methods specialists use involve games, animals, crafts, music, and sports, but they are not just recreation workers. They typically work in healthcare environments, ranging from hospitals to rehab clinics to nursing homes. Further, their treatments are personalized to individual patient needs. For example, they might teach a partially immobile patient with an interest in golf how to swing a putter from a wheelchair, or they might escort a dementia patient who loves shopping to a mall.

Still, they are not doctors or nurses. They administer “treatments” in the same informal sense that, for example, massage therapists administer treatments. Their job does not require technical medical training, and they are not authorized to prescribe drugs. The qualifications they do need include patience, strong communication, the ability to lift heavy objects such as a wheelchair, and in some cases, the means to travel.

Despite this, you need a license to practice recreation therapy, under Oklahoma law. If you offer recreation therapy services or advertise yourself as a specialist of that sort without legal permission, you can be prosecuted.<sup>2</sup>

Why should we continue regulating this practice? Is it necessary? Perhaps if recreation therapy were dangerous, but it's not at all. Neither specialist nor client faces any risk, unless losing a checkers game counts as risk. Further, Oklahoma is one of just four states who regulate recreation therapists, making the law even more peculiar.<sup>3</sup> We should assess whether such regulation is truly beneficial or unjustified and unjust.

### What the Law Says

The *Therapeutic Recreation Act* directs the Oklahoma Medical Board to regulate the industry, but creates a Therapeutic Recreation Committee to manage individual applications and

advise the Board. The Committee has five members: three active specialists and two laypersons. Committee members are appointed by the Board and serve staggered terms.

The Act specifies a number of conditions an applicant must meet to qualify for a license:

1. be 18 years old
2. have a bachelor's degree or higher in recreation therapy
3. complete a supervised internship
4. pass a Board-approved test.

It's common for licensing laws to include grandfather and reciprocity provisions, but the Act contains neither. It does, however, permit the Board to grant an “initial license” to any active specialist who was certified by the National Council for Therapeutic Recreation Certification (NCTRC) before July 1, 2009,

### How the Law Burdens Applicants

It's reasonable to assume the quantity of individuals who can afford the time and money required to earn a license in recreation therapy is a mere fraction of the quantity who would be interested in such a career. A typical degree at a public college takes four to five years to complete and costs \$40,000. That is a major investment, even for affluent families, yet it pays a small dividend; recreation therapists in Oklahoma earn a mean annual wage of just \$38,000, about 15 percent less than the average kindergarten teacher.<sup>4</sup>

Why is having an associate's degree enough to get voluntarily certified to begin a recreation therapy career across the border in Texas, but in Oklahoma, where the license is mandatory, a more costly four-year degree is required?<sup>5</sup> It's worth observing that there is only one college in Oklahoma that offers such a degree, Oklahoma State.<sup>6</sup> It's also odd that having a degree in occupational or physical therapy, or in a related health field such as health science, exercise physiology, or athletic training, does not make one sufficiently educated to apply for a license under the present law.

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Once an applicant manages to satisfy the education requirement, further obstacles remain. One such obstacle is the certification exam, administered by the NCTRC, which is only available six times per year and costs \$325.<sup>7</sup> There is also the supervised internship requirement.

Given how difficult the law makes it to become a recreational therapist, it's no shock that 60 of Oklahoma's 77 counties have zero active specialists.<sup>8</sup> Eight counties have only one. That means almost 90 percent of Oklahoma counties, including Canadian and Comanche, two of the five most populous, have either one specialist or none.

The effect of the Act has been to insulate more affluent, established specialists from competition. Likely, that was the goal. The total number of recreation therapists in Oklahoma plunged after the Act passed.<sup>9</sup> In the decade prior to the Act, there were around a yearly average of 327 specialists active in the state. The decade since has witnessed that number drop to 234, a decline of 28 percent. Meanwhile, wages rose for the specialists who remained. In the decade before the law, recreation therapists earned \$32,900 per year, on average. In the decade after the law, that figure was \$38,000, a 16 percent increase.

## Why the Law Should Change

1889 has argued elsewhere it is unjust to require a license for a job or profession unless it is demonstrated both of two conditions obtain: (1) the occupation presents real and likely danger to patrons or the general public (2) a civil law or market failure makes it almost impossible for patrons to assess the quality of what they are buying.<sup>10</sup> Neither condition obtains in the case of recreation therapy. As such, there should be no license.

## Recreation therapy is harmless

Unlike occupational or physical therapists, recreation specialists do not doctor injuries, render diagnoses, or prescribe medicines. They do not go to medical or nursing school. They just support the ego and general wellness of patients by playing chess or wheelchair basketball with them, taking them on hikes or to the beach, or teaching them pottery. The goal is to help patients gain physical and/or mental health through a hobby. If recreation therapists should be regulated for public health reasons, so should soccer coaches and choir teachers.

## A specialist's skill is easy to judge

If a patient is not enjoying their experience with their specialist or not benefitting from their sessions, they will know, at which point they can report their bad experience to their peers and neighbors, by countless means, and shop for someone new. If their experience is good, they can recommend their specialist.

## Conclusion

Not only is the Act unjustified, it reduces career opportunities for individuals without a college degree who may otherwise be capable and qualified. It should be immediately repealed. Since over 90 percent of other states manage without such regulation, so can Oklahoma.

Instead of allowing themselves to be talked into senseless licensing laws, the legislature should encourage private credentialing. The 1889 Institute has published about how to design such a system.<sup>11</sup>

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