

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 325

Introduced by Albrecht, 17.

Read first time January 13, 2021

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 section 38-2101, Reissue Revised Statutes of Nebraska, and sections
3 38-121 and 38-2130, Revised Statutes Cumulative Supplement, 2020; to
4 adopt the Art Therapy Practice Act; to provide powers and duties for
5 the Board of Mental Health Practice; to harmonize provisions; to
6 provide an operative date; and to repeal the original sections.

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

1 Section 1. Section 38-121, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 38-121 (1) No individual shall engage in the following practices
4 unless such individual has obtained a credential under the Uniform
5 Credentialing Act:

- 6 (a) Acupuncture;
- 7 (b) Advanced practice nursing;
- 8 (c) Alcohol and drug counseling;
- 9 (d) Asbestos abatement, inspection, project design, and training;
- 10 (e) Athletic training;
- 11 (f) Audiology;
- 12 (g) Speech-language pathology;
- 13 (h) Body art;
- 14 (i) Chiropractic;
- 15 (j) Cosmetology;
- 16 (k) Dentistry;
- 17 (l) Dental hygiene;
- 18 (m) Electrology;
- 19 (n) Emergency medical services;
- 20 (o) Esthetics;
- 21 (p) Funeral directing and embalming;
- 22 (q) Genetic counseling;
- 23 (r) Hearing instrument dispensing and fitting;
- 24 (s) Lead-based paint abatement, inspection, project design, and
25 training;
- 26 (t) Licensed practical nurse-certified until November 1, 2017;
- 27 (u) Massage therapy;
- 28 (v) Medical nutrition therapy;
- 29 (w) Medical radiography;
- 30 (x) Medicine and surgery;
- 31 (y) Mental health practice;

- 1 (z) Nail technology;
- 2 (aa) Nursing;
- 3 (bb) Nursing home administration;
- 4 (cc) Occupational therapy;
- 5 (dd) Optometry;
- 6 (ee) Osteopathy;
- 7 (ff) Perfusion;
- 8 (gg) Pharmacy;
- 9 (hh) Physical therapy;
- 10 (ii) Podiatry;
- 11 (jj) Psychology;
- 12 (kk) Radon detection, measurement, and mitigation;
- 13 (ll) Respiratory care;
- 14 (mm) Surgical assisting;
- 15 (nn) Veterinary medicine and surgery;
- 16 (oo) Public water system operation; and
- 17 (pp) Constructing or decommissioning water wells and installing
- 18 water well pumps and pumping equipment.

19 (2) No individual shall hold himself or herself out as any of the
20 following until such individual has obtained a credential under the
21 Uniform Credentialing Act for that purpose:

- 22 (a) Registered environmental health specialist;
- 23 (b) Certified marriage and family therapist;
- 24 (c) Certified professional counselor;
- 25 (d) Certified art therapist;
- 26 (e) ~~(d)~~ Social worker; or
- 27 (f) ~~(e)~~ Dialysis patient care technician.

28 (3) No business shall operate for the provision of any of the
29 following services unless such business has obtained a credential under
30 the Uniform Credentialing Act:

- 31 (a) Body art;

- 1 (b) Cosmetology;
- 2 (c) Emergency medical services;
- 3 (d) Esthetics;
- 4 (e) Funeral directing and embalming;
- 5 (f) Massage therapy; or
- 6 (g) Nail technology.

7 Sec. 2. Section 38-2101, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 38-2101 Sections 38-2101 to 38-2139 and the Art Therapy Practice Act
10 shall be known and may be cited as the Mental Health Practice Act.

11 Sec. 3. Section 38-2130, Revised Statutes Cumulative Supplement,
12 2020, is amended to read:

13 38-2130 The department, with the recommendation of the board, may
14 issue a certificate based on licensure in another jurisdiction to
15 represent oneself as a certified art therapist, a certified marriage and
16 family therapist, a certified professional counselor, or a social worker
17 to an individual who meets the requirements of the Mental Health Practice
18 Act relating to art therapy, marriage and family therapy, professional
19 counseling, or social work, as appropriate, or substantially equivalent
20 requirements as determined by the department, with the recommendation of
21 the board. An applicant for a certificate who is a military spouse may
22 apply for a temporary certificate as provided in section 38-129.01.

23 Sec. 4. Sections 4 to 15 of this act shall be known and may be
24 cited as the Art Therapy Practice Act.

25 Sec. 5. For purposes of the Art Therapy Practice Act and elsewhere
26 in the Uniform Credentialing Act, unless the context otherwise requires,
27 the definitions found in sections 6 to 9 of this act apply.

28 Sec. 6. Accredited institution means a university or college
29 accredited by a nationally recognized accrediting agency of institutions
30 of higher education, or an institution or clinical program approved by
31 the American Art Therapy Association.

1 Sec. 7. Board means the Board of Mental Health Practice.

2 Sec. 8. Licensed professional art therapist means a person who has
3 completed a master's or doctoral degree program in art therapy, or an
4 equivalent course of study, from an accredited institution, has completed
5 all of the requirements set out in the Uniform Credentialing Act, and has
6 been issued a license by the board for the independent practice of art
7 therapy.

8 Sec. 9. Practice of professional art therapy means the integrated
9 use of psychotherapeutic principles, visual art media, and the creative
10 process in the assessment, treatment, and remediation of psychosocial,
11 emotional, cognitive, physical, and developmental disorders in children,
12 adolescents, adults, families, and groups.

13 Sec. 10. (1) No person shall use the title licensed professional
14 art therapist or use the abbreviation LPAT or a title or letters that are
15 substantially the same or hold himself or herself out as a licensed
16 professional art therapist unless licensed by the board.

17 (2) Except as provided in section 11 of this act, no person shall
18 engage in the practice of professional art therapy unless licensed by the
19 board.

20 Sec. 11. An individual who is a graduate student in art therapy and
21 who is practicing under the supervision of a licensed professional art
22 therapist is exempt from the licensure requirements of the Art Therapy
23 Practice Act.

24 Sec. 12. (1) An applicant for licensure as a licensed professional
25 art therapist shall at the time of application provide proof to the
26 department that the applicant meets one or more of the following
27 qualifications:

28 (a) Graduation after successful completion of art therapy curriculum
29 requirements of an accredited institution approved by the board; or

30 (b) Graduation with a four-year degree from an accredited
31 institution and completion of at least two consecutive years, military

1 duty excepted, as a student art therapist under the supervision of a
2 licensed professional art therapist who is approved by the board.

3 (2) In order to be licensed as a professional art therapist, an
4 applicant shall, in addition to the requirements of subsection (1) of
5 this section, successfully complete an examination approved by the board.

6 Sec. 13. An applicant for licensure as a professional art therapist
7 who has met the education and examination requirements in section 12 of
8 this act, who passed the examination more than three years prior to the
9 time of application for licensure, and who is not practicing at the time
10 of application for licensure shall present proof satisfactory to the
11 department that the applicant has within the three years immediately
12 preceding the application for licensure completed continuing competency
13 requirements approved by the board pursuant to section 38-145.

14 Sec. 14. (1) An applicant for licensure as a professional art
15 therapist who has met the standards set by the board pursuant to section
16 38-126 for a license based on licensure in another jurisdiction but is
17 not practicing at the time of application for licensure shall present
18 proof satisfactory to the department that the applicant has within the
19 three years immediately preceding the application for licensure completed
20 continuing competency requirements approved by the board pursuant to
21 section 38-145.

22 (2) An applicant who is a military spouse may apply for a temporary
23 license as provided in section 38-129.01.

24 Sec. 15. The department shall establish and collect fees for
25 initial licensure and renewal under the Art Therapy Practice Act as
26 provided in sections 38-151 to 38-157.

27 Sec. 16. This act becomes operative on January 1, 2022.

28 Sec. 17. Original section 38-2101, Reissue Revised Statutes of
29 Nebraska, and sections 38-121 and 38-2130, Revised Statutes Cumulative
30 Supplement, 2020, are repealed.