

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1108

Introduced by Erdman, 47.

Read first time January 23, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to mental health practitioners; to
2 amend sections 38-2112 and 38-2124, Revised Statutes
3 Supplement, 2007; to redefine a term; to change licensure
4 requirements; to provide an operative date; and to repeal
5 the original sections.

6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2112, Revised Statutes Supplement,
2 2007, is amended to read:

3 38-2112 Consultation means a professional collaborative
4 relationship between a licensed mental health practitioner and a
5 consultant who is a psychologist licensed to engage in the practice
6 of psychology as provided in section 38-3111, ~~or~~ a qualified
7 physician, or a licensed independent mental health practitioner in
8 which (1) the consultant makes a diagnosis based on information
9 supplied by the licensed mental health practitioner and any
10 additional assessment deemed necessary by the consultant and (2)
11 the consultant and the licensed mental health practitioner jointly
12 develop a treatment plan which indicates the responsibility of each
13 professional for implementing elements of the plan, updating the
14 plan, and assessing the client's progress.

15 Sec. 2. Section 38-2124, Revised Statutes Supplement,
16 2007, is amended to read:

17 38-2124 (1) No person shall hold himself or herself out
18 as an independent mental health practitioner unless he or she is
19 licensed as such by the department. A person shall be qualified to
20 be a licensed independent mental health practitioner if he or she:

21 (a) (i) (A) Graduated with a masters' or doctoral degree
22 from an educational program which is accredited, at the time of
23 graduation or within four years after graduation, by the Council
24 for Accreditation of Counseling and Related Educational Programs,
25 the Commission on Accreditation for Marriage and Family Therapy

1 Education, or the Council on Social Work Education or (B) graduated
2 with a masters' or doctoral degree from an educational program
3 deemed by the board to be equivalent in didactic content and
4 supervised clinical experience to an accredited program;

5 (ii) Is licensed as a provisional mental health
6 practitioner or a licensed mental health practitioner; ~~and~~

7 (iii) Has three thousand hours of experience obtained
8 in a period of not less than two nor more than five years and
9 supervised by a licensed physician, a licensed psychologist, or a
10 licensed independent mental health practitioner, one-half of which
11 is comprised of experience with clients diagnosed under the major
12 mental illness or disorder category; and ~~or~~

13 (iv) Has satisfactorily passed an examination approved by
14 the board pursuant to subdivision (3) of section 38-2122; or

15 (b) (i) Graduated from an educational program which does
16 not meet the requirements of subdivision (a) (i) of this subsection;

17 (ii) Is licensed as a provisional mental health
18 practitioner or a mental health practitioner; and

19 (iii) Has seven thousand hours of experience obtained in
20 a period of not less than ten years and supervised by a licensed
21 physician, a licensed psychologist, or a licensed independent
22 mental health practitioner, one-half of which is comprised of
23 experience with clients diagnosed under the major mental illness or
24 disorder category.

25 (2) The experience required under this section shall be

1 documented in a reasonable form and manner as prescribed by the
2 board, which may consist of sworn statements from the applicant and
3 his or her employers and supervisors. The board shall not in any
4 case require the applicant to produce individual case records.

5 (3) The application for an independent mental health
6 practitioner license shall include the applicant's social security
7 number.

8 Sec. 3. This act becomes operative on December 1, 2008.

9 Sec. 4. Original sections 38-2112 and 38-2124, Revised
10 Statutes Supplement, 2007, are repealed.