

AMENDMENTS TO LB630

Introduced by Hansen, 16.

1 1. Strike the original sections and insert the following new
2 sections:

3 **Section 1.** Section 38-2501, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-2501 Sections 38-2501 to 38-2531 and sections 16 to 21 of this
6 act shall be known and may be cited as the Occupational Therapy Practice
7 Act.

8 **Sec. 2.** Section 38-2503, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-2503 For purposes of the Occupational Therapy Practice Act and
11 elsewhere in the Uniform Credentialing Act, unless the context otherwise
12 requires, the definitions found in sections 38-2504 to 38-2514 and
13 sections 16 to 21 of this act apply.

14 **Sec. 3.** Section 38-2506, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 38-2506 Deep thermal agent modalities means therapeutic ultrasound,
17 ~~and phonophoresis,~~ and other commercially available technologies. Deep
18 thermal agent modalities does not include the use of diathermy or lasers.

19 **Sec. 4.** Section 38-2507, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 38-2507 Electrotherapeutic agent modalities means the use of
22 electrotherapeutic currents and waveforms to (1) facilitate physiologic
23 changes in tissues to increase circulation, facilitate tissue healing,
24 and modulate pain, including, but not limited to, high-voltage galvanic
25 stimulation for tissue and wound repair and high-voltage pulsed current,
26 and (2) facilitate neuromuscular or sensory activity to improve muscle
27 strength, reeducate muscle function, or modulate pain response,

1 including, but not limited to, neuromuscular electrical stimulation,
2 functional electrical stimulation, transcutaneous electrical nerve
3 stimulation, and interferential current. neuromuscular electrical
4 stimulation, transcutaneous electrical nerve stimulation, and
5 iontophoresis. Electrotherapeutic agent modalities does not include the
6 use of ultraviolet light.

7 **Sec. 5.** Section 38-2510, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-2510 (1) Occupational therapy means the use of purposeful
10 activity with individuals who are limited by physical injury or illness,
11 psychosocial dysfunction, developmental or learning disabilities, or the
12 aging process in order to maximize independent function, prevent further
13 disability, and achieve and maintain health and productivity.

14 (2) Occupational therapy encompasses evaluation, treatment, and
15 consultation and may include (a) remediation or restoration of
16 performance abilities that are limited due to impairment in biological,
17 physiological, psychological, or neurological processes, (b) adaptation
18 of task, process, or the environment, or the teaching of compensatory
19 techniques, in order to enhance performance, (c) disability prevention
20 methods and techniques which facilitate the development or safe
21 application of performance skills, and (d) health promotion strategies
22 and practices which enhance performance abilities.

23 (3) Occupational therapy does not include the use of joint
24 manipulation, grade five mobilization or manipulation, thrust joint
25 manipulation, high-velocity or low-amplitude thrust, or any other
26 procedure intended to result in joint cavitation. Joint manipulation
27 commences where grades one through four mobilization ends.

28 **Sec. 6.** Section 38-2512, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-2512 Occupational therapy assistant means a person licensed to
31 assist in the practice of occupational therapy under the Occupational

1 Therapy Practice Act and who works under the appropriate supervision of,
2 and in partnership with, an occupational therapist. holding a current
3 license to assist in the practice of occupational therapy.

4 **Sec. 7.** Section 38-2513, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-2513 Physical agent and instrument-assisted modalities means
7 modalities that produce a biophysiological response through the use of
8 water, temperature, sound, electricity, or mechanical devices.

9 **Sec. 8.** Section 38-2514, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 38-2514 Superficial thermal agent modalities means hydrotherapy,
12 whirlpool, cryotherapy, fluidotherapy, hot packs, paraffin, water,
13 infrared, and other commercially available superficial heating and
14 cooling technologies. ~~hot packs, cold packs, ice, fluidotherapy,~~
15 ~~paraffin, water, and other commercially available superficial heating and~~
16 ~~cooling technologies.~~

17 **Sec. 9.** Section 38-2516, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 38-2516 (1) No person may represent himself or herself to be a
20 licensed occupational therapist or occupational therapy assistant unless
21 the person is licensed in accordance with the Occupational Therapy
22 Practice Act or has a compact privilege to practice in accordance with
23 the Occupational Therapy Practice Interstate Compact.

24 (2) Nothing in the Occupational Therapy Practice Act shall be
25 construed to prevent:

26 (a) Any person licensed in this state pursuant to the Uniform
27 Credentialing Act from engaging in the profession or occupation for which
28 he or she is licensed;

29 (b) The activities and services of any person employed as an
30 occupational therapist or occupational therapy assistant who serves in
31 the armed forces of the United States or the United States Public Health

1 Service or who is employed by the United States Department of Veterans
2 Affairs or other federal agencies, if their practice is limited to that
3 service or employment;

4 (c) The activities and services of any person pursuing an accredited
5 course of study leading to a degree or certificate in occupational
6 therapy if such activities and services constitute a part of a supervised
7 course of study and if such a person is designated by a title which
8 clearly indicates his or her status as a student or trainee;

9 (d) The activities and services of any person fulfilling the
10 supervised fieldwork experience requirements of sections 38-2518 and
11 38-2519 if such activities and services constitute a part of the
12 experience necessary to meet the requirements of such sections; or

13 (e) Nothing shall prevent a qualified member ~~Qualified members~~ of
14 another profession ~~other professions~~ or occupation ~~occupations~~,
15 including, but not limited to, a recreation specialist ~~specialists~~ or
16 therapist ~~therapists~~, a special education teacher ~~teachers~~, an
17 independent living specialist ~~specialists~~, a work adjustment trainer
18 trainers, a caseworker, or a person ~~caseworkers~~, ~~and persons pursuing a~~
19 course ~~courses~~ of study leading to a degree or certification in such
20 fields, from doing work similar to occupational therapy which is
21 consistent with the member's ~~their~~ training if such member does ~~they do~~
22 not represent himself or herself ~~themselves~~ by any title or description
23 to be an occupational therapist or occupational therapy assistant
24 ~~therapists~~.

25 **Sec. 10.** Section 38-2517, Revised Statutes Cumulative Supplement,
26 2024, is amended to read:

27 38-2517 (1) A ~~Any~~ person who has applied to take the examination
28 under section 38-2518 or 38-2519 and who has completed the education and
29 experience requirements of the Occupational Therapy Practice Act may be
30 granted a temporary license to practice as an occupational therapist or
31 an occupational therapy assistant. A temporary license shall allow the

1 person to practice only in association with an ~~a~~ licensed occupational
2 therapist, ~~and shall be valid until the date on which the results of the~~
3 ~~next licensure examination are available to the department.~~

4 (2) A temporary license expires the earlier of: (a) The date the
5 person holding the temporary license is issued a permanent license; (b)
6 the date the board denies a person's license application; (c) one hundred
7 eighty days after the date the temporary license is issued; or (d) the
8 date a person is notified of a failure of the licensure examination. The
9 ~~temporary license shall not be renewed if the applicant has failed the~~
10 ~~examination. The temporary license may be extended by the department,~~
11 ~~with the recommendation of the board.~~

12 (3) In no case may a temporary license be extended for a period
13 greater than beyond one year after the date of issuance.

14 (4) {2} This section does not apply to a temporary license issued as
15 provided in section 38-129.01.

16 **Sec. 11.** Section 38-2518, Revised Statutes Cumulative Supplement,
17 2024, is amended to read:

18 38-2518 (1) An applicant applying for a license as an occupational
19 therapist shall show to the satisfaction of the department that the
20 applicant ~~he or she~~:

21 (a) Has successfully completed the academic requirements of an
22 educational program in occupational therapy recognized by the department
23 and accredited by a nationally recognized accrediting body ~~medical~~
24 ~~association or nationally recognized occupational therapy association;~~
25 and

26 ~~(b) Has successfully completed a period of supervised fieldwork~~
27 ~~experience at an educational institution approved by the department and~~
28 ~~where the applicant's academic work was completed or which is part of a~~
29 ~~training program approved by such educational institution. A minimum of~~
30 ~~six months of supervised fieldwork experience shall be required for an~~
31 ~~occupational therapist; and~~

1 ~~(b) (c)~~ Has passed an examination as provided in section 38-2520.

2 (2) ~~If In the case of~~ an applicant who has been trained as an
3 occupational therapist in a foreign country, the applicant shall:

4 (a) Present documentation of completion of an educational program in
5 occupational therapy that is substantially equivalent to an approved
6 program accredited by the Accreditation Council for Occupational Therapy
7 Education or by an equivalent accrediting body ~~agency~~ as determined by
8 the board;

9 (b) Present proof of proficiency in the English language; and

10 (c) Pass ~~Have passed~~ an examination as provided in section 38-2520.

11 (3) Residency in this state shall not be a requirement of licensure.
12 A corporation, partnership, limited liability company, or association
13 shall not be licensed as an occupational therapist pursuant to the
14 Occupational Therapy Practice Act.

15 **Sec. 12.** Section 38-2520, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2520 ~~(1)~~ Each applicant for licensure under ~~pursuant to~~ the
18 Occupational Therapy Practice Act shall take an ~~be examined by a written~~
19 examination which tests the applicant's ~~his or her~~ knowledge of the basic
20 and clinical sciences relating to occupational therapy and occupational
21 therapy theory and practice including, but not limited to, professional
22 skills and judgment in the utilization of occupational therapy techniques
23 and methods and such other subjects as identified by the body
24 administering the national licensure examination. Each applicant shall
25 follow the rules as outlined by such body and meet the minimum
26 requirements for the examination. Results of the examination shall be
27 sent to the board for verification of entry-level competency. ~~as the~~
28 ~~board may deem useful to determine the applicant's fitness to practice.~~
29 ~~The board shall approve the examination and establish standards for~~
30 ~~acceptable performance. The board may choose a nationally standardized~~
31 ~~occupational therapist and occupational therapy assistant entry-level~~

1 ~~examination.~~

2 ~~(2) Applicants for licensure shall be examined at a time and place~~
3 ~~and under such supervision as the board may determine.~~

4 **Sec. 13.** Section 38-2526, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-2526 (1) An occupational therapist may perform any services
7 identified in section 38-2510 for which the occupational therapist is
8 competent to perform based on the occupational therapist's entry-level
9 training or continued professional development. An occupational therapist
10 may pursue specialization, training, or professional development in a
11 specific modality, procedure, or technique. It is the responsibility of
12 the practitioner to be proficient and document proficiency in the
13 specific modality of practice.

14 (2) An occupational therapist is qualified to apply physical agent
15 and instrument-assisted modalities pursuant to subsection (1) of section
16 38-2530.

17 (3) An occupational therapist may complete insertion and removal of
18 cannulas for oxygen and adjustment of the rate of flow based on a
19 physician order.

20 (4) An occupational therapist shall not independently diagnose a
21 medical condition or disease.

22 ~~An occupational therapist may perform the following services:~~

23 ~~(1) Evaluate, develop, improve, sustain, or restore skills in~~
24 ~~activities of daily living, work activities, or productive activities,~~
25 ~~including instrumental activities of daily living, and play and leisure~~
26 ~~activities;~~

27 ~~(2) Evaluate, develop, remediate, or restore sensorimotor,~~
28 ~~cognitive, or psychosocial components of performance;~~

29 ~~(3) Design, fabricate, apply, or train in the use of assistive~~
30 ~~technology or orthotic devices and train in the use of prosthetic~~
31 ~~devices;~~

1 ~~(4) Adapt environments and processes, including the application of~~
2 ~~ergonomic principles, to enhance performance and safety in daily life~~
3 ~~roles;~~

4 ~~(5) If certified pursuant to section 38-2530, apply physical agent~~
5 ~~modalities as an adjunct to or in preparation for engagement in~~
6 ~~occupations when applied by a practitioner who has documented evidence of~~
7 ~~possessing the theoretical background and technical skills for safe and~~
8 ~~competent use;~~

9 ~~(6) Evaluate and provide intervention in collaboration with the~~
10 ~~client, family, caregiver, or others;~~

11 ~~(7) Educate the client, family, caregiver, or others in carrying out~~
12 ~~appropriate nonskilled interventions; and~~

13 ~~(8) Consult with groups, programs, organizations, or communities to~~
14 ~~provide population-based services.~~

15 **Sec. 14.** Section 38-2530, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 38-2530 ~~(1) In order to apply physical agent modalities, an~~
18 ~~occupational therapist shall be certified pursuant to this section.~~

19 (1)(a) If an occupational therapist's occupational therapy
20 educational program does not include education in superficial thermal,
21 deep thermal, electrotherapeutic, and mechanical devices or the
22 occupational therapist is not certified by the Hand Therapy Certification
23 Commission or other equivalent body recognized by the board, the
24 occupational therapist shall request approval from the board to practice
25 physical agent and instrument-assisted modalities.

26 (b) An occupational therapist may perform dry needling only in
27 accordance with the level of education and training successfully
28 completed. Education and training shall be approved by the board and
29 include clinical instruction and application on the performance of dry
30 needling.

31 (c) An occupational therapist may not use diathermy.

1 (2) The department shall issue a certificate to an occupational
2 therapist to administer a physical agent and instrument-assisted modality
3 if the occupational therapist:

4 (a) Has successfully completed a training course approved by the
5 board and passed an examination approved by the board on the physical
6 agent and instrument-assisted modality;

7 (b) Is certified as a hand therapist by the Hand Therapy
8 Certification Commission or other equivalent body recognized by the
9 board;

10 (c) Has a minimum of five years of experience in the use of physical
11 agent and instrument-assisted modalities and has passed an examination
12 approved by the board on physical agent and instrument-assisted
13 modalities; or

14 (d) Has completed education during a basic educational program which
15 included demonstration of competencies for application of physical agent
16 and instrument-assisted modalities.

17 (3) The department shall issue a certificate for an occupational
18 therapist to utilize dry needling if the occupational therapist has
19 successfully completed a board-approved training course to administer dry
20 needling.

21 (4) An occupational therapist shall not delegate evaluation,
22 reevaluation, treatment planning, and treatment goals for physical agent
23 and instrument-assisted modalities to an occupational therapy assistant.

24 (5)(a) An occupational therapy assistant may administer a physical
25 agent modality if the occupational therapy assistant (i) has successfully
26 completed a training course approved by the board and passed an
27 examination approved by the board on the physical agent modality and (ii)
28 is appropriately supervised by an occupational therapist who is approved
29 to administer physical agent modalities.

30 (b) An occupational therapy assistant shall not complete evaluation,
31 reevaluation, treatment planning, or treatment goal setting related to

1 physical agent modality use.

2 (c) An occupational therapy assistant may not use the instrument-
3 assisted modality of dry needling or diathermy.

4 ~~The department shall issue a certificate to an occupational~~
5 ~~therapist to administer a physical agent modality if the occupational~~
6 ~~therapist:~~

7 ~~(a) Has successfully completed a training course approved by the~~
8 ~~board and passed an examination approved by the board on the physical~~
9 ~~agent modality;~~

10 ~~(b) Is certified as a hand therapist by the Hand Therapy~~
11 ~~Certification Commission or other equivalent entity recognized by the~~
12 ~~board;~~

13 ~~(c) Has a minimum of five years of experience in the use of the~~
14 ~~physical agent modality and has passed an examination approved by the~~
15 ~~board on the physical agent modality; or~~

16 ~~(d) Has completed education during a basic educational program which~~
17 ~~included demonstration of competencies for application of the physical~~
18 ~~agent modality.~~

19 (6) (2) The department shall issue a certificate to authorize an
20 occupational therapy assistant to set up and implement treatment using
21 superficial thermal agent modalities, deep thermal agent modalities,
22 electrotherapeutic modalities, and mechanical devices if the occupational
23 therapy assistant has successfully completed a training course approved
24 by the board and passed an examination approved by the board. Such set up
25 and implementation shall only be done under the onsite supervision of an
26 occupational therapist certified to administer such modalities
27 superficial thermal agent modalities.

28 ~~(3) An occupational therapist shall not delegate evaluation,~~
29 ~~reevaluation, treatment planning, and treatment goals for physical agent~~
30 ~~modalities to an occupational therapy assistant.~~

31 **Sec. 15.** Section 38-2531, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 38-2531 (1) The board shall adopt and promulgate rules and
3 regulations regarding role delineation for occupational therapy
4 assistants and continuing competency requirements. Continuing education
5 is sufficient to meet continuing competency requirements. Such
6 requirements may also include, but not be limited to, one or more of the
7 continuing competency activities listed in section 38-145 which a
8 licensed person may select as an alternative to continuing education.

9 (2) The board may adopt and promulgate rules and regulations
10 governing the training courses for an occupational therapist to be
11 certified to administer a physical agent and instrument-assisted
12 modalities ~~modality~~. The board may adopt and promulgate rules and
13 regulations governing the training course for an occupational therapy
14 assistant to be certified to set up and implement superficial thermal
15 agent modalities. In adopting such rules and regulations, the board shall
16 give consideration to the levels of training and experience which are
17 required, in the opinion of the board, to protect the public health,
18 safety, and welfare and to insure, to the greatest extent possible, the
19 efficient, adequate, and safe practice of occupational therapy. Such
20 rules and regulations shall include the approval of examinations and the
21 passing score for such examinations for certification.

22 **Sec. 16.** Aide means a person who is not licensed by the board and
23 who provides supportive services to occupational therapists and
24 occupational therapy assistants and functions only under the guidance,
25 responsibility, and supervision of an occupational therapist or an
26 occupational therapy assistant. An aide shall not provide occupational
27 therapy services and shall demonstrate competence before performing
28 assigned and delegated client-related and non-client-related tasks. An
29 aide includes a rehabilitation aide, a rehabilitation technician, and
30 other designations of nonlicensed, supportive personnel.

31 **Sec. 17.** Electromagnetic modality means the use of electromagnetic

1 waves, including radio waves, microwaves, and light waves, to transport
2 electrical and magnetic energy through space to effect changes in body
3 structures.

4 **Sec. 18.** Instrument-assisted modality means the therapeutic use of
5 an instrument or tool that is manually applied by a trained practitioner
6 to target specific tissues including skin, fascia, and other connective
7 tissues or muscle.

8 **Sec. 19.** Mechanical modality means the therapeutic use of a
9 mechanical device to apply force, such as compression, distraction,
10 vibration, or controlled mobilization, to modify biomechanical properties
11 and functions of tissues.

12 **Sec. 20.** (1) Practice of occupational therapy means the therapeutic
13 use of everyday life occupations with persons, groups, or populations to
14 support occupational performance and participation. Occupational therapy
15 practice includes clinical reasoning and professional judgment to
16 evaluate, analyze, and diagnose occupational challenges and provide
17 occupation-based interventions. Occupational therapy services include
18 habilitation, rehabilitation, and the promotion of physical and mental
19 health and wellness for clients with all levels of ability-related needs.
20 These services are provided to a client who has, or is at risk for,
21 developing an illness, injury, disease, disorder, condition, impairment,
22 disability, activity limitation, or participation restriction. Through
23 the provision of skilled services and engagement in everyday activities,
24 occupational therapy promotes physical and mental health and well-being
25 by supporting occupational performance in a person with, or at risk of
26 experiencing, a range of developmental, physical, and mental health
27 disorders.

28 (2) The practice of occupational therapy includes the following
29 components:

30 (a) Evaluation of factors affecting activities of daily living,
31 instrumental activities of daily living, health management, rest and

1 sleep, education, work, play, leisure, and social participation, and
2 includes environmental and personal factors and occupational and activity
3 demands that affect performance;

4 (b) Performance patterns, including habits, routines, roles, and
5 rituals;

6 (c) Performance skills, including motor skills, process skills, and
7 social interaction skills;

8 (d) Client factors, including body functions and structures, values,
9 and spirituality;

10 (e) Methods or approaches to identify and select intervention,
11 including (i) establishment, remediation, or restoration of a skill or
12 ability that has not yet developed, is impaired, or is in decline, (ii)
13 compensation, modification, or adaptation of occupations, activities, and
14 contexts to improve or enhance performance, (iii) maintenance of
15 capabilities to prevent decline in performance of everyday life
16 occupations, (iv) health promotion and wellness to enable or enhance
17 performance of everyday life activities and quality of life, and (v)
18 prevention of occurrence or emergence of barriers to performance and
19 participation, including injury and disability prevention; and

20 (f) Interventions and procedures to promote or enhance safety and
21 performance in activities of daily living, independent activities of
22 daily living, health management, rest and sleep, education, work, play,
23 leisure, and social participation, and includes:

24 (i) Therapeutic use of occupations and activities;

25 (ii) Training in self-care, self-management, health management, home
26 management, community and work integration, school activities, and work
27 performance;

28 (iii) Identification, development, remediation, or compensation of
29 physical, neuromusculoskeletal, sensory-perceptual, emotional regulation,
30 visual, and mental and cognitive functions, pain tolerance and
31 management, praxis, developmental skills, and behavioral skills;

- 1 (iv) Education and training of persons, including family members,
- 2 caregivers, groups, and populations;
- 3 (v) Care coordination, case management, and transition services;
- 4 (vi) Consultation services to persons, groups, populations,
- 5 programs, organizations, and communities;
- 6 (vii) Virtual interventions;
- 7 (viii) Modification of contexts and adaptation of processes,
- 8 including the application of ergonomic principles;
- 9 (ix) Assessment, design, fabrication, application, fitting, and
- 10 training in seating and positioning, assistive technology, adaptive
- 11 devices, orthotic devices, and training in the use of prosthetic devices;
- 12 (x) Assessment, recommendation, and training in techniques to
- 13 enhance functional mobility, including fitting and management of
- 14 wheelchairs and other mobility devices;
- 15 (xi) Exercises, including tasks and methods to increase motion,
- 16 strength, and endurance for occupational participation;
- 17 (xii) Remediation of, and compensation for, visual deficits,
- 18 including low vision rehabilitation;
- 19 (xiii) Driver rehabilitation and community mobility;
- 20 (xiv) Management of feeding, eating, and swallowing to enable eating
- 21 and feeding performance;
- 22 (xv) Application of physical agent, instrument-assisted, and
- 23 mechanical modalities and the use of a range of specific therapeutic
- 24 procedures and techniques to enhance sensory, motor, perceptual, and
- 25 cognitive processing, and manual therapy techniques to enhance
- 26 performance skills;
- 27 (xvi) Facilitating the occupational participation of persons,
- 28 groups, or populations through modification of contexts and adaptation of
- 29 processes;
- 30 (xvii) Efforts directed toward promoting occupational justice and
- 31 empowering clients to seek and obtain resources to fully participate in

- 1 everyday life occupations;
- 2 (xviii) Group interventions; and
- 3 (xix) Addressing wound care.

4 **Sec. 21.** Supervision means a collaborative process for responsible,
5 periodic review and inspection of all aspects of occupational therapy
6 services where (1) the occupational therapist is responsible for
7 occupational therapy services provided by an occupational therapy
8 assistant or an aide, and (2) an occupational therapy assistant is
9 responsible for the occupational therapy services provided. The goal of
10 supervision is to ensure the safe and effective delivery of occupational
11 therapy.

12 **Sec. 22.** Original sections 38-2501, 38-2503, 38-2506, 38-2507,
13 38-2510, 38-2512, 38-2513, 38-2514, 38-2520, 38-2526, 38-2530, and
14 38-2531, Reissue Revised Statutes of Nebraska, and sections 38-2516,
15 38-2517, and 38-2518, Revised Statutes Cumulative Supplement, 2024, are
16 repealed.