

3) If the profession is currently credentialed in Nebraska, provide the current scope of practice of this occupation as set forth in state statutes. If a change in this scope of practice is being requested, identify that change. This description of the desired scope of practice constitutes the proposal. The application comprises the documentation and other materials that are provided in support of the proposal.

The NSATA would like to request revisions to specific statutes in the Nebraska Athletic Training Scope of Practice. The proposed amendments are summarized in the tables below with underlined red lettering for any additions, and strikethroughs for any language to be removed. Appendix A of the original application shows the complete State of Nebraska Statutes relating to the Practice of Athletic Training (2017). The proposed amendments to the initial proposal are as follows:

38-403 Athletic Injuries, defined.			
Current Statute	Initial Proposal	Proposed Amendments	Comments
Athletic injuries mean the types of musculoskeletal injury or common illness and conditions which athletic trainers are educated to treat or refer, incurred by athletes, which prevent or limit participation in sports or recreation.	38-403 Injuries and illnesses, defined.  Means conditions and common illnesses 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.	38-403 Injuries and illnesses, defined.  Means <u>injuries or common illnesses and conditions related to, or limits participation in, exercise, athletic, recreational, vocational, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina, and</u> 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. <u>An individual who is licensed as an athletic trainer may not provide, offer to provide, or represent that he or she is qualified to provide any care or services that he or she lacks the education, training, or experience to provide, or that he or she is otherwise prohibited by law from providing.</u> <ul style="list-style-type: none"> <li><u>Vocational Defined: Of, relating to, or concerned with the work in which a person is employed</u></li> <li><u>Condition Defined: A disease, illness, or injury</u></li> </ul>	The NSATA accepted the recommendation from the APTA-NE to use “ <i>vocational</i> ” and intends to define the term. The NSATA is proposing to add “ <i>exercise, athletic, recreational, vocational, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina</i> ”. The proposed language captures the types of injuries or common illnesses and conditions athletic trainers can treat as a result of their education and training. The amended language is consistent other state practice acts including Georgia, Missouri, Ohio, and Vermont. None of the states with similar language have seen an increase in the number of discipline cases since the implementation of their respective language.  The NSATA contends that these proposed amendments continue to ensure public safety. For the public to access athletic training services, they must first obtain a referral from a licensed health care provider listed in 38-404 when working in an outpatient setting. These services must be within the athletic trainer’s scope of practice as well as their level of education and training. Additionally, the athletic trainer must maintain professional responsibility and recognize when any medical conditions associated with the patient are beyond their scope or education and training.

## State Examples with Similar Language

### Georgia

- 'Athletic injury' means any injury sustained by a person as a result of such person's participation in exercises, sports, games, or recreational activities, or any activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina without respect to where or how the injury occurs. Nothing in this paragraph shall be construed to expand the scope of practice of an athletic trainer beyond the determination of the advising and consenting physician as provided for in paragraph (2) of this Code section.
  - Link: [https://sos.ga.gov/plb/acrobat/Laws/17\\_Athletic\\_Trainer\\_43-5.pdf](https://sos.ga.gov/plb/acrobat/Laws/17_Athletic_Trainer_43-5.pdf) (Page 1)
  - Implementation: 2008
  - No increase in discipline cases in last five years

### Missouri

- "Athlete", any person who engages in exercise, recreation, sport, or other activity requiring physical strength, agility, flexibility, range of motion, speed, or stamina;
  - Link: <file:///C:/Users/michael.roberts/AppData/Local/Microsoft/Windows/INetCache/IE/J2BIFE7J/4438H.06S.pdf> (Page 155)
  - Implementation: 2020
  - No data available related to the number of discipline cases tied to the new statutes at this time

### Ohio

- "Athletic injury" means any injury sustained by an individual that affects the individual's participation or performance in sports, games, recreation, exercise, or other activity that requires physical strength, agility, flexibility, speed, stamina, or range of motion.
  - Link: <https://www.otptat.ohio.gov/Portals/0/laws/AT%20Laws%20and%20Rules%2005-31-2019.pdf?ver=2019-05-31-150441-090> (Page 6)
  - Implementation: 2018
  - No increase in the number of discipline cases since implementation

### Vermont

- "Athlete" means any individual participating in fitness training and conditioning, sports, or other athletic competition, practices, or events requiring physical strength, agility, flexibility, range of motion, speed, or stamina.
  - Link: <https://legislature.vermont.gov/statutes/fullchapter/26/083>
  - Implementation: 1999
  - No increase in the number of discipline cases in last five years

**38-404 Athletic Trainer, defined.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>Athletic trainer means a person who is responsible for the prevention, emergency care, first aid, treatment, and rehabilitation of athletic injuries under guidelines established with a licensed physician and who is licensed to perform the functions set out in section 38-408. 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 38-408 with a referral from a licensed physician for athletic training.</p>	<p>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, or chiropractor.</p>	<p>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 <u>or clinic</u>, 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, or chiropractor.</p>	<p>Inserted or clinic based on concerns from NCPA wanting to ensure that language would not create a scenario that allows for direct access. The NSATA's intent of the language is not to create direct access for athletic trainers in outpatient settings.</p>

**38-405 Athletic training, defined.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>Athletic training means the prevention, evaluation, emergency care, first aid, treatment, and rehabilitation of athletic injuries utilizing the treatments set out in section 38-408.</p>	<p>Athletic training or practice of athletic training means providing the following regarding injuries and illnesses;</p> <ul style="list-style-type: none"> <li>• Prevention and wellness promotion;</li> <li>• Examination, assessment and impression;</li> <li>• Impression defined: The estimated identification of the disease underlying a patient's complaints based on the signs, symptoms, medical history and</li> </ul>	<p>Athletic training or practice of athletic training means providing the following regarding injuries <u>or common</u> and illnesses <u>and conditions</u>;</p> <ul style="list-style-type: none"> <li>• Prevention and wellness promotion;</li> <li>• Examination, assessment and impression;                             <ul style="list-style-type: none"> <li>○ Impression defined: <u>A summation of information and/or an opinion formed, which is the outcome of the examination and assessment process.</u> <del>The estimated identification of the disease</del></li> </ul> </li> </ul>	<p>Inserted "injuries or common illnesses and conditions" to ensure continuity with 38-403.</p> <p>Inserted definition of medical impression based on NCPA's concern with using clinical diagnosis to define impression.</p> <p>Inserted language excluding athletic trainers from performing grade V manipulations based on concerns from NCPA. Updated</p>

	<p>physical examination of the patient rather than on laboratory examination or medical imaging.</p> <ul style="list-style-type: none"> <li>• Immediate and emergency care including the administration of emergency drugs. Drugs include those as defined in 38-2819 except for controlled substances;</li> <li>• Therapeutic intervention/rehabilitation of injury and illness in the manner, means, and methods deemed necessary to affect care, rehabilitation, or function;</li> <li>• Therapeutic modalities including but not be limited to, physical modalities, mechanical modalities, water, heat, light, sound, cold, and electricity.</li> <li>• Health care administration, risk management and professional responsibility;</li> <li>• 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.</li> </ul>	<p><del>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.</del></p> <ul style="list-style-type: none"> <li>• Immediate and emergency care including the administration of emergency drugs. Drugs include those as defined in 38-2819 except for controlled substances;</li> <li>• Therapeutic intervention/rehabilitation of <u>injuries and common illnesses and conditions</u> in the manner, means, and methods deemed necessary to affect care, rehabilitation, or function;</li> <li>• Therapeutic modalities including but not be limited to, physical modalities, mechanical modalities, water, heat, light, sound, cold, and electricity. <ul style="list-style-type: none"> <li>○ <u>The scope of practice of athletic trainers does not include the use of joint manipulation, grade V mobilization/manipulation, thrust joint manipulation, high velocity/low amplitude thrust, nor any other procedure intended to result in joint cavitation. Joint manipulation commences where grades one through four mobilization ends.</u></li> </ul> </li> <li>• Health care administration, risk management and professional responsibility;</li> </ul> <p>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.</p>	<p>exclusionary language to better delineate where grade I-IV mobilizations end and grade 5 manipulations commence.</p> <p>Dry Needling- Based on 2016 AG opinion dry needling is considered a mechanical modality. The NSATA plans to address education and training requirements to be able to perform dry needling in rules and regulations.</p>
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**38-407 Practice Site, defined.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
Practice site means the location where the athletic trainer practices athletic training.	Strike Section.	Strike Section.	No amendments made. No comments or concerns from Technical Committee, NMA, NCPA, APTA-NE, NOTA.

**38-408 Athletic trainers; authorized physical modalities**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>(1) Athletic trainers shall be authorized to use the following physical modalities in the treatment of athletic injuries under guidelines established with a licensed physician:</p> <ul style="list-style-type: none"><li>(a) Application of electrotherapy;</li><li>(b) Application of ultrasound;</li><li>(c) Use of medical diathermies;</li><li>(d) Application of infrared light; and</li><li>(e) Application of ultraviolet light.</li></ul> <p>(2) The application of heat, cold, air, water, or exercise shall not be restricted by the Athletic Training Practice Act.</p>	Revise and move to section 38-405, under the fifth bullet point reading as: "Therapeutic modalities including but not be limited to, physical modalities, mechanical modalities, water, heat, light, sound, cold, and electricity;"	Revise and move to section 38-405, under the fifth bullet point reading as: "Therapeutic modalities including but not be limited to, physical modalities, mechanical modalities, water, heat, light, sound, cold, and electricity;"	No amendments made. No comments or concerns from Technical Committee, NMA, NCPA, APTA-NE, NOTA.

**38-409. License required; exceptions.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>No person shall be authorized to perform the physical modalities set out in section 38-408 on any person unless he or she first obtains a license as an athletic trainer or unless such person is licensed as a physician, osteopathic physician, chiropractor, nurse, physical therapist, or podiatrist. No person shall hold himself or herself out to be an athletic trainer unless licensed under the Athletic Training Practice Act.</p>	<p>No person shall hold himself or herself out as an athletic trainer in this state unless such person has been licensed as such under the provisions of sections 38-401 to 38-414.</p>	<p>No person shall hold himself or herself out as an athletic trainer in this state unless such person has been licensed as such under the provisions of sections 38-401 to 38-414.</p>	<p>No amendments made. No comments or concerns from Technical Committee, NMA, NCPA, APTA-NE, NOTA.</p>

**38-410. Licensure requirements; exemptions.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>(1) An individual who accompanies an athletic team or organization from another state or jurisdiction as the athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p> <p>(2) An individual who is a graduate student in athletic training and who is practicing under the supervision of a licensed athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p>	<p>(1) An individual who accompanies an athletic team or organization from another state or jurisdiction as the athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p> <p>(2) An athletic training student who is enrolled in an accredited athletic training education program or in good standing, and who is practicing under the supervision of a licensed athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p>	<p>(1) An individual who accompanies an athletic team or organization from another state or jurisdiction as the athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p> <p>(2) An athletic training student who is enrolled in an accredited athletic training education program or in good standing, and who is practicing under the supervision of a licensed athletic trainer is exempt from the licensure requirements of the Athletic Training Practice Act.</p>	<p>No amendments made. No comments or concerns from Technical Committee, NMA, NCPA, APTA-NE, NOTA.</p>

**38-411 Applicant for licensure; qualifications; examination.**

Current Statute	Initial Proposal	Proposed Amendments	Comments
<p>(1) An applicant for licensure as an athletic trainer shall at the time of application provide proof to the department that he or she meets one or more of the following qualifications:</p> <p>(a) Graduation after successful completion of the athletic training curriculum requirements of an accredited college or university approved by the board; or</p> <p>(b) Graduation with four-year degree from an accredited college or university and completion of at least two consecutive years, military duty excepted, as a student athletic trainer under the supervision of an athletic trainer approved by the board.</p> <p>(2) In order to be licensed as an athletic trainer, an applicant shall, in addition to the requirements of subsection (1) of this section, successfully complete an examination approved by the board.</p>	<p>(1) An applicant for licensure as an athletic trainer shall at the time of application provide proof to the department that he or she meets one or more of the following qualifications:</p> <p>a. Graduation after successful completion of the athletic training curriculum requirements of an accredited college or university approved by the board; or</p> <p>b. Graduation with four-year degree from an accredited college or university and completion of at least two consecutive years, military duty excepted, as an athletic training student under the supervision of an athletic trainer approved by the board.</p> <p>(2) In order to be licensed as an athletic trainer, an applicant shall, in addition to the requirements of subsection (1) of this section, successfully complete an examination approved by the board.</p>	<p>(1) An applicant for licensure as an athletic trainer shall at the time of application provide proof to the department that he or she meets one or more of the following qualifications:</p> <p><u>a. Individuals graduating prior to January 1, 2004 must provide proof of:</u></p> <p>i. Graduation after successful completion of the <u>curriculum requirements of an accredited athletic training education program at</u> <del>athletic training curriculum requirements of</del> an accredited college or university approved by the board; or</p> <p>ii. Graduation with four-year degree from an accredited college or university and completion of at least two consecutive years, military duty excepted, as an athletic training student under the supervision of an athletic trainer approved by the board</p> <p><u>b. Individuals graduating after January 1, 2004, must provide proof of graduation after successful completion of the curriculum requirements of an accredited athletic training education program at an accredited college or university approved by the board.</u></p> <p>(2) In order to be licensed as an athletic trainer, an applicant shall, in addition to the requirements of subsection (1) of this section, successfully complete an examination approved by the board.</p>	<p>Per the recommendation from the NCPA, inserted grandfather language for athletic trainers who became certified via internship route and graduated prior to January 1, 2004.</p> <p>No additional comments or concerns expressed after NMA, NCPA, APTA-NE, and NOTA reviewed amended language for this statute.</p>