

2022

STATE OF NEBRASKA

**STATUTES RELATING TO
ATHLETIC TRAINING PRACTICE ACT**

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

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Division of Public Health
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ATHLETIC TRAINING PRACTICE ACT

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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; Laws 2022, LB436, § 1.

Effective Date: July 21, 2022

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 38-404 to 38-407.02 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; Laws 2022, LB436, § 2.

Effective Date: July 21, 2022

38-403. Repealed. Laws 2022, LB436, § 12.

38-404. Athletic trainer, defined.

Athletic trainer means a health care professional who is licensed to practice athletic training under the Athletic Training Practice Act and who, under guidelines established with a licensed physician, performs the functions outlined in section 38-408 except as otherwise provided in subsection (5) of section 38-408.

Source: Laws 2007, LB463, § 176; Laws 2022, LB436, § 3.

Effective Date: July 21, 2022

38-405. Repealed. Laws 2022, LB436, § 12.

38-406. Board, defined.

Board means the Board of Athletic Training.

Source: Laws 2007, LB463, § 178.

38-406.01. Condition, defined.

Condition means a disease, illness, or injury.

Source: Laws 2022, LB436, § 4.

Effective Date: July 21, 2022

38-407. Repealed. Laws 2022, LB436, § 12.

38-407.01. Impression, defined.

Impression means a summation of information or an opinion formed, which is the outcome of the examination and assessment process.

Source: Laws 2022, LB436, § 5.

Effective Date: July 21, 2022

38-407.02. Injuries and illnesses, defined.

Injuries and illnesses means injuries or common illnesses and conditions which are related to, or which limit participation in, exercise, athletic activities, recreational activities, or activities requiring physical strength, agility, flexibility, range of motion, speed, or stamina, and for which athletic trainers as a result of their education and training are qualified to provide care and make referrals to the appropriate health care professionals.

Source: Laws 2022, LB436, § 6.

Effective Date: July 21, 2022

38-408. Athletic training; scope of practice; department; duties.

(1) As set forth in the Athletic Training Practice Act, the practice of athletic training includes providing the following regarding injuries and illnesses:

(a) Prevention and wellness promotion;

(b) Examination, assessment, and impression;

(c) Immediate and emergency care, including the administration of emergency drugs as prescribed by a licensed physician and dispensed by a pharmacy for emergency use, subject to subsection (2) of this section;

- (d) Therapeutic intervention or rehabilitation of injuries and illnesses in the manner, means, and methods deemed necessary to affect care, rehabilitation, or function;
- (e) Therapeutic modalities. For purposes of this subdivision, and except as provided in subsection (9) of this section, therapeutic modalities includes, but is not limited to:
 - (i) Physical modalities; and
 - (ii) Mechanical modalities, including, but not limited to, dry needling; and
- (f) Health care administration, risk management, and professional responsibility.
- (2) The department shall adopt and promulgate rules and regulations regarding the administration of emergency drugs as authorized in this section, including drugs, medicines, and medicinal substances as defined in section 38-2819 except for controlled substances listed in section 28-405.
- (3) The department shall adopt and promulgate rules and regulations regarding the use of dry needling by athletic trainers.
- (4) The scope of practice of athletic trainers does not include the use of joint manipulation, grade V mobilization/manipulation, thrust joint manipulation, high velocity/low amplitude thrust, nor any other procedure intended to result in joint cavitation. Joint manipulation commences where grades one through four mobilization ends.
- (5) When athletic training is provided in a hospital outpatient department or clinic, or an outpatient-based medical facility or clinic, the athletic trainer shall perform the functions described in this section with a referral from a licensed physician, osteopathic physician, podiatrist, nurse practitioner, physician assistant, dentist, or chiropractor. The referral shall state the diagnosis and, if deemed necessary, identify any instructions or protocols by the referring provider. In these instances, for each patient under his or her care, the athletic trainer shall ensure documentation is complete, accurate, and timely and shall include the following:
 - (a) Provide and document the initial examination, assessment, and impression;
 - (b) Provide periodic reexamination with documentation of the reexamination, assessment, and impression;
 - (c) Establish a plan of care following either the initial examination or reexamination that is in accordance with the diagnosis and any instructions or protocols indicated by the referring provider;
 - (d) Communicate to the referring provider changes in the patient's condition that may require altering instructions and protocols indicated by the referral from the referring provider;
 - (e) Be responsible for accurate documentation of each followup visit and billing for athletic training services provided; and
 - (f) Provide documentation upon discharge, including patient response to athletic training intervention at the time of discharge.
- (6) In all other instances, the athletic trainer shall maintain documentation consistent with the guidelines established with a licensed physician and specific to the setting in which the athletic trainer is practicing.
- (7) An individual who is licensed as an athletic trainer may not provide, offer to provide, or represent that he or she is qualified to provide any care or services that he or she lacks the education, training, or experience to provide or that he or she is otherwise prohibited by law from providing.
- (8) Pursuant to subdivision (18) of section 38-2025, no athletic trainer shall hold himself or herself out to be a physician or surgeon or qualified to prescribe medications.
- (9) The application of heat, cold, air, water, or exercise shall not be restricted by the Athletic Training Practice Act.

Source: Laws 2007, LB463, § 180; Laws 2022, LB436, § 7.

Effective Date: July 21, 2022

38-409. License required; exceptions.

No person shall be authorized to perform the functions outlined in section 38-408 unless the person 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 as an athletic trainer in this state unless such person is 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; Laws 2022, LB436, § 8.

Effective Date: July 21, 2022

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 athletic training student who is enrolled in an athletic training education program accredited by an accrediting body approved by the board 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; Laws 2022, LB436, § 9.

Effective Date: July 21, 2022

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 the applicant meets one or more of the following qualifications:

(a) For any person who graduated prior to January 1, 2004:

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

(ii) Graduation with a four-year degree from an accredited college or university and completion of at least two consecutive years, military duty excepted, as an athletic training student under the supervision of an athletic trainer approved by the board; and

(b) For any person who graduated after January 1, 2004, graduation after successful completion of the curriculum requirements of an accredited athletic training education program at an accredited college or university 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; Laws 2022, LB436, § 10.

Effective Date: July 21, 2022

Cross References

- **Credentialing**, general requirements and issuance procedures, see section 38-121 et seq.

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.

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.

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| 71-1,238. | Transferred to section 38-402. |
| 71-1,239. | Repealed. Laws 1999, LB 178, § 6. |
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