



## THE REPORT OF THE DIRECTOR OF THE DIVISION OF PUBLIC HEALTH ON THE PROPOSAL TO MAKE CHANGES IN THE SCOPE OF PRACTICE OF OCCUPATIONAL THERAPY

**Date: March 18, 2025**

To: The Speaker of the Nebraska Legislature  
The Chairperson of the Executive Board of the Legislature  
The Chairperson and Members of the Legislative Health and Human Services Committee

From: Charity Menefee  
Director of the Division of Public Health  
Department of Health and Human Services

### Introduction

The Regulation of Health Professions Act (as defined in Neb. Rev. Stat., Section 71-6201, et. Seq.) is commonly referred to as the Credentialing Review Program. The Department of Health and Human Services Division of Public Health administers this Act. As Director of the Division of Public Health, I am presenting this report under the authority of this Act.

### Summary of the Occupational Therapy Proposal

Occupational Therapists are seeking to modernize and clarify language within statute, maximize assistant roles, and reduce duplicative certifications/ training and administrative burden caused by redundancy.

The full text of their proposal can be found under the Occupational Therapy review area of the Credentialing Review program link 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)

## Summary of Technical Review Committee and Board of Health Recommendations

The Technical Review Committee members recommended in favor of this proposal. The Board of Health also recommended in favor of this proposal. I agree with these recommendations, and my comments regarding my reasons for supporting the proposal follow below.

### The Director's Recommendations on the Proposal

**Discussion on the six statutory criteria of the Credentialing Review Program as they relate to the Occupational Therapy 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.***

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

**Criterion two: *Enactment of the proposed change in scope of practice would benefit the health, safety, or welfare of the public.***

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

**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.***

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

**Criterion four: *The current education and training for the health profession adequately prepares practitioners to perform the new skill or service.***

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

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

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

**Criterion six: *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.***

Given the evidence provided in the application, items discussed during hearings, and the overwhelming support by both the Technical Review Committee and the Board of Health, I believe this criterion has been sufficiently met.

**Final thoughts:**

It is apparent that the work that was completed prior to the application being submitted with key stakeholder groups by the applicant group paid off to address items of concern before entering the formal credentialing review process. As Division of Public Health Director, and in consultation with the Department of Health and Human Services Chief Medical Officer, I recommend approval of this scope of practice change for Occupational Therapists. It is evident that all criteria have been met, access to care will be improved for Nebraskans, and their safety will not be compromised due to these changes.