

**2017**

**STATE OF NEBRASKA**

**STATUTES RELATING TO  
ATHLETIC TRAINING PRACTICE ACT**



Department of Health and Human Services  
Division of Public Health  
Licensure Unit

301 Centennial Mall South, Third Floor  
PO Box 94986  
Lincoln, NE 68509-4986

## INDEX

### ATHLETIC TRAINING PRACTICE ACT

- 38-401. Act, how cited.
- 38-402. Definitions, where found.
- 38-403. Athletic injuries, defined.
- 38-404. Athletic trainer, defined.
- 38-405. Athletic training, defined.
- 38-406. Board, defined.
- 38-407. Practice site, defined.
- 38-408. Athletic trainers; authorized physical modalities.
- 38-409. License required; exceptions.
- 38-410. Licensure requirements; exemptions.
- 38-411. Applicant for licensure; qualifications; examination.
- 38-412. Continuing competency requirements.
- 38-413. Reciprocity; continuing competency requirements; military spouse; temporary license.
- 38-414. Fees.
  
- 71-1,238. Transferred to section 38-402.
- 71-1,239. Repealed. Laws 1999, LB 178, s. 6.
- 71-1,239.01. Transferred to section 38-410.
- 71-1,240. Transferred to section 38-409.
- 71-1,241. Transferred to section 38-411.
- 71-1,242. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,243. Repealed. Laws 2003, LB 242, s. 154.

## STATUTES PERTAINING TO ATHLETIC TRAINING PRACTICE ACT

### **38-401. Act, how cited.**

Sections 38-401 to 38-414 shall be known and may be cited as the Athletic Training Practice Act.

**Source:** Laws 2007, LB463, § 173.

### **38-402. Definitions, where found.**

For purposes of the Athletic Training Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-403 to 38-407 apply.

**Source:** Laws 1986, LB 355, § 1; Laws 1996, LB 1044, § 477; Laws 1999, LB 178, § 2; Laws 1999, LB 828, § 140; Laws 2003, LB 242, § 65; R.S.1943, (2003), § 71-1,238; Laws 2007, LB296, § 359; Laws 2007, LB463, § 174.

### **38-403. Athletic injuries, defined.**

Athletic injuries means 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.

**Source:** Laws 2007, LB463, § 175.

### **38-404. Athletic trainer, defined.**

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.

**Source:** Laws 2007, LB463, § 176.

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

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.

**Source:** Laws 2007, LB463, § 177.

### **38-406. Board, defined.**

Board means the Board of Athletic Training.

**Source:** Laws 2007, LB463, § 178.

### **38-407. Practice site, defined.**

Practice site means the location where the athletic trainer practices athletic training.

**Source:** Laws 2007, LB463, § 179.

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

(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:

- (a) Application of electrotherapy;
- (b) Application of ultrasound;
- (c) Use of medical diathermies;
- (d) Application of infrared light; and
- (e) Application of ultraviolet light.

(2) The application of heat, cold, air, water, or exercise shall not be restricted by the Athletic Training Practice Act.

**Source:** Laws 2007, LB463, § 180.

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

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.

**Source:** Laws 1986, LB 355, § 3; Laws 1989, LB 342, § 27; Laws 1999, LB 178, § 3; Laws 2003, LB 242, § 67; R.S.1943, (2003), § 71-1,240; Laws 2007, LB463, § 181.

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

(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.

(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.

**Source:** Laws 1999, LB 178, § 4; Laws 2003, LB 242, § 66; R.S.1943, (2003), § 71-1,239.01; Laws 2007, LB463, § 182.

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

(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:

(a) Graduation after successful completion of the athletic training curriculum requirements of an accredited college or university approved by the board; or

(b) Graduation with a 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.

(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.

**Source:** Laws 1986, LB 355, § 4; R.S.1943, (2003), § 71-1,241; Laws 2007, LB463, § 183.

**38-412. Continuing competency requirements.**

An applicant for licensure as an athletic trainer who has met the education and examination requirements in section 38-411, who passed the examination more than three years prior to the time of application for licensure, and who is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

**Source:** Laws 2007, LB463, § 184.

**38-413. Reciprocity; continuing competency requirements; military spouse; temporary license.**

(1) An applicant for licensure as an athletic trainer who has met the standards set by the board pursuant to section 38-126 for a license based on licensure in another jurisdiction but is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.

(2) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.

**Source:** Laws 2007, LB463, § 185; Laws 2017, LB88, § 37.

**Operative Date: April 26, 2017**

**38-414. Fees.**

The department shall establish and collect fees for initial licensure and renewal under the Athletic Training Practice Act as provided in sections 38-151 to 38-157.

**Source:** Laws 2007, LB463, § 186.

- 71-1,238. Transferred to section 38-402.
- 71-1,239. Repealed. Laws 1999, LB 178, s. 6.
- 71-1,239.01. Transferred to section 38-410.
- 71-1,240. Transferred to section 38-409.
- 71-1,241. Transferred to section 38-411.
- 71-1,242. Repealed. Laws 2007, LB 463, § 1319.
- 71-1,243. Repealed. Laws 2003, LB 242, s. 154.