

**Minutes of the Third Meeting: Public Hearing  
of the Occupational Therapists Technical Review Committee**

**January 27, 2025**

**3:00 p.m. to 5:00 p.m.**

**Members Participating**

**Connie Petersen, PhD, Chairperson**

**David Deemer, NHA**

**Jennifer Dreibelbis**

**Su Eells**

**Ryan Flugge, RP, PharmD, BCPS**

**Jeffrey Howorth**

**Marcy Wyrens, LRCP, RRT**

**Members Absent**

**Staff Persons**

**Maggie Mills**

**Caryn Vincent**

**I. Call to Order, Roll call, Open Meetings Law, Approval of Agenda, Approval of Minutes from 12/11/2024**

Chairperson Dr. Connie Petersen called the meeting to order at 3:02 p.m. The roll was called; All members were present; a quorum was present. Attention was brought to the Open Meetings Law posted in the room. The agenda and Open Meetings Law were posted, and the meeting was advertised online at [https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-\(407\)-Occupational-Therapy.aspx](https://dhhs.ne.gov/licensure/Pages/Credentialing-Review-(407)-Occupational-Therapy.aspx). Dr. Petersen asked if everyone had a chance to review the agenda, which they had. She then asked for approval of the agenda. Jeff Howorth made a motion to approve the agenda, seconded by Marcy Wyrens. Dr. Petersen asked for approval of the minutes from the last meeting. Jeff Howorth made a motion to approve the minutes, which was seconded by Marcy Wyrens.

**II. Proponent Testimony**

Dr. Melissa Kimmerling wanted to thank everyone who has participated in this process. She started by thanking the Occupational Therapy Association members. She went on to thank the official associations they met with who provided meaningful feedback, private individuals the applicant group met with, and everyone on the technical review committee. Dr. Kimmerling wanted to review the goals of the applicant group. The first was to modernize practice language that they accomplished as shown by the draft language the TRC members had before them.

They have aligned their definitions and scope with the latest Occupational Therapy Practice Framework to ensure evidence-based care for their clients. The second goal was to streamline certifications. With that, they eliminated redundant certification requirements for modalities already covered in entry-level education, reducing administrative burdens and costs. Their third goal was to maximize assistant roles by creating pathways for occupational therapy assistants to safely utilize advanced modalities under supervision, with a focus on supporting rural healthcare. Their fourth goal was to enhance therapist training by opening avenues for therapists who complete additional training to use instrument-assisted modalities, enhancing therapeutic options. The applicant group's secondary goals that they feel they have met are clarifying language related to common questions presented to relevant boards and groups and modified temporary licensure by adjusting provisions to reduce the gap between temporary and permanent licensure.

Dr. Kimmerling moved on to reviewing the established need for these changes. She noted that the NOTA has reflected upon what they wanted to do with issues that had been brought up by members for many years. Dr. Kimmerling added that they know that the Technical Review Committee must create their recommendations based on the criteria which is what they made their proposal based off. This includes maintaining the health, safety, and welfare of the public, of Nebraska, of the patients receiving these services, making sure the proposed changes benefits those within Nebraska. She continued, their proposal ensures that it does not create a significant new danger, that the current education and training adequately prepares practitioners, and there are appropriate post-professional programs for services they are asking to perform that are not included in the entry-level education, and that there are measures in place to assess competency as practitioners at all levels of licensure. Dr. Kimmerling suggested that they believe that they worked well with their external stakeholders, as shown by their three letters of support acknowledging that their concerns had been satisfied. She added that they integrated as much feedback as they could into their application and proposal. Dr. Kimmerling continued that it has been a very positive process for their group. She asked if there were any questions about the latest version of their draft language from the Technical Review Committee.

Seeing none, Dr. Petersen asked if there was any additional information that the applicant group wanted to share with the Technical Review Committee. Dr. Kimmerling said there was nothing new that came out in between meetings, that they had only continued to incorporate suggestions from the TRC and outside stakeholders.

### **III. Opponent Testimony**

Dr. Petersen asked if there was any opponent testimony. Su Eells asked if the Nursing Association gave the applicant group any feedback. Dr. Kimmerling said that they didn't receive any formal feedback. Additionally, there was nothing formal from the Physician Assistant group or the Behavioral Health groups.

Dr. Petersen had asked about Senator Hansen introducing the Occupational Therapy bill saying that she'd assume that the applicant group was in close communication with Senator Hansen. Dr. Kimmerling said that since they had anticipated things going well that they would have the opportunity this year to introduce these changes, knowing that the bill would not move forward without this process being successful. She continued that there is opportunity for amendments and there are already some things that are differences in the language that need to be adjusted before passing. Dr. Kimmerling offered that Senator Hansen is a chiropractor suggesting they have the support of the Chiropractic Association. Dr. Petersen asked if he is aware of how far the review has progressed to which Dr. Kimmerling said yes. She said it was important to him that the applicant group had been receiving and integrating the feedback and that there was no opposition that they knew of.

Dr. Kimmerling added that they had been in strong communication with their association including making sure that they knew if their feelings were not reflected that it was no secret about the Public Hearing and knowing that they could always come to the meetings and voice their opinions if they disagreed with anything.

#### **IV. Neutral Testimony**

Dr. Petersen asked for any further comment either about the application or the process. She continued that this has been a great process and expressed her appreciation towards the staff, and the applicant group for providing drafts and helping the TRC understand what is there, what has been added, who has been making suggestions, and incorporating that. Dr. Petersen suggested that the applicant group "set the stage" for future reviews.

#### **V. Questions from Technical Review Committee members**

Dr. Petersen asked if there were any further questions from any of the TRC members. Su Eells offered that the applicant group did an amazing job by coming in so prepared. Marcy Wyrens added in that the applicant group did a great job making it a smooth process for everybody. Dr. Petersen added that it helped that the applicant group had reached out to many professional associations to receive their feedback. Dr. Kimmerling added that she thinks there may have been quite a bit of opposition had they not reach out to the different associations. Lindsay Tuxhorn continued that it really helped their proposal that they did work out those fine details with the associations beforehand to ensure all professions were satisfied with the language moving forward.

#### **VI. Public Comment**

Dr. Petersen asked if there was anyone that wanted to make public comments. Amy Reynoldson from the Nebraska Medical Association (NMA) said that the NMA has appreciated their work with the Occupational Therapy Association on their original concerns and added that they no longer have any concerns in not taking a position. She continued, talking about the process, that it has been a wonderful opportunity

and one of the more rewarding reviews. She continued that the applicant group's ability and willingness to listen and not get defensive, stating that it's going to be the best thing for Nebraskans. Amy suggested that this is how reviews should occur.

**VII. TRC discussion, action on Six Criteria and Up/Down Vote on the Proposal**  
***Committee action on the six Statutory Criteria as they pertain to this proposal***

**Criterion One: The health, safety, and welfare of the public are inadequately addressed by the present scope of practice or limitations on the scope of practice**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

**Criterion Two: Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public using the follow criteria**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

**Criterion Three: The proposed change in scope of practice does not create a significant new danger to the health, safety, or welfare of the public. The review body must use the following to determine if this criterion is met**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

**Criterion Four: The current education and training for the health profession adequately prepares practitioners to perform the new skill or service. The review body must use the following to determine if this criterion is met**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

**Criterion Five: There are appropriate post-professional programs and competence assessment measures available to ensure that the practitioner is competent to perform the new skill or service in a safe manner.**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

**Criterion Six: 6. There are adequate measures to assess whether practitioners are competently performing the new skill or service and to take appropriate action if they are not performing competently.**

Voting aye were: Deemer, Dreibelbis, Eells, Flugge, Howorth, Wyrens

Voting nay were none

Chairperson Dr. Connie Petersen abstained from voting.

***Action taken on the proposal as a whole:***

**The Committee members acted on the proposal, as a whole, via an up/down roll call vote as follows:**

**David Deemer, NHA:** Voted “Yes” to recommend approval of the proposal

**Jennifer Dreibelbis:** Voted “Yes” to recommend approval of the proposal

**Su Eells:** Voted “Yes” to recommend approval of the proposal

**Ryan Flugge, RP, PharmD, BCPS:** Voted “Yes” to recommend approval of the proposal

**Jeffrey Howorth:** Voted “Yes” to recommend approval of the proposal

**Marcy Wyrens, LRCP, RRT:** Voted “Yes” to recommend approval of the proposal

**Chairperson Dr. Connie Petersen** abstained from voting

**The result of this roll call vote was all committee members voting to support the proposal. This means that the members of the Occupational Therapy Technical Review Committee recommended approving the proposal by the Occupational Therapists.**

**VIII. Public Comment**

There was no further comment from the public.

**IX. Adjournment**

The meeting was adjourned at 3:43 p. m.