

EFFECTIVE
06/20/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 114

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 114 LICENSURE OF OCCUPATIONAL THERAPY

001. SCOPE AND AUTHORITY. These regulations govern the licensure of occupational therapists and occupational therapy assistants under Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-2501 to 38-2531 of the Occupational Therapy Practice Act and the Uniform Credentialing Act (UCA).

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

002.01 ACTIVE LICENSE. The license of a person who is acting, practicing, functioning and working in compliance with the requirements of a license.

002.02 APPROVED SUPERVISED FIELD WORK EXPERIENCE. A period of supervised field work experience at an educational institution approved by the Department and where the occupational therapists or occupational therapy assistant's academic work was successfully completed or which was part of a training program approved by the educational institution. A minimum of 6 months of supervised field work experience will be required for an occupational therapist and a minimum of 2 months of supervised field work experience is required for an occupational therapy assistant.

002.03 ASSOCIATION. A recognized national or state association for occupational therapy.

002.04 BASIC EDUCATIONAL PROGRAM AND EDUCATIONAL PROGRAM:

- (A) A program for the education of occupational therapists which is recognized by the Department and accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, the World Federation of Occupational Therapists, or predecessor organizations.
- (B) A program for the education of occupational therapy assistants which is recognized by the Department and accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association, the World Federation of Occupational Therapists or predecessor organizations.

002.05 CERTIFICATION EXAMINATION. The Nebraska Physical Agent Modalities Testing Service Examination administered by the Physical Agent Modalities Practitioner Credentialing Agency (PAMPCA).

002.06 CERTIFIED OCCUPATIONAL THERAPY ASSISTANT. A person who is certified pursuant to guidelines established by the National Board for Certification in Occupational Therapy (NBCOT).

002.07 CONSULTATION OR IN ASSOCIATION WITH. Providing professional advice.

002.08 CONTINUING EDUCATION. Planned, organized learning activities designed to maintain, improve, or expand a licensee's knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

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

002.10 HOUR AS IT RELATES TO CONTINUING EDUCATION. At least 60 minutes of participation in an organized learning experience otherwise known as a contact hour.

(A) One academic semester hour is equal to 15 contact hours. An approved three credit hour course provides 45 contact hours of continuing education credit.

(B) One academic quarter hour is equal to 10 contact hours. An approved 3 credit hour course would provide 30 contact hours of continuing education credit.

002.11 LASER. A mechanism for emitting electromagnetic radiation using heat via the process of stimulated emission. This does not include a method where light is applied to tissue in order to influence cell or tissue functions with such low light that heating is negligible.

002.12 LICENSURE EXAMINATION. The National Board for Certification in Occupational Therapy (NBCOT) Examination administered by the Professional Examination Service.

002.13 NATIONAL ASSOCIATION. The American Occupational Therapy Association or equivalent organization.

002.14 OCCUPATIONAL THERAPIST REGISTERED. A person who is registered under guidelines established by the National Board for Certification in Occupational Therapy (NBCOT).

002.15 ONSITE. The location where the occupational therapy assistant is providing occupational therapy services.

002.16 ONSITE SUPERVISION. The occupational therapist or occupational therapy assistant must be physically present at the practice site to direct all actions when occupational therapy services are being provided.

002.17 SUPERVISION. The process by which the quantity and quality of work of an occupational therapy assistant is monitored. Supervision means the directing of the authorized activities of an occupational therapy assistant by a licensed occupational therapist

and will not be construed to require the physical presence of the supervisor when carrying out assigned duties.

002.18 TREATMENT PLAN. A written statement setting forth the goals, method of treatment, and time frame for goal achievement.

003. LICENSURE 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. §§ 38-2501, 38-2531, 172 NAC 10, and this chapter.

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

003.01(A) EDUCATION. An official transcript, sent directly from the issuing institution, verifying successful completion of an educational program in occupational therapy for an occupational therapist or occupational therapy assistant.

003.01(B) EXAMINATION. Documentation of passing the licensure examination sent directly to the Department from the National Board of Certification in Occupational Therapy. An applicant who passed the examination more than 3 years prior to the date of application and who is not practicing at the time of application for licensure must provide documentation to the Department of obtaining 50 hours of continuing education within the 3 years immediately preceding the date of application. The 50 hours of continuing education must show 30 hours related to the clinical practice of occupational therapy and 20 hours related to the practice of occupational therapy.

003.01(C) FIELD EXPERIENCE. Provide documentation of successful completion of a supervised fieldwork experience for an occupational therapy or for an occupational therapy assistant.

003.01(D) OTHER PROOF OF COMPETENCY. An applicant who holds an occupational therapy license in another jurisdiction and who is not currently practicing must provide documentation to the Department of having obtained 50 hours of continuing education within the 3 years immediately preceding the date of application. The 50 hours of continuing education must show 30 hours related to the clinical practice of occupational therapy and 20 hours related to the practice of occupational therapy.

003.02 TEMPORARY LICENSE. A temporary license may be issued to an applicant who has submitted documentation of meeting the educational and experience requirements for licensure under this chapter, except passing or failing the licensure examination. A temporary license allows the applicant to practice only in association with a licensed occupational therapist and is valid until the date the results of the licensure examination are available to the Department. A temporary license can be extended if the licensee was unable to take the licensure examination and can provide proof of good cause. A temporary license may not be

extended beyond 1 year or if the licensee has taken the licensure examination. Documentation showing good cause, includes but is not limited to:

- (A) Military Service: An applicant who has served in the regular armed forces of the United States during part of the credentialing period immediately or is actively engaged in military service as defined in 172 NAC 114-002. The applicant must document their military service by submitting to the Department:
 - (i) Military identification proving that they are in active service;
 - (ii) Military orders; or
 - (iii) A letter from the licensee's commanding officer indicating that they are on active duty;
- (B) Illness: These circumstances may include proof that the credential holder was suffering from a serious or disabling illness or physical disability. The applicant must document their illness by submitting to the Department a statement from the treating physician stating that the individual was injured or ill, the duration of the illness or injury and of the recovery period; or
- (C) Other circumstances: An applicant who suffered from circumstances beyond their control must submit documentation of the circumstances.

003.03 REQUIREMENTS FOR CERTIFICATION TO APPLY PHYSICAL AGENT MODALITIES. In order to apply physical agent modalities, a licensed occupational therapist or licensed occupational therapy assistant must be certified by the Department. Any person who wishes to administer the modalities must obtain certification under Neb. Rev. Stat. § 38-2530. Physical agent modalities may be used by occupational therapy practitioners when used as an adjunct to, or in preparation for purposeful activity to enhance occupational therapy performance. Occupational therapy practitioners must have documented evidence of possessing the theoretical background and technical skills for safe and competent use.

003.03(A) SUPERFICIAL THERMAL AGENT MODALITIES DOCUMENTATION. The following documentation must be provided to the Department.

003.03(A)(i) BOARD APPROVED TRAINING. Provide a transcript or certification showing successful completion of a minimum of 6 hours of Board approved training or its equivalent and passing an end-of-course written or computer-based examination approved by the Board which tests competency in the use of superficial thermal agent modalities. The training must include the following:

- (1) Biophysical and bio-physiological changes which occur with cryotherapy;
- (2) Indications, contraindications and precautions for the application of cold agents;
- (3) Clinical reasoning involved in the application of cold agents;
- (4) Commonly used types of cold agents;
- (5) Application procedures for each cold modality;
- (6) Definition of the term superficial thermal agent;
- (7) Differentiation between the two commonly used methods of heat transfer: conduction and convection;
- (8) The four biophysical effects of heat;
- (9) The physiologic response to tissue secondary to temperature elevation;

- (10) Differentiation between mild, moderate and vigorous dosages of heat;
- (11) Indications, precautions, and contraindications that should be considered when using superficial thermal agents;
- (12) Proper clinical applications for hot packs, paraffin bath, fluidotherapy, whirlpool, and contrast bath;
- (13) Guidelines for educating the client and family in the purpose, benefits and potential risks of the modality; and
- (14) Universal precautions, sterile techniques, infection control, and the use of modalities; or

003.03(A)(ii) HAND THERAPY CERTIFICATION. Provide documentation of being certified as a hand therapist by the Hand Therapy Certification Commission or other equivalent entity recognized by the Board. Any occupational therapist who bases their certificate on their hand therapist certification will receive certification for all 3 levels of physical agent modalities; or

003.03 (A)(iii) EXPERIENCE. Provide documentation showing a minimum of 5 years of experience in the use of the superficial thermal agent modalities and documentation of passing the Nebraska Physical Agent Modalities Testing Service Examination titled Superficial Thermal Agents Test sent directly to the Department; or

003.03(A)(iv) BASIC EDUCATIONAL PROGRAM. Submit an application provided by the Department as documentation of successfully completing education during a basic educational program which includes demonstration of competencies for application of the superficial thermal agent modalities.

003.03(B) DEEP THERMAL AGENT MODALITIES DOCUMENTATION. The following documentation must be provided to the Department.

003.03(B)(i) BOARD APPROVED TRAINING. Provide a transcript or certification showing successful completion of a minimum of 12 hours of Board approved training or its equivalent and passing an end-of-course written or computer-based examination and a practical examination approved by the Board which tests competency in the use of deep thermal agent modalities. The training must include the following:

- (1) Theory and rationale for the application of therapeutic ultrasound;
- (2) Differentiation between the parameters for therapeutic ultrasound;
- (3) Current research trends in the utilization of ultrasound;
- (4) Clinical decision making in the determination of the appropriate treatment parameters for ultrasound;
- (5) Clinical procedures for the application of ultrasound;
- (6) Safe use of ultrasound, contraindications and precautions for treatment; and
- (7) Methods for maximizing therapeutic effect in the use of phonophoresis as a physical agent modality; or

003.03(B)(ii) HAND THERAPY CERTIFICATION. Provide documentation of being certified as a hand therapist by the Hand Therapy Certification Commission or other

equivalent entity recognized by the Board. Any occupational therapist who bases their certificate on their hand therapist certification will receive certification for all 3 levels of physical agent modalities; or

003.03(B)(iii) EXPERIENCE. Provide documentation showing a minimum of 5 years of experience in the use of the deep thermal agent modalities and documentation of passing the Nebraska Physical Agent Modalities Testing Service Examination titled Deep Thermal Agents sent directly to the Department; or

003.03(B)(iv) BASIC EDUCATIONAL PROGRAM. Submit an application provided by the Department as documentation of successfully completing education during a basic educational program which includes demonstration of competencies for application of the deep thermal agent modalities.

003.03(C) ELECTROTHERAPEUTIC AGENT MODALITIES DOCUMENTATION. The following documentation must be provided to the Department.

003.03(C)(i) BOARD APPROVED TRAINING. Provide a transcript or certification showing successful completion of a minimum of 22 hours of Board approved training or its equivalent and passing an end-of-course written or computer-based examination and a practical examination approved by the Board which tests competency in the use of electrotherapeutic agent modalities. The training must include the following:

- (1) Available parameters of electrical stimulation devices and the principles and concepts of electricity;
- (2) Physiological effects of electrical stimulation;
- (3) Therapeutic goals of electrical therapy;
- (4) Physiological events associated with electrical stimulation;
- (5) Distinguishing characteristic and indications and contraindications of electrical stimulation;
- (6) Physiological effects of various parameters of electrical stimulation, such as voltage, type, dosage, or duty cycle;
- (7) Therapeutic relationship of electrotherapy with other therapeutic procedures;
- (8) Clinical application of electrical stimulation in rehabilitation;
- (9) Clinical reasoning process used to determine selection of Neuromuscular Electrical Stimulation (NMES) and appropriate parameters;
- (10) Parameters of therapeutic electrical currents;
- (11) Bio physiological responses to electrical currents;
- (12) Indications and contraindications for neuromuscular electrical stimulation use;
- (13) Appropriate electrode placement for treatment protocols;
- (14) Clinical applications for iontophoresis;
- (15) Definition and differentiation of the clinical application of iontophoresis from phonophoresis;
- (16) Bio physiology and mechanism related to transdermal delivery of medication;
- (17) Common medications used in iontophoresis and their pharmacology;
- (18) Clinical decision making regarding iontophoresis, indications and precautions;
- (19) The processes in pharmacokinetics: absorption, distribution, and metabolism;

- (20) The processes of pharmacodynamics as it pertains to routine drugs used in phonophoresis and iontophoresis;
- (21) Effects of physical agents, exercise, and manual techniques on pharmacokinetics;
- (22) The aging process as it relates to pharmacokinetics; and
- (23) Other nationally recognized commercially available technologies; or

003.03(C)(ii) HAND THERAPY CERTIFICATION. Provide documentation of being certified as a hand therapist by the Hand Therapy Certification Commission or other equivalent entity recognized by the Board. Any occupational therapist who bases their certificate on their hand therapist certification will receive certification for all 3 levels of physical agent modalities; or

003.03(C)(iii) EXPERIENCE. Provide documentation showing a minimum of 5 years of experience in the use of the electrotherapeutic agent modalities and documentation of passing the Nebraska Physical Agent Modalities Testing Service Examination titled Electrotherapeutic Agents Test sent directly to the Department; or

003.03(C)(iv) BASIC EDUCATION PROGRAM. Submit an application provided by the Department as documentation of successfully completing education during a basic educational program which includes demonstration of competencies for application of the electrotherapeutic agent modalities.

004. APPROVAL OF PHYSICAL AGENT MODALITY COURSES. To have a physical agent modality training course approved by the Board, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the training course meets the requirements of Neb. Rev. Stat. § 38-2530 and this chapter.

004.01 ACCESS. Approved courses must be open to all licensees.

004.02 AUDIT ACCESS. Providers must allow employees of the Department or its designees, to audit classroom course instruction, course materials, instructors' presentations, course records, and records of examination, attendance rosters and other aspects of instruction. These auditors must not be hindered, obstructed, delayed, prevented or interfered with while conducting or attempting to conduct an audit. Audits will be conducted with a minimum of disruptions. Providers agree that auditors may attend any Board-approved course offered for the purpose of the audit without paying any fee. Providers must grant the Department or its designees the right to audit records at the premises of the provider or at the physical location of the records.

004.03 RECORD KEEPING. Providers must keep all records of attendance, records of examination, course records and requests for duplicate course completion certificates on file for 5 years. These records must be available to the Department upon request.

004.04 REAPPLICATION. Once approved, a course may not be substantially altered without a new application being submitted to the Board. A substantial alteration is any change that would modify the content or time allocations would change any of the course topics or a

change in instructors. If there is a change in instructors, the provider must request approval of the instructor by submitting a curriculum vitae for the new instructor. The Board will evaluate the curriculum vitae and reaffirm or deny the physical agent modality course approval.

004.05 ADVERTISEMENT. A course may not be advertised or otherwise promoted as appropriate for Nebraska physical agent modality certification until the course has been approved by the Board. Advertising a course as being offered for physical agent modality certification before approval of the course is grounds for disqualification of the course.

004.06 APPROVAL REVOCATION. The approval of a physical agent modality course will be revoked if a provider of the course is found to have issued a certificate of course completion to an individual who did not complete the course.

005. REQUIREMENTS FOR CONSULTING WITH OR SUPERVISING AN OCCUPATIONAL THERAPY ASSISTANT. An occupational therapy assistant may assist in the practice of occupational therapy under the supervision of or in consultation with an occupational therapist.

005.01 STANDARDS. An occupational therapist that is supervising or consulting with an occupational therapy assistant must meet the following standards:

- (A) Evaluate each patient prior to treatment by the occupational therapy assistant;
- (B) Develop a treatment plan outlining which elements have been delegated to the occupational therapy assistant;
- (C) Monitor the patient's progress;
- (D) Approve any change in the occupational therapy treatment plan;
- (E) Ensure that the occupational therapy assistant is assigned only to duties and responsibilities for which he or she has been specifically trained and is qualified to perform;
- (F) Review all documentation written by the occupational therapy assistant;
- (G) Interpret the results of tests which are administered by the occupational therapy assistant; and
- (H) Evaluate the treatment plan and determine termination of treatment.

005.02 REQUIREMENTS. An occupational therapist supervising an occupational therapy assistant must meet the following requirements:

- (A) A minimum of 4 hours per month of on-site supervision if an occupational therapy assistant has more than 1 year satisfactory work experience as an occupational therapy assistant; or
- (B) A minimum of 8 hours per month of on-site supervision if an occupational therapy assistant has less than 1 year satisfactory work experience as an occupational therapy assistant.

006. SUPERVISION OF AIDES IN OCCUPATIONAL THERAPY. An aide, as used in occupational therapy practice, is an individual who provides supportive services to the occupational therapist and the occupational therapy assistant. Aides are not primary service providers of occupational therapy in any practice setting. Aides do not provide skilled occupational therapy services. An aide is trained by an occupational therapist or an occupational

therapy assistant to perform specifically delegated tasks. The occupational therapist is responsible for the overall use and actions of the aide. An aide first must demonstrate competency to be able to perform the assigned, delegated client and non-client-related tasks.

- (A) The occupational therapist must oversee the development, documentation, and implementation of a plan to supervise and routinely assess the ability of the occupational therapy aide to carry out client and non-client-related tasks. The occupational therapy assistant may contribute to the development and documentation of this plan.
- (B) The occupational therapy assistant may supervise the aide.
- (C) Non-client-related tasks include clerical and maintenance activities and preparation of the work area or equipment.
- (D) Client-related tasks are routine tasks during which the aide may interact with the client but does not act as a primary service provider of occupational therapy services. Onsite supervision of an aide is required by an occupational therapist or an occupational therapy assistant when an aide is performing all client-related tasks. Onsite supervision of an aide means that the occupational therapist or occupational therapy assistant must be physically present at the practice site to direct all actions when occupational therapy services are being provided.

006.01 DELEGATION FACTORS. The following factors must be present when an occupational therapist or occupational therapy assistant delegates a selected client-related task to the aide:

- (A) The outcome anticipated for the delegated task is predictable;
- (B) The situation of the client and the environment is stable and will not require that judgment, interpretations, or adaptations be made by the aide;
- (C) The aide has demonstrated some previous performance ability in executing the task; and
- (D) The task routine and process have been clearly established.

006.02 TRAINING REQUIREMENTS. When performing delegated client-related tasks, the supervisor must ensure that the aide:

- (A) Is trained and able to demonstrate competency in carrying out the selected task and using equipment, if appropriate;
- (B) Has been instructed on how to specifically carry out the delegated task with the specific client; and
- (C) Knows the precautions, signs, and symptoms for the particular client that would indicate the need to seek assistance from the occupational therapist or occupational therapy assistant.

006.03 REQUIRED DOCUMENTATION. The supervision of the aide must be documented and include:

- (A) Information about frequency and methods of supervision used;
- (B) The content of the supervision; and
- (C) The names and credential of all persons participating in the supervisory process.

006.04 PROHIBITED TASKS. An occupational therapy aide may not perform evaluation, reevaluation, treatment planning or establish treatment goals.

007. RENEWAL WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in Neb. Rev. Stat. § 38-2521 and 172 NAC 10. All occupational therapist and occupational therapy assistant licenses expire on August 1st of each even-numbered year.

008. CONTINUING EDUCATION. On or before August 1st of each even-numbered year, individuals holding an active license in the State of Nebraska must complete at least 20 hours of acceptable continuing education if an occupational therapist and 15 hours of acceptable continuing education if an occupational therapy assistant. Continuing education hours must be obtained during the preceding 24-month period.

008.01 CONTINUING EDUCATION HOUR CALCULATIONS. The following provides the hour calculations for acceptable continuing education.

008.01(A) PROGRAMS AT STATE AND NATIONAL ASSOCIATION MEETINGS. Includes, but is not limited to, a meeting of the Nebraska or other state occupational therapy associations or the American Occupational Therapy Association. Must relate directly to the theory of Occupational Therapy. Documentation must include a certificate of attendance and a program outline or objectives. One hour for each hour of attendance.

008.01(B) WORKSHOPS, SEMINARS, WEBINARS AND CONFERENCES. The content of the continuing education activity must relate to occupational therapy whether the subject is research, treatment, documentation, or education management, and includes monitored videotapes, and in-service programs. Documentation must include a certificate of attendance and a program outline or objectives. One hour for each hour of attendance.

008.01(C) UNIVERSITY OR COLLEGE SPONSORED COURSES. The content of the course must relate to occupational therapy whether the subject is research, treatment, documentation, education, or management. Documentation must include an official transcript and a program outline or objectives.

008.01(D) FORMAL SELF-STUDY. The content of the self-study activity must relate to occupational therapy whether the subject is research, treatment, documentation, education, or management. The self-study program must have a testing mechanism. Documentation must include a certificate of completion and a program outline or objectives. One hour for each hour of attendance.

008.01(E) MANAGEMENT COURSES. Must pertain to the practice of occupational therapy. An occupational therapist may complete a maximum of 10 hours of continuing education utilizing management courses each 24-month renewal period. An occupational therapy assistant may complete a maximum of 7.5 hours of continuing education utilizing management courses each 24-month renewal period. Documentation must include a certificate of attendance and a program outline or objectives. One hour for each hour of attendance.

008.01(F) SUPERVISION. Student supervision by an occupational therapist or

occupational therapy assistant. One contact hour is earned for being a primary direct clinical supervisor for each student's entire level II fieldwork experience. Licensee may receive a maximum of 2 contact hours of continuing education by supervising a student each 24-month renewal period. Documentation must include a copy of the signature page of the completed fieldwork evaluation form for each supervised student.

008.01(G) RESEARCH. Participation in research or other scholarly activities that result in professional publication or acceptance for publication that relate to occupational therapy. Four contact hours will be received for each publication. Licensees may earn up to a maximum of 10 contact hours of continuing education each 24-month renewal period for authorship, editorship, co-authorship, co-editorship, or all of these, of a juried publication relating to occupational therapy. Documentation must include a copy of the final publication or verification of publication.

008.01(H) INFORMAL SELF-STUDY. A licensee may earn up to a maximum of 2 contact hours of continuing education each 24-month renewal period for completion of the following activities or a combination of such activities:

- (1) Reading related to occupational therapy practice;
- (2) Observing other occupational therapists;
- (3) Viewing videotapes without a supervisor; and
- (4) Quality assurance or peer review studies.

008.01(H)(i) DOCUMENTATION. Documentation when reading or viewing videotapes must include the name of the article, book or videotape and a brief synopsis of what was learned. Documentation, when observing other therapists and participating in quality assurance and peer review studies, must include a statement from the licensee explaining what was learned.

008.01(I) NATIONALLY RECOGNIZED SPECIALTY CERTIFICATION EXAMINATIONS. A licensee will earn 20 contact hours of continuing education each 24-month renewal period for successful completion of a nationally recognized specialty certification examination related to an area of advanced practice in the field of occupational therapy. Documentation must include a copy of the certification.

008.01(J) PRESENTATIONS. One hour credit will be awarded for each hour of scientific presentation by a licensee at workshops, seminars, in-service training, conferences, or guest lectures which relate to the practice of occupational therapy. 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 24-month renewal period. A licensee's documentation must include the presentation outline, course objectives, date, location, time, and type of audience.

008.01(K) NON-ACCEPTABLE CONTINUING EDUCATION. Continuing education credit will not be awarded for programs where the content does not relate to occupational therapy whether the subject is research, treatment, documentation, education, or

management, including but not limited to:

- (i) Medical terminology courses;
- (ii) Occupational therapy on-the-job training;
- (iii) Occupational therapy orientation programs, including orientation to new policies, procedures, equipment, forms, responsibilities, services, etc.; or
- (iv) Cardiopulmonary resuscitation or other related training.

009. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter and includes:

009.01 REPRESENTATION. Failing to accurately represent the licensee's skills to a patient or client;

009.02 DELEGATION. Delegating to other personnel those patient or client related services when the clinical skills and expertise of an occupational therapist is required;

009.03 PROVIDE SERVICES. Declining to provide occupational therapy services that have been requested when such services are believed to be contraindicated or unjustified;

009.04 SAFETY. Committing any act which endangers patient or client safety or welfare;

009.05 POLICIES AND PROCEDURES. Failing to follow policies or procedures implemented in the practice situation to safeguard patient care;

009.06 PATIENT DIGNITY. Failing to safeguard the patient's dignity and right to privacy; violating the confidentiality of information or knowledge concerning the patient;

009.07 RECORDS. Failing to accurately record and report information or falsification or unauthorized destruction of patient records;

009.08 SUPPLIES. Misappropriating supplies or personal items of a patient or client or agency;

009.09 SUPERVISION. Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of the licensed professional;

009.10 ABUSE. Verbally or physically abusing patients;

009.11 SEXUAL RELATIONSHIP. Engaging in sexual relationships, whether consensual or nonconsensual, with any patient while a physical therapist or physical therapist assistant - patient relationship exists.

009.12 SEXUAL HARASSMENT. Engaging in sexual harassment of patients. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature as a condition of: The provision or denial of occupational therapy to a patient; or

EFFECTIVE
06/20/2020

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 114

- (A) For the purpose or effect of creating an intimidating, hostile, or offensive environment for the patient or unreasonably interfering with a patient's ability to recover.

009.13 COMPETENCE. Providing services for which they are not trained or experienced.

009.14 PRACTICE. Practicing the profession of occupational therapy while the license, certificate or registration is suspended or is guilty of practicing such profession while their license to do so is suspended or is guilty of practicing such profession while violating any limitation placed upon their license, certificate, or registration; or

009.15 COMPLY WITH DEPARTMENT INVESTIGATION. Failure of an applicant or credential holder who is the subject of a pre-licensure or disciplinary investigation to furnish the Board, the Department, or its investigator with requested information or requested documents.

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

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