

E AND R AMENDMENTS TO LB 257

Introduced by Guereca, 7, Chairman Enrollment and Review

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

3 **Section 1.** Section 38-2125, Revised Statutes Cumulative Supplement,
4 2024, is amended to read:

5 38-2125 (1) Except as otherwise provided in subsection (3) of this
6 section, the ~~The~~ department, with the recommendation of the board, may
7 issue a license based on licensure in another jurisdiction to an
8 individual who:

9 (a) Meets the licensure requirements of the Mental Health Practice
10 Act or substantially equivalent requirements as determined by the
11 department, with the recommendation of the board; or

12 (b) Has been in active practice in the appropriate discipline for at
13 least five years following initial licensure or certification in another
14 jurisdiction and has passed the Nebraska jurisprudence examination.

15 (2) The department may issue a license based on a privilege to
16 practice in Nebraska under the Licensed Professional Counselors
17 Interstate Compact as provided in section 5 of such compact.

18 (3) The department, with the recommendation of the board, shall,
19 based on licensure in another jurisdiction, issue a mental health
20 practitioner license or an independent mental health practitioner license
21 to a marriage and family therapist who:

22 (a) Has a valid, independent, and unrestricted license as a marriage
23 and family therapist in another state or territory that is in good
24 standing with such state or territory;

25 (b) Completes an application and pays all applicable fees; and

26 (c) Has passed the Nebraska jurisprudence examination.

27 (4) ~~(3)~~ An applicant for a license who is a military spouse may

1 apply for a temporary license as provided in section 38-129.01.

2 **Sec. 2.** Section 38-2130, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 38-2130 (1) The department, with the recommendation of the board,
5 may issue a certificate based on licensure in another jurisdiction to
6 represent oneself as a ~~certified marriage and family therapist~~, a
7 certified professional counselor, a social worker, or a certified art
8 therapist to an individual who meets the requirements of the Mental
9 Health Practice Act relating to ~~marriage and family therapy~~, professional
10 counseling, social work, or art therapy, as appropriate, or substantially
11 equivalent requirements as determined by the department, with the
12 recommendation of the board.

13 (2) The department, with the recommendation of the board, shall
14 issue a certificate to a marriage and family therapist based on licensure
15 in another jurisdiction to an individual who:

16 (a) Has a valid, independent, and unrestricted license as a marriage
17 and family therapist in another state or territory that is in good
18 standing with such state or territory;

19 (b) Completes an application and pays all applicable fees; and

20 (c) Has passed the Nebraska jurisprudence examination.

21 (3) An applicant for a certificate who is a military spouse may
22 apply for a temporary certificate as provided in section 38-129.01.

23 **Sec. 3.** Section 38-2501, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 38-2501 Sections 38-2501 to 38-2531 and sections 20 to 23 of this
26 act shall be known and may be cited as the Occupational Therapy Practice
27 Act.

28 **Sec. 4.** Section 38-2503, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-2503 For purposes of the Occupational Therapy Practice Act and
31 elsewhere in the Uniform Credentialing Act, unless the context otherwise

1 requires, the definitions found in sections 38-2504 to 38-2514 and
2 sections 20 to 23 of this act apply.

3 **Sec. 5.** Section 38-2506, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 38-2506 Deep thermal agent modalities means therapeutic ultrasound,
6 ~~and phonophoresis, and other commercially available technologies.~~ Deep
7 thermal agent modalities does not include the use of diathermy or lasers.

8 **Sec. 6.** Section 38-2507, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-2507 Electrotherapeutic agent modalities means the use of
11 electrotherapeutic currents and waveforms to (1) facilitate physiologic
12 changes in tissues to increase circulation, facilitate tissue healing,
13 and modulate pain, including, but not limited to, high-voltage galvanic
14 stimulation for tissue and wound repair and high-voltage pulsed current,
15 and (2) facilitate neuromuscular or sensory activity to improve muscle
16 strength, reeducate muscle function, or modulate pain response,
17 including, but not limited to, neuromuscular electrical stimulation,
18 functional electrical stimulation, transcutaneous electrical nerve
19 stimulation, and interferential current. ~~neuromuscular electrical~~
20 ~~stimulation, transcutaneous electrical nerve stimulation, and~~
21 ~~iontophoresis. Electrotherapeutic agent modalities does not include the~~
22 ~~use of ultraviolet light.~~

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

25 38-2510 (1) Practice of occupational therapy means the therapeutic
26 use of everyday life occupations with persons, groups, or populations to
27 support occupational performance and participation. Occupational therapy
28 practice includes clinical reasoning and professional judgment to
29 evaluate, analyze, and diagnose occupational challenges and provide
30 occupation-based interventions. Occupational therapy services include
31 habilitation, rehabilitation, and the promotion of physical and mental

1 health and wellness for clients with all levels of ability-related needs.
2 These services are provided to a client who has, or is at risk for,
3 developing an illness, injury, disease, disorder, condition, impairment,
4 disability, activity limitation, or participation restriction. Through
5 the provision of skilled services and engagement in everyday activities,
6 occupational therapy promotes physical and mental health and well-being
7 by supporting occupational performance in a person with, or at risk of
8 experiencing, a range of developmental, physical, and mental health
9 disorders.

10 (2) The practice of occupational therapy includes the following
11 components:

12 (a) Evaluation of factors affecting activities of daily living,
13 instrumental activities of daily living, health management, rest and
14 sleep, education, work, play, leisure, and social participation, and
15 includes environmental and personal factors and occupational and activity
16 demands that affect performance;

17 (b) Performance patterns, including habits, routines, roles, and
18 rituals;

19 (c) Performance skills, including motor skills, process skills, and
20 social interaction skills;

21 (d) Client factors, including body functions and structures, values,
22 and spirituality;

23 (e) Methods or approaches to identify and select intervention,
24 including (i) establishment, remediation, or restoration of a skill or
25 ability that has not yet developed, is impaired, or is in decline, (ii)
26 compensation, modification, or adaptation of occupations, activities, and
27 contexts to improve or enhance performance, (iii) maintenance of
28 capabilities to prevent decline in performance of everyday life
29 occupations, (iv) health promotion and wellness to enable or enhance
30 performance of everyday life activities and quality of life, and (v)
31 prevention of occurrence or emergence of barriers to performance and

1 participation, including injury and disability prevention; and

2 (f) Interventions and procedures to promote or enhance safety and
3 performance in activities of daily living, independent activities of
4 daily living, health management, rest and sleep, education, work, play,
5 leisure, and social participation, and includes:

6 (i) Therapeutic use of occupations and activities;

7 (ii) Training in self-care, self-management, health management, home
8 management, community and work integration, school activities, and work
9 performance;

10 (iii) Identification, development, remediation, or compensation of
11 physical, neuromusculoskeletal, sensory-perceptual, emotional regulation,
12 visual, and mental and cognitive functions, pain tolerance and
13 management, praxis, developmental skills, and behavioral skills;

14 (iv) Education and training of persons, including family members,
15 caregivers, groups, and populations;

16 (v) Care coordination, case management, and transition services;

17 (vi) Consultation services to persons, groups, populations,
18 programs, organizations, and communities;

19 (vii) Virtual interventions;

20 (viii) Modification of contexts and adaptation of processes,
21 including the application of ergonomic principles;

22 (ix) Assessment, design, fabrication, application, fitting, and
23 training in seating and positioning, assistive technology, adaptive
24 devices, and orthotic devices, and training in the use of prosthetic
25 devices;

26 (x) Assessment, recommendation, and training in techniques to
27 enhance functional mobility, including fitting and management of
28 wheelchairs and other mobility devices;

29 (xi) Exercises, including tasks and methods to increase motion,
30 strength, and endurance for occupational participation;

31 (xii) Remediation of, and compensation for, visual deficits,

1 including low vision rehabilitation;

2 (xiii) Driver rehabilitation and community mobility;

3 (xiv) Management of feeding, eating, and swallowing to enable eating
4 and feeding performance;

5 (xv) Application of physical agent, instrument-assisted, and
6 mechanical modalities and the use of a range of specific therapeutic
7 procedures and techniques to enhance sensory, motor, perceptual, and
8 cognitive processing, and manual therapy techniques to enhance
9 performance skills;

10 (xvi) Facilitating the occupational participation of persons,
11 groups, or populations through modification of contexts and adaptation of
12 processes;

13 (xvii) Efforts directed toward promoting occupational justice and
14 empowering clients to seek and obtain resources to fully participate in
15 everyday life occupations;

16 (xviii) Group interventions; and

17 (xix) Addressing wound care.

18 ~~(1) Occupational therapy means the use of purposeful activity with~~
19 ~~individuals who are limited by physical injury or illness, psychosocial~~
20 ~~dysfunction, developmental or learning disabilities, or the aging process~~
21 ~~in order to maximize independent function, prevent further disability,~~
22 ~~and achieve and maintain health and productivity.~~

23 ~~(2) Occupational therapy encompasses evaluation, treatment, and~~
24 ~~consultation and may include (a) remediation or restoration of~~
25 ~~performance abilities that are limited due to impairment in biological,~~
26 ~~physiological, psychological, or neurological processes, (b) adaptation~~
27 ~~of task, process, or the environment, or the teaching of compensatory~~
28 ~~techniques, in order to enhance performance, (c) disability prevention~~
29 ~~methods and techniques which facilitate the development or safe~~
30 ~~application of performance skills, and (d) health promotion strategies~~
31 ~~and practices which enhance performance abilities.~~

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

6 **Sec. 8.** Section 38-2511, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-2511 Occupational therapy aide means a person who is not licensed
9 by the board and who provides supportive services to occupational
10 therapists and occupational therapy assistants and functions only under
11 the guidance, responsibility, and supervision of an occupational
12 therapist or an occupational therapy assistant. An aide shall not provide
13 occupational therapy services and shall demonstrate competence before
14 performing assigned and delegated client-related and non-client-related
15 tasks. An aide includes a rehabilitation aide, a rehabilitation
16 technician, and other designations of nonlicensed, supportive personnel.

17 ~~Occupational therapy aide means a person who is not licensed under~~
18 ~~the Occupational Therapy Practice Act and who provides supportive~~
19 ~~services to occupational therapists and occupational therapy assistants.~~

20 **Sec. 9.** Section 38-2512, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-2512 Occupational therapy assistant means a person licensed to
23 assist in the practice of occupational therapy under the Occupational
24 Therapy Practice Act and who works under the appropriate supervision of,
25 and in collaboration with, an occupational therapist. ~~holding a current~~
26 license to assist in the practice of occupational therapy.

27 **Sec. 10.** Section 38-2513, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-2513 Physical agent and instrument-assisted modalities means
30 modalities that produce a biophysiological response through the use of
31 water, temperature, sound, electricity, or mechanical devices.

1 **Sec. 11.** Section 38-2514, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2514 Superficial thermal agent modalities means hydrotherapy,
4 whirlpool, cryotherapy, fluidotherapy, hot packs, paraffin, water,
5 infrared, and other commercially available superficial heating and
6 cooling technologies. ~~hot packs, cold packs, ice, fluidotherapy,~~
7 ~~paraffin, water, and other commercially available superficial heating and~~
8 ~~cooling technologies.~~

9 **Sec. 12.** Section 38-2516, Revised Statutes Cumulative Supplement,
10 2024, is amended to read:

11 38-2516 (1) No person may represent himself or herself to be a
12 licensed occupational therapist or occupational therapy assistant unless
13 the person is licensed in accordance with the Occupational Therapy
14 Practice Act or has a compact privilege to practice in accordance with
15 the Occupational Therapy Practice Interstate Compact.

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

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

21 (b) The activities and services of any person employed as an
22 occupational therapist or occupational therapy assistant who serves in
23 the armed forces of the United States or the United States Public Health
24 Service or who is employed by the United States Department of Veterans
25 Affairs or other federal agencies, if their practice is limited to that
26 service or employment;

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

1 (d) The activities and services of any person fulfilling the
2 supervised fieldwork experience requirements of section ~~sections 38-2518~~
3 ~~and 38-2519~~ if such activities and services constitute a part of the
4 experience necessary to meet the requirements of such section ~~sections~~;
5 or

6 (e) ~~A qualified member~~ Qualified members of another profession ~~other~~
7 ~~professions~~ or occupation ~~occupations~~, including, but not limited to, a
8 recreation specialist ~~specialists~~ or therapist ~~therapists~~, a special
9 education teacher ~~teachers~~, an independent living specialist ~~specialists~~,
10 a work adjustment trainer ~~trainers~~, a caseworker, or a person
11 ~~caseworkers~~, ~~and persons pursuing a course~~ courses of study leading to a
12 degree or certification in such fields, from doing work similar to
13 occupational therapy which is consistent with the member's ~~their~~ training
14 if such member does ~~they do~~ not represent himself or herself ~~themselves~~
15 by any title or description to be an occupational therapist or
16 occupational therapy assistant ~~therapists~~.

17 **Sec. 13.** Section 38-2517, Revised Statutes Cumulative Supplement,
18 2024, is amended to read:

19 38-2517 (1) ~~A~~ Any person who has applied to take the examination
20 under section 38-2518 or 38-2519 and who has completed the education and
21 experience requirements of the Occupational Therapy Practice Act may be
22 granted a temporary license to practice as an occupational therapist or
23 an occupational therapy assistant. A temporary license shall allow the
24 person to practice only in association with an ~~a licensed~~ occupational
25 therapist, ~~and shall be valid until the date on which the results of the~~
26 ~~next licensure examination are available to the department.~~

27 (2) A temporary license expires the earlier of: (a) The date the
28 person holding the temporary license is issued a permanent license; (b)
29 the date the board denies a person's license application; (c) one hundred
30 eighty days after the date the temporary license is issued; or (d) the
31 date a person is notified of a failure of the licensure examination. The

1 temporary license shall not be renewed if the applicant has failed the
2 examination. The temporary license may be extended by the department,
3 with the recommendation of the board.

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

6 (4) ~~(2)~~ This section does not apply to a temporary license issued as
7 provided in section 38-129.01.

8 **Sec. 14.** Section 38-2518, Revised Statutes Cumulative Supplement,
9 2024, is amended to read:

10 38-2518 (1) An applicant applying for a license as an occupational
11 therapist shall show to the satisfaction of the department that the
12 applicant ~~he or she~~:

13 (a) Has successfully completed the academic requirements of an
14 educational program in occupational therapy recognized by the department
15 and accredited by a nationally recognized accrediting body ~~medical~~
16 ~~association or nationally recognized occupational therapy association;~~
17 and

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

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

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

27 (a) Present documentation of completion of an educational program in
28 occupational therapy that is substantially equivalent to an approved
29 program accredited by the Accreditation Council for Occupational Therapy
30 Education or by an equivalent accrediting body ~~agency~~ as determined by
31 the board;

- 1 (b) Present proof of proficiency in the English language; and
2 (c) ~~Pass~~ ~~Have passed~~ an examination as provided in section 38-2520.
3 (3) Residency in this state shall not be a requirement of licensure.
4 A corporation, partnership, limited liability company, or association
5 shall not be licensed as an occupational therapist pursuant to the
6 Occupational Therapy Practice Act.

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

9 38-2520 ~~(1)~~ Each applicant for licensure under ~~pursuant~~ to the
10 Occupational Therapy Practice Act shall take an ~~be examined by a written~~
11 examination which tests the applicant's ~~his or her~~ knowledge of the basic
12 and clinical sciences relating to occupational therapy and occupational
13 therapy theory and practice including, but not limited to, professional
14 skills and judgment in the utilization of occupational therapy techniques
15 and methods and such other subjects as identified by the body
16 administering the national licensure examination. Each applicant shall
17 follow the rules as outlined by such body and meet the minimum
18 requirements for the examination. Results of the examination shall be
19 sent to the board for verification of entry-level competency. ~~as the~~
20 ~~board may deem useful to determine the applicant's fitness to practice.~~
21 ~~The board shall approve the examination and establish standards for~~
22 ~~acceptable performance. The board may choose a nationally standardized~~
23 ~~occupational therapist and occupational therapy assistant entry-level~~
24 ~~examination.~~

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

27 **Sec. 16.** Section 38-2526, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 38-2526 (1) An occupational therapist may perform any services
30 identified in section 38-2510 for which the occupational therapist is
31 competent to perform based on the occupational therapist's entry-level

1 training or continued professional development. An occupational therapist
2 may pursue specialization, training, or professional development in a
3 specific modality, procedure, or technique. It is the responsibility of
4 the practitioner to be proficient and document proficiency in the
5 specific modality of practice.

6 (2) An occupational therapist is qualified to apply physical agent
7 and instrument-assisted modalities pursuant to subsection (1) of section
8 38-2530.

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

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

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

15 ~~(1) Evaluate, develop, improve, sustain, or restore skills in~~
16 ~~activities of daily living, work activities, or productive activities,~~
17 ~~including instrumental activities of daily living, and play and leisure~~
18 ~~activities;~~

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

21 ~~(3) Design, fabricate, apply, or train in the use of assistive~~
22 ~~technology or orthotic devices and train in the use of prosthetic~~
23 ~~devices;~~

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

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

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

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

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

7 **Sec. 17.** Section 38-2527, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-2527 An occupational therapy assistant may deliver occupational
10 therapy services enumerated in section 38-2510 ~~38-2526~~ in collaboration
11 with and under the supervision of an occupational therapist.

12 **Sec. 18.** Section 38-2530, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-2530 ~~(1) In order to apply physical agent modalities, an~~
15 ~~occupational therapist shall be certified pursuant to this section.~~

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

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

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

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

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

4 (b) Is certified as a hand therapist by the Hand Therapy
5 Certification Commission or other equivalent body recognized by the
6 board;

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

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

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

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

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

27 (b) An occupational therapy assistant shall not complete evaluation,
28 reevaluation, treatment planning, or treatment goal setting related to
29 physical agent modality use.

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

1 ~~The department shall issue a certificate to an occupational~~
2 ~~therapist to administer a physical agent modality if the occupational~~
3 ~~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 modality;~~

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

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

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

16 (6) (2) The department shall issue a certificate to authorize an
17 occupational therapy assistant to set up and implement treatment using
18 superficial thermal agent modalities, deep thermal agent modalities,
19 electrotherapeutic modalities, and mechanical devices if the occupational
20 therapy assistant has successfully completed a training course approved
21 by the board and passed an examination approved by the board. Such set up
22 and implementation shall only be done under the onsite supervision of an
23 occupational therapist certified to administer such modalities
24 ~~superficial thermal agent modalities.~~

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

28 **Sec. 19.** Section 38-2531, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-2531 (1) The board shall adopt and promulgate rules and
31 regulations regarding role delineation for occupational therapy

1 assistants and continuing competency requirements. Continuing education
2 is sufficient to meet continuing competency requirements. Such
3 requirements may also include, but not be limited to, one or more of the
4 continuing competency activities listed in section 38-145 which a
5 licensed person may select as an alternative to continuing education.

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

19 **Sec. 20.** Electromagnetic modality means the use of electromagnetic
20 waves, including radio waves, microwaves, and light waves, to transport
21 electrical and magnetic energy through space to effect changes in body
22 structures.

23 **Sec. 21.** Instrument-assisted modality means the therapeutic use of
24 an instrument or tool that is manually applied by a trained practitioner
25 to target specific tissues including skin, fascia, and other connective
26 tissues or muscle.

27 **Sec. 22.** Mechanical modality means the therapeutic use of a
28 mechanical device to apply force, such as compression, distraction,
29 vibration, or controlled mobilization, to modify biomechanical properties
30 and functions of tissues.

31 **Sec. 23.** Supervision means a collaborative process for responsible,

1 periodic review and inspection of all aspects of occupational therapy
2 services where (1) the occupational therapist is responsible for
3 occupational therapy services provided by an occupational therapy
4 assistant or an occupational therapy aide, and (2) an occupational
5 therapy assistant is responsible for the occupational therapy services
6 provided by the assistant. The goal of supervision is to ensure the safe
7 and effective delivery of occupational therapy services.

8 **Sec. 24.** Original sections 38-2501, 38-2503, 38-2506, 38-2507,
9 38-2510, 38-2511, 38-2512, 38-2513, 38-2514, 38-2520, 38-2526, 38-2527,
10 38-2530, and 38-2531, Reissue Revised Statutes of Nebraska, and sections
11 38-2125, 38-2130, 38-2516, 38-2517, and 38-2518, Revised Statutes
12 Cumulative Supplement, 2024, are repealed.

13 2. On page 1, strike beginning with "marriage" in line 1 through
14 line 4 and insert "occupational credentials; to amend sections 38-2501,
15 38-2503, 38-2506, 38-2507, 38-2510, 38-2511, 38-2512, 38-2513, 38-2514,
16 38-2520, 38-2526, 38-2527, 38-2530, and 38-2531, Reissue Revised Statutes
17 of Nebraska, and sections 38-2125, 38-2130, 38-2516, 38-2517, and
18 38-2518, Revised Statutes Cumulative Supplement, 2024; to provide for
19 credentials for marriage and family therapists based on licensure in
20 another jurisdiction; to change licensure and scope of practice
21 provisions for occupational therapy; to define and redefine terms; to
22 harmonize provisions; and to repeal the original sections."