

June 1, 2020

Dear Members of the Athletic Trainers Technical Review Committee,

The Nebraska Occupational Therapy Association (NOTA) has been grateful to the Nebraska State Athletic Trainers Association (NSATA) for reaching out to us and allowing us opportunities to express questions and concerns on their proposed changes to their practice act. NOTA leadership met with NSATA leadership on 5.8.2020 and on 5.29.2020.

Many of our questions and concerns within the proposal were clarified; however, we continue to oppose specific language within sections of their proposal. Specifically, NOTA is opposed to the sections **38-403**, **38-404**, and **38-405** unless amended.

Below is language NOTA would like to propose in order to provide greater clarity to the public on the Scope of Athletic Training (color red is additional language; strikethrough is current language that should be removed; color blue is NOTA's understanding and justification for the recommended changes):

- **38-403 Injuries and Illnesses Conditions, defined:** Means injuries and common illnesses **conditions related to athletic or recreational activity** which athletic trainers as a result of their education and training are qualified to provide care and make referrals to the appropriate health care professionals.
 - NOTA suggests the use of “conditions” over “illnesses” to alleviate confusion that an athletic trainer may treat an individual who may need hospitalization or rehabilitation in a skilled nursing facility or inpatient rehabilitation unit.
 - NOTA recommends the inclusion of “conditions related to athletic or recreational activity” because without it, the language reads too broad and vague.
 - Without the inclusion of “conditions related to athletic or recreational activity” the definition is too broad and extends past the current athletic trainer’s settings and athletic injuries where athletic trainers are currently educated and trained to practice.
 - Furthermore, in the application provided by NSATA, all of the referenced states on page 33 utilize language that describes the individual they may treat as “an athlete,” in order to define what is an “athletic injury.”
 - Due to their required certification needed within the State of Nebraska and identified in section 38-411, the strikethrough section (“as a result of their education and training”) is not needed and NOTA suggests removal for better clarity and ease in interpreting the language for the Board of Athletic Trainers in Nebraska.
- **38-404 Athletic Trainer, defined:** Athletic Trainer means a health care professional who is licensed to practice athletic training under the act and who under guidelines established with a licensed physician performs the functions outlined in section 38-405. When athletic training is provided in a hospital outpatient department or clinic or an outpatient-based medical facility, the athletic trainer will perform the functions described in section 38-405 with a referral from a licensed physician, osteopathic physician, podiatrist, advanced practice registered nurse, physician assistant, dentist, **physical therapist, occupational therapist**, or chiropractor.
 - Often in our outpatient orthopedic clinics, occupational therapists work closely with athletic trainers. In this capacity and once appropriate, NOTA suggests that occupational therapist and physical therapists be included as a referral option for athletic trainers in order to improve patient care, reduce red tape, and reduce cost of services.
- **38-405 Athletic training, defined:** Athletic training or practice of athletic training means providing the following regarding injuries and **conditions** illnesses;
 - Prevention and wellness promotion;
 - Examination, assessment and impression;
 - Impression defined: The estimated identification of the disease underlying a patient's complaints based on the signs, symptoms, medical history and physical examination of the patient rather than on laboratory examination or medical imaging.
 - Immediate and emergency care including the administration of emergency drugs. Drugs include those as defined in 38-2819 except for controlled substances;

- **Treatment** Therapeutic intervention/rehabilitation of injury and **condition** illness in the manner, means, and methods deemed necessary to affect care, **or** rehabilitation, or function;
- **Treatment** Therapeutic modalities including but not be limited to, physical modalities, mechanical modalities, water, heat, light, sound, cold, and electricity;
- Health care administration, risk management and professional responsibility;
- Pursuant to 38-2025 (18) the Practice of Medicine and Surgery, no athletic trainer shall hold themselves out to be a physician, surgeon, or qualified to prescribe medications
 - In this section, due to the clarity of section 38-403 (the definition of an athletic injury) above, NOTA's suggestion is to use the proposed terminology in red in order to clearly identify to the public and providers the skill set that exists within an athletic trainer.
 - If section 38-403 is not clearly identified for the public and providers to understand the persons that may be treated from the definition of 38-403, NOTA would have even greater concerns within section 38-405.

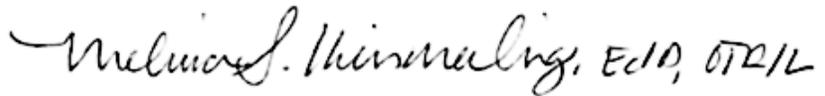
NOTA is grateful for the opportunity to provide feedback and insight for the proposed changes of our Athletic Trainer colleagues. NOTA proposes the aforementioned language as a compromise to NSATA's language that currently exists within their application in order to provide clarity and safety parameters for providers and the general public. NOTA currently opposes sections 38-403, 38-404, and 38-405 unless amended.

If we may provide greater insight or answer any questions, please feel free to contact us. We appreciate the opportunity to provide feedback.

Respectfully,



Janel Meis, OTD, OTR/L, BCP
AOTA Board Certification in Pediatric
NOTA President
president.nota@gmail.com



Melissa Kimmerling, EdD, MOT, OTR/L
NOTA Vice President of Policy & Advocacy
policyandadvocacy.nota@gmail.com