

AMENDMENTS TO LB78

Introduced by Cavanaugh, M., 6.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 38-121, Revised Statutes Cumulative Supplement,  
4 2022, is amended to read:

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

- 8           (a) Acupuncture;
- 9           (b) Advanced practice nursing;
- 10          (c) Alcohol and drug counseling;
- 11          (d) Asbestos abatement, inspection, project design, and training;
- 12          (e) Athletic training;
- 13          (f) Audiology;
- 14          (g) Speech-language pathology;
- 15          (h) Body art;
- 16          (i) Chiropractic;
- 17          (j) Cosmetology;
- 18          (k) Dentistry;
- 19          (l) Dental hygiene;
- 20          (m) Electrology;
- 21          (n) Emergency medical services;
- 22          (o) Esthetics;
- 23          (p) Funeral directing and embalming;
- 24          (q) Genetic counseling;
- 25          (r) Hearing instrument dispensing and fitting;
- 26          (s) Lead-based paint abatement, inspection, project design, and  
27 training;

- 1 (t) Licensed practical nurse-certified until November 1, 2017;
- 2 (u) Massage therapy;
- 3 (v) Medical nutrition therapy;
- 4 (w) Medical radiography;
- 5 (x) Medicine and surgery;
- 6 (y) Mental health practice;
- 7 (z) Nail technology;
- 8 (aa) Nursing;
- 9 (bb) Nursing home administration;
- 10 (cc) Occupational therapy;
- 11 (dd) Optometry;
- 12 (ee) Osteopathy;
- 13 (ff) Perfusion;
- 14 (gg) Pharmacy;
- 15 (hh) Physical therapy;
- 16 (ii) Podiatry;
- 17 (jj) Psychology;
- 18 (kk) Radon detection, measurement, and mitigation;
- 19 (ll) Respiratory care;
- 20 (mm) Surgical assisting; and
- 21 (nn) Veterinary medicine and surgery.

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

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

31 (3) No business shall operate for the provision of any of the

1 following services unless such business has obtained a credential under  
2 the Uniform Credentialing Act:

- 3 (a) Body art;
- 4 (b) Cosmetology;
- 5 (c) Emergency medical services;
- 6 (d) Esthetics;
- 7 (e) Funeral directing and embalming;
- 8 (f) Massage therapy; or
- 9 (g) Nail technology.

10 Sec. 2. Section 38-1706, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 38-1706 Massage therapy means a health care service involving the  
13 physical, mechanical, or electrical manipulation of soft tissue for the  
14 therapeutic purposes or to enhance wellness ~~of enhancing muscle~~  
15 ~~relaxation, reducing stress, improving circulation, or instilling a~~  
16 ~~greater sense of well-being~~ and may include the use of oil, salt glows,  
17 heat lamps, and hydrotherapy. Massage therapy does not include diagnosis  
18 or treatment or use of procedures for which a license to practice  
19 medicine or surgery, chiropractic, or podiatry is required nor the use of  
20 microwave diathermy, shortwave diathermy, ultrasound, transcutaneous  
21 electrical nerve stimulation, electrical stimulation of over thirty-five  
22 volts, neurological hyperstimulation, or spinal and joint adjustments.

23 Sec. 3. Section 38-2101, Revised Statutes Cumulative Supplement,  
24 2022, is amended to read:

25 38-2101 Sections 38-2101 to 38-2139 and sections 6 to 8 and 16 to 22  
26 of this act shall be known and may be cited as the Mental Health Practice  
27 Act.

28 Sec. 4. Section 38-2102, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 38-2102 The Legislature finds that, because many mental health  
31 practitioners are not regulated in this state, anyone may offer mental

1 health services by using an unrestricted title and that there is no means  
2 for identifying qualified practitioners, for enforcing professional  
3 standards, or for holding such practitioners accountable for their  
4 actions. As a result, ~~Therefore~~ the Legislature determines that, in the  
5 interest of consumer protection and for the protection of public health,  
6 safety, and welfare, individuals should be provided a means by which they  
7 can be assured that their selection of a mental health practitioner is  
8 based on sound criteria and that the activities of those persons who by  
9 any title may offer or deliver therapeutic mental health services should  
10 be regulated.

11 The purpose of licensing mental health practitioners is to provide  
12 for an omnibus title for such persons and to provide for associated  
13 certification of social workers, master social workers, professional  
14 counselors, ~~and~~ marriage and family therapists, and art therapists.

15 Sec. 5. Section 38-2103, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 38-2103 For purposes of the Mental Health Practice Act and elsewhere  
18 in the Uniform Credentialing Act, unless the context otherwise requires,  
19 the definitions found in sections 38-2104 to 38-2119 and sections 6 to 8  
20 of this act apply.

21 Sec. 6. Section 38-2104, Revised Statutes Cumulative Supplement,  
22 2022, is amended to read:

23 38-2104 (1) Approved educational program means a program of  
24 education and training accredited by an agency listed in subsection (2)  
25 of this section or approved by the board. Such approval may be based on  
26 the program's accreditation by an accrediting agency with requirements  
27 similar to an agency listed in subsection (2) of this section or on  
28 standards established by the board in the manner and form provided in  
29 section 38-133.

30 (2) Approved educational program includes a program of education and  
31 training accredited by:

1 (a) The Commission on Accreditation for Marriage and Family Therapy  
2 Education;

3 (b) The Council for Accreditation of Counseling and Related  
4 Educational Programs;

5 (c) The Council on Rehabilitation Education;

6 (d) The Council on Social Work Education; ~~or~~

7 (e) The American Psychological Association for a doctoral degree  
8 program enrolled in by a person who has a master's degree or its  
9 equivalent in psychology; or -

10 (f) The American Art Therapy Association or the Commission on  
11 Accreditation of Allied Health Education Programs for a master's degree  
12 program in art therapy.

13 Sec. 7. Art media means the materials used by an individual to  
14 create tangible representations of private experiences, thoughts, and  
15 emotions. Art media includes, but is not limited to, traditional art  
16 making materials such as paint, clay, drawing implements, photography,  
17 and collage, as well as, crafts, found objects, and nontraditional  
18 materials that can be utilized to make personal art.

19 Sec. 8. (1) Art therapy means the integrative application of  
20 psychotherapeutic principles and methods with specialized training in  
21 strategic use of art media, the neurobiological implications of art-  
22 making, and art-based assessment models in the evaluation, assessment,  
23 and treatment of normal and abnormal cognitive, developmental, emotional,  
24 and behavioral disorders and conditions in individuals, families, and  
25 groups.

26 (2) Subject to subsection (3) of this section, art therapy includes,  
27 but is not limited to:

28 (a) Appraisal activities involving selecting, administering, and  
29 interpreting art-based appraisal tools and standard diagnostic  
30 instruments designed to assess levels of functioning, aptitudes,  
31 abilities, and personal characteristics to determine treatment plans and

1 appropriate art-based interventions;

2 (b) Use of art media and the creative process to assess a client's  
3 inner fears, conflicts, and core issues with the goal of improving  
4 physical, cognitive, and emotional functioning and increasing self-  
5 awareness and self-esteem;

6 (c) Strategic application of therapeutic interventions in individual  
7 and group sessions to facilitate visual, nonverbal, and verbal receptive  
8 and expressive communication and engagement;

9 (d) Use of art-making and the verbal processing of produced imagery  
10 to help clients improve cognitive and sensory-motor functions and reduce  
11 symptoms of depression, anxiety, post-traumatic stress, and attachment  
12 disorders;

13 (e) Implementation of treatment plans to help clients resolve  
14 conflicts and distress, manage anger, cope with traumatic experience and  
15 grief, develop interpersonal skills, and improve educational performance,  
16 vocational performance, and social functioning;

17 (f) Adjustment of appraisal and evaluation techniques and treatments  
18 to address multicultural and diversity issues;

19 (g) Referral activities which evaluate data to identify clients or  
20 groups that may be better served by other specialists; and

21 (h) Provision of consultation, crisis intervention, client advocacy,  
22 and education services to clients.

23 (3) Nothing in this section shall be construed to authorize a  
24 certified art therapist to engage in the practice of clinical psychology  
25 as provided in section 38-3111.

26 Sec. 9. Certified art therapist means a person who is certified to  
27 practice art therapy pursuant to the Uniform Credentialing Act and who  
28 holds a current certificate issued by the department.

29 Sec. 10. Section 38-2116, Revised Statutes Cumulative Supplement,  
30 2022, is amended to read:

31 38-2116 (1)(a) Mental health practitioner means a person who holds

1 himself or herself out as a person qualified to engage in mental health  
2 practice or a person who offers or renders mental health practice  
3 services.

4 (b) Independent mental health practitioner means a person who holds  
5 himself or herself out as a person qualified to engage in independent  
6 mental health practice or a person who offers or renders independent  
7 mental health practice services.

8 (2)(a) A person who is licensed as a mental health practitioner and  
9 certified as a master social worker may use the title licensed clinical  
10 social worker.

11 (b) A person who is licensed as a mental health practitioner and  
12 certified as a professional counselor may use the title licensed  
13 professional counselor.

14 (c) A person who is licensed as a mental health practitioner and  
15 certified as a marriage and family therapist may use the title licensed  
16 marriage and family therapist.

17 (d) A person who is licensed as a mental health practitioner and  
18 certified as an art therapist may use the title licensed art therapist.

19 (e) ~~(d)~~ No person shall use the title licensed clinical social  
20 worker, licensed professional counselor, or licensed marriage and family  
21 therapist, or licensed art therapist unless such person he or she is  
22 licensed and certified as provided in this subsection.

23 (3)(a) A person who is licensed as an independent mental health  
24 practitioner and certified as a master social worker may use the title  
25 licensed independent clinical social worker.

26 (b) A person who is licensed as an independent mental health  
27 practitioner and certified as a professional counselor or who holds a  
28 privilege to practice in Nebraska as a professional counselor under the  
29 Licensed Professional Counselors Interstate Compact may use the title  
30 licensed independent professional counselor.

31 (c) A person who is licensed as an independent mental health

1 practitioner and certified as a marriage and family therapist may use the  
2 title licensed independent marriage and family therapist.

3 (d) A person who is licensed as an independent mental health  
4 practitioner and certified as an art therapist may use the title licensed  
5 art therapist.

6 (e) ~~(d)~~ No person shall use the title licensed independent clinical  
7 social worker, licensed independent professional counselor, ~~or~~ licensed  
8 independent marriage and family therapist, or licensed independent art  
9 therapist unless such person ~~he or she~~ is licensed and certified or holds  
10 a privilege as provided in this subsection.

11 (4) A mental health practitioner shall not represent himself or  
12 herself as a physician or psychologist and shall not represent his or her  
13 services as being medical or psychological in nature. An independent  
14 mental health practitioner shall not represent himself or herself as a  
15 physician or psychologist.

16 Sec. 11. Section 38-2117, Revised Statutes Cumulative Supplement,  
17 2022, is amended to read:

18 38-2117 Mental health program means an approved educational program  
19 in a field such as, but not limited to, social work, professional  
20 counseling, marriage and family therapy, human development, psychology,  
21 ~~or~~ family relations, or art therapy, the content of which contains an  
22 emphasis on therapeutic mental health and course work in psychotherapy  
23 and the assessment of mental disorders.

24 Sec. 12. Section 38-2120, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 38-2120 The board shall consist of nine ~~eight~~ professional members  
27 and two public members appointed pursuant to section 38-158. The members  
28 shall meet the requirements of sections 38-164 and 38-165. Two  
29 professional members shall be certified master social workers, two  
30 professional members shall be certified professional counselors, two  
31 professional members shall be certified marriage and family therapists,



1 one professional member shall be a certified art therapist, and two  
2 professional members shall be licensed mental health practitioners that  
3 do not hold an associated certification.

4 Sec. 13. Section 38-2121, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 38-2121 The requirement to be licensed as a mental health  
7 practitioner pursuant to the Uniform Credentialing Act in order to engage  
8 in mental health practice shall not be construed to prevent:

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

13 (2) Alcohol and drug counselors who are licensed by the Division of  
14 Public Health of the Department of Health and Human Services and problem  
15 gambling counselors who are certified by the Department of Health and  
16 Human Services prior to July 1, 2013, or by the Nebraska Commission on  
17 Problem Gambling beginning on July 1, 2013, from practicing their  
18 profession. Such exclusion shall include students training and working  
19 under the supervision of an individual qualified under section 38-315;

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

25 (4) Teaching or the conduct of research related to mental health  
26 services or consultation with organizations or institutions if such  
27 teaching, research, or consultation does not involve the delivery or  
28 supervision of mental health services to individuals or groups of  
29 individuals who are themselves, rather than a third party, the intended  
30 beneficiaries of such services;

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

1 (a) Students, interns, or residents whose activities constitute a  
2 part of the course of study for medicine, psychology, nursing, school  
3 psychology, social work, clinical social work, counseling, marriage and  
4 family therapy, art therapy, or other health care or mental health  
5 service professions; or

6 (b) Individuals seeking to fulfill postgraduate requirements for  
7 licensure when those individuals are supervised by a licensed  
8 professional consistent with the applicable regulations of the  
9 appropriate professional board;

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

14 (7) The incidental exchange of advice or support by persons who do  
15 not represent themselves as engaging in mental health practice, including  
16 participation in self-help groups when the leaders of such groups receive  
17 no compensation for their participation and do not represent themselves  
18 as mental health practitioners or their services as mental health  
19 practice;

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

27 (9) Staff employed in a program designated by an agency of state  
28 government to provide rehabilitation and support services to individuals  
29 with mental illness from completing a rehabilitation assessment or  
30 preparing, implementing, and evaluating an individual rehabilitation  
31 plan; or

1 (10) A person who holds a privilege to practice in Nebraska as a  
2 professional counselor under the Licensed Professional Counselors  
3 Interstate Compact from acting as authorized by such privilege.

4 Sec. 14. Section 38-2122, Revised Statutes Cumulative Supplement,  
5 2022, is amended to read:

6 38-2122 A person shall be qualified to be a licensed mental health  
7 practitioner if such person ~~he or she~~:

8 (1) Has received a master's degree, a doctoral degree, or the  
9 equivalent of a master's degree, as determined by the board, that  
10 consists of course work and training which was primarily therapeutic  
11 mental health in content and included a practicum or internship and was  
12 from an approved educational program. Practicums or internships completed  
13 after September 1, 1995, must include a minimum of three hundred clock  
14 hours of direct client contact under the supervision of a qualified  
15 physician, a licensed psychologist, or a licensed mental health  
16 practitioner;

17 (2) Has successfully completed three thousand hours of supervised  
18 experience in mental health practice of which fifteen hundred hours were  
19 in direct client contact in a setting where mental health services were  
20 being offered and the remaining fifteen hundred hours included, but were  
21 not limited to, review of client records, case conferences, direct  
22 observation, and video observation. For purposes of this subdivision,  
23 supervised means monitored by a qualified physician, a licensed clinical  
24 psychologist, or a certified master social worker, certified professional  
25 counselor, or marriage and family therapist qualified for certification  
26 on September 1, 1994, for any hours completed before such date or by a  
27 qualified physician, a psychologist licensed to engage in the practice of  
28 psychology, or a licensed mental health practitioner for any hours  
29 completed after such date, including evaluative face-to-face contact for  
30 a minimum of one hour per week. Such three thousand hours shall be  
31 accumulated after completion of the master's degree, doctoral degree, or

1 equivalent of the master's degree; and

2 (3) Has satisfactorily passed an examination approved by the board.  
3 An individual who by reason of educational background is eligible for  
4 certification as a certified master social worker, a certified  
5 professional counselor, ~~or~~ a certified marriage and family therapist, or  
6 a certified art therapist shall take and pass a certification examination  
7 approved by the board before becoming licensed as a mental health  
8 practitioner.

9 Sec. 15. Section 38-2124, Revised Statutes Cumulative Supplement,  
10 2022, is amended to read:

11 38-2124 (1) No person shall hold himself or herself out as an  
12 independent mental health practitioner unless he or she is licensed as  
13 such by the department or unless he or she holds a privilege to practice  
14 in Nebraska as a professional counselor under the Licensed Professional  
15 Counselors Interstate Compact. A person shall be qualified to be a  
16 licensed independent mental health practitioner if he or she:

17 (a)(i)(A) Graduated with a master's or doctoral degree from an  
18 educational program which is accredited, at the time of graduation or  
19 within four years after graduation, by the Council for Accreditation of  
20 Counseling and Related Educational Programs, the Commission on  
21 Accreditation for Marriage and Family Therapy Education, or the Council  
22 on Social Work Education, (B) graduated with a master's or doctoral  
23 degree which was either approved by the American Art Therapy Association  
24 or accredited by the Commission on Accreditation of Allied Health  
25 Education Programs at the time of graduation, or (C) ~~(B)~~ graduated with a  
26 master's or doctoral degree from an educational program deemed by the  
27 board to be equivalent in didactic content and supervised clinical  
28 experience to an accredited program;

29 (ii)(A) Is licensed as a licensed mental health practitioner or (B)  
30 is licensed as a provisional mental health practitioner and has  
31 satisfactorily passed an examination approved by the board pursuant to

1 subdivision (3) of section 38-2122; and

2 (iii) Has three thousand hours of experience supervised by a  
3 licensed physician, a licensed psychologist, or a licensed independent  
4 mental health practitioner, one-half of which is comprised of experience  
5 with clients diagnosed under the major mental illness or disorder  
6 category; or

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

9 (ii)(A) Is licensed as a licensed mental health practitioner or (B)  
10 is licensed as a provisional mental health practitioner and has  
11 satisfactorily passed an examination approved by the board pursuant to  
12 subdivision (3) of section 38-2122; and

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

18 (2) The experience required under this section shall be documented  
19 in a reasonable form and manner as prescribed by the board, which may  
20 consist of sworn statements from the applicant and his or her employers  
21 and supervisors. The board shall not in any case require the applicant to  
22 produce individual case records.

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

25 Sec. 16. Section 38-2130, Revised Statutes Cumulative Supplement,  
26 2022, is amended to read:

27 38-2130 The department, with the recommendation of the board, may  
28 issue a certificate based on licensure in another jurisdiction to  
29 represent oneself as a certified marriage and family therapist, a  
30 certified professional counselor, ~~or a social worker,~~ or a certified art  
31 therapist to an individual who meets the requirements of the Mental

1 Health Practice Act relating to marriage and family therapy, professional  
2 counseling, ~~or~~ social work, or art therapy, as appropriate, or  
3 substantially equivalent requirements as determined by the department,  
4 with the recommendation of the board. An applicant for a certificate who  
5 is a military spouse may apply for a temporary certificate as provided in  
6 section 38-129.01.

7 Sec. 17. (1) A person who applies to the department for  
8 certification as an art therapist shall be qualified for such  
9 certification if such person:

10 (a) Provides evidence to the department that such person has a  
11 master's or doctoral degree in art therapy from an approved educational  
12 program or a master's degree in a related mental health field and  
13 graduate-level course work determined by the board to be equivalent in  
14 didactic content and supervised clinical experience to an approved  
15 educational program in art therapy;

16 (b) Provides evidence to the department that such person has had at  
17 least three thousand hours of experience in art therapy under a qualified  
18 supervisor following receipt of the graduate degree. The three thousand  
19 hours shall include at least one thousand five hundred hours of direct  
20 client contact. During the course of completing the client-contact hours,  
21 there shall be at least one hundred hours of supervisor-supervisee-  
22 contact hours with a qualified supervisor and supervision shall be  
23 provided at least one hour per week or two hours every two weeks; and

24 (c) Completes an application and passes an examination approved by  
25 the board.

26 (2) For purposes of this section, qualified supervisor means a  
27 qualified physician, a psychologist licensed to engage in the practice of  
28 psychology, a licensed mental health practitioner, a licensed independent  
29 mental health practitioner, or a certified art therapist who has met  
30 standards for supervision specified in rules and regulations approved by  
31 the board and adopted and promulgated by the department. Of the hours of

1 experience with a qualified supervisor required under subdivision (1)(b)  
2 of this section, not less than one-half of the three thousand hours of  
3 experience in art therapy, not less than one-half of the one thousand  
4 five hundred client-contact hours, and not less than one-half of the  
5 supervisor-supervisee-contact hours must be completed under the  
6 supervision of a qualified certified art therapist, as approved by the  
7 board.

8 (3) An applicant for certification as a certified art therapist who  
9 has completed all or part of such applicant's qualifying experience in  
10 art therapy in another state or jurisdiction shall have completed not  
11 less than one-half of the required three thousand hours of experience and  
12 not less than one-half of the client-contact hours and supervisor-  
13 supervisee-contact hours under the supervision of a qualified certified  
14 art therapist or a person holding a credential as a Board Certified Art  
15 Therapist from the Art Therapy Credentials Board, Inc., as determined by  
16 the Board of Mental Health Practice.

17 Sec. 18. (1) The department, with the recommendation of the board,  
18 may issue a credential under the Mental Health Practice Act as a  
19 certified art therapist based on licensure in another state or  
20 jurisdiction to an individual who meets the requirements of section 16 of  
21 this act or substantially equivalent requirements as determined by the  
22 department, with the recommendation of the board.

23 (2) A person practicing art therapy in Nebraska before January 1,  
24 2024, may apply for certification as an art therapist under the Mental  
25 Health Practice Act if such person completes an application and provides  
26 satisfactory evidence to the department that such person:

27 (a) Holds a credential in good standing as a Board Certified Art  
28 Therapist from the Art Therapy Credentials Board, Inc.;

29 (b) Has engaged in the practice of art therapy during at least three  
30 of the five years preceding submission of the application; and

31 (c) Has met any additional requirements as determined by the

1 department, with the recommendation of the board.

2 Sec. 19. (1) A person who needs to obtain the required three  
3 thousand hours of supervised experience in art therapy as specified in  
4 section 16 of this act to qualify for certification as an art therapist  
5 shall obtain a provisional certification as an art therapist. To qualify  
6 for a provisional certification as an art therapist, such person shall:

7 (a) Have a minimum of a master's degree in art therapy from an  
8 approved educational program; and

9 (b) Apply prior to earning the three thousand hours of supervised  
10 experience.

11 (2) A provisional art therapist certification shall expire upon  
12 receipt of certification as a certified art therapist or five years after  
13 the date of issuance, whichever comes first.

14 (3) A person who holds a provisional certification as an art  
15 therapist shall inform all clients that such person holds a provisional  
16 certification and is practicing art therapy under supervision and shall  
17 identify the supervisor. Failure to make such disclosure is a ground for  
18 discipline as set forth in section 38-2139.

19 Sec. 20. Nothing in the Mental Health Practice Act shall be  
20 construed to prevent or restrict any person who has obtained a credential  
21 under the Uniform Credentialing Act from engaging in any activity or  
22 practice, including use of art and art materials, that is consistent with  
23 such person's licensed scope of practice and professional training, as  
24 long as such person does not use the title licensed art therapist or  
25 certified art therapist.

26 Sec. 21. Except as otherwise provided in section 38-2136, a  
27 certified art therapist shall not disclose any information, including,  
28 but not limited to, client records, artwork, verbal or artistic  
29 expressions, assessment results, or assessment interpretations, that such  
30 certified art therapist may have acquired from any person consulting such  
31 certified art therapist in a professional capacity.



1           Sec. 22. (1) The board may appoint an art therapist advisory  
2 committee, as provided in section 38-161, to assist the board in carrying  
3 out its duties under the Mental Health Practice Act.

4           (2) An advisory committee appointed pursuant to this section shall  
5 develop recommendations for adoption by the board and promulgation by the  
6 department on topics determined by the board as necessary to carry out  
7 its duties under the Mental Health Practice Act, including, but not  
8 limited to:

9           (a) Standards of competency and procedures for qualifying art  
10 therapists as licensed mental health practitioners and certified art  
11 therapists and for certification as provisional art therapists;

12           (b) Education standards for determining if an applicant's academic  
13 training and supervised clinical experience are substantially equivalent  
14 to an approved educational program in art therapy;

15           (c) Standards pertaining to the supervised practice of art therapy  
16 by certified provisional art therapists and requirements for approved  
17 supervisors;

18           (d) A code of ethics for the practice of art therapy for approval by  
19 the board pursuant to section 38-2138; and

20           (e) Standards for continuing competency and procedures for  
21 compliance with the continuing education requirements and approval of  
22 providers of continuing education.

23           Sec. 23. Nothing in the Mental Health Practice Act shall be  
24 construed to require the State of Nebraska, any agency of the State of  
25 Nebraska, or any of the entities which operate under rules and  
26 regulations of a state agency, which employ or contract for the services  
27 of art therapists, to employ or contract with only persons certified  
28 pursuant to the act for the performance of any of the professional  
29 activities enumerated in section 7 of this act.

30           Sec. 24. Section 38-2139, Revised Statutes Cumulative Supplement,  
31 2022, is amended to read:

1           38-2139 In addition to the grounds for disciplinary action found in  
2 sections 38-178 and 38-179, a credential or privilege to practice in  
3 Nebraska subject to the Mental Health Practice Act may be denied, refused  
4 renewal, limited, revoked, or suspended or have other disciplinary  
5 measures taken against it in accordance with section 38-196 when the  
6 applicant, licensee, or privilege holder fails to disclose the  
7 information required by section 38-2123 or 38-2129 or section 18 of this  
8 act or the Licensed Professional Counselors Interstate Compact.

9           Sec. 25. This act becomes operative on January 1, 2024.

10          Sec. 26. Original sections 38-1706, 38-2102, 38-2103, and 38-2120,  
11 Reissue Revised Statutes of Nebraska, and sections 38-121, 38-2101,  
12 38-2104, 38-2116, 38-2117, 38-2121, 38-2122, 38-2124, 38-2130, and  
13 38-2139, Revised Statutes Cumulative Supplement, 2022, are repealed.