

ONE HUNDRED NINTH LEGISLATURE - FIRST SESSION - 2025
COMMITTEE STATEMENT
LB630

Hearing Date: Thursday March 06, 2025
Committee On: Health and Human Services
Introducer: Hansen
One Liner: Provide and change scope of practice requirements under the Occupational Therapy Practice Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Hardin, Ballard, Fredrickson, Hansen, Meyer, Quick, Riepe
Nay:
Absent:
Present Not Voting:

Testimony:

Proponents:

Senator Ben Hansen
Melissa Kimmerling

Erin Westover

Opponents:

Neutral:

Representing:

Opening Presenter
NE Occupational Therapy Association, National
Board for Certification in OT
Nebraska Occupational Therapy Association NOTA

Representing:

Representing:

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:

LB 630 creates scope changes for occupational therapists and occupational therapy assistants. New definitions are provided for various modalities, occupational therapy practice, supervision and occupational therapy assistants. Language relating to temporary licenses is also changed.

Sec. 1: Adds new language into the Occupational Therapy Practice.

Sec. 2: Adds definition into the Occupational Therapy Practice.

Sec. 3: Redefines electrotherapeutic modalities as modalities that use electrotherapeutic currents (i.e. high voltage) and waveforms facilitate physiologic changes and neuromuscular or sensory (i.e. electrical) activity.

Sec. 4: Redefines occupational therapy assistant as a person licensed to assist in the practice of occupational therapy and who works under the appropriate supervision of, and in partnership with, an occupational therapist.



Sec. 5: Instrument-assisted modalities, as well as physical agents, are defined as modalities that produce a biophysiological response through the use of water, temperature, sound, electricity, or mechanical devices.

Sec. 6: Superficial thermal agent modalities are redefined as modalities such as hydrotherapy, whirlpool, cryotherapy, fluidotherapy, hot packs, paraffin, water, infrared, and other commercially available superficial heating and cooling technologies.

Sec. 7: Qualified members of other professions or occupations are not prohibited from doing work similar to occupational therapy if they do not represent themselves as occupational therapy assistants as well as occupational therapists.

Sec. 8: A temporary license expires the earlier of: the date the person holding the temporary license is issued a permanent license; the date the board denies a person's license application; 180 days after the date the temporary license is issued; or the date a person is notified of a failure of the licensure examination. Current expiration language is removed.

Sec. 9: Applicants shall now undergo examination which tests the applicant's knowledge of occupational therapy. This will now include other subjects as identified by the entity administering the national licensure examination. Applicants shall follow the rules as outlined by such entity and meet the minimum exam requirements. Results of the examination shall be sent to the board for verification of entry-level competency. Current language involving the board approving the exam is stricken.

Sec. 10: An occupational therapist may perform any services which he/she is competent to perform based on the occupational therapist's entry-level training or continued professional development. An occupational therapist may pursue specialization, training, or professional development in specific modalities, procedures, and techniques. It is the responsibility of the practitioner to be proficient and document proficiency in the specific modality of practice.

An occupational therapist may also apply instrument-assisted modalities.

Sec. 11: Includes instrument-assisted to certification requirements.

Sec. 12: Continuing education of replaced by continuing professional development. Instrument-assisted modality is added rules and regulations for training courses.

Sec. 13: Aide is defined as a person who is not licensed by the board and who provides supportive services to occupational therapists and occupational therapy assistants. An aide shall function only under the guidance, responsibility, and supervision of the licensed occupational therapist or an occupational therapy assistant. An aide shall demonstrate competence before performing assigned and delegated client-related and non-client-related tasks.

Sec. 14: Electromagnetic modalities is defined as electromagnetic modalities that use electromagnetic waves to transport electrical and magnetic energy through space to effect changes in body structures.

Sec. 15: Instrument-assisted modalities is defined as the therapeutic use of an instrument or tool that is manually applied by a trained practitioner to target specific tissues.

Sec. 16: Mechanical modalities is defined as the therapeutic use of mechanical devices to apply force to modify biomechanical properties and functions of tissues.



Sec. 17: Practice of occupational therapy is defined as the therapeutic use of everyday like occupations with persons, groups, or populations to support occupational performance and participation. Occupational therapy practice includes clinical reasoning and judgement while occupational therapy services include habilitation, rehabilitation, and the promotion of physical and mental health and wellness for clients. These services are provided for clients with all levels of ability-related needs and who are at risk for an illness, disease, disorder, condition, impairment, disability, activity limitation or participation restriction. Through the provision of skilled services and engagement in everyday activities, occupational therapy promotes physical and mental health and well-being for persons at risks of experiencing disorders.

The practice of occupational therapy includes evaluation of activities of daily living, performance patterns, performance skills, client factors, and interventions (i.e. training, mental and cognitive functions, consultation services, exercises, physical agent, group intervention).

Sec. 18: Supervision is defined as a collaborative process for responsible, periodic review and inspection of all aspects of occupational therapy services where the occupational therapist and the occupational therapy assistant are accountable.

Sec. 19: Repealer.

Explanation of amendments:

AM 704 moves the definitions of supervision, aide and occupational therapy into different sections.

AM 704 adds other commercially available technologies to the definition of deep thermal agent modality.

AM 704 defines an occupational therapy assistant as a person licensed to assist in the practice of occupational therapy and who works under the appropriate supervision of, and in collaboration (replaces "partnership") with an occupational therapist.

AM 704 reinserts stricken language in Sec. 8 of the original bill regarding the renewal of temporary licenses.

AM 704 replaces medical association or nationally recognized occupational therapy association with accrediting body as it pertains to an application for an occupational therapy license. Supervised fieldwork experience requirements are removed.

AM 704 allows an occupational therapist to apply physical agent and instrument-assisted modalities based on their training (See Sec. 10 of original bill). Also, an occupational therapist may complete insertion and removal of cannulas for oxygen and adjustment of the rate of flow based on a physician order, but shall not independently diagnose a medical condition or disease. Current language is removed.

AM 704 strikes the changes relating to instrument-assisted modality in Section 11 of the original bill as well as current language in statute and replaces it with the following new language:

If an occupational therapist's program does not include education in superficial thermal, deep thermal, electrotherapeutic, and mechanical devices or the occupational therapist is not certified, the occupational therapist is required to request approval from the board to practice physical agent and instrument-assisted modalities. An occupational therapist may perform dry needling only in accordance with the level of education and training successfully completed and education and training shall be approved by the board. Also, an occupational therapist may not use diathermy.



The Department shall issue a certificate to an occupational therapist to administer a physical agent and instrument-assisted modality if the occupational therapist has successfully completed a training course; is certified as a hand therapist; has a minimum of five years of experience in the use of physical agent and instrument-assisted modalities and has passed an examination; or has completed education relating to physical agents and instrument-assisted modalities.

The Department shall issue a certificate for an occupational therapist to utilize dry needling if the occupational therapist has successfully completed a board-approved training course to administer dry needling. An occupational therapist shall not delegate evaluation, reevaluation, treatment planning, and treatment goals for physical agent and instrument-assisted modalities to an occupational therapy assistant and an occupational therapy assistant is prohibited from conducting these activities.

Am 704 strikes the new language of professional development in Sec. 12 of the original bill and retains the current continuing education requirements relating to the board's regulations.

Brian Hardin, Chairperson

