

LEGISLATURE OF NEBRASKA  
NINETY-EIGHTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1145**

Introduced by Jensen, 20

Read first time January 20, 2004

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to health and human services; to amend sections  
2 71-101, 71-102, 71-107, 71-110, 71-112, 71-113, 71-114,  
3 71-116, 71-131, 71-139.02, 71-162, 71-1,312, and 83-164,  
4 Reissue Revised Statutes of Nebraska, section 83-4,157,  
5 Revised Statutes Supplement, 2002, and section 60-6,209,  
6 Revised Statutes Supplement, 2003; to provide for  
7 licensure of alcohol and drug abuse counselors; to create  
8 a board; to provide for fees; to provide and change  
9 powers and duties; to harmonize provisions; and to repeal  
10 the original sections.  
11 Be it enacted by the people of the State of Nebraska,

1                   Section 1.           Section 60-6,209, Revised Statutes  
2 Supplement, 2003, is amended to read:

3                   60-6,209. (1) Any person whose operator's license has  
4 been revoked pursuant to sections 60-6,196, 60-6,197, and 60-6,199  
5 to 60-6,204 for a third or subsequent time for a period of fifteen  
6 years may apply to the Department of Motor Vehicles, on forms  
7 prescribed by the department, requesting the department to make a  
8 recommendation to the Board of Pardons for reinstatement of his or  
9 her eligibility for an operator's license. Upon receipt of the  
10 application, the Director of Motor Vehicles shall review the  
11 application if such person has served at least seven years of such  
12 revocation and make a recommendation for reinstatement or for  
13 denial of reinstatement.           The department may recommend  
14 reinstatement if such person shows the following:

15                   (a) Such person has completed a state-certified substance  
16 abuse program and is recovering or such person has substantially  
17 recovered from the dependency on or tendency to abuse alcohol or  
18 drugs;

19                   (b) Such person has not been convicted, since the date of  
20 the revocation order, of any subsequent violations of section  
21 60-6,196 or 60-6,197 or any comparable city or village ordinance  
22 and the applicant has not, since the date of the revocation order,  
23 submitted to a chemical test under section 60-6,197 that indicated  
24 an alcohol concentration in violation of section 60-6,196 or  
25 refused to submit to a chemical test under section 60-6,197;

26                   (c) Such person has not been convicted, since the date of  
27 the revocation order, of driving while under suspension,  
28 revocation, or impoundment under section 60-4,109;

1           (d) Such person has abstained from the consumption of  
2 alcoholic beverages and the consumption of drugs except at the  
3 direction of a licensed physician or pursuant to a valid  
4 prescription; and

5           (e) Such person's operator's license is not currently  
6 subject to suspension or revocation for any other reason.

7           (2) In addition, the department may require other  
8 evidence from such person to show that restoring such person's  
9 privilege to drive will not present a danger to the health and  
10 safety of other persons using the highways.

11           (3) Upon review of the application, the director shall  
12 make the recommendation to the Board of Pardons in writing and  
13 shall briefly state the reasons for the recommendations. The  
14 recommendation shall include the original application and other  
15 evidence submitted by such person. The recommendation shall also  
16 include any record of any other applications such person has  
17 previously filed under this section.

18           (4) The department shall adopt and promulgate rules and  
19 regulations to govern the procedures for making a recommendation to  
20 the Board of Pardons. Such rules and regulations shall include the  
21 requirement that the treatment programs and counselors who provide  
22 information about such person to the department must be certified  
23 or licensed by the state.

24           (5) If the Board of Pardons reinstates such person's  
25 eligibility for an operator's license, such reinstatement may be  
26 conditioned for the duration of the original revocation period on  
27 such person's continued recovery. If such person is convicted of  
28 any subsequent violation of section 60-6,196 or 60-6,197, the

1 reinstatement of the person's eligibility for an operator's license  
2 shall be withdrawn and such person's operator's license will be  
3 revoked by the Department of Motor Vehicles for the time remaining  
4 under the original revocation, independent of any sentence imposed  
5 by the court, after thirty days' written notice to the person by  
6 first-class mail at his or her last-known mailing address as shown  
7 by the records of the department.

8           (6) If the Board of Pardons reinstates a person's  
9 eligibility for an operator's license, the board shall notify the  
10 Department of Motor Vehicles of the reinstatement. Such person may  
11 apply for an operator's license upon payment of a fee of one  
12 hundred twenty-five dollars and the filing of proof of financial  
13 responsibility. The fees paid pursuant to this section shall be  
14 collected by the department and remitted to the State Treasurer.  
15 The State Treasurer shall credit seventy-five dollars of each fee  
16 to the General Fund and fifty dollars of each fee to the Department  
17 of Motor Vehicles Cash Fund.

18           Sec. 2. Section 71-101, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           71-101. Sections 71-101 to 71-1,107.30, 71-1,133 to  
21 71-1,338, 71-1,343 to 71-1,349, 71-1301 to 71-1354, and 71-2801 to  
22 71-2823 and sections 14 to 24 of this act shall be known and may be  
23 cited as the Uniform Licensing Law.

24           For purposes of the Uniform Licensing Law, unless the  
25 context otherwise requires:

26           (1) Board or professional board means one of the boards  
27 appointed by the State Board of Health pursuant to sections 71-111  
28 and 71-112;

1           (2) Licensed, when applied to any licensee in any of the  
2 professions named in section 71-102, means a person licensed under  
3 the Uniform Licensing Law;

4           (3) Profession or health profession means any of the  
5 several groups named in section 71-102;

6           (4) Department means the Department of Health and Human  
7 Services Regulation and Licensure;

8           (5) Whenever a particular gender is used, it is construed  
9 to include both the masculine and the feminine, and the singular  
10 number includes the plural when consistent with the intent of the  
11 Uniform Licensing Law;

12           (6) License, licensing, or licensure means permission to  
13 engage in a health profession which would otherwise be unlawful in  
14 this state in the absence of such permission and which is granted  
15 to individuals who meet prerequisite qualifications and allows them  
16 to perform prescribed health professional tasks and use a  
17 particular title;

18           (7) Certificate, certify, or certification, with respect  
19 to professions, means a voluntary process by which a statutory,  
20 regulatory entity grants recognition to an individual who has met  
21 certain prerequisite qualifications specified by such regulatory  
22 entity and who may assume or use the word certified in the title or  
23 designation to perform prescribed health professional tasks. When  
24 appropriate, certificate means a document issued by the department  
25 which designates particular credentials for an individual;

26           (8) Lapse means the termination of the right or privilege  
27 to represent oneself as a licensed, certified, or registered person  
28 and to practice the profession when a license, certificate, or

1 registration is required to do so;

2 (9) Credentialing means the totality of the process  
3 associated with obtaining state approval to provide health care  
4 services or human services or changing aspects of a current  
5 approval. Credentialing grants permission to use a protected title  
6 that signifies that a person is qualified to provide the services  
7 of a certain profession. Credential includes a license,  
8 certificate, or registration; and

9 (10) Dependence means a compulsive or chronic need for or  
10 an active addiction to alcohol or any controlled substance or  
11 narcotic drug.

12 Sec. 3. Section 71-102, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 71-102. (1) No person shall engage in the practice of  
15 medicine and surgery, athletic training, respiratory care,  
16 osteopathic medicine, chiropractic, dentistry, dental hygiene,  
17 pharmacy, podiatry, optometry, massage therapy, physical therapy,  
18 audiology, speech-language pathology, embalming, funeral directing,  
19 psychology, veterinary medicine and surgery, medical nutrition  
20 therapy, acupuncture, ~~or~~ mental health practice, or alcohol and  
21 drug abuse counseling unless such person has obtained a license  
22 from the Department of Health and Human Services Regulation and  
23 Licensure for that purpose.

24 (2) No person shall hold himself or herself out as a  
25 certified social worker or certified master social worker unless  
26 such person has obtained a certificate from the department for that  
27 purpose.

28 (3) No person shall hold himself or herself out as a

1 certified professional counselor unless such person has obtained a  
2 certificate from the department for such purpose.

3 (4) No person shall hold himself or herself out as a  
4 certified marriage and family therapist unless such person has  
5 obtained a certificate from the department for such purpose.

6 Sec. 4. Section 71-107, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 71-107. Every person credentialed under the Uniform  
9 Licensing Law to practice a profession shall keep the credential  
10 available in an office or place in which he or she practices and  
11 shall show such proof of credentialing upon request.

12 On all signs, announcements, stationery, and  
13 advertisements of persons credentialed to practice osteopathic  
14 medicine, chiropractic, podiatry, optometry, audiology,  
15 speech-language pathology, medical nutrition therapy, professional  
16 counseling, social work, marriage and family therapy, mental health  
17 practice, massage therapy, ~~or~~ physical therapy, or alcohol and drug  
18 abuse counseling shall be placed the word Osteopathic Physician,  
19 Chiropractor, Podiatrist, Optometrist, Audiologist, Speech-Language  
20 Pathologist, Medical Nutrition Therapist, Professional Counselor,  
21 Social Worker, Master Social Worker, Marriage and Family Therapist,  
22 Mental Health Practitioner, Massage Therapist, ~~or~~ Physical  
23 Therapist, or Alcohol and Drug Abuse Counselor, as the case may be.

24 Sec. 5. Section 71-110, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

26 71-110. (1) The credential to practice a profession  
27 shall be renewed biennially without examination upon request of the  
28 credentialed person and upon documentation of continuing competency

1 pursuant to sections 71-161.09 and 71-161.10. The biennial  
2 credential renewals provided for in this section shall be  
3 accomplished in such manner as the department, with the approval of  
4 the designated professional board, shall establish by rule and  
5 regulation. The biennial expiration date in the different  
6 professions shall be as follows:

- 7 (a) January, pharmacy and psychology;  
8 (b) February, funeral directing and embalming;  
9 (c) March, dentistry and dental hygiene;  
10 (d) April, podiatry and veterinary medicine and surgery;  
11 (e) May, athletic training and acupuncture;  
12 (f) June, respiratory care;  
13 (g) August, chiropractic and optometry;  
14 (h) September, alcohol and drug abuse counseling, medical  
15 nutrition therapy, mental health practice including any associated  
16 certification, and osteopathic medicine;  
17 (i) October, medicine and surgery;  
18 (j) November, massage therapy and physical therapy; and  
19 (k) December, audiology and speech-language pathology.

20 The request for renewal need not be in any particular  
21 form and shall be accompanied by the renewal fee. Such fee shall  
22 be paid not later than the date of the expiration of such  
23 credential, except that while actively engaged in the military  
24 service of the United States, as defined in the Soldiers' and  
25 Sailors' Civil Relief Act of 1940, as the act existed on January 1,  
26 2002, persons credentialed to practice the professions listed in  
27 this subsection shall not be required to pay the renewal fee.

28 (2) When a person credentialed pursuant to the Uniform

1 Licensing Law desires to have his or her credential lapse upon  
2 expiration, he or she shall notify the department of such desire in  
3 writing. The department shall notify the credentialed person in  
4 writing of the acceptance or denial of the request to allow the  
5 credential to lapse. When the lapsed status becomes effective, the  
6 right to represent himself or herself as a credentialed person and  
7 to practice the profession in which a license is required shall  
8 terminate. To restore the credential from lapsed to active status,  
9 such person shall be required to meet the requirements for initial  
10 credentialing which are in effect at the time that he or she wishes  
11 to restore the credential.

12 (3) When a person credentialed pursuant to the Uniform  
13 Licensing Law desires to have his or her credential placed on  
14 inactive status upon its expiration, he or she shall notify the  
15 department of such desire in writing and pay the inactive status  
16 fee. The department shall notify the credentialed person in  
17 writing of the acceptance or denial of the request to allow the  
18 credential to be placed on inactive status. When the credential is  
19 placed on inactive status, the credentialed person shall not engage  
20 in the practice of such profession. A credential may remain on  
21 inactive status for an indefinite period of time. In order to move  
22 a credential from inactive to active status, a person shall be  
23 required to meet the requirements for renewal which are in effect  
24 at the time he or she wishes to regain active status.

25 (4) At least thirty days before the expiration of a  
26 credential, the department shall notify each credentialed person by  
27 a letter addressed to him or her at his or her last place of  
28 residence as noted upon its records. Any credentialed person who

1 fails to notify the department of his or her desire to let his or  
2 her credential lapse or be placed on inactive status upon its  
3 expiration or who fails to meet the requirements for renewal on or  
4 before the date of expiration of his or her credential shall be  
5 given a second notice in the same manner as the first notice  
6 advising him or her (a) of the failure to meet the requirements for  
7 renewal, (b) that the credential has expired, (c) that the person  
8 is subject to an administrative penalty under section 71-164.01 if  
9 he or she practices after the expiration date and prior to renewal  
10 of the credential, (d) that upon the receipt of the renewal fee and  
11 the required late fee within thirty days after the expiration date,  
12 no order of revocation will be entered, and (e) that upon the  
13 failure to comply with subdivision (d) of this subsection within  
14 such time, the credential will be revoked in the manner prescribed  
15 in section 71-149.

16 (5) Any credentialed person who desires to reinstate the  
17 credential not more than one year after the date of revocation for  
18 failure to meet the renewal requirements shall apply to the  
19 department for reinstatement. The credential may be reinstated  
20 upon the recommendation of the board for his or her profession and  
21 the receipt of evidence of meeting the renewal requirements and  
22 paying the required late fee.

23 (6) Any credentialed person who desires to reinstate the  
24 credential more than one year after the date of revocation for  
25 failure to meet the renewal requirements shall petition the board  
26 to recommend reinstatement as prescribed in section 71-161.05. The  
27 credential may be reinstated upon the recommendation of the board  
28 for his or her profession and the receipt of evidence of meeting

1 the renewal requirements and paying the required late fee.

2           Sec. 6.     Section 71-112, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           71-112.    (1) Professional boards under the Uniform  
5 Licensing Law shall be designated as follows:

6           (a) For medicine and surgery, acupuncture, and  
7 osteopathic medicine and surgery, Board of Medicine and Surgery;

8           (b) For athletic training, Board of Athletic Training;

9           (c) For respiratory care, Board of Respiratory Care  
10 Practice;

11           (d) For chiropractic, Board of Chiropractic;

12           (e) For dentistry and dental hygiene, Board of Dentistry;

13           (f) For optometry, Board of Optometry;

14           (g) For massage therapy, Board of Massage Therapy;

15           (h) For physical therapy, Board of Physical Therapy;

16           (i) For pharmacy, Board of Pharmacy;

17           (j) For audiology and speech-language pathology, Board of  
18 Audiology and Speech-Language Pathology;

19           (k) For medical nutrition therapy, Board of Medical  
20 Nutrition Therapy;

21           (l) For funeral directing and embalming, Board of Funeral  
22 Directing and Embalming;

23           (m) For podiatry, Board of Podiatry;

24           (n) For psychology, Board of Psychologists;

25           (o) For veterinary medicine and surgery, Board of  
26 Veterinary Medicine and Surgery; ~~and~~

27           (p) For mental health practice, Board of Mental Health  
28 Practice; and

1           (q) For alcohol and drug abuse counseling, Board of  
2 Alcohol and Drug Abuse Counseling.

3           (2) Any change made by the Legislature of the names of  
4 boards listed in this section shall not change the membership of  
5 such boards or affect the validity of any action taken by or the  
6 status of any action pending before any of such boards. Any such  
7 board newly named by the Legislature shall be the direct and only  
8 successor to the board as previously named.

9           Sec. 7. Section 71-113, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           71-113. (1) Each professional board shall consist of  
12 four members, including one public member, except as otherwise  
13 provided in this section. A public member of a professional board  
14 ~~appointed after August 28, 1999,~~ (a) shall be a resident of this  
15 state who has attained the age of majority, (b) shall represent the  
16 interests and viewpoints of consumers, and (c) shall not be a  
17 present or former member of a credentialed profession, an employee  
18 of a member of a credentialed profession, or an immediate family or  
19 household member of any person presently regulated by such board.

20           (2) (a) In audiology and speech-language pathology the  
21 board shall consist of five members, including at least one public  
22 member, (b) in dentistry the board shall consist of ten members,  
23 including at least two public members, (c) in medicine and surgery  
24 the board shall consist of eight members, including at least two  
25 public members, (d) in pharmacy the board shall consist of five  
26 members, including at least one public member, (e) in psychology  
27 the board shall consist of seven members, including at least two  
28 public members, (f) in medical nutrition therapy the board shall

1 consist of five members, including at least one public member, (g)  
2 in mental health practice the board shall consist of not more than  
3 ten members, including at least two public members, ~~and~~ (h) in  
4 alcohol and drug abuse counseling the board shall consist of nine  
5 members, including two public members, and (i) boards with eleven  
6 or more members shall have at least three public members.

7 (3) Membership on the Board of Audiology and  
8 Speech-Language Pathology shall consist of two members who are  
9 audiologists, two members who are speech-language pathologists, and  
10 at least one public member.

11 (4) Membership on the Board of Athletic Training shall  
12 consist of three athletic trainers and at least one public member.

13 (5) Membership on the Board of Respiratory Care Practice  
14 shall consist of two respiratory care practitioners, one physician,  
15 and at least one public member.

16 (6) Two of the six professional members of the Board of  
17 Medicine and Surgery shall be officials or members of the  
18 instructional staff of an accredited medical school in this state.

19 (7) Two of the eight professional members of the Board of  
20 Dentistry shall be dentists who are officials or members of the  
21 instructional staff of an accredited school or college of dentistry  
22 in this state, and two of the members of the board shall be dental  
23 hygienists licensed under the Uniform Licensing Law.

24 (8) Membership on the Board of Medical Nutrition Therapy  
25 shall consist of two medical nutrition therapists, one physician,  
26 and at least one public member.

27 (9) Membership on the Board of Mental Health Practice  
28 shall consist of not more than two certified master social workers,

1 not more than two certified professional counselors, not more than  
2 two certified marriage and family therapists, and at least two  
3 public members. At least one professional member of the board  
4 shall be a member of a racial or ethnic minority. When ten or more  
5 persons hold licenses as mental health practitioners without  
6 holding an associated certificate, not more than two such licensed  
7 mental health practitioners shall be added to the board.

8 (10) Membership on the Board of Alcohol and Drug Abuse  
9 Counseling shall consist of five alcohol and drug abuse counselors  
10 who are not licensed as psychologists or mental health  
11 practitioners, one psychologist, one mental health practitioner,  
12 and two public members.

13 Sec. 8. Section 71-114, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 71-114. (1) Except as provided in subsections (3) and  
16 (5) of this section, every professional member of a professional  
17 board shall be and have been actively engaged in the practice of  
18 his or her profession in the State of Nebraska, under a credential  
19 issued in this state, for a period of five years just preceding his  
20 or her appointment, except for the members of professional boards  
21 for professions coming within the scope of the Uniform Licensing  
22 Law for the first time and for a period of five years thereafter.  
23 Members appointed during such period shall be required to meet the  
24 minimum qualifications for credentialing in the profession in this  
25 state and shall, insofar as possible, meet the requirements as to  
26 years of practice in this state otherwise provided by this section.

27 (2) Each professional member of the Board of Audiology  
28 and Speech-Language Pathology shall have been a resident of the

1 State of Nebraska for at least one year immediately prior to  
2 appointment and shall also have been engaged in rendering services  
3 to the public in audiology or speech-language pathology for at  
4 least three years immediately prior to appointment.

5 (3) The requirement of five years of experience shall  
6 apply to professional members of the Board of Psychologists, except  
7 that up to two of the five years may have been served in teaching  
8 or research.

9 (4) All professional members of professional boards  
10 appointed to an initial board shall be credentialed within six  
11 months after being appointed to the board or within six months  
12 after the date by which members of the profession are required to  
13 be credentialed, whichever is later. If for any reason a  
14 professional member is not credentialed within such time period, a  
15 new professional member shall be appointed.

16 (5) Each ~~professional member of a professional board~~  
17 alcohol and drug abuse counselor first appointed to the ~~Boards of~~  
18 ~~Athletic Training, Mental Health Practice, Respiratory Care~~  
19 ~~Practice, and Medical Nutrition Therapy, respectively, Board of~~  
20 Alcohol and Drug Abuse Counseling shall be a person who is a  
21 certified alcohol and drug abuse counselor on the effective date of  
22 this act and who is and has been actively engaged in the practice  
23 ~~of athletic training, mental health practice, respiratory care, or~~  
24 ~~medical nutrition therapy, respectively, alcohol and drug abuse~~  
25 counseling for at least two years immediately preceding his or her  
26 appointment to the board. ~~and shall be credentialed within six~~  
27 ~~months after being appointed or within six months after members of~~  
28 ~~the profession are required to be credentialed, whichever is later.~~

1 If for any reason a professional member cannot be credentialed  
2 within such time period, a new professional member shall be  
3 appointed.

4 Sec. 9. Section 71-116, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 71-116. (1) The members of each professional board shall  
7 be residents of the State of Nebraska and shall be appointed for  
8 terms of five years. No member shall be appointed for or serve for  
9 more than two consecutive full five-year terms.

10 (2) The members of the Board of Dentistry shall be  
11 appointed as follows: As of December 1, 1971, one member shall be  
12 appointed for a term of five years and one member shall be  
13 appointed for a term of three years; as of December 1, 1972, one  
14 member shall be appointed for a term of three years; as of December  
15 1, 1973, one member shall be appointed for a term of three years;  
16 as of December 1 of each year thereafter, two members shall be  
17 appointed for terms of five years; as of December 1, 1979, one  
18 member who is a dental hygienist licensed under the Uniform  
19 Licensing Law and who complies with section 71-114 shall be  
20 appointed for a term of five years; as of December 1, 1984, one  
21 public member shall be appointed for a term of five years; and as  
22 of December 1, 1994, a second member who is a dental hygienist  
23 licensed under the Uniform Licensing Law and who complies with  
24 section 71-114 and a second public member shall be appointed for  
25 terms of five years. Thereafter successors with like  
26 qualifications shall be appointed for five-year terms.

27 (3) The members of the Board of Medicine and Surgery  
28 shall be appointed as follows: Within thirty days after May 25,

1 1943, five members shall be appointed, one of whom shall hold  
2 office until December 1, 1944, one until December 1, 1945, one  
3 until December 1, 1946, one until December 1, 1947, and one until  
4 December 1, 1948; upon the expiration of such terms, successors  
5 shall be appointed for terms of five years each. Within thirty  
6 days after October 19, 1963, a sixth member, who shall be a person  
7 eligible for appointment to the Board of Examiners in Osteopathy  
8 who also has a license to practice medicine and surgery in the  
9 State of Nebraska, shall be appointed for a term expiring on  
10 December 1, 1968. As of December 1, 1984, one public member shall  
11 be appointed for a term of five years, and as of December 1, 1994,  
12 a second public member shall be appointed for a term of five years.  
13 Thereafter successors with like qualifications shall be appointed  
14 for five-year terms. Upon the expiration of the five-year term of  
15 such sixth member of the board after April 19, 1986, his or her  
16 eligible successor shall be a person who has a license to practice  
17 osteopathic medicine or osteopathic medicine and surgery in the  
18 State of Nebraska.

19 (4) The members of the Board of Audiology and  
20 Speech-Language Pathology shall be appointed as follows: Within  
21 sixty days after July 22, 1978, four members shall be appointed,  
22 two of whom shall hold office until December 1, 1979, and two until  
23 December 1, 1980. As of December 1, 1984, one public member shall  
24 be appointed for a term of five years. Upon the expiration of such  
25 terms, the successors shall be appointed for terms of five years  
26 each.

27 (5) The Board of Pharmacy shall be composed of five  
28 members, including four actively practicing pharmacists, one of

1 whom practices within the confines of a hospital, and a public  
2 member who is interested in the health of the people of Nebraska.  
3 The members of the Board of Pharmacy shall be appointed as follows:  
4 As of December 1, 1983, the hospital pharmacist member shall be  
5 appointed for a term of five years and the public member shall be  
6 appointed for a term of three years. Upon the expiration of such  
7 terms and the terms of existing members, the successors shall be  
8 appointed for terms of five years each.

9 (6) The members of the Board of Psychologists appointed  
10 as successors to the members serving on February 25, 1984, shall be  
11 appointed for terms of five years. The terms of members serving on  
12 February 25, 1984, are hereby extended to December 1 of the year in  
13 which they would otherwise expire.

14 (7) The three members serving on the Board of Examiners  
15 in Massage on August 1, 1988, shall be appointed as members of the  
16 Board of Massage Therapy. Successors shall be massage therapists  
17 and shall be appointed for terms of five years each. One public  
18 member shall be appointed on December 1, 1988, for a term of five  
19 years. Upon the expiration of the public member's term, each  
20 subsequent public member shall be appointed for a five-year term.

21 (8) The initial members of the Board of Mental Health  
22 Practice appointed from the Board of Examiners in Social Work and  
23 the Board of Examiners in Professional Counseling, as such boards  
24 existed immediately prior to September 1, 1994, shall serve until  
25 the expiration of the terms they would have served on their  
26 respective boards. One initial public member and one initial  
27 marriage and family therapist shall hold office until December 1 of  
28 the fourth year following September 1, 1994, and one initial public

1 member and one initial marriage and family therapist shall hold  
2 office until December 1 of the fifth year following September 1,  
3 1994.

4           (9) The initial members of the Board of Alcohol and Drug  
5 Abuse Counseling shall be appointed within ninety days after the  
6 effective date of this act to hold office as follows: Of the five  
7 alcohol and drug abuse counselors, one shall hold office until  
8 April 1, 2006, one until April 1, 2007, one until April 1, 2008,  
9 one until April 1, 2009, and one until April 1, 2010, as designated  
10 at the time of appointment; the psychologist shall hold office  
11 until April 1, 2007; the mental health practitioner shall hold  
12 office until April 1, 2008; and of the two public members, one  
13 shall hold office until April 1, 2009, and one until April 1, 2010,  
14 as designated at the time of appointment.

15           (10) Except as otherwise specifically provided, the ~~The~~  
16 term of each member provided for in this section shall commence on  
17 the first day of December following the expiration of the term of  
18 the member whom such person succeeds and shall be rotated in such a  
19 manner that no more than one professional member shall retire  
20 during any year in which a term expires unless the number of  
21 members on a board makes it impractical to do so.

22           ~~(10)~~ (11) Except as otherwise specifically provided, the  
23 members of boards for professions coming under the scope of the  
24 Uniform Licensing Law for the first time shall be appointed within  
25 thirty days after the effective or operative date, whichever is  
26 later, of the act providing for credentialing of the profession,  
27 the terms of the initial board members to be as follows: One  
28 member shall hold office until December 1 of the third year, one

1 until December 1 of the fourth year, and two, including the public  
2 member, until December 1 of the fifth year following the year in  
3 which the act providing for credentialing of the profession became  
4 effective.

5 Sec. 10. Section 71-131, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-131. (1) In the absence of any specific requirement  
8 or provision relating to any particular profession:

9 (a) The department may, upon the recommendation of the  
10 designated professional board, adopt and promulgate rules and  
11 regulations to specify the passing grade on licensure or  
12 certification examinations. In the absence of such rules and  
13 regulations, an examinee shall be required to obtain an average  
14 grade of seventy-five and shall be required to obtain a grade of  
15 sixty in each subject examined;

16 (b) A person who desires to take a licensure or  
17 certification examination but does not wish to receive a license or  
18 certification may take such examination by meeting the examination  
19 eligibility requirements and paying the cost of the examination;  
20 and

21 (c) An examinee who fails a licensure or certification  
22 examination may retake the entire examination or the part failed  
23 upon payment of the licensure or certification fee each time he or  
24 she is examined. The department shall withhold from the licensure  
25 or certification fee the cost of any national examination used when  
26 an examinee fails a licensure or certification examination and  
27 shall return to the examinee the remainder of the licensure or  
28 certification fee collected subject to section 71-162.05, except

1 that:

2 (i) If the state-developed jurisprudence portion of the  
3 licensure or certification examination was failed, the examinee may  
4 retake that portion without charge; and

5 (ii) If any component of a national examination was  
6 failed, the examinee shall be charged the cost for purchasing such  
7 examination.

8 (2) In pharmacy, all applicants shall be required to  
9 attain a grade to be determined by the Board of Pharmacy in an  
10 examination in pharmacy and a grade of seventy-five in an  
11 examination in jurisprudence of pharmacy.

12 (3) In social work, the passing criterion for such  
13 examination shall be established and may be changed by the Board of  
14 Mental Health Practice by rule and regulation. The board may  
15 exempt an applicant from the written examination if he or she meets  
16 all the requirements for certification without examination pursuant  
17 to section 71-1,319 or rules and regulations adopted and  
18 promulgated by the department pursuant to section 71-139.

19 (4) In professional counseling, the passing criterion for  
20 such examination shall be established and may be changed by the  
21 Board of Mental Health Practice by rule and regulation. The board  
22 may exempt an applicant from the written examination if he or she  
23 meets all of the requirements for certification without examination  
24 pursuant to rules and regulations adopted and promulgated by the  
25 department pursuant to section 71-139.

26 (5) In marriage and family therapy, the passing criterion  
27 for such examination shall be established and may be changed by the  
28 Board of Mental Health Practice by rule and regulation. The board

1 may exempt an applicant from the written examination if he or she  
2 meets all of the requirements for certification without examination  
3 pursuant to section 71-1,329 or rules and regulations adopted and  
4 promulgated by the department pursuant to section 71-139.

5 (6) Applicants for licensure in medicine and surgery and  
6 osteopathic medicine and surgery shall pass the licensing  
7 examination. An applicant who fails to pass any part of the  
8 licensing examination within four attempts shall complete one  
9 additional year of postgraduate medical education at an accredited  
10 school or college of medicine or osteopathic medicine. All parts  
11 of the licensing examination shall be successfully completed within  
12 seven years, except that if the applicant has been enrolled in a  
13 combined doctorate of medicine and doctorate of philosophy degree  
14 program in an accredited school or college of medicine, all parts  
15 of the licensing examination shall be successfully completed within  
16 ten years. An applicant who fails to successfully complete the  
17 licensing examination within the time allowed shall retake that  
18 part of the examination which was not completed within the time  
19 allowed.

20 (7) In medical nutrition therapy, the passing criterion  
21 for such examination shall be established and may be changed by the  
22 Board of Medical Nutrition Therapy by rule and regulation. Such  
23 examination shall test for the essential clinical elements of the  
24 field of medical nutrition therapy. The board shall base all of  
25 its actions on broad categorical parameters derived from the  
26 essential elements of the field of medical nutrition therapy and  
27 shall not endorse nor restrict its assessment to any particular  
28 nutritional school of thought. The board may exempt an applicant

1 from the written examination if he or she meets all of the  
2 requirements for licensure without examination pursuant to section  
3 71-1,291 or rules and regulations adopted and promulgated by the  
4 department pursuant to section 71-139.

5 (8) In alcohol and drug abuse counseling, the Board of  
6 Alcohol and Drug Abuse Counseling shall approve a licensing  
7 examination and establish the passing criterion for such  
8 examination, which meets or exceeds the minimum international  
9 standards for alcohol and drug abuse counselors established by the  
10 International Certification and Reciprocity Consortium, Alcohol and  
11 Other Drug Abuse, Inc. or its successor.

12 Sec. 11. Section 71-139.02, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 71-139.02. When issuing, without examination, a license  
15 as a psychologist, ~~or~~ mental health practitioner, or alcohol and  
16 drug abuse counselor or a certification in social work,  
17 professional counseling, or marriage and family therapy pursuant to  
18 section 71-139, the department may issue such license or  
19 certification regardless of the title used by the other state, the  
20 territory, or the District of Columbia if the applicant provides  
21 satisfactory evidence that the requirements for licensure or  
22 certification meet or exceed those required by this state.

23 Sec. 12. Section 71-162, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 71-162. (1) It is the intent of the Legislature that the  
26 revenue to cover the cost of the credentialing system administered  
27 by the department is to be derived from General Funds, cash funds,  
28 federal funds, gifts, grants, or fees from individuals or entities

1 seeking credentials. The credentialing system includes the  
2 totality of the credentialing infrastructure and the process of  
3 issuance and renewal of credentials, examinations, inspections,  
4 investigations, continuing competency, compliance assurance, and  
5 the credentialing review process for the following individuals and  
6 entities that provide health services and health-related services:

7 (a) Individuals in the practice of acupuncture; advanced  
8 practice nursing; alcohol and drug abuse counseling; asbestos  
9 abatement, inspection, project design, and training; athletic  
10 training; audiology; speech-language pathology; chiropractic;  
11 dentistry; dental hygiene; environmental health; hearing aid  
12 instrument dispensing and fitting; lead-based paint abatement,  
13 inspection, project design, and training; medical nutrition  
14 therapy; medical radiography; medication aide services; medicine  
15 and surgery; mental health practice; nursing; nurse aide services;  
16 nursing home administration; occupational therapy; optometry;  
17 osteopathic medicine; pharmacy; physical therapy; podiatry;  
18 psychology; radon detection, measurement, and mitigation;  
19 respiratory care; social work; swimming pool operation; veterinary  
20 medicine and surgery; water system operation; constructing or  
21 decommissioning water wells and installing water well pumps and  
22 pumping equipment; and wholesale drug distribution; and

23 (b) Individuals in the practice of and entities in the  
24 business of cosmetology; electrology; emergency medical services;  
25 esthetics; funeral directing and embalming; massage therapy; and  
26 nail technology.

27 (2) The department shall determine the cost of the  
28 credentialing system for such individuals and entities by

1 calculating the total of the base costs, the variable costs, and  
 2 any adjustments as provided in sections 71-162.01 to 71-162.03.

3 (3) When fees are to be established pursuant to section  
 4 71-162.04 for individuals or entities other than individuals in the  
 5 practice of constructing or decommissioning water wells and  
 6 installing water well pumps and pumping equipment, the department,  
 7 upon recommendation of the appropriate board if applicable, shall  
 8 base the fees on the cost of the credentialing system and shall  
 9 include usual and customary cost increases, a reasonable reserve,  
 10 and the cost of any new or additional credentialing activities.  
 11 For individuals in the practice of constructing or decommissioning  
 12 water wells and installing water well pumps and pumping equipment,  
 13 the Water Well Standards and Contractors' Licensing Board shall  
 14 establish the fees as otherwise provided in this subsection. All  
 15 such fees shall be collected as provided in section 71-163.

16 Sec. 13. Section 71-1,312, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:

18 71-1,312. ~~After September 17, 1995, no~~ No person shall  
 19 engage in mental health practice or hold himself or herself out as  
 20 a mental health practitioner unless he or she is licensed for such  
 21 purpose pursuant to the Uniform Licensing Law, except that this  
 22 section shall not be construed to prevent:

23 (1) Qualified members of other professions who are  
 24 licensed, certified, or registered by this state from practice of  
 25 any mental health activity consistent with the scope of practice of  
 26 their respective professions;

27 (2) Alcohol, and drug abuse, ~~and compulsive gambling~~  
 28 counselors who are ~~certified~~ licensed by the Department of Health

1 and Human Services Regulation and Licensure and compulsive gambling  
2 counselors who are certified by the Department of Health and Human  
3 Services from practicing their profession. Such exclusion shall  
4 include students training and working under the supervision of a  
5 ~~certified alcohol and drug abuse counselor to become certified~~ an  
6 individual qualified under section 19 of this act;

7 (3) Any person employed by an agency, bureau, or division  
8 of the federal government from discharging his or her official  
9 duties, except that if such person engages in mental health  
10 practice in this state outside the scope of such official duty or  
11 represents himself or herself as a licensed mental health  
12 practitioner, he or she shall be licensed;

13 (4) Teaching or the conduct of research related to mental  
14 health services or consultation with organizations or institutions  
15 if such teaching, research, or consultation does not involve the  
16 delivery or supervision of mental health services to individuals or  
17 groups of individuals who are themselves, rather than a third  
18 party, the intended beneficiaries of such services;

19 (5) The delivery of mental health services by:

20 (a) Students, interns, or residents whose activities  
21 constitute a part of the course of study for medicine, psychology,  
22 nursing, school psychology, social work, clinical social work,  
23 counseling, marriage and family therapy, or other health care or  
24 mental health service professions; or

25 (b) Individuals seeking to fulfill postgraduate  
26 requirements for licensure when those individuals are supervised by  
27 a licensed professional consistent with the applicable regulations  
28 of the appropriate professional board;

1           (6) Duly recognized members of the clergy from providing  
2 mental health services in the course of their ministerial duties  
3 and consistent with the codes of ethics of their profession if they  
4 do not represent themselves to be mental health practitioners;

5           (7) The incidental exchange of advice or support by  
6 persons who do not represent themselves as engaging in mental  
7 health practice, including participation in self-help groups when  
8 the leaders of such groups receive no compensation for their  
9 participation and do not represent themselves as mental health  
10 practitioners or their services as mental health practice;

11           ~~(8) Any person employed by an agency or department of the~~  
12 ~~State of Nebraska from discharging official duties within such~~  
13 ~~agency or department during the six years immediately following~~  
14 ~~September 1, 1994, except that no person shall represent himself or~~  
15 ~~herself as a licensed mental health practitioner unless he or she~~  
16 ~~holds such a license;~~

17           ~~(9)~~ (8) Any person providing emergency crisis  
18 intervention or referral services or limited services supporting a  
19 service plan developed by and delivered under the supervision of a  
20 licensed mental health practitioner, licensed physician, or a  
21 psychologist licensed to engage in the practice of psychology if  
22 such persons are not represented as being licensed mental health  
23 practitioners or their services are not represented as mental  
24 health practice; or

25           ~~(10)~~ (9) Staff employed in a program designated by an  
26 agency of state government to provide rehabilitation and support  
27 services to individuals with mental illness from completing a  
28 rehabilitation assessment or preparing, implementing, and

1 evaluating an individual rehabilitation plan.

2           Sec. 14. For purposes of sections 14 to 23 of this act  
3 and elsewhere in the Uniform Licensing Law, unless the context  
4 otherwise requires:

5           (1) Alcohol and drug abuse counseling means providing or  
6 performing the core functions of an alcohol and drug abuse  
7 counselor for remuneration;

8           (2) Alcohol and drug abuse counselor means a person  
9 engaged in alcohol and drug abuse counseling;

10           (3) Alcohol or drug abuse means the abuse of alcohol or  
11 other drugs which have significant mood or perception changing  
12 capacities, which are likely to be physiologically or  
13 psychologically addictive, and the use of which have negative  
14 physical, social, or psychological consequences;

15           (4) Alcohol or drug dependence means cognitive,  
16 behavioral, and psychological symptoms indicating the continued use  
17 of alcohol or other drugs despite significant alcohol or  
18 drug-related problems;

19           (5) Alcohol or drug disorder means a substance-related  
20 disorder as defined by the department in rules and regulations  
21 substantially similar with the definitions of the American  
22 Psychiatric Association in the Diagnostic and Statistical Manual of  
23 Mental Disorders;

24           (6) Board means the Board of Alcohol and Drug Abuse  
25 Counseling; and

26           (7) Core functions means the following twelve activities  
27 an alcohol and drug abuse counselor performs in the role of  
28 counselor: Screening, intake, orientation, assessment, treatment

1 planning, counseling (individual, group, and significant others),  
2 case management, crisis intervention, client education, referral,  
3 reports and recordkeeping, and consultation with other  
4 professionals in regard to client treatment and services.

5           Sec. 15. (1) The scope of practice for alcohol and drug  
6 abuse counseling is the application of general counseling theories  
7 and treatment methods adapted to specific alcohol and drug abuse  
8 theory and research for the express purpose of treating alcohol and  
9 drug abuse and dependence. The practice of alcohol and drug abuse  
10 counseling consists of the following performance areas which  
11 encompass the twelve core functions: Clinical evaluation;  
12 treatment planning; counseling; education; documentation; and  
13 professional and ethical standards.

14           (2) The performance area of clinical evaluation consists  
15 of screening and assessment of alcohol and drug problems, screening  
16 of other presenting problems for which referral may be necessary,  
17 and diagnosis of alcohol and drug disorders. Clinical evaluation  
18 does not include mental health assessment or treatment. An alcohol  
19 and drug abuse counselor shall refer a person with co-occurring  
20 mental disorders unless such person is under the care of, or  
21 previously assessed or diagnosed by, an appropriate practitioner  
22 within a reasonable amount of time.

23           (3) The performance area of treatment planning consists  
24 of case management, including implementing the treatment plan,  
25 consulting, and continuing assessment and treatment planning;  
26 referral; and client advocacy.

27           (4) The performance area of counseling consists of  
28 individual counseling, group counseling, and family or significant

1 other counseling.

2 (5) The performance area of education consists of  
3 education for clients, family of clients, and the community.

4 Sec. 16. No person shall engage in alcohol and drug  
5 abuse counseling or hold himself or herself out as an alcohol and  
6 drug abuse counselor unless he or she is licensed for such purpose  
7 pursuant to the Uniform Licensing Law, except that this section  
8 shall not be construed to prevent:

9 (1) Qualified members of other professions who are  
10 licensed, certified, or registered by this state from practice of  
11 any alcohol and drug abuse counseling consistent with the scope of  
12 practice of their respective professions;

13 (2) Teaching or the conduct of research related to  
14 alcohol and drug abuse counseling with organizations or  
15 institutions if such teaching, research, or consultation does not  
16 involve the delivery or supervision of alcohol and drug abuse  
17 counseling to individuals or groups of individuals who are  
18 themselves, rather than a third party, the intended beneficiaries  
19 of such services;

20 (3) The delivery of alcohol and drug abuse counseling by:

21 (a) Students, interns, or residents whose activities  
22 constitute a part of the course of study for medicine, psychology,  
23 nursing, school psychology, social work, clinical social work,  
24 counseling, marriage and family therapy, alcohol and drug abuse  
25 counseling, compulsive gambling counseling, or other health care or  
26 mental health service professions; or

27 (b) Individuals seeking to fulfill postgraduate  
28 requirements for licensure when those individuals are supervised by

1 a licensed professional consistent with the applicable regulations  
2 of the appropriate professional board;

3 (4) Duly recognized members of the clergy from providing  
4 alcohol and drug abuse counseling in the course of their  
5 ministerial duties and consistent with the codes of ethics of their  
6 profession if they do not represent themselves to be alcohol and  
7 drug abuse counselors;

8 (5) The incidental exchange of advice or support by  
9 persons who do not represent themselves as engaging in alcohol and  
10 drug abuse counseling, including participation in self-help groups  
11 when the leaders of such groups receive no compensation for their  
12 participation and do not represent themselves as alcohol and drug  
13 abuse counselors or their services as alcohol and drug abuse  
14 counseling;

15 (6) Any person providing emergency crisis intervention or  
16 referral services; or

17 (7) Staff employed in a program designated by an agency  
18 of state government to provide rehabilitation and support services  
19 to individuals with alcohol or drug disorders from completing a  
20 rehabilitation assessment or preparing, implementing, and  
21 evaluating an individual rehabilitation plan.

22 Sec. 17. (1) A person may apply for a license as an  
23 alcohol and drug abuse counselor if he or she meets the  
24 requirements provided in section 20 of this act.

25 (2) A person may apply for a license as a provisional  
26 alcohol and drug abuse counselor which permits such person to  
27 practice and acquire the supervised clinical work experience  
28 required for licensure as an alcohol and drug abuse counselor. A

1 license for provisional status shall be eligible for renewal every  
2 two calendar years for a maximum of two renewals upon meeting the  
3 renewal requirements in section 23 of this act. Provisional status  
4 may be granted once and held for a time period not to exceed six  
5 years. An individual who is so licensed shall not render services  
6 without clinical supervision. An individual who holds provisional  
7 licensure shall inform all clients that he or she holds a  
8 provisional certification and is practicing under supervision and  
9 shall identify the supervisor. An applicant shall meet the  
10 requirements provided in section 18 of this act.

11 (3) Any person certified as an alcohol and drug abuse  
12 counselor on the effective date of this act shall be deemed to be  
13 licensed as an alcohol and drug abuse counselor under the Uniform  
14 Licensing Law on such date. Any person certified as a provisional  
15 alcohol and drug abuse counselor on the effective date of this act  
16 shall be deemed to be licensed as a provisional alcohol and drug  
17 abuse counselor under the Uniform Licensing Law on such date. The  
18 certificate holder may continue to practice under such certificate  
19 as a license until September 1 after the next renewal date for his  
20 or her certificate under the rules and regulations governing  
21 alcohol and drug abuse counselors as provided in section 24 of this  
22 act. Renewals issued for such certificates extended to September  
23 1, 2004, or September 1, 2005, shall be valid until September 1,  
24 2006, and shall be issued with fees and continuing competency  
25 requirements prorated accordingly. Subsequent renewals shall be  
26 for two-year periods expiring September 1 of even-numbered years as  
27 provided in section 71-110.

28 Sec. 18. To be licensed to practice as a provisional

1 alcohol and drug abuse counselor, an applicant shall:

2 (1) Have a high school diploma or its equivalent;

3 (2) Have two hundred seventy hours of education related  
4 to the knowledge and skills of alcohol and drug abuse counseling  
5 which shall include:

6 (a) A minimum of forty-five hours in counseling theories  
7 and techniques coursework;

8 (b) A minimum of forty-five hours in group counseling  
9 coursework;

10 (c) A minimum of thirty hours in human growth and  
11 development coursework;

12 (d) A minimum of fifteen hours in professional ethics and  
13 issues coursework;

14 (e) A minimum of thirty hours in alcohol and drug  
15 assessment, case planning, and management coursework;

16 (f) A minimum of thirty hours in multicultural counseling  
17 coursework;

18 (g) A minimum of forty-five hours in medical and  
19 psychosocial aspects of alcohol and drug use, abuse, and addiction  
20 coursework; and

21 (h) A minimum of thirty hours in clinical treatment  
22 issues in chemical dependency coursework;

23 (3) Have supervised practical training which shall:

24 (a) Include performing a minimum of three hundred hours  
25 in the counselor core functions in a work setting where alcohol and  
26 drug abuse counseling is provided;

27 (b) Be a formal, systematic process that focuses on skill  
28 development and integration of knowledge;

1           (c) Include training hours documented by performance date  
2 and core function performance areas; and

3           (d) Include the performance of all counselor core  
4 functions with no single function performed less than ten hours;  
5 and

6           (4) Have read and agreed to be bound by the standards of  
7 professional conduct and code of ethics established in the rules  
8 and regulations under section 24 of this act.

9           Sec. 19. (1) (a) Except as provided in subdivision (b) of  
10 this subsection, the practical training supervisor for supervised  
11 practical training required under section 18 of this act shall hold  
12 one of the following credentials:

13           (i) Licensure as an alcohol and drug abuse counselor;

14           (ii) A reciprocity level alcohol and drug abuse counselor  
15 credential issued by a member jurisdiction of the International  
16 Certification and Reciprocity Consortium, Alcohol and Other Drug  
17 Abuse, Inc. or its successor;

18           (iii) Licensure as a psychologist issued by the State of  
19 Nebraska, or the equivalent credential from another jurisdiction,  
20 with a Certificate of Proficiency in Alcohol and Other Psychoactive  
21 Substance Abuse Disorders issued by the American Psychological  
22 Association or substantially equivalent proficiency as determined  
23 in the rules and regulations of the department, except that this  
24 does not include a special license to practice psychology issued by  
25 the State of Nebraska; or

26           (iv) Licensure to practice medicine and surgery issued by  
27 the State of Nebraska, or the equivalent credential from another  
28 jurisdiction, with credentials in addiction medicine through the

1 American Society of Addiction Medicine or the American Psychiatric  
2 Association.

3 (b) The board may approve an individual as a practical  
4 training supervisor if such individual (i) is licensed to practice  
5 medicine and surgery or licensed to engage in the practice of  
6 psychology and (ii) has received specialized training or experience  
7 in alcohol and drug abuse counseling sufficient to protect the  
8 public.

9 (c) The practical training supervisor shall not be a  
10 family member.

11 (d) The credential requirement of this subsection applies  
12 to the work setting supervisor and not to a practicum coordinator  
13 or instructor of a postsecondary educational institution.

14 (2) The practical training supervisor shall assume  
15 responsibility for the performance of the individual in training  
16 and shall be onsite at the work setting when core function  
17 activities are performed by the individual in training. A minimum  
18 of one hour of evaluative face-to-face supervision for each ten  
19 hours of core function performance shall be documented.  
20 Supervisory methods shall include, as a minimum, individual  
21 supervisory sessions, formal case staffings, and conjoint,  
22 cotherapy sessions. Supervision shall be directed towards teaching  
23 the knowledge and skills of professional alcohol and drug abuse  
24 counseling.

25 Sec. 20. (1) To be licensed to practice as an alcohol  
26 and drug abuse counselor, an applicant shall meet the requirements  
27 for licensure as a provisional alcohol and drug abuse counselor  
28 under section 18 of this act, shall receive a passing score on an

1 examination approved by the board, and shall have six thousand  
2 hours of supervised clinical work experience providing alcohol and  
3 drug abuse counseling services to alcohol and other drug clients  
4 for remuneration. The experience shall be polydrug counseling  
5 experience.

6 (2) The experience shall include carrying a client  
7 caseload as the primary alcohol and drug abuse counselor performing  
8 the core functions of assessment, treatment planning, counseling,  
9 case management, referral, reports and recordkeeping, and  
10 consultation with other professionals for those clients. The  
11 experience shall also include responsibility for performance of the  
12 five remaining core functions although these core functions need  
13 not be performed by the applicant with each client in their  
14 caseload.

15 (3) Experience that shall not count towards licensure  
16 shall include, but not be limited to:

17 (a) Providing services to individuals who do not have a  
18 diagnosis of alcohol and drug abuse or dependence such as  
19 prevention, intervention, and codependency services or other mental  
20 health disorder counseling services, except that this shall not  
21 exclude counseling services provided to a client's significant  
22 others when provided in the context of treatment for the diagnosed  
23 alcohol or drug client; and

24 (b) Providing services when the experience does not  
25 include primary case responsibility for alcohol or drug treatment  
26 or does not include responsibility for the performance of all of  
27 the core functions.

28 (4) The maximum number of hours of experience that may be

1 accrued are forty hours per week or two thousand hours per year.

2 (5) (a) A postsecondary educational degree may be  
3 substituted for part of the supervised clinical work experience.  
4 The degree shall be from a regionally accredited postsecondary  
5 educational institution or the educational program shall be  
6 accredited by a nationally recognized accreditation agency.

7 (b) An associate's degree in addictions or chemical  
8 dependency may be substituted for one thousand hours of supervised  
9 clinical work experience.

10 (c) A bachelor's degree with a major in counseling,  
11 addictions, social work, sociology, or psychology may be  
12 substituted for two thousand hours of supervised clinical work  
13 experience.

14 (d) A master's degree or higher in counseling,  
15 addictions, social work, sociology, or psychology may be  
16 substituted for four thousand hours of supervised clinical work  
17 experience.

18 (e) A substitution shall not be made for more than one  
19 degree.

20 Sec. 21. (1) (a) The clinical supervisor for supervised  
21 clinical work experience under section 20 of this act shall hold  
22 one of the following credentials:

23 (i) Licensure as an alcohol and drug abuse counselor;

24 (ii) A reciprocity level alcohol and drug abuse counselor  
25 credential issued by a member jurisdiction of the International  
26 Certification and Reciprocity Consortium, Alcohol and Other Drug  
27 Abuse, Inc. or its successor;

28 (iii) The highest level alcohol and drug abuse counselor

1 credential issued by a jurisdiction that is not a member of the  
2 International Certification and Reciprocity Consortium, Alcohol and  
3 Other Drug Abuse, Inc. or its successor if the credential is based  
4 on education, experience, and examination that is substantially  
5 similar to the license issued in this state as determined by the  
6 board;

7 (iv) Licensure as a psychologist issued by the State of  
8 Nebraska, or the equivalent credential from another jurisdiction,  
9 except that this does not include a special license to practice  
10 psychology issued by the State of Nebraska; or

11 (v) Licensure to practice medicine and surgery issued by  
12 the State of Nebraska, or the equivalent credential from another  
13 jurisdiction, with credentials in addiction medicine through the  
14 American Society of Addiction Medicine or the American Psychiatric  
15 Association.

16 (b) The clinical supervisor shall be formally affiliated  
17 with the program or agency in which the work experience is gained.

18 (c) The clinical supervisor shall not be a family member.

19 (2) There shall be one hour of evaluative face-to-face  
20 clinical supervision for each forty hours of paid alcohol and drug  
21 abuse counseling work experience. The format for supervision shall  
22 be either one-on-one or small group. Methods of supervision may  
23 include case review and discussion or direct observation of a  
24 counselor's clinical work.

25 Sec. 22. (1) An individual who is licensed as a  
26 provisional alcohol and drug abuse counselor at the time of  
27 application for licensure as an alcohol and drug abuse counselor is  
28 deemed to have met the requirements of a high school diploma or its

1 equivalent, the two hundred seventy hours of education related to  
2 alcohol and drug abuse counseling, and the supervised practical  
3 training requirement.

4 (2) An applicant who is licensed as a provisional mental  
5 health practitioner or a mental health practitioner at the time of  
6 application for licensure is deemed to have met the requirements of  
7 subdivisions (2)(a), (b), (c), (d), and (f) of section 18 of this  
8 act.

9 Sec. 23. Each alcohol and drug abuse counselor and each  
10 provisional alcohol and drug abuse counselor shall, in the period  
11 since his or her license was issued or last renewed, complete  
12 continuing competency activities as required by the board pursuant  
13 to section 71-161.09 as a prerequisite for renewal.

14 Sec. 24. (1) The department, upon the advice of the  
15 board, shall adopt and promulgate rules and regulations to  
16 administer sections 14 to 24 of this act, including rules and  
17 regulations governing:

18 (a) Ways of clearly identifying students, interns, and  
19 other persons providing alcohol and drug abuse counseling under  
20 supervision;

21 (b) The rights of persons receiving alcohol and drug  
22 abuse counseling;

23 (c) The rights of clients to gain access to their  
24 records, including the right of any client to receive one complete  
25 copy of his or her record free of charge;

26 (d) The contents and methods of distribution of  
27 disclosure statements to clients of alcohol and drug abuse  
28 counselors; and

1           (e) Standards of professional conduct and a code of  
2 ethics.

3           (2) The rules and regulations governing certified alcohol  
4 and drug abuse counselors shall remain in effect to govern  
5 licensure until modified under this section, except that if there  
6 is any conflict with sections 14 to 24 of this act, the provisions  
7 of such sections shall prevail.

8           Sec. 25. Section 83-164, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10           83-164. The division, with the advice of the committee  
11 and the commission, is authorized to:

12           (1) Study alcoholism, drug abuse, compulsive gambling,  
13 and other compulsive disorders resulting from addiction and their  
14 problems, including methods and facilities available for the care,  
15 custody, detention, treatment, employment, and vocational  
16 rehabilitation of resident alcoholics, drug abusers, compulsive  
17 gamblers, and individuals with other compulsive disorders resulting  
18 from addiction;

19           (2) Promote meetings and programs for the discussion of  
20 alcoholism, drug abuse, compulsive gambling, and other compulsive  
21 disorders resulting from addiction or any of their aspects,  
22 disseminate information on the subject of alcoholism, drug abuse,  
23 compulsive gambling, and other compulsive disorders resulting from  
24 addiction for the guidance and assistance of individuals, courts,  
25 and public and private agencies for the prevention of alcoholism,  
26 drug abuse, compulsive gambling, and other compulsive disorders  
27 resulting from addiction, and inform and educate the general public  
28 on problems of alcoholism, drug abuse, compulsive gambling, and

1 other compulsive disorders resulting from addiction and their  
2 prevention and treatment, to the end that alcoholism, drug abuse,  
3 compulsive gambling, and other compulsive disorders resulting from  
4 addiction may be prevented and that persons suffering from  
5 alcoholism, drug abuse, compulsive gambling, and other compulsive  
6 disorders resulting from addiction may be disposed to seek  
7 available treatment;

8 (3) Promote or establish cooperative relationships with  
9 courts, hospitals and clinics, medical, social, and welfare  
10 agencies, public health authorities, law enforcement agencies,  
11 educational and research organizations, vocational rehabilitation  
12 agencies, federal and state agencies, and drug abuse and other  
13 related groups and encourage coordination of their programs and  
14 services which may relate to alcoholism, drug abuse, compulsive  
15 gambling, and other compulsive disorders resulting from addiction;

16 (4) Promote, evaluate, or conduct research on alcoholism,  
17 drug abuse, compulsive gambling, and other compulsive disorders  
18 resulting from addiction;

19 (5) Promote the establishment and operation of public  
20 clinics and other public alcoholism and drug abuse treatment  
21 facilities in local communities of the state;

22 (6) Provide consultation services to public and private  
23 agencies and groups;

24 (7) Cooperate with and assist political subdivisions of  
25 the state, educational institutions, religious organizations, and  
26 other organized groups dealing with problems associated with  
27 alcoholism, drug abuse, compulsive gambling, and other compulsive  
28 disorders resulting from addiction;

1           (8) Train personnel for work in the field of alcoholism  
2 and drug abuse; ~~and set and enforce certification standards for~~  
3 ~~such personnel;~~

4           (9) Establish minimum standards and training requirements  
5 for individuals providing services for compulsive gambling and  
6 other compulsive disorders resulting from addiction, with standards  
7 and requirements for compulsive gambling to be based on any  
8 generally recognized national standards, including the criteria  
9 used by the National Council on Problem Gambling;

10          (10) Promote or conduct educational, training, and  
11 preventive programs on alcoholism, drug abuse, compulsive gambling,  
12 and other compulsive disorders resulting from addiction in  
13 tax-supported schools of the elementary, secondary, university, and  
14 graduate levels;

15          (11) Accept for examination, diagnosis, guidance, and  
16 treatment, insofar as funds permit, any resident of the state  
17 coming to the division of his or her own volition for advice or  
18 guidance respecting alcoholism, drug abuse, compulsive gambling, or  
19 other compulsive disorders resulting from addiction, including  
20 persons under the age of nineteen;

21          (12) Establish, from time to time, policies governing the  
22 acceptance, care, and treatment of alcoholics, drug abusers,  
23 compulsive gamblers, and individuals with other compulsive  
24 disorders resulting from addiction consistent with the licensing  
25 and certification laws of the state and adopt such rules as may be  
26 necessary to regulate the conduct and stay of all patients of the  
27 division;

28          (13) Employ such personnel as may be necessary to carry

1 out the purposes of the Alcoholism, Drug Abuse, and Addiction  
2 Services Act; and

3 (14) Adopt and promulgate rules, regulations, and  
4 standards to carry out the act. In adopting such rules,  
5 regulations, and standards, the director shall be governed by the  
6 Administrative Procedure Act. Any rules, regulations, and  
7 standards shall be adopted only after consultation with the  
8 committee.

9 Sec. 26. Section 83-4,157, Revised Statutes Supplement,  
10 2002, is amended to read:

11 83-4,157. The medical director shall:

12 (1) Coordinate all clinical services;

13 (2) Participate in the selection and supervision of all  
14 clinical staff employed by or under contract with the department,  
15 including medical doctors, physician assistants, pharmacists,  
16 pharmacy technicians, registered nurses, licensed practical nurses,  
17 advanced practice registered nurses, mental health practitioners,  
18 ~~certified~~ alcohol and drug abuse counselors, laboratory  
19 technicians, physical therapists, optometrists, audiologists,  
20 dentists, dental assistants, and dental hygienists;

21 (3) Maintain and preserve the medical records of health  
22 care services;

23 (4) Approve the purchasing of all necessary medical  
24 supplies and medical equipment for the department;

25 (5) Recommend all necessary programs for the preservice,  
26 inservice, and continuing medical training and education of the  
27 health care staff and other relevant staff of the department,  
28 including training specifically designed to promote prompt and

1 effective responses by all staff of the department to medical  
2 emergencies;

3 (6) Develop and implement condition-specific medical  
4 treatment protocols that ensure compatibility with a community  
5 standard of health care, including protocols addressing the: (a)  
6 Treatment of gastrointestinal bleeds; (b) detection and treatment  
7 of all communicable diseases; (c) treatment of gender-specific  
8 problems; (d) treatment of diabetes; (e) treatment of hypertension;  
9 (f) treatment of headaches; (g) utilization of surgical procedures;  
10 (h) control of infection; (i) provision of dental care; (j)  
11 provision of age-specific and gender-specific routine health  
12 maintenance; (k) means by which inmates obtain access to health  
13 care services; (l) use of prescribed drugs, devices, or biologicals  
14 for the purpose of pain management; (m) referral of patients to  
15 medical specialists not in the employ of the department; and (n)  
16 initiation, observance, and termination of do not resuscitate  
17 orders initiated pursuant to the Rights of the Terminally Ill Act;

18 (7) Develop and implement a system of general discharge  
19 planning for the health care services to be received by inmates who  
20 are soon to be released from the custody of the department and who  
21 have chronic health care problems;

22 (8) Develop and implement a comprehensive health care  
23 services plan;

24 (9) Develop and implement an internal credentialing  
25 program for the employment and retention of the health care staff  
26 of the department based on a community standard of health care; and

27 (10) Develop and implement an internal peer review and  
28 quality assurance program based upon a community standard of health

1 care.

2           Sec. 27.   Original sections 71-101, 71-102, 71-107,  
3 71-110, 71-112, 71-113, 71-114, 71-116, 71-131, 71-139.02, 71-162,  
4 71-1,312, and 83-164, Reissue Revised Statutes of Nebraska, section  
5 83-4,157, Revised Statutes Supplement, 2002, and section 60-6,209,  
6 Revised Statutes Supplement, 2003, are repealed.