



September 21, 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 testimony submitted by the Nebraska Chapter of the American Physical Therapy Association (APTA-NE). The NSATA recognizes there are still areas of difference with the APTA-NE. In the first meeting it was said that the credentialing review process was not about the interest of one group. The NSATA has strived to work with multiple professional organizations to develop a proposal that ensures public safety while modernizing the practice of athletic training in the state of Nebraska. The NSATA has been upfront and honest with intentions related to the proposal and has listened to feedback from all groups including the Technical Committee when it came to the formulation of the amended proposal.

The NSATA cites "*Statute 71-6221. Regulation of health profession; change in scope of practice; when. Regulation of the health profession; when. Part (b) does not impose significant new economic hardship on the public, significantly diminish the supply of qualified practitioners, or otherwise create barriers to service that are not consistent with the public welfare and interest.*" Based on this Statute and by using APTA-NE's recommendation to remove "*or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina*" there would be a diminished supply of qualified athletic trainers who are educated and trained to treat patients with these types of conditions. It would also create barriers to service that are not consistent with the public welfare and interest if patients and their physicians are not able to refer to athletic trainers if they feel that the patient would benefit from having their condition treated by an athletic trainer. As Eric Smoyer discussed in his testimony, the proposal would enhance patient choice for the citizens of Nebraska while ensuring proper safety precautions are in place. The NSATA does not contend to treat "everyone for anything" as APTA-NE states. Rather NSATA is asking that athletic trainers be allowed to treat the injuries, common illnesses, and conditions they are educated and trained to treat.

The *Uniform Credentialing Act (UCA)* is designed to protect public health, safety, and welfare by providing credentialing for health-related services. The *UCA* provides for the credentialing of persons providing health-related services and are subject to the development, establishment, and enforcement of standards to provide for the efficient, adequate, and safe practice of such persons and businesses. Athletic trainers would also be subject to the *Statutes Pertaining to Athletic Training*, including the safety measures outlined in the amended proposal. These safety measures include ensuring that the athletic trainer is acting within their scope of practice, they are educated and trained to perform the skill in question, and they are doing so under guidelines established with a licensed physician or with referral from a health care provider as defined in 38-404. If it is believed that an athletic trainer is acting outside of one of these safety areas identified, then the athletic trainer is subject to the same discipline procedures as other health care professions subject to the *UCA*.

APTA-NE cites concerns about confusion to the public regarding the services an athletic trainer based on the name. The athletic training profession has grown significantly since the 1998 revision. As the profession has grown, so have the injuries, common illnesses, and conditions an athletic trainer is able to treat. As Dr. Jacobson cited, he is a sport medicine trained physician, but he does not only treat sport-related injuries. There are many injuries sustained in everyday life that are treated the same or similar as an injury sustained on the athletic field. NSATA has worked to alleviate confusion for those who would reference athletic training statute by identifying the situations in which athletic trainers are permitted to treat injuries, common illnesses, and conditions. This language was supported by both the Nebraska Medical Association and Nebraska Chiropractic Physicians Association. NSATA contends that APTA-NE's recommendation to remove "*or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina*" would create confusion. Confusion is created if a physician wants to refer a patient to an athletic trainer for an ACL tear and the patient feels they would like to seek out those services, but cannot because the patient does not meet the criteria of being an athlete, are limited in their participation in recreation, exercise, or vocational activity. As Dr. Dering-Anderson cited in her letter submitted to the Technical Review Committee she, was confused as to why she was unable to complete the same rehabilitation activities her son was completing because she was not an athlete.



The NSATA notes that it is not creating new language. The language used in the amended proposal is similar to language used in other states including Georgia, Ohio, Missouri, and Vermont. These states have utilized the proposed language since as early as 1999, and none have noted an increase in discipline as a result of implementing the proposed language.

The APTA-NE has also cited a lack of clinical opportunities to adequately prepare athletic training students to work with the conditions identified as athletic trainers being able to treat in the proposal. Micki Cuppett provided numerous examples of sites for clinical education opportunities around the country. Those experiences for students are not limited to Nebraska. Like other professions, clinical education for athletic training students is up to educational programs to ensure the educational standard has been met, and those educational standards are established and evaluated by the Commission on Accreditation of Athletic Training Education (CAATE). The CAATE is accredited by the Council for Higher Education Accreditation and certifies other health care profession education programs including those for physical therapists, occupational therapists, podiatrists and physician assistants.

The NSATA continues to stand by the language in the amended proposal. Much work has been done with other organizations including the APTA-NE to ensure public safety and professional responsibility throughout the proposal. These safety measures allow for an expanded segment of Nebraska citizens to have access to the services of an athletic trainer, increasing the number of qualified practitioners and decreasing barriers. The NSATA recommends the Technical Committee move forward with accepting the amended proposal without the revision recommended by the APTA-NE.

Sincerely,

A handwritten signature in black ink that reads "Michael E. Roberts, ATC". The signature is written in a cursive style.

Michael Roberts
407 Workgroup Chair
Nebraska State Athletic Trainers' Association