

2017

STATE OF NEBRASKA

**STATUTES RELATING TO
PHYSICAL THERAPY PRACTICE ACT**



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

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STATUTES PERTAINING TO THE PHYSICAL THERAPY PRACTICE ACT

38-2901. Act, how cited.

Sections 38-2901 to 38-2929 shall be known and may be cited as the Physical Therapy Practice Act.

Source: Laws 2006, LB 994, § 118; R.S.Supp.,2006, § 71-1,362; Laws 2007, LB463, § 994.

38-2902. Purpose of act.

The purpose of the Physical Therapy Practice Act is to update and recodify statutes relating to the practice of physical therapy. Nothing in the act shall be construed to expand the scope of practice of physical therapy as it existed prior to July 14, 2006.

Source: Laws 2006, LB 994, § 119; R.S.Supp.,2006, § 71-1,363; Laws 2007, LB463, § 995.

38-2903. Definitions, where found.

For purposes of the Physical Therapy Practice Act, the definitions found in sections 38-2904 to 38-2918 apply.

Source: Laws 2006, LB 994, § 120; R.S.Supp.,2006, § 71-1,364; Laws 2007, LB463, § 996.

38-2904. Approved educational program, defined.

Approved educational program means a program for the education and training of physical therapists and physical therapist assistants approved by the board pursuant to section 38-2926.

Source: Laws 2006, LB 994, § 121; R.S.Supp.,2006, § 71-1,365; Laws 2007, LB463, § 997.

38-2905. Board, defined.

Board means the Board of Physical Therapy.

Source: Laws 2006, LB 994, § 122; R.S.Supp.,2006, § 71-1,366; Laws 2007, LB463, § 998.

38-2906. Direct supervision, defined.

Direct supervision means supervision in which the supervising practitioner is physically present and immediately available and does not include supervision provided by means of telecommunication.

Source: Laws 2006, LB 994, § 124; R.S.Supp.,2006, § 71-1,368; Laws 2007, LB463, § 999.

38-2907. Evaluation, defined.

Evaluation means the process of making clinical judgments based on data gathered from examination of a patient.

Source: Laws 2006, LB 994, § 125; R.S.Supp.,2006, § 71-1,369; Laws 2007, LB463, § 1000.

38-2908. General supervision, defined.

General supervision means supervision either onsite or by means of telecommunication.

Source: Laws 2006, LB 994, § 126; R.S.Supp.,2006, § 71-1,370; Laws 2007, LB463, § 1001.

38-2909. Jurisdiction of the United States, defined.

Jurisdiction of the United States means any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any American territory.

Source: Laws 2006, LB 994, § 127; R.S.Supp.,2006, § 71-1,371; Laws 2007, LB463, § 1002.

38-2910. Mobilization or manual therapy, defined.

Mobilization or manual therapy means a group of techniques comprising a continuum of skilled passive movements to the joints or related soft tissues, or both, throughout the normal physiological range of motion that are applied at varying speeds and amplitudes, without limitation.

Source: Laws 2006, LB 994, § 128; R.S.Supp.,2006, § 71-1,372; Laws 2007, LB463, § 1003.

38-2911. Non-treatment-related tasks, defined.

Non-treatment-related tasks means clerical, housekeeping, facility maintenance, or patient transportation services related to the practice of physical therapy.

Source: Laws 2006, LB 994, § 129; R.S.Supp.,2006, § 71-1,373; Laws 2007, LB463, § 1004.

38-2912. Physical therapist, defined.

Physical therapist means a person licensed to practice physical therapy under the Physical Therapy Practice Act.

Source: Laws 2006, LB 994, § 130; R.S.Supp.,2006, § 71-1,374; Laws 2007, LB463, § 1005.

38-2913. Physical therapist assistant, defined.

Physical therapist assistant means a person certified as a physical therapist assistant under the Physical Therapy Practice Act.

Source: Laws 2006, LB 994, § 131; R.S.Supp.,2006, § 71-1,375; Laws 2007, LB463, § 1006.

38-2914. Physical therapy or physiotherapy, defined.

Physical therapy or physiotherapy means:

(1) Examining, evaluating, and testing individuals with mechanical, physiological, and developmental impairments, functional limitations, and disabilities or other conditions related to health and movement and, through analysis of the evaluative process, developing a plan of therapeutic intervention and prognosis while assessing the ongoing effects of the intervention;

(2) Alleviating impairment, functional limitation, or disabilities by designing, implementing, or modifying therapeutic interventions which may include any of the following: Therapeutic exercise; functional training in home, community, or work integration or reintegration related to physical movement and mobility; therapeutic massage; mobilization or manual therapy; recommendation, application, and fabrication of assistive, adaptive, protective, and supportive devices and equipment; airway clearance techniques; integumentary protection techniques; nonsurgical debridement and wound care; physical agents or modalities; mechanical and electrotherapeutic modalities; and patient-related instruction; but which does not include the making of a medical diagnosis;

(3) Purchasing, storing, and administering topical and aerosol medication in compliance with applicable rules and regulations of the Board of Pharmacy regarding the storage of such medication

(4) Reducing the risk of injury, impairment, functional limitation, or disability, including the promotion and maintenance of fitness, health, and wellness; and

(5) Engaging in administration, consultation, education, and research.

Source: Laws 2006, LB 994, § 132; R.S.Supp.,2006, § 71-1,376; Laws 2007, LB463, § 1007.

38-2915. Physical therapy aide, defined.

Physical therapy aide means a person who is trained under the direction of a physical therapist and who performs treatment-related and non-treatment-related tasks.

Source: Laws 2006, LB 994, § 133; R.S.Supp.,2006, § 71-1,377; Laws 2007, LB463, § 1008.

38-2916. Student, defined.

Student means a person enrolled in an approved educational program.

Source: Laws 2006, LB 994, § 134; R.S.Supp.,2006, § 71-1,378; Laws 2007, LB463, § 1009.

38-2917. Testing, defined.

Testing means standard methods and techniques used to gather data about a patient. Testing includes surface electromyography and, subject to approval of the board, fine wire electromyography. Testing excludes diagnostic needle electromyography.

Source: Laws 2006, LB 994, § 135; R.S.Supp.,2006, § 71-1,379; Laws 2007, LB463, § 1010.

38-2918. Treatment-related tasks, defined.

Treatment-related tasks means activities related to the practice of physical therapy that do not require the clinical decisionmaking of a physical therapist or the clinical problem solving of a physical therapist assistant.

Source: Laws 2006, LB 994, § 136; R.S.Supp.,2006, § 71-1,380; Laws 2007, LB463, § 1011.

38-2919. License or certificate required.

(1) No person may practice physical therapy, hold oneself out as a physical therapist or physiotherapist, or use the abbreviation PT in this state without being licensed by the department. No person may practice as a physical therapist assistant, hold oneself out as a physical therapist assistant, or use the abbreviation PTA in this state without being certified by the department.

(2) A physical therapist may use the title physical therapist or physiotherapist and the abbreviation PT in connection with his or her name or place of business. A physical therapist assistant may use the title physical therapist assistant and the abbreviation PTA in connection with his or her name.

(3) No person who offers or provides services to another or bills another for services shall characterize such services as physical therapy or physiotherapy unless such services are provided by a physical therapist or a physical therapist assistant acting under the general supervision of a physical therapist.

Source: Laws 2006, LB 994, § 137; R.S.Supp.,2006, § 71-1,381; Laws 2007, LB463, § 1012.

38-2920. Exemptions.

The following classes of persons shall not be construed to be engaged in the unauthorized practice of physical therapy:

- (1) A member of another profession who is credentialed by the department and who is acting within the scope of practice of his or her profession;
- (2) A student in an approved educational program who is performing physical therapy or related services within the scope of such program and under the direct supervision of a physical therapist;
- (3) A person practicing physical therapy or as a physical therapist assistant in this state who serves in the armed forces of the United States or the United States Public Health Service or who is employed by the United States Department of Veterans Affairs or other federal agencies, if their practice is limited to that service or employment;
- (4) A person credentialed to practice physical therapy or as a physical therapist assistant in another jurisdiction of the United States or in another country who is teaching physical therapy or demonstrating or providing physical therapy or related services in connection with an educational program in this state;
- (5) A person credentialed to practice physical therapy in another jurisdiction of the United States or in another country who, by contract or employment, is providing physical therapy or related services in this state to individuals affiliated with established athletic teams, athletic organizations, or performing arts companies while such teams, organizations, or companies are present and temporarily practicing, competing, or performing in this state; or
- (6) A person employed by a school district, educational service unit, or other public or private educational institution or entity serving prekindergarten through twelfth grade students who is providing personal assistance services, including mobility and transfer activities, such as assisting with ambulation with and without aids; positioning in adaptive equipment; application of braces; encouraging active range-of-motion exercises; assisting with passive range-of-motion exercises; assisting with transfers with or without mechanical devices; and such other personal assistance services based on individual needs as are suitable to providing an appropriate educational program.

Source: Laws 2006, LB 994, § 138; R.S.Supp.,2006, § 71-1,382; Laws 2007, LB463, § 1013.

38-2921. Physical therapy; license; qualifications.

Every applicant for a license to practice physical therapy shall:

- (1) Present proof of completion of an approved educational program;
- (2) In the case of an applicant who has been trained as a physical therapist in a foreign country, (a) present documentation of completion of a course of professional instruction substantially equivalent to an approved program accredited by the Commission on Accreditation in Physical Therapy Education or by an equivalent accrediting agency as determined by the board and (b) present proof of proficiency in the English language; and
- (3) Successfully complete an examination approved by the department, with the recommendation of the board.

Source: Laws 1957, c. 298, § 3, p. 1075; Laws 1988, LB 1100, § 140; Laws 1990, LB 1064, § 16; Laws 1999, LB 828, § 169; R.S.1943, (2003), § 71-2803; Laws 2006, LB 994, § 139; R.S.Supp.,2006, § 71-1,383; Laws 2007, LB463, § 1014.

38-2922. Physical therapist assistant; certificate; qualifications.

Every applicant for a certificate to practice as a physical therapist assistant shall:

- (1) Present proof of completion of an approved educational program; and
- (2) Successfully complete an examination approved by the department, with the recommendation of the board.

Source: Laws 2006, LB 994, § 140; R.S.Supp.,2006, § 71-1,384; Laws 2007, LB463, § 1015.

38-2923. Applicant; continuing competency requirements.

An applicant for licensure to practice as a physical therapist who has met the education and examination requirements in section 38-2921 or to practice as a physical therapist assistant who has met the education and examination requirements in section 38-2922, 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, § 1016.

38-2924. Applicant; reciprocity; continuing competency requirements; military spouse; temporary license.

(1) An applicant for licensure to practice as a physical therapist or to practice as a physical therapist assistant 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, § 1017; Laws 2017, LB88, § 87.

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38-2925. Fees.

The department shall establish and collect fees for credentialing activities as provided in sections 38-151 to 38-157.

Source: Laws 2007, LB463, § 1018.

38-2926. Approved program for education and training.

The board may approve programs for physical therapy or physical therapist assistant education and training. Such approval may be based on the program's accreditation by the Commission on Accreditation in Physical Therapy Education or equivalent standards established by the board.

Source: Laws 1957, c. 298, § 4, p. 1076; Laws 1988, LB 1100, § 142; Laws 1999, LB 828, § 170; Laws 2001, LB 209, § 28; R.S.1943, (2003), § 71-2804; Laws 2006, LB 994, § 144; R.S.Supp.,2006, § 71-1,388; Laws 2007, LB463, § 1019.

38-2927. Physical therapist assistant; perform physical therapy services; when; limitations; supervising physical therapist; powers and duties.

(1) A physical therapist assistant may perform physical therapy services under the general supervision of a physical therapist, except that no physical therapist assistant shall perform the following:

- (a) Interpretation of physician referrals;
- (b) Development of a plan of care;
- (c) Initial evaluations or reevaluation of patients;
- (d) Readjustment of a plan of care without consultation with the supervising physical therapist; or
- (e) Discharge planning for patients.

(2) A physical therapist may provide general supervision for no more than two physical therapist assistants. A physical therapist shall not establish a satellite office at which a physical therapist assistant provides care without the general supervision of the physical therapist.

(3) A physical therapist shall reevaluate or reexamine on a regular basis each patient receiving physical therapy services from a physical therapist assistant under the general supervision of the physical therapist.

(4) A supervising physical therapist and the physical therapist assistant under general supervision shall review the plan of care on a regular basis for each patient receiving physical therapy services from the physical therapist assistant.

(5) A physical therapist assistant may document physical therapy services provided by the physical therapist assistant without the signature of the supervising physical therapist.

(6) A physical therapist assistant may act as a clinical instructor for physical therapist assistant students in an approved educational program.

Source: Laws 1979, LB 355, § 3; R.S.1943, (2003), § 71-2810; Laws 2006, LB 994, § 141; R.S.Supp.,2006, § 71-1,385; Laws 2007, LB463, § 1020.

38-2928. Physical therapist; duties.

(1) For each patient under his or her care, a physical therapist shall:

- (a) Be responsible for managing all aspects of physical therapy services provided to the patient and assume legal liability for physical therapy and related services provided under his or her supervision;
- (b) Provide an initial evaluation and documentation of the evaluation;
- (c) Provide periodic reevaluation and documentation of the reevaluation;
- (d) Provide documentation for discharge, including the patient's response to therapeutic intervention at the time of discharge; and
- (e) Be responsible for accurate documentation and billing for services provided.

(2) For each patient under his or her care on each date physical therapy services are provided to such patient, a physical therapist shall:

- (a) Provide all therapeutic interventions that require the expertise of a physical therapist; and
- (b) Determine the appropriate use of physical therapist assistants or physical therapy aides.

Source: Laws 2006, LB 994, § 142; R.S.Supp.,2006, § 71-1,386; Laws 2007, LB463, § 1021.

38-2929. Physical therapy aide; authorized activities.

A physical therapy aide may perform treatment-related and non-treatment-related tasks under the supervision of a physical therapist or a physical therapist assistant.

Source: Laws 2006, LB 994, § 143; R.S.Supp.,2006, § 71-1,387; Laws 2007, LB463, § 1022.

- 71-1,362. Transferred to section 38-2901.
- 71-1,363. Transferred to section 38-2902.
- 71-1,364. Transferred to section 38-2903.
- 71-1,365. Transferred to section 38-2904.
- 71-1,366. Transferred to section 38-2905.
- 71-1,367. Repealed. Laws 2007, LB 463, § 1319.
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