



August 4, 2020

Dear Members of the Technical Review Committee for Athletic Trainers,

The Nebraska State Athletic Trainers' Association (NSATA) is submitting this letter in response to the letter submitted by the Nebraska Occupational Therapy Association (NOTA) on July 28, 2020. The NSATA appreciates the dialogue with all groups engaged through the credentialing review process. Each group has brought interesting perspective and made the NSATA 407 Workgroup approach the chosen revisions with a great deal of consideration.

While NSATA has accepted feedback, made compromises and submitted amendments, NSATA understands there is still opposition from NOTA. The NSATA noted the initial concerns voiced by NOTA regarding the proposed language in section 38-403 of being too broad. In the amendments, NSATA incorporated recommended language from both the American Physical Therapy Association – Nebraska Chapter (APTA-NE) and NOTA in section 38-403, in addition to drawing from other states with similar language. On June 16, 2020, via APTA-NE's Suggested Revisions letter submitted to the Technical Committee, APTA-NE recommended the use of "*athletic, recreational, or vocational activity.*" As noted by NOTA, "*vocational*" is not defined in any referenced practice acts from other states, nor is it defined in Nebraska statutes. To ensure clarity and intent, the NSATA used *Merriam-Webster's Dictionary* to develop a definition for "*vocational.*" In a meeting on May 8, 2020, NOTA referenced language the American Occupational Therapy Association recommended for the Ohio Athletic Trainers' Association, as they were also pursuing practice act revisions. Based on feedback from APTA-NE and NOTA, review of Ohio's Athletic Training Practice Act language, and states with similar language including Georgia, Missouri and Vermont, the NSATA elected to use "*exercise, athletic, recreational, vocational, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina.*" This language, while still broad, captures the types of injuries or common illnesses and conditions an athletic trainer is educated and trained to provide care. It also helps alleviate confusion to the general public. In states with similar language to the amended proposal, including Ohio, Georgia, Vermont, and Missouri, none have seen an increase in the number of discipline cases as a result of changes to their respective practice acts.

The NSATA understands "*vocational*" has specific meaning to occupational therapists, but NSATA opposes replacing it with "*tactical athletic activities.*" While athletic trainers do work with tactical athletes across the country, this term would narrow the patient population that could have access to athletic trainers who are educated and trained to treat them. The NSATA assures safety measures are in place to protect the public and confirm that patients for which an athletic trainer is not qualified to provide care for, are not provided by an athletic trainer. For the public to access an athletic trainer working in an outpatient rehabilitation setting, they must have a referral from a licensed health care provider listed in 38-404. This allows for provider and patient choice in the referral process. The prescribed services must be within the athletic trainer's scope of practice and commensurate with their education and training. Additionally, the athletic trainer must maintain professional responsibility and recognize when any medical conditions associated with the patient are beyond the athletic trainer's scope and training. The NSATA added language emphasizing the responsibility of the athletic trainer to provide care or services they are educated, trained, and experienced to provide. There is also language stating they will not provide services they are prohibited by law from providing.

The NSATA appreciates the continued dialogue regarding the submitted application and amended proposal. Currently, the NSATA is not exploring further amendments to section 38-403. The NSATA would be happy to discuss the application or answer any questions regarding the amended proposal or application with members of NOTA or Technical Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Roberts", is written over a light blue horizontal line.

Michael Roberts
407 Workgroup Chair
Nebraska State Athletic Trainers' Association