

AMENDMENTS TO LB 1108

Introduced by Health and Human Services.

1 1. Insert the following new sections:

2 Sec. 2. Section 38-2115, Revised Statutes Supplement,
3 2007, is amended to read:

4 38-2115 (1) Mental health practice means the provision
5 of treatment, assessment, psychotherapy, counseling, or equivalent
6 activities to individuals, couples, families, or groups for
7 behavioral, cognitive, social, mental, or emotional disorders,
8 including interpersonal or personal situations.

9 (2) Mental health practice does not include:

10 (a) The practice of psychology or medicine;

11 (b) Prescribing drugs or electroconvulsive therapy;

12 (c) Treating physical disease, injury, or deformity;

13 (d) Diagnosing major mental illness or disorder except in
14 consultation with a qualified physician, ~~or~~ a psychologist licensed
15 to engage in the practice of psychology as provided in section
16 38-3111, or a licensed independent mental health practitioner;

17 (e) Measuring personality or intelligence for the purpose
18 of diagnosis or treatment planning;

19 (f) Using psychotherapy with individuals suspected of
20 having major mental or emotional disorders except in consultation
21 with a qualified physician, a ~~or~~ licensed psychologist, or a
22 licensed independent mental health practitioner; or

23 (g) Using psychotherapy to treat the concomitants of

1 organic illness except in consultation with a qualified physician
2 or licensed psychologist.

3 (3) Mental health practice includes the initial
4 assessment of organic mental or emotional disorders for the purpose
5 of referral or consultation.

6 (4) Nothing in sections 38-2114, 38-2118, and 38-2119
7 shall be deemed to constitute authorization to engage in activities
8 beyond those described in this section. Persons certified under the
9 Mental Health Practice Act but not licensed under section 38-2122
10 shall not engage in mental health practice.

11 Sec. 3. Section 38-2116, Revised Statutes Supplement,
12 2007, is amended to read:

13 38-2116 (1) Mental health practitioner means a person who
14 holds himself or herself out as a person qualified to engage in
15 mental health practice or a person who offers or renders mental
16 health practice services. Independent mental health practitioner
17 means a person who holds himself or herself out as a person
18 qualified to engage in independent mental health practice or a
19 person who offers or renders independent mental health practice
20 services.

21 (2) A person who is licensed as a mental health
22 practitioner ~~or an independent mental health practitioner~~ and
23 certified as a master social worker may use the title licensed
24 clinical social worker. A person who is licensed as a mental health
25 practitioner ~~or an independent mental health practitioner~~ and
26 certified as a professional counselor may use the title licensed
27 professional counselor. A person who is licensed as a mental

1 health practitioner ~~or an independent mental health practitioner~~
2 and certified as a marriage and family therapist may use the
3 title licensed marriage and family therapist. No person shall use
4 the title licensed clinical social worker, licensed professional
5 counselor, or licensed marriage and family therapist unless he or
6 she is licensed and certified as provided in this subsection.

7 (3) A person who is licensed as an independent mental
8 health practitioner and certified as a master social worker may
9 use the title licensed independent clinical social worker. A person
10 who is licensed as an independent mental health practitioner and
11 certified as a professional counselor may use the title licensed
12 independent professional counselor. A person who is licensed as an
13 independent mental health practitioner and certified as a marriage
14 and family therapist may use the title licensed independent
15 marriage and family therapist. No person shall use the title
16 licensed independent clinical social worker, licensed independent
17 professional counselor, or licensed independent marriage and family
18 therapist unless he or she is licensed and certified as provided in
19 this subsection.

20 ~~(3)~~ (4) A mental health practitioner shall not represent
21 himself or herself as a physician or psychologist and shall not
22 represent his or her services as being medical or psychological
23 in nature. An independent mental health practitioner shall not
24 represent himself or herself as a physician or psychologist.

25 2. On page 3, line 12, reinstate the stricken language;
26 in lines 12 through 14 strike the new language; strike lines 5, 6,
27 17, and 18 and show as stricken; and after lines 6 and 18 insert

1 the following new subdivision:

2 "(ii) (A) Is licensed as a licensed mental health
3 practitioner or (B) is licensed as a provisional mental health
4 practitioner and has satisfactorily passed an examination approved
5 by the board pursuant to subdivision (3) of section 38-2122; and".

6 3. On page 4, line 9, after "38-2112" insert ", 38-2115,
7 38-2116,".

8 4. Renumber the remaining sections accordingly.