



# STATE OF NEBRASKA

## DEPARTMENT OF HEALTH

KAY A. ORR  
GOVERNOR

GREGG F. WRIGHT, M.D., M.ED.  
DIRECTOR

### MEMORANDUM

TO: Senator Don Wesely  
Chairman  
Legislature's Health & Human Services Committee

FROM: Gregg F. Wright, M.D., M.Ed.  
Director of Health *Gregg F. Wright*

SUBJECT: Recommendations Regarding the Credentialing of Therapeutic Recreation

DATE: July 20, 1988

To complete the final report on the credentialing proposal for Therapeutic Recreation, the Department has reviewed the application material, the information presented at the public hearing, the reports from both the technical committee and the Board of Health, and the Department's current regulatory authority and capability.

### Recommendations

In their proposal, the Nebraska Therapeutic Recreation Association sought licensure for all practitioners. Both the technical committee and the Board of Health recommended against approval of this proposal.

The Department also recommends against approval of the proposal, because the current regulations are adequate to protect the public from harm.

### Discussion

The applicant group has not successfully demonstrated that there is harm to the public inherent in the unregulated practice of therapeutic recreation. The evidence presented by the applicant group was poorly linked to their arguments concerning harm to the public. This evidence consisted primarily of anecdotal information descriptive of specific incidents in which clients had been injured. At no time did the applicant group successfully demonstrate that these incidents are caused by the fact that therapeutic recreation personnel are not licensed. The incidents in question seemed to be descriptive of accidents rather than examples of inadequate training among current practitioners. Accidents such as these can happen to anyone regardless of their qualifications, and licensing therapeutic recreators would not prevent such accidents from occurring in the future.

A review of the evidence generated by the technical committee review process reveals that most therapeutic recreation services are provided in a nursing

Memo to Senator Don Wesely  
July 20, 1988  
Page Two

home setting and that current statutes regulating nursing homes already provide adequate protection for the public as regards these services. Furthermore, the minimum standards for licensure under the terms of the proposal do not significantly differ from those that currently exist for those providing these services in nursing homes. There is, therefore, no reason to expect licensure to create a different level of performance among practitioners than already exists in the field.

The application might also cause harm to the health care delivery system that provides recreation services in Nebraska. There is potential for harm in the scope of practice sought by the applicant group because this scope of practice may overlap with the scopes of practice of such occupations as Occupational Therapy, Physical Therapy, and Professional Counseling. The licensure of therapeutic recreators would create a confusing situation given the fact that the application did not provide for the exemption of the members of these professions from the terms of the proposal.

The application would almost certainly prove to be a costly one for the state of Nebraska to implement and administer. The costs associated with implementing this proposal would be high due to the fact that no examination has been developed for therapeutic recreation. The cost associated with developing a licensing examination process is compounded by the fact that the two-tier nature of the proposal would require that two separate, distinct examinations be developed. These costs alone could run as high as several hundred thousand dollars. It is unlikely that these and other costs associated with the administration of this proposal could be supported solely by the fees paid by the membership of the applicant group. These costs would inevitably be passed on to the taxpayers.

There are additional problems with the scope of practice declared by the applicant group. Despite the fact that the proposal called for a two-tiered system of licensure, the scope of practice described by the applicant group provided for only one level of services and functions. If there is only one level of services and functions in the scope of practice, there is no need for two levels of credentialing.

Another problem with the proposal concerns the fact that it does not require graduation from an accredited program as a prerequisite to licensure. This raises the question of how the quality and comprehensiveness of training programs in therapeutic recreation would be determined. There is no provision in the proposal that would allow the Board of Examiners to approve programs or establish criteria for approved programs at the professional level.

In conclusion, it is my judgment that no credentialing is warranted at this time. No evidence was presented that indicates the current system of regulation is not adequate to protect the public from harm in the provision of therapeutic recreation services.

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