

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES
NOTICE OF PUBLIC HEARING

May 24, 2023
1:00 p.m. Central Time
Nebraska State Office Building – Lower Level
Meadowlark Conference Room
301 Centennial Mall South, Lincoln, Nebraska
Phone call information: 888-820-1398; Participant code: 3213662#

The purpose of this hearing is to receive comments on proposed changes to Title 172, Chapter 17 of the Nebraska Administrative Code (NAC) – *Licensure of Athletic Trainers*. The proposed regulations update definitions; update educational requirements for initial licensure as an athletic trainer; set requirements to practice dry needling; set requirements for the use of emergency medication; revise acceptable continuing education program activities and non-acceptable continuing education; clarify language; renumber the regulatory chapter; correct punctuation; and correct acronyms.

Authority for these regulations is found in Neb. Rev. Stat. § 81-3117(7).

Interested persons may provide written comments by mail, fax, or email, no later than the day of the hearing to: DHHS Legal Services, PO Box 95026, Lincoln, NE 68509-5026, (402) 742-2382 (fax) or dhhs.regulations@nebraska.gov, respectively.

In order to encourage participation in this public hearing, a phone conference line will be set up for any member of the public to call in and provide oral comments. Interested persons may provide verbal comments by participating via phone conference line by calling 888-820-1398; Participant code: 3213662#.

A copy of the proposed changes is available online at <http://www.sos.ne.gov>, or by contacting DHHS at the mailing address or email above, or by phone at (402) 471-8417. The fiscal impact statement for these proposed changes may be obtained at the office of the Secretary of State, Regulations Division, 1201 N Street, Suite 120, Lincoln, NE 68508, or by calling (402) 471-2385.

Auxiliary aids or reasonable accommodations needed to participate in a hearing can be requested by calling (402) 471-8417. Individuals who are deaf or hard of hearing may call DHHS via the Nebraska Relay System at 711 or (800) 833-7352 TDD at least 2 weeks prior to the hearing.

FISCAL IMPACT STATEMENT

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|---|----------------------------------|
| Agency: Department of Health and Human Services | |
| Title: 172 | Prepared by: Claire Covert-ByBee |
| Chapter: 17 | Date prepared:03/23/2023 |
| Subject: Licensure of Athletic Trainers | Telephone:402 471-0547 |

Type of Fiscal Impact:

| | State Agency | Political Sub. | Regulated Public |
|-------------------|---|---|---|
| No Fiscal Impact | (<input checked="" type="checkbox"/>) | (<input checked="" type="checkbox"/>) | (<input checked="" type="checkbox"/>) |
| Increased Costs | (<input type="checkbox"/>) | (<input type="checkbox"/>) | (<input type="checkbox"/>) |
| Decreased Costs | (<input type="checkbox"/>) | (<input type="checkbox"/>) | (<input type="checkbox"/>) |
| Increased Revenue | (<input type="checkbox"/>) | (<input type="checkbox"/>) | (<input type="checkbox"/>) |
| Decreased Revenue | (<input type="checkbox"/>) | (<input type="checkbox"/>) | (<input type="checkbox"/>) |
| Indeterminable | (<input type="checkbox"/>) | (<input type="checkbox"/>) | (<input type="checkbox"/>) |

Provide an Estimated Cost & Description of Impact:

State Agency:

Political Subdivision:

Regulated Public:

If indeterminable, explain why:

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 17 LICENSURE OF ATHLETIC TRAINERS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of athletic trainers under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-401 to 38-414 of the Athletic Training Practice Act and the Uniform Credentialing Act (UCA).

002. DEFINITIONS. Definitions are set out in the Athletic Training Practice Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 ACCREDITED COLLEGE OR UNIVERSITY. A college or university which is accredited by North Central Association of Colleges and Schools or a comparable regional accrediting body or one whose athletic training curriculum is accredited by the Commission on Accreditation in Athletic Training Education in conjunction with the Council for Higher Education Accreditation.

002.02 CONTINUING EDUCATION ACTIVITY. The various methods in which a licensee can obtain the necessary continuing education for license renewal.

002.03 CONTINUING EDUCATION HOURS. The number of actual clock hours spent in direct participation in a structured education format.

- (A) 1 academic semester hour is equal to 15 contact hours. A 3 credit hour course provides 45 contact hours of continuing education credit.
- (B) 1 academic quarter hour is equal to 10 contact hours. A 3 credit hour course provides 30 contact hours of continuing education credit.

~~002.04 GRADUATE STUDENT. An individual who is enrolled in an accredited graduate athletic training program in an accredited college or university.~~

002.045 LICENSURE EXAMINATION. The examination administered by the National Athletic Trainers Association, Board of Certification, ~~Incorporated~~ (NATABOC).

002.056 REFEREED. Both the editor and 1 or more specialists in the field examine all manuscripts.

~~002.067~~ ~~STUDENT ATHLETIC TRAINER. ATHLETIC TRAINING STUDENT. A person who is practicing athletic training under the supervision of an athletic trainer approved by the Board~~
~~A student who is enrolled in an athletic training education program accredited by an accrediting body approved by the Board. Individuals who graduated prior to January 1, 2004, and who met the National Athletic Trainers Association Board of Certification (NATABOC) internship requirement for certification, are deemed to have met the athletic training student requirement as outlined in Neb. Rev. Stat. § 38-411. in an educational institution, professional athletic organization, or an amateur athletic organization.~~

~~002.08~~ ~~STUDENT ATHLETIC TRAINING. Occurs at an educational institution, professional athletic organization, or an amateur athletic organization where the supervising athletic trainer and student athletic trainer perform athletic training activities.~~

~~002.09~~ ~~SUPERVISING ATHLETIC TRAINER. An athletic trainer licensed in Nebraska, or who meets the Nebraska licensure requirements, responsible for supervising a student athletic trainer an athletic training student through regular evaluations of the student athletic trainer's performance to include review of physical modalities to assure the proper techniques are being utilized.~~

~~002.840~~ ~~SUPERVISION. When providing supervision of an athletic training student student athletic trainer, a supervising athletic trainer must be physically present and immediately available and have the ability to intervene on behalf of the athletic training student student athletic trainer or graduate student and patient.~~

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-401 to 38-414, 172 NAC 10, and this chapter.

003.01 DOCUMENTATION. The following documentation must be provided to the Department.

003.01(A) EDUCATION. Submit documentation and an official transcript, directly from the issuing institution, verifying:

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

~~(i)~~ Graduation after successful completion of ~~the an accredited~~ athletic training education program at curriculum requirements of an accredited college or university. Applicants must provide an official transcript sent directly from the college or university; or

~~(ii)~~ Graduation with a 4-year degree from an accredited college or university and completion of at least 2 consecutive years as ~~an student-athletic-trainer~~ athletic training student under the supervision of an athletic trainer approved by the Board. Applicants must submit documentation verifying the National Athletic Trainers Association Board of Certification (NATABOC) directly to the Department. The supervised training of a student-athletic-trainer-athletic training student must:

~~(1)~~ Have been supervised by an athletic trainer who was licensed in Nebraska or an athletic trainer in another state who met Nebraska licensure requirements

- ~~at the time the student athletic training was performed; and~~
- ~~(2) Have occurred at an educational institution, professional athletic organization, or an amateur athletic organization; and~~
- ~~(3) Have included the daily personal contact of the supervising athletic trainer at the site where the student athletic trainer was performing athletic training activities; and~~
- ~~(4) Have regular evaluations of the student athletic trainer performance completed by the supervising athletic trainer to include review of physical modalities to assure the proper techniques were being utilized.~~
- (ii) For any person who graduated after January 1, 2004:
- (1) Graduation after successful completion of an accredited athletic training education program at an accredited college or university.

003.01(B) EXAMINATION. Documentation of successfully passing the licensure examination with a minimum score of 500.

003.01(C) PASSED LICENSURE EXAMINATION BUT NOT PRACTICING. An applicant who passed the licensure examination more than 3 years prior to the date of application for licensure, and who is not practicing at the time of application for licensure, must present proof to the Department that they meet 1 of the following within the 3 years immediately preceding the application for licensure:

- (i) Completion of 25 hours of continuing education pursuant to these regulations, and holds a current cardiopulmonary resuscitation for healthcare providers (CPR) certificate from a nationally recognized organization that issues the certificates; or
- (ii) Holds a current certification from the National Athletic Trainers Association Board of Certification, ~~Incorporated~~ (NATABOC).

003.01(D) LICENSED IN ANOTHER JURISDICTION BUT NOT PRACTICING. An applicant who is licensed in another jurisdiction and who is not practicing at the time of application for licensure, in addition to 172 NAC 17-003.01(A) and 172 NAC 17-003.01(B), must present proof to the Department that they:

- (i) Have completed 25 hours of continuing education within 3 years of the date of application for licensure and, hold a current cardiopulmonary resuscitation for health care providers (CPR) certificate from a nationally recognized organization that issues the certificates; or
- (ii) Hold a current certification from the National Athletic Trainers Association Board of Certification, ~~Incorporated~~ (NATABOC).

004. DRY NEEDLING. An athletic trainer may perform dry needling only in accordance with the level of education and training successfully completed. Education and training must have been approved by the National Athletic Trainers Association Board of Certification (NATABOC) and includes clinical instruction and application on the performance of dry needling.

005. USE OF EMERGENCY MEDICATION. The athletic trainer is responsible for safe storage of emergency drugs in accordance with the manufacturer's instructions. The athletic trainer must administer emergency drugs as directed in a written protocol developed with the prescriber issuing the prescription. The protocol shall describe:

- (A) Appropriate route of administration;

- (B) Appropriate dose of administration; and
- (C) Any other information deemed necessary by the athletic trainer or the prescriber for emergency management of the patient.

0046. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10. All athletic trainer licenses expire on May 1st of each odd-numbered year.

0057. CONTINUING EDUCATION. On or before May 1 of each odd-numbered year, athletic trainers holding an active license in the State of Nebraska must complete at least 25 hours of acceptable continuing education hours during the preceding 24-month period and hold a current cardiopulmonary resuscitation for healthcare providers (CPR) certificate from a nationally recognized organization that issues the certificates. Documentation of current certification from the National Athletic Trainers Association Board of Certification; ~~Incorporated~~ (NATABOC) will also meet the requirements for continuing education.

0057.01 ACCEPTABLE CONTINUING EDUCATION PROGRAM ACTIVITIES. The Board does not approve continuing education programs or activities. In order for a continuing education activity or program to be accepted for renewal or reinstatement of a license, the activity must ~~include 1 or a combination of the following performance domains:~~ be directly related to the practice of athletic training.

- ~~(1) Injury and illness prevention;~~
- ~~(2) Wellness promotion;~~
- ~~(3) Examination and assessment;~~
- ~~(4) Immediate and emergency care;~~
- ~~(5) Treatment;~~
- ~~(6) Rehabilitation and reconditioning;~~
- ~~(7) Organization and administration; or~~
- ~~(8) Professional development and responsibility.~~

0057.01(A) CONTINUING EDUCATION HOUR AND CREDIT CALCULATIONS. The following is a list of acceptable continuing education programs. Credit is awarded for the actual time spent participating in the continuing education program. Credit will not be awarded for non-working breaks or meals.

0057.01(A)(i) PROGRAMS AT STATE, DISTRICT, AND NATIONAL ASSOCIATION MEETINGS. Must relate to the theory or clinical application of theory pertaining to the practice of athletic training, for example, a meeting of Nebraska or other state athletic training associations or the National Athletic Trainers' Association.

0057.01(A)(ii) WORKSHOPS, SEMINARS, AND CONFERENCES. This includes distance learning opportunities and in-service programs, where the content of the continuing education program or activity directly relates to athletic training ~~and where the subject is in one of the performance domains listed in 172 NAC 17-005.01, items 1 through 8.~~

0057.01(A)(iii) UNIVERSITY OR COLLEGE SPONSORED COURSES. The content of the course must relate to athletic training. The licensee must provide documentation of successful completion of the course.

0057.01(A)(iv) FORMAL SELF-STUDY. The content of the self-study activity must relate to athletic training. The self-study program must have a testing mechanism scored by the formal self-study provider.

0057.01(A)(v) RESEARCH AND SCHOLARLY PUBLICATIONS. Must relate to athletic training and be intended for an audience of health care professionals. Licensees may earn up to a maximum of 10 hours of continuing education each renewal period for:

- (1) Authoring an article in a non-refereed journal. 5 hours may be earned per article. Required documentation must include a copy of the article.
- (2) Authoring an article in a refereed journal. 10 hours may be earned per article. Required documentation must include a copy of the article.
- (3) Authoring a published textbook. 10 hours may be earned per book. Required documentation must include a copy of the title page.
- (4) Authoring a poster presentation. 5 hours may be earned per presentation. Required documentation must include a letter of acknowledgement.
- (5) Authoring a home study course. 5 hours may be earned per course. Required documentation must include a copy of the home study course and materials.

0057.01(A)(vi) SCIENTIFIC PRESENTATION. A licensee acting as an essayist or a lecturer to athletic trainers or other credentialed health care professionals will be awarded 1 hour credit for each hour of scientific presentation at workshops, seminars, in-service training, conferences, or guest lectures if the program or activity relates to the practice of athletic training. A licensee may receive continuing education credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program. A licensee may complete a maximum of 4 hours of continuing education credit for presentations in a renewal period.

0057.02 NON-ACCEPTABLE CONTINUING EDUCATION. Continuing education credit will not be awarded for programs where the content does not relate to athletic training ~~even if the subject is one of the performance domains listed in 172 NAC 17-005.01, items 1 through 8.~~ The following list includes subjects that may be directly related to the practice of athletic training, but are not acceptable for continuing education:

- (A) Medical terminology courses;
- (B) Athletic training daily activities, which may include:
 - (i) Activities included with contract employment;
 - ~~(ii) Supervision of student athletic trainers;~~
 - (iii) Athletic training facility responsibilities;
 - ~~(iviii)~~ Observation of other athletic trainers; and
- (C) Athletic training orientation programs or activities that include new policies, procedures, equipment, forms, responsibilities, and services.

0068. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179, 172 NAC 10, and this chapter:

- (A) Providing services for which the athletic trainer is not educated, trained, or experienced;
- (B) Performing or agreeing to perform procedures when the procedures are known to be a departure from standard or acceptable and prevailing practice in athletic training, but not to include a single act of ordinary negligence;
- (C) Committing any act which endangers public safety or welfare or failure to follow policies and procedures implemented in the practice situation to safeguard the public;
- (D) Failing to safeguard the welfare of the public and maintain professional relationships with clients patients;
- (E) Delegating to other personnel those services for which the clinical skills and expertise of an athletic trainer are required;
- (F) Providing services or promoting the sale of devices, appliances, or products to a person who cannot reasonably be expected to benefit from the services, devices, appliances, or products;
- (G) Discriminating in the provision of services to individuals on the basis of gender, race, religion, or national origin;
- (H) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of an athletic trainer; and
- (I) Failing to furnish the Department or its investigator with requested information or requested documents during an investigation of the licensee.

0079. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

00810. FEES. Fees are set out in 172 NAC 2.