

LEGISLATURE OF NEBRASKA  
ONE HUNDRED NINTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 630**

Introduced by Hansen, 16.

Read first time January 22, 2025

Committee:

1 A BILL FOR AN ACT relating to the Occupational Therapy Practice Act; to  
2 amend sections 38-2501, 38-2503, 38-2507, 38-2512, 38-2513, 38-2514,  
3 38-2520, 38-2526, 38-2530, and 38-2531, Reissue Revised Statutes of  
4 Nebraska, and sections 38-2516 and 38-2517, Revised Statutes  
5 Cumulative Supplement, 2024; to define and redefine terms; to  
6 provide and change scope of practice requirements for occupational  
7 therapists and occupational therapy assistants as prescribed; and to  
8 repeal the original sections.  
9 Be it enacted by the people of the State of Nebraska,

1           **Section 1.** Section 38-2501, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           38-2501 Sections 38-2501 to 38-2531 and sections 12 to 17 of this  
4 act shall be known and may be cited as the Occupational Therapy Practice  
5 Act.

6           **Sec. 2.** Section 38-2503, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8           38-2503 For purposes of the Occupational Therapy Practice Act and  
9 elsewhere in the Uniform Credentialing Act, unless the context otherwise  
10 requires, the definitions found in sections 38-2504 to 38-2514 and  
11 sections 12 to 17 of this act apply.

12           **Sec. 3.** Section 38-2507, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14           38-2507 Electrotherapeutic agent modalities means modalities that  
15 use electrotherapeutic currents and waveforms to (1) facilitate  
16 physiologic changes in tissues to increase circulation, facilitate tissue  
17 healing, and modulate pain, including, but not limited to, high-voltage  
18 galvanic stimulation for tissue and wound repair and high-voltage pulsed  
19 current and (2) facilitate neuromuscular or sensory activity to improve  
20 muscle strength, reeducate muscle function, or modulate pain response,  
21 including, but not limited to, neuromuscular electrical stimulation,  
22 functional electrical stimulation, transcutaneous electrical nerve  
23 stimulation, and interferential current. ~~neuromuscular electrical~~  
24 ~~stimulation, transcutaneous electrical nerve stimulation, and~~  
25 ~~iontophoresis. Electrotherapeutic agent modalities does not include the~~  
26 ~~use of ultraviolet light.~~

27           **Sec. 4.** Section 38-2512, Reissue Revised Statutes of Nebraska, is  
28 amended to read:

29           38-2512 Occupational therapy assistant means a person licensed to  
30 assist in the practice of occupational therapy under the Occupational  
31 Therapy Practice Act and who works under the appropriate supervision of,

1 ~~and in partnership with, an occupational therapist. holding a current~~  
2 ~~license to assist in the practice of occupational therapy.~~

3 **Sec. 5.** Section 38-2513, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-2513 Physical agent and instrument-assisted modalities means  
6 modalities that produce a biophysiological response through the use of  
7 water, temperature, sound, electricity, or mechanical devices.

8 **Sec. 6.** Section 38-2514, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 38-2514 Superficial thermal agent modalities means modalities such  
11 as hydrotherapy, whirlpool, cryotherapy, fluidotherapy, hot packs,  
12 paraffin, water, infrared, and other commercially available superficial  
13 heating and cooling technologies. ~~hot packs, cold packs, ice,~~  
14 ~~fluidotherapy, paraffin, water, and other commercially available~~  
15 ~~superficial heating and cooling technologies.~~

16 **Sec. 7.** Section 38-2516, Revised Statutes Cumulative Supplement,  
17 2024, is amended to read:

18 38-2516 (1) No person may represent himself or herself to be a  
19 licensed occupational therapist or occupational therapy assistant unless  
20 the person is licensed in accordance with the Occupational Therapy  
21 Practice Act or has a compact privilege to practice in accordance with  
22 the Occupational Therapy Practice Interstate Compact.

23 (2) Nothing in the Occupational Therapy Practice Act shall be  
24 construed to prevent:

25 (a) Any person licensed in this state pursuant to the Uniform  
26 Credentialing Act from engaging in the profession or occupation for which  
27 he or she is licensed;

28 (b) The activities and services of any person employed as an  
29 occupational therapist or occupational therapy assistant who serves in  
30 the armed forces of the United States or the United States Public Health  
31 Service or who is employed by the United States Department of Veterans

1 Affairs or other federal agencies, if their practice is limited to that  
2 service or employment;

3 (c) The activities and services of any person pursuing an accredited  
4 course of study leading to a degree or certificate in occupational  
5 therapy if such activities and services constitute a part of a supervised  
6 course of study and if such a person is designated by a title which  
7 clearly indicates his or her status as a student or trainee;

8 (d) The activities and services of any person fulfilling the  
9 supervised fieldwork experience requirements of sections 38-2518 and  
10 38-2519 if such activities and services constitute a part of the  
11 experience necessary to meet the requirements of such sections; or

12 (e) Qualified members of other professions or occupations,  
13 including, but not limited to, recreation specialists or therapists,  
14 special education teachers, independent living specialists, work  
15 adjustment trainers, caseworkers, and persons pursuing courses of study  
16 leading to a degree or certification in such fields, from doing work  
17 similar to occupational therapy which is consistent with their training  
18 if they do not represent themselves by any title or description to be  
19 occupational therapists or occupational therapy assistants.

20 **Sec. 8.** Section 38-2517, Revised Statutes Cumulative Supplement,  
21 2024, is amended to read:

22 38-2517 (1) Any person who has applied to take the examination under  
23 section 38-2518 or 38-2519 and who has completed the education and  
24 experience requirements of the Occupational Therapy Practice Act may be  
25 granted a temporary license to practice as an occupational therapist or  
26 an occupational therapy assistant. A temporary license shall allow the  
27 person to practice only in association with a licensed occupational  
28 therapist, ~~and shall be valid until the date on which the results of the~~  
29 ~~next licensure examination are available to the department.~~

30 (2) A temporary license expires the earlier of: (a) The date the  
31 person holding the temporary license is issued a permanent license; (b)

1 the date the board denies a person's license application; (c) one hundred  
2 eighty days after the date the temporary license is issued; or (d) the  
3 date a person is notified of a failure of the licensure examination. The  
4 ~~temporary license shall not be renewed if the applicant has failed the~~  
5 ~~examination. The temporary license may be extended by the department,~~  
6 ~~with the recommendation of the board.~~

7 (3) In no case may a temporary license be extended beyond one year.

8 (4) (2) This section does not apply to a temporary license issued as  
9 provided in section 38-129.01.

10 **Sec. 9.** Section 38-2520, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-2520 (1) ~~Each applicant for licensure pursuant to the~~  
13 ~~Occupational Therapy Practice Act shall undergo an~~ be examined by a  
14 ~~written examination which tests the applicant's~~ his or her knowledge of  
15 the basic and clinical sciences relating to occupational therapy and  
16 occupational therapy theory and practice including, but not limited to,  
17 professional skills and judgment in the utilization of occupational  
18 therapy techniques and methods and such other subjects as identified by  
19 the entity administering the national licensure examination. Applicants  
20 shall follow the rules as outlined by such entity and meet the minimum  
21 requirements for the examination. Results of the examination shall be  
22 sent to the board for verification of entry-level competency. as the  
23 ~~board may deem useful to determine the applicant's fitness to practice.~~  
24 ~~The board shall approve the examination and establish standards for~~  
25 ~~acceptable performance. The board may choose a nationally standardized~~  
26 ~~occupational therapist and occupational therapy assistant entry-level~~  
27 ~~examination.~~

28 (2) ~~Applicants for licensure shall be examined at a time and place~~  
29 ~~and under such supervision as the board may determine.~~

30 **Sec. 10.** Section 38-2526, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           38-2526 (1) An occupational therapist may perform the following  
2 services:

3           (a) ~~(1)~~ Evaluate, develop, improve, sustain, or restore skills in  
4 activities of daily living, work activities, or productive activities,  
5 including instrumental activities of daily living, and play and leisure  
6 activities;

7           (b) ~~(2)~~ Evaluate, develop, remediate, or restore sensorimotor,  
8 cognitive, or psychosocial components of performance;

9           (c) ~~(3)~~ Design, fabricate, apply, or train in the use of assistive  
10 technology or orthotic devices and train in the use of prosthetic  
11 devices;

12           (d) ~~(4)~~ Adapt environments and processes, including the application  
13 of ergonomic principles, to enhance performance and safety in daily life  
14 roles;

15           (e) ~~(5)~~ If certified pursuant to section 38-2530, apply physical  
16 agent and instrument-assisted modalities as an adjunct to or in  
17 preparation for engagement in occupations when applied by a practitioner  
18 who has documented evidence of possessing the theoretical background and  
19 technical skills for safe and competent use;

20           (f) ~~(6)~~ Evaluate and provide intervention in collaboration with the  
21 client, family, caregiver, or others;

22           (g) ~~(7)~~ Educate the client, family, caregiver, or others in carrying  
23 out appropriate nonskilled interventions; and

24           (h) ~~(8)~~ Consult with groups, programs, organizations, or communities  
25 to provide population-based services.

26           (2) An occupational therapist may perform any services identified in  
27 section 38-2510 which the occupational therapist is competent to perform  
28 based on the occupational therapist's entry-level training or continued  
29 professional development. An occupational therapist may pursue  
30 specialization, training, or professional development in specific  
31 modalities, procedures, and techniques. It is the responsibility of the

1 practitioner to be proficient and document proficiency in the specific  
2 modality of practice.

3 **Sec. 11.** Section 38-2530, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-2530 (1) In order to apply physical agent and instrument-assisted  
6 modalities, an occupational therapist shall be certified pursuant to this  
7 section. The department shall issue a certificate to an occupational  
8 therapist to administer a physical agent and instrument-assisted modality  
9 if the occupational therapist:

10 (a) Has successfully completed a training course approved by the  
11 board and passed an examination approved by the board on the physical  
12 agent and instrument-assisted modality;

13 (b) Is certified as a hand therapist by the Hand Therapy  
14 Certification Commission or other equivalent entity recognized by the  
15 board;

16 (c) Has a minimum of five years of experience in the use of the  
17 physical agent and instrument-assisted modality and has passed an  
18 examination approved by the board on the physical agent modality; or

19 (d) Has completed education during a basic educational program which  
20 included demonstration of competencies for application of the physical  
21 agent and instrument-assisted modality.

22 (2) The department shall issue a certificate to authorize an  
23 occupational therapy assistant to set up and implement treatment using  
24 superficial thermal agent modalities if the occupational therapy  
25 assistant has successfully completed a training course approved by the  
26 board and passed an examination approved by the board. Such set up and  
27 implementation shall only be done under the onsite supervision of an  
28 occupational therapist certified to administer superficial thermal agent  
29 modalities.

30 (3) An occupational therapist shall not delegate evaluation,  
31 reevaluation, treatment planning, and treatment goals for physical agent

1 and instrument-assisted modalities to an occupational therapy assistant.

2       **Sec. 12.** Section 38-2531, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       38-2531 (1) The board shall adopt and promulgate rules and  
5 regulations regarding role delineation for occupational therapy  
6 assistants and continuing competency requirements. Continuing  
7 professional development ~~education~~ is sufficient to meet continuing  
8 competency requirements. Such requirements may also include, but not be  
9 limited to, one or more of the continuing competency activities listed in  
10 section 38-145 which a licensed person may select as an alternative to  
11 continuing education.

12       (2) The board may adopt and promulgate rules and regulations  
13 governing the training courses for an occupational therapist to be  
14 certified to administer a physical agent and instrument-assisted  
15 modality. The board may adopt and promulgate rules and regulations  
16 governing the training course for an occupational therapy assistant to be  
17 certified to set up and implement superficial thermal agent modalities.  
18 In adopting such rules and regulations, the board shall give  
19 consideration to the levels of training and experience which are  
20 required, in the opinion of the board, to protect the public health,  
21 safety, and welfare and to insure, to the greatest extent possible, the  
22 efficient, adequate, and safe practice of occupational therapy. Such  
23 rules and regulations shall include the approval of examinations and the  
24 passing score for such examinations for certification.

25       **Sec. 13.** Aide means a person who is not licensed by the board and  
26 who provides supportive services to occupational therapists and  
27 occupational therapy assistants. An aide shall function only under the  
28 guidance, responsibility, and supervision of the licensed occupational  
29 therapist or an occupational therapy assistant. An aide does not provide  
30 occupational therapy services. An aide shall demonstrate competence  
31 before performing assigned and delegated client-related and non-client-



1 related tasks.

2       **Sec. 14.**       Electromagnetic modalities means electromagnetic  
3 modalities that use electromagnetic waves, including radio waves,  
4 microwaves, and light waves, to transport electrical and magnetic energy  
5 through space to effect changes in body structures.

6       **Sec. 15.**       Instrument-assisted modalities means the therapeutic use  
7 of an instrument or tool that is manually applied by a trained  
8 practitioner to target specific tissues including skin, fascia, and other  
9 connective tissues or muscle.

10       **Sec. 16.**       Mechanical modalities means the therapeutic use of  
11 mechanical devices to apply force, such as compression, distraction,  
12 vibration, or controlled mobilization, to modify biomechanical properties  
13 and functions of tissues.

14       **Sec. 17.**       (1) Practice of occupational therapy means the therapeutic  
15 use of everyday life occupations with persons, groups, or populations to  
16 support occupational performance and participation. Occupational therapy  
17 practice includes clinical reasoning and professional judgment to  
18 evaluate, analyze, and diagnose occupational challenges and provide  
19 occupation-based interventions. Occupational therapy services include  
20 habilitation, rehabilitation, and the promotion of physical and mental  
21 health and wellness for clients with all levels of ability-related needs.  
22 These services are provided for clients who have or are at risk for  
23 developing an illness, injury, disease, disorder, condition, impairment,  
24 disability, activity limitation, or participation restriction. Through  
25 the provision of skilled services and engagement in everyday activities,  
26 occupational therapy promotes physical and mental health and well-being  
27 by supporting occupational performance in a person with, or at risk of  
28 experiencing a range of developmental, physical, and mental health  
29 disorders.

30       (2) The practice of occupational therapy includes the following  
31 components:

1       (a) Evaluation of factors affecting activities of daily living,  
2 instrumental activities of daily living, health management, rest and  
3 sleep, education, work, play, leisure, and social participation,  
4 including environmental and personal factors and occupational and  
5 activity demands that affect performance;

6       (b) Performance patterns, including habits, routines, roles, and  
7 rituals;

8       (c) Performance skills, including motor skills, process skills, and  
9 social interaction skills;

10       (d) Client factors, including body functions, body structures,  
11 values, and spirituality;

12       (e) Methods or approaches to identify and select intervention,  
13 including (i) establishment, remediation, or restoration of a skill or  
14 ability that has not yet developed, is impaired, or is in decline, (ii)  
15 compensation, modification, or adaptation of occupations, activities, and  
16 contexts to improve or enhance performance, (iii) maintenance of  
17 capabilities to prevent decline in performance in everyday life  
18 occupations, (iv) health promotion and wellness to enable or enhance  
19 performance in everyday life activities and quality of life, and (v)  
20 prevention of occurrence or emergence of barriers to performance and  
21 participation, including injury and disability prevention; and

22       (f) Interventions and procedures to promote or enhance safety and  
23 performance in activities of daily living, independent activities of  
24 daily living, health management, rest and sleep, education, work, play,  
25 leisure, and social participation, including:

26       (i) Therapeutic use of occupations and activities;

27       (ii) Training in self-care, self-management, health management, home  
28 management, community and work integration, school activities, and work  
29 performance;

30       (iii) Identification, development, remediation, or compensation of  
31 physical, neuromusculoskeletal, sensory-perceptual, emotional regulation,

1 visual, mental and cognitive functions, pain tolerance and management,  
2 praxis, developmental skills, and behavioral skills;

3 (iv) Education and training of persons, including family members,  
4 caregivers, groups, and populations;

5 (v) Care coordination, case management, and transition services;

6 (vi) Consultation services to persons, groups, populations,  
7 programs, organizations, and communities;

8 (vii) Virtual interventions;

9 (viii) Modification of contexts and adaptation of processes,  
10 including the application of ergonomic principles;

11 (ix) Assessment, design, fabrication, application, fitting, and  
12 training in seating and positioning, assistive technology, adaptive  
13 devices, orthotic devices, and training in the use of prosthetic devices;

14 (x) Assessment, recommendation, and training in techniques to  
15 enhance functional mobility, including fitting and management of  
16 wheelchairs and other mobility devices;

17 (xi) Exercises, including tasks and methods to increase motion,  
18 strength, and endurance for occupational participation;

19 (xii) Remediation of, and compensation for, visual deficits,  
20 including low vision rehabilitation;

21 (xiii) Driver rehabilitation and community mobility;

22 (xiv) Management of feeding, eating, and swallowing to enable eating  
23 and feeding performance;

24 (xv) Application of physical agent, instrument-assisted, and  
25 mechanical modalities and the use of a range of specific therapeutic  
26 procedures and techniques to enhance sensory, motor, perceptual, and  
27 cognitive processing, and manual therapy techniques to enhance  
28 performance skills;

29 (xvi) Facilitating the occupational participation of persons,  
30 groups, or populations through modification of contexts and adaptation of  
31 processes;

1        (xvii) Efforts directed toward promoting occupational justice and  
2 empowering clients to seek and obtain resources to fully participate in  
3 their everyday life occupations; and

4        (xviii) Group interventions.

5        **Sec. 18.** Supervision means a collaborative process for responsible,  
6 periodic review and inspection of all aspects of occupational therapy  
7 services where (1) the occupational therapist is accountable for  
8 occupational therapy services provided by the occupational therapy  
9 assistant and the aide, and (2) the occupational therapy assistant is  
10 accountable for occupational therapy services provided. Supervision is  
11 ensuring the safe and effective delivery of occupational therapy.

12        **Sec. 19.** Original sections 38-2501, 38-2503, 38-2507, 38-2512,  
13 38-2513, 38-2514, 38-2520, 38-2526, 38-2530, and 38-2531, Reissue Revised  
14 Statutes of Nebraska, and sections 38-2516 and 38-2517, Revised Statutes  
15 Cumulative Supplement, 2024, are repealed.