

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1299

Introduced by Jensen, 20

Read first time January 19, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to physical therapy practice credentials; to
2 amend sections 71-2801, 71-2802, 71-2803.01, 71-2815, and
3 71-2819, Reissue Revised Statutes of Nebraska, and
4 sections 71-101, 71-2804, and 71-2807, Revised Statutes
5 Supplement, 1999; to provide for continuing education; to
6 change provisions relating to certificate fees; to
7 harmonize provisions; and to repeal the original
8 sections.

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

1 Section 1. (1) Every physical therapist who has an
2 active license shall, on or before November 1, 2003, and on or
3 before November 1 of every odd-numbered year thereafter, complete
4 twenty hours of continuing education as a prerequisite for his or
5 her next subsequent license renewal. Such continuing education
6 shall consist of such approved scientific schools, clinic, forums,
7 lectures, or physical therapy educational seminars as may be
8 announced and approved by the Board of Physical Therapy pursuant to
9 the Uniform Licensing Law.

10 (2) Every physical therapist assistant who has an active
11 certificate shall, on or before November 1, 2003, and on or before
12 November 1 of every odd-numbered year thereafter, complete ten
13 hours of continuing education as a prerequisite for his or her next
14 subsequent license renewal. Such continuing education shall
15 consist of such approved scientific schools, clinics, forums,
16 lectures, or physical therapy educational seminars as may be
17 announced and approved by the board pursuant to the Uniform
18 Licensing Law.

19 Sec. 2. Section 71-101, Revised Statutes Supplement,
20 1999, is amended to read:

21 71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to
22 71-1,338, 71-1,343, 71-1301 to 71-1354, and 71-2801 to 71-2822 and
23 section 1 of this act shall be known and may be cited as the
24 Uniform Licensing Law.

25 For purposes of the Uniform Licensing Law, unless the
26 context otherwise requires:

27 (1) Board or professional board means one of the boards
28 appointed by the State Board of Health;

1 (2) Licensed, when applied to any licensee in any of the
2 professions named in section 71-102, means a person licensed under
3 the Uniform Licensing Law;

4 (3) Profession or health profession means any of the
5 several groups named in section 71-102;

6 (4) Department means the Department of Health and Human
7 Services Regulation and Licensure;

8 (5) Whenever a particular gender is used, it is construed
9 to include both the masculine and the feminine, and the singular
10 number includes the plural when consistent with the intent of the
11 Uniform Licensing Law;

12 (6) License, licensing, or licensure means permission to
13 engage in a health profession which would otherwise be unlawful in
14 this state in the absence of such permission and which is granted
15 to individuals who meet prerequisite qualifications and allows them
16 to perform prescribed health professional tasks and use a
17 particular title;

18 (7) Certificate, certify, or certification, with respect
19 to professions, means a voluntary process by which a statutory,
20 regulatory entity grants recognition to an individual who has met
21 certain prerequisite qualifications specified by such regulatory
22 entity and who may assume or use the word certified in the title or
23 designation to perform prescribed health professional tasks. When
24 appropriate, certificate means a document issued by the department
25 which designates particular credentials for an individual;

26 (8) Lapse means the termination of the right or privilege
27 to represent oneself as a licensed, certified, or registered person
28 and to practice the profession when a license, certificate, or

1 registration is required to do so; and

2 (9) Credentialing means the totality of the process
3 associated with obtaining state approval to provide health care
4 services or human services or changing aspects of a current
5 approval. Credentialing grants permission to use a protected title
6 that signifies that a person is qualified to provide the services
7 of a certain profession. Credential includes a license,
8 certificate, or registration.

9 Sec. 3. Section 71-2801, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-2801. For the purpose of sections 71-2801 to ~~71-2804~~
12 71-2822 and section 1 of this act, physical therapy ~~shall mean~~
13 means the treatment of any bodily condition of any person by the
14 use of the physical, chemical, and other properties of heat, light,
15 water, electricity, massage, and active or passive exercise. ~~It~~
16 ~~shall~~ but does not include the use of roentgen rays and radium for
17 diagnostic and therapeutic purposes, including cauterization.

18 Sec. 4. Section 71-2802, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 71-2802. Sections 71-2801 to ~~71-2804~~ 71-2822 and section
21 1 of this act do not include the following classes of persons:

22 (1) Licensed physicians and surgeons, chiropodists,
23 dentists, chiropractors, osteopathic physicians, or massage
24 therapists, who are exclusively engaged in the practice of their
25 respective professions;

26 (2) Physicians and surgeons of the United States Army,
27 Navy, or Public Health Service when acting in the line of duty in
28 this state; or

1 (3) Physical therapists or physical therapist assistants
2 licensed or certified in another jurisdiction who are participating
3 in continuing educational programs.

4 Sec. 5. Section 71-2803.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 71-2803.01. (1) The board may issue a temporary license
7 or certificate to practice as a physical therapist or physical
8 therapist assistant to a person who:

9 (a) Meets all the requirements for a license or
10 certificate except passage of the examination required by sections
11 71-2801 to 71-2822 and section 1 of this act;

12 (b) Submits an application and a fee of not less than ten
13 dollars nor more than fifty dollars as established by the
14 department upon recommendation of the board;

15 (c) Has registered to take the first examination to be
16 given following the issuance date of the temporary license or
17 certificate; and

18 (d) Has not been previously issued a license or
19 certificate.

20 (2) A temporary license or certificate shall:

21 (a) Allow the holder to practice only when supervised by
22 a licensed physical therapist; and

23 (b) Become null and void upon the department's
24 notification that the temporary license holder or temporary
25 certificate holder has either passed or failed the examination.

26 The board may approve an extension of a temporary license
27 for up to six months upon showing of good cause by the license
28 holder or certificate holder. The fee for such extension shall be

1 the same as for the initial temporary license or certificate.

2 (3) The department may deny, revoke, limit, suspend, or
3 otherwise discipline a temporary license or temporary certificate
4 to practice physical therapy upon the grounds and in accordance
5 with the Uniform Licensing Law.

6 Sec. 6. Section 71-2804, Revised Statutes Supplement,
7 1999, is amended to read:

8 71-2804. For purposes of sections ~~71-2803~~ 71-2801 to
9 71-2822 and section 1 of this act, approved educational program
10 shall mean a program of physical therapy or physical therapist
11 assistant education and training approved by the Board of Physical
12 Therapy. Such approval may be based on the program's accreditation
13 by the American Physical Therapy Association or by equivalent
14 standards established by the board.

15 Sec. 7. Section 71-2807, Revised Statutes Supplement,
16 1999, is amended to read:

17 71-2807. The Board of Physical Therapy shall, with the
18 approval of the department, adopt and promulgate rules and
19 regulations as necessary for the administration of sections 71-2801
20 to 71-2822 and section 1 of this act. Such rules and regulations
21 shall include, but not be limited to, a definition for onsite
22 supervision of a physical therapist assistant and the proper
23 utilization of such assistant by a physical therapist and what
24 constitutes an emergency not requiring onsite supervision of a
25 licensed physical therapist.

26 Sec. 8. Section 71-2815, Reissue Revised Statutes of
27 Nebraska, is amended to read:

28 71-2815. (1) The department, with the concurrence of the

1 board, shall approve an application by a licensed physical
2 therapist to supervise a physical therapist assistant when the
3 proposed assistant is a graduate of an approved program. All
4 physical therapist assistant applicants shall also successfully
5 pass the written and practical examinations adopted by the board,
6 with the concurrence of the department.

7 (2) The board shall grant any practicing physical
8 therapist a certificate of approval to supervise not more than two
9 physical therapist assistants. The department may certify as a
10 physical therapist assistant and furnish a certificate to any
11 person not qualified under subsection (1) of this section if such
12 person can furnish written evidence to the board that he or she has
13 been employed in the State of Nebraska for three years within the
14 last five years under the supervision of a physical therapist
15 licensed in Nebraska and such person possesses knowledge and
16 training or a combination of knowledge and training equivalent to
17 that obtained in an approved school. The board may certify persons
18 as physical therapist assistants under this section for eighteen
19 months only after August 24, 1979. On and after November 1, 2001,
20 a certificate issued under this section shall be in effect for two
21 years from the date of issuance and shall be renewable upon
22 presentation to the board of evidence of completion of the
23 continuing education requirements set out in section 1 of this act
24 and payment of the renewal fee provided in section 71-2819.

25 (3) If the supervision of a physical therapist assistant
26 is terminated by a physical therapist or by a physical therapist
27 assistant, the physical therapist shall notify the department of
28 such termination. A physical therapist who thereafter assumes the

1 responsibility for such supervision shall obtain a certificate of
2 approval to supervise a physical therapist assistant from the
3 department prior to the use of the physical therapist assistant in
4 the practice of physical therapy.

5 Sec. 9. Section 71-2819, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 71-2819. (1) The department shall establish and collect
8 the following fees:

9 (a) For an initial application by a physical therapist
10 for approval to supervise a physical therapist assistant, an amount
11 not less than twenty-five nor more than three hundred dollars;

12 (b) For annual renewal of the approval to supervise a
13 physical therapist assistant, an amount not less than ten nor more
14 than two hundred fifty dollars;

15 (c) For an initial application for certification as a
16 physical therapist assistant, an amount not less than seventy-five
17 nor more than three hundred dollars;

18 (d) For ~~annual~~ biennial renewal of certification as a
19 physical therapist assistant, an amount not less than ~~ten nor more~~
20 than two twenty nor more than five hundred dollars; and

21 (e) For a duplicate original certificate, ten dollars.

22 (2) Any applicant whose application is rejected shall be
23 allowed the return of his or her fee, except for an administrative
24 charge set by the department of at least twenty-five dollars to be
25 retained by the department.

26 (3) The department, upon the recommendation of the board,
27 shall determine the exact fee to be charged based on administrative
28 costs incurred by the board.

1 (4) All fees received shall be expended (a) for the
2 benefit of the profession of physical therapy, (b) as provided in
3 section 71-162, and (c) for the purpose of administering and
4 enforcing sections 71-2808 to 71-2822.

5 Sec. 10. Original sections 71-2801, 71-2802, 71-2803.01,
6 71-2815, and 71-2819, Reissue Revised Statutes of Nebraska, and
7 sections 71-101, 71-2804, and 71-2807, Revised Statutes Supplement,
8 1999, are repealed.