

LEGISLATIVE BILL 244

Approved by the Governor March 22, 2005

Introduced by Byars, 30; Price, 26

AN ACT relating to occupational therapy; to amend section 71-6123, Revised Statutes Supplement, 2004; to provide an operative date for certain provisions; to harmonize provisions; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 71-6123, Revised Statutes Supplement, 2004, is amended to read:

71-6123. (1) The department, with the approval of the board, shall adopt and promulgate rules and regulations necessary to administer the Occupational Therapy Practice Act to protect the public health, safety, and welfare and to insure, to the greatest extent possible, the efficient, adequate, and safe practice of occupational therapy.

(2) The rules and regulations shall include (a) definitions of unprofessional conduct, (b) definitions of conflicts of interest for members of the board and procedures in the case such a conflict arises, (c) role delineation for occupational therapy assistants, and (d) continuing competency requirements. Continuing education is sufficient to meet continuing competency requirements. Such requirements may also include, but not be limited to, one or more of the continuing competency activities listed in section 71-161.09 which a licensed person may select as an alternative to continuing education.

(3) Except as provided in subsection (4) of this section, the department, with the approval of the board, shall adopt and promulgate rules and regulations to implement Laws 2004, LB 1005, and shall provide for the changes regarding scope of practice to be implemented for licensees as soon as the rules and regulations become effective.

(4) The board may adopt and promulgate rules and regulations governing the training courses for an occupational therapist to be certified to administer a physical agent modality. The board may adopt and promulgate rules and regulations governing the training course for an occupational therapy assistant to be certified to set up and implement superficial thermal agent modalities. In adopting such rules and regulations, the board shall give consideration to the levels of training and experience which are required, in the opinion of the board, to protect the public health, safety, and welfare and to insure, to the greatest extent possible, the efficient, adequate, and safe practice of occupational therapy. Such rules and regulations shall include the approval of examinations and the passing score for such examinations for certification. Any person who was practicing as (a) an occupational therapist and administering physical agent modalities or (b) an occupational therapy assistant setting up and implementing superficial thermal agent modalities prior to July 16, 2004, may continue to administer such modalities until July 1, 2006. After July 1, 2006, any person who wishes to administer such modalities shall obtain certification as provided by section 71-6122.

(5) Rules and regulations adopted and promulgated pursuant to the Occupational Therapy Practice Act prior to July 16, 2004, shall continue in effect until revised, amended, repealed, or nullified pursuant to law.

Sec. 2. Original section 71-6123, Revised Statutes Supplement, 2004, is repealed.

Sec. 3. Since an emergency exists, this act takes effect when passed and approved according to law.