

**NCTRC POSITION PAPER ON THE LEGAL REGULATION  
OF THE PRACTICE OF RECREATION THERAPY**



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## Preface

The original 2007 version of the *NCTRC Position Paper on the Legal Regulation of the Practice of Recreation Therapy* was a direct outgrowth of many years of dedicated service by dozens of individuals who served on the State Recognition Project Committee from 1998 to 2005. The State Recognition Project (SRP) served as a joint task force established by the American Therapeutic Recreation Association, National Therapeutic Recreation Society and National Council for Therapeutic Recreation Certification in an effort to share information and to create a unified document to advocate for the establishment of legal recognition (licensure) within the TR profession. As a result of the SRP effort, a commonly defined Scope of Practice pertaining to the practice of recreational therapy was developed and subsequently accepted by all three participating organizations. Additionally, the SRP was also responsible for the development of a list of terms and definitions pertaining to the practice of recreation therapy. Both of these documents appear in the appendices of the original position paper from 2007, submitted by John Shank Ed.D., CTRS and Bob Riley, Ph.D., CTRS, which is available on the NCTRC website (nctrc.org).

It is hopeful that this revised document will continue to provide valuable assistance and resources for organizational leaders as they pursue legal recognition of recreational therapy practice within their given states and provinces.

Respectfully submitted,

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## **Introduction**

The primary purpose of this document is to reinforce the position of the National Council for Therapeutic Recreation Certification (NCTRC) with respect to the governmental (legal) regulation of recreational therapy practice by recreational therapists within the United States and Canada. A secondary purpose is to provide guidance and direction for those who choose to pursue the regulation of recreational therapy practice within their respective states or provinces. A third purpose is to ensure that proposed licensure efforts are pursued in a collaborative manner with NCTRC in an effort to streamline the legislative process and to assure legal compliance with state and federal trademark laws.

NCTRC recognizes the impetus for therapeutic recreation professionals to actively seek regulation within their respective states and provinces in an effort to protect the public. NCTRC also recognizes the potential negative financial and professional consequences for not pursuing such action. It is advised that professional groups pursue this important goal in a very cautious and deliberate manner and in doing so, establish a collaborative relationship with NCTRC.

NCTRC is a nonprofit corporation, accredited by the National Commission for Certifying Agencies (NCCA), the accrediting body of the Institute for Credentialing Excellence (ICE). NCTRC is required to safeguard its credentialing program and maintain the integrity of its certification marks. To this end, NCTRC owns the trademark for the credential Certified Therapeutic Recreation Specialist® and the certification mark CTRS®. It is the legal and ethical responsibility of NCTRC to protect its trademark registrations and its proprietary examination materials. While NCTRC stands as a willing resource to professional groups seeking licensure for the practice of recreational therapy, legislative initiatives that infringe on NCTRC's trademarks and proprietary materials will be met with immediate opposition from NCTRC and from NCTRC's affected certificants. It is the Council's position that a carefully structured plan, established in collaboration with NCTRC, will support the development of a successful and effective recreational therapy licensure program, as well as avoid unnecessary delays and expenses due to the illegal use of NCTRC proprietary materials.

This position paper contains four sections which are designed to convey important information pertaining to the process of legal regulation for recreational therapy practice and NCTRC's critical role in the process.

The four sections are:

- Credentialing and Legal Regulation of Professional Practice in Recreational Therapy
- NCTRC Endorsement of the Legal Regulation of Recreational Therapy Practice
- Recommendations for the Establishment of the Legal Regulation of the Practice of Recreational Therapy
- Summary and Conclusion

## **Credentialing and Legal Regulation of Professional Practice in Therapeutic Recreation**

It is widely recognized that occupational groups engage in the credentialing process to establish professional autonomy and recognition in an effort to protect the public. Furthermore, nearly every profession uses credentialing strategies to establish criteria for fairness, quality, competence and safety related to their professional practice. The credentialing process, for the most part, involves three distinct (although at times inter-related) levels of professional recognition: registration, certification, and

licensure. According to Knapp and Knapp (2002), each of these processes involves a distinct level of regulation and recognition:

**Registration:** process by which the possession of a specific credential relevant to performing tasks and responsibilities within a given field is verified.

**Certification:** voluntary process by which an organization grants recognition to an individual who has met certain predetermined qualifications or standards.

**Licensure:** mandatory credentialing process by which a government agency grants permission to persons to engage in a given occupation or profession by attesting that those licensed have attained the minimum degree of knowledge and skills required to protect the health, safety, and welfare of the public. (p.2)

The history of professional credentialing within the therapeutic recreation profession reveals that all three levels of recognition (defined above) have been utilized and to some degree are present in the field today. Early in the inception of the therapeutic recreation profession, voluntary registration was established in 1956 by the Council for the Advancement of Hospital Recreation. This voluntary registration program was maintained for more than twenty years until replaced in 1968 by a new plan initiated by the emergence of the National Therapeutic Recreation Society (NTRS). In 1981, a separate autonomous organizational unit was established to oversee a newly adopted two-level registration plan. The new organization, National Council for Therapeutic Recreation Certification (NCTRC), was fully incorporated as a separate entity in 1985. The Certified Therapeutic Recreation Specialist (CTRS) certification program sponsored by NCTRC grew significantly over the ensuing years and is currently represented in all 50 states, Canada, and 14 foreign countries. Today, the CTRS certification program is the most prominent and widely recognized credential within the profession of therapeutic recreation. The marks "*Certified Therapeutic Recreation Specialist*" and "*CTRS*" have trademark protection on the federal level in both Canada and the United States.

The establishment of legal recognition programs, including licensure, title acts, certification, and registration are quite limited with respect to the practice of recreational therapy. At present, there are four states that have an established licensure program regulating recreational therapy professionals: Utah, North Carolina, Oklahoma, and New Hampshire, along with several others that are in the proposal phases. Although these four state licensure programs vary with respect to rules and regulations, all do include the base requirement of the passage of the NCTRC Certification Exam as a necessary component of their licensure eligibility criteria. In addition to these established licensure programs, there are a few other states that maintain certification or registration programs (i.e., Washington, Texas, and California).

When addressing legal recognition, it is important to consider that there are many different types of "recognition." It is important to realize that legal recognition could be of limited value if reimbursement parties (such as insurers, the state and federal government) do not authorize reimbursement for services provided by the CTRS. In some states, legal recognition may be required before reimbursement is authorized. In other states, recognition through the reimbursement process may be all that is needed to gain legal status.

Additionally, the CTRS credential might also be recognized in facility standards and hiring practices. Some rehabilitation facilities must provide recreational therapy services in order to be licensed by the state. In such instances, the facility licensure laws may "require" services be provided by a CTRS. As with other forms of legal recognition, only individuals certified by NCTRC as a CTRS may utilize the CTRS credential.

Given the procedural complexities and funding requirements associated with the establishment of a licensure program, the process can potentially be quite lengthy and politically challenging. It is hopeful that there will be many more established programs in the near future. However, as legal recognition opportunities become more readily available, it is recommended that TR professional organizations proceed in an organized and deliberate manner utilizing NCTRC as a critical resource within the process.

### **NCTRC Endorsement of the Legal Regulation of Recreational Therapy Practice**

The NCTRC Board of Directors adopted the following proclamation regarding the endorsement of the legal regulation of the practice of recreational therapy on November 2, 2006:

*It is hereby acknowledged and accepted that the National Council for Therapeutic Recreation Certification (NCTRC) supports the purpose and intent of the legal regulation of recreation therapy practice, including, but not limited to, professional registry, practice acts, and licensure. NCTRC maintains that the primary purpose and intent of regulation is the protection of public welfare through the establishment and monitoring of competent and ethical professional practice of recreation therapy. Furthermore, it is the intent of NCTRC to work with professional organizations and recognized leaders in a collaborative manner in the pursuit to establish the legal regulation of the practice of recreation therapy.*

Further elaboration pertaining to the critical components of NCTRC's position statement on legal regulation of the practice of recreational therapy is provided as follows:

- *Rationale for the Regulation of Recreational Therapy* –The mission and purpose of the Therapeutic Recreation profession is quite broad (i.e., promoting the importance of play, recreation and leisure in the health and well being of all people across the lifespan), and NCTRC recognizes that the primary focus of governmental (legal) recognition of this profession is focused on protecting the consumer of recreational therapy services regardless of setting or population served.
- *Protection of the Public* – While recreational therapy practice has the potential to be beneficial for persons served, it also has the potential to cause harm if not practiced according to the most current professional standards and ethical guidelines. The issue of protecting the public from harm resulting from unregulated recreational therapy practice is the most important basis for legal recognition. The process of seeking legal regulation requires that professional leaders provide direct evidence of public harm that has or could result from the unregulated practice of recreational therapy. This is typically provided in the form of “case review” and/or assessment of available qualified service providers and is usually germane to the state or province in which the regulation is being sought.
- *Regulated Practice* – The regulation of practice begins with ensuring that recreational therapy is provided to the public by qualified and competent practitioners. NCTRC standards and entry requirements are based on current knowledge and skills necessary for competent practice and continued competence in the practice of recreational therapy. Standards are based on an independently conducted Job Analysis Study and certification is awarded upon successful completion of a psychometrically valid entrance exam. The NCTRC Job Analysis, NCTRC exam program, and all related information regarding the NCTRC certification process are the copyrighted property of NCTRC, and may not be used without the expressed written permission of NCTRC.

- *Qualified Professionals* – Protecting the public from harm begins with ensuring that recreational therapy is practiced by qualified professionals who practice in accordance with the most current professional standards and ethical guidelines. The strongest indicator of being a qualified recreational therapy professional is being certified by NCTRC as a Certified Therapeutic Recreation Specialist (CTRS). The CTRS mark is the most widely accepted and recognized credential pertaining to the practice of recreational therapy and is presently recognized by the Joint Commission (JC), the Commission on Accreditation of Rehabilitation Facilities (CARF), the Centers for Medicare and Medicaid Services (CMS), Accreditation Canada, the National Center on Health, Physical Activity and Disability (NCHPAD), as well as in federal, provincial and state legislation.
- *Continued Competence* – The CTRS certification reflects more than just initial qualification of the recreational therapy practitioner. In addition, the CTRS completes a recertification program designed to ensure continued competence in order to maintain the credential.
- *Professional Advancement and Recognition* – Legal regulation of recreational therapy practice provides a clear and unequivocal message to the public about the profession’s commitment to responsible action. As such, legal recognition efforts may contribute to the advancement of the profession through public awareness and support.

### **Recommendations for the Establishment of the Legal Regulation of the Practice of Recreational Therapy**

The process to establish an effective legal regulatory program involves complex and multifaceted procedures and often takes several years to complete. While there are no readily available shortcuts to recommend, there are several helpful steps to follow to eliminate potential conflicts and streamline both the length and cost of the legislative process. NCTRC recommends consideration of the following critical steps:

- *Recognition of Existing Professional Standards* – Each pursuant of legal recognition of recreational therapy practice should duly recognize and incorporate currently accepted guidelines that outline professional standards of practice and ethical guidelines as endorsed by national professional organizations.
- *Collaborate with NCTRC to Create a Viable Program* – NCTRC stands ready to collaborate with states and provinces to ensure that legal recognition efforts benefit from the national/international perspective and legal guidance available to NCTRC.
- *CTRS as Basis of Legal Recognition* – While each state may have unique circumstances regarding recreational therapy practice (numbers of professionals, practice settings, etc.), and the process for establishing legal recognition may vary between the states and provinces, there is one universal constant that should be followed: the recognition and incorporation of the NCTRC eligibility requirements and the CTRS credential as the basis of legal recognition of a qualified therapeutic recreation professional. The CTRS credential is the only credential that universally denotes a qualified recreational therapy professional.
- *List of Current CTRSs* – All legal recognition programs should include a reference to NCTRC as the most reliable source of information on credentialed recreational therapists. NCTRC maintains

a current listing of all recreational therapists who hold an active CTRS credential; this listing is readily available to the public through the online verification portal on the NCTRC website (nctrc.org). The most inexpensive and acceptable form of licensure is one that utilizes the active CTRS status through NCTRC as a basis for determining eligibility for initial and continued licensure.

- *Portability* – Given the mobility of health-related professionals in contemporary society, legal recognition programs should ensure a degree of flexibility so that qualified professionals (i.e., CTRS) are able to move from state to state, province to province, relying on their credential to verify current qualification to practice recreational therapy.
- *Reciprocity* – Related to the concept of portability, reciprocity allows for established licensure programs to automatically recognize and accept duly established programs in other states or provinces in an effort to facilitate the international market for the practice of recreational therapy. The utilization of the CTRS as the baseline requirement in all licensure programs ensures that reciprocity can exist on an international basis.
- *Scope of Practice* –The scope of recreational therapy practice is clarified below and should be used consistently in all legal documents establishing the regulation of recreational therapy throughout the United States and Canada.

*The primary purpose of recreation therapy practice is to improve health and quality of life by reducing impairments of body function and structure, reducing activity limitations, participation restrictions, and environmental barriers of the clients served. The ultimate goal of recreational therapy is to facilitate full and optimal involvement in community life. The scope of recreational therapy practice includes all patient/client services of assessments, planning, design, implementation, evaluation and documentation of specific therapeutic interventions, management, consultation, research, and education, for either individuals or groups that require specific therapeutic recreation or recreation therapy intervention. This scope of practice represents, at a minimum, the process and knowledge base delineated in the most recent National Council for Therapeutic Recreation Certification (NCTRC) Job Analysis Study (Job Tasks and Knowledge Areas for the Certified Therapeutic Recreation Specialist) and delivered by a CTRS consistent with professional standards of practice, and codes of ethics with the intent of enhancing consumer safety.*

***(Developed via State Recognition Project and accepted by the Boards of Directors of ATRA, NTRS, and NCTRC, 2004)***

- *Terminology and Definitions* – While there are numerous concepts and terms associated with the broad field of therapeutic recreation, legal recognition efforts need to focus only on those terms that are most germane to regulating recreational therapy practice.
- *Review Previously Established Recreational Therapy Legislation* – As mentioned earlier in this paper, there are four legally established recreational therapy licensure acts currently in existence in the United States. Please contact the individual licensing Boards for New Hampshire, North Carolina, Utah, or Oklahoma for details, in addition to accessing the resources of the Joint Task Force for Recreational Therapy Licensure by contacting the NCTRC office via ([nctrc@nctrc.org](mailto:nctrc@nctrc.org)) and noting the requested information.

It would be prudent to review the existing licensure bills and pertinent Joint Task Force resources prior to drafting new recreational therapy legislation in a given state or province. Much can be learned from the review of existing legislation, particularly the fact that the NCTRC eligibility standards and certification exam serve as the entry level requirement for each of the existing state licensure programs.

### **Summary and Conclusion**

National organizations sponsoring professional credentialing programs and governmental regulatory bodies share a common goal: protection of the public from unqualified and incompetent providers. To this end, the purpose of this position paper is to document NCTRC's unequivocal support for the legal regulation of the practice of recreational therapy within the United States and Canada. NCTRC stands ready to assist and support professional organizations who are attempting to secure legal recognition of recreational therapy within their respective states and provinces. The establishment of a collaborative relationship between NCTRC and professional organizations seeking legal recognition will ensure that the legislative process proceeds in a timely and cost effective manner. Working cooperatively with NCTRC and utilizing authorized NCTRC proprietary materials will also ensure that the network of legislative regulation pertaining to recreational therapy practice throughout the United States and Canada remains portable and accessible to all qualified CTRSs.

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