

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 605

FINAL READING

Introduced by Albrecht, 17; Dungan, 26.

Read first time January 17, 2023

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 sections 38-2102, 38-2103, and 38-2120, Reissue Revised Statutes of
3 Nebraska, sections 38-2101, 38-2104, 38-2116, 38-2117, 38-2121,
4 38-2122, 38-2124, 38-2130, and 38-2139, Revised Statutes Cumulative
5 Supplement, 2022, and section 38-121, Revised Statutes Supplement,
6 2023; to change provisions of the Mental Health Practice Act to
7 include protections and requirements for certified art therapists;
8 to define terms; to change the membership of the Board of Mental
9 Health Practice; to provide powers and duties to the Board of Mental
10 Health Practice; to harmonize provisions; to provide an operative
11 date; and to repeal the original sections.
12 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-121, Revised Statutes Supplement, 2023, is
2 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) Beginning one year after September 2, 2023, behavior analysis;
- 14 (i) Body art;
- 15 (j) Chiropractic;
- 16 (k) Cosmetology;
- 17 (l) Dentistry;
- 18 (m) Dental hygiene;
- 19 (n) Electrology;
- 20 (o) Emergency medical services;
- 21 (p) Esthetics;
- 22 (q) Funeral directing and embalming;
- 23 (r) Genetic counseling;
- 24 (s) Hearing instrument dispensing and fitting;
- 25 (t) Lead-based paint abatement, inspection, project design, and
26 training;
- 27 (u) Licensed practical nurse-certified until November 1, 2017;
- 28 (v) Massage therapy;
- 29 (w) Medical nutrition therapy;
- 30 (x) Medical radiography;
- 31 (y) Medicine and surgery;

- 1 (z) Mental health practice;
 - 2 (aa) Nail technology;
 - 3 (bb) Nursing;
 - 4 (cc) Nursing home administration;
 - 5 (dd) Occupational therapy;
 - 6 (ee) Optometry;
 - 7 (ff) Osteopathy;
 - 8 (gg) Perfusion;
 - 9 (hh) Pharmacy;
 - 10 (ii) Physical therapy;
 - 11 (jj) Podiatry;
 - 12 (kk) Psychology;
 - 13 (ll) Radon detection, measurement, and mitigation;
 - 14 (mm) Respiratory care;
 - 15 (nn) Surgical assisting; and
 - 16 (oo) Veterinary medicine and surgery.
- 17 (2) No individual shall hold himself or herself out as any of the
18 following until such individual has obtained a credential under the
19 Uniform Credentialing Act for that purpose:
- 20 (a) Registered environmental health specialist;
 - 21 (b) Certified marriage and family therapist;
 - 22 (c) Certified professional counselor;
 - 23 (d) Certified art therapist;
 - 24 (e) ~~(d)~~ Social worker; or
 - 25 (f) ~~(e)~~ Dialysis patient care technician.
- 26 (3) No business shall operate for the provision of any of the
27 following services unless such business has obtained a credential under
28 the Uniform Credentialing Act:
- 29 (a) Body art;
 - 30 (b) Cosmetology;
 - 31 (c) Emergency medical services;

- 1 (d) Esthetics;
- 2 (e) Funeral directing and embalming;
- 3 (f) Massage therapy; or
- 4 (g) Nail technology.

5 Sec. 2. Section 38-2101, Revised Statutes Cumulative Supplement,
6 2022, is amended to read:

7 38-2101 Sections 38-2101 to 38-2139 and sections 6 to 8 and 16 to 22
8 of this act shall be known and may be cited as the Mental Health Practice
9 Act.

10 Sec. 3. Section 38-2102, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 38-2102 The Legislature finds that, because many mental health
13 practitioners are not regulated in this state, anyone may offer mental
14 health services by using an unrestricted title and that there is no means
15 for identifying qualified practitioners, for enforcing professional
16 standards, or for holding such practitioners accountable for their
17 actions. As a result, ~~Therefore~~ the Legislature determines that, in the
18 interest of consumer protection and for the protection of public health,
19 safety, and welfare, individuals should be provided a means by which they
20 can be assured that their selection of a mental health practitioner is
21 based on sound criteria and that the activities of those persons who by
22 any title may offer or deliver therapeutic mental health services should
23 be regulated.

24 The purpose of licensing mental health practitioners is to provide
25 for an omnibus title for such persons and to provide for associated
26 certification of social workers, master social workers, professional
27 counselors, ~~and marriage and family therapists,~~ and art therapists.

28 Sec. 4. Section 38-2103, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 38-2103 For purposes of the Mental Health Practice Act and elsewhere
31 in the Uniform Credentialing Act, unless the context otherwise requires,

1 the definitions found in sections 38-2104 to 38-2119 and sections 6 to 8
2 of this act apply.

3 Sec. 5. Section 38-2104, Revised Statutes Cumulative Supplement,
4 2022, is amended to read:

5 38-2104 (1) Approved educational program means a program of
6 education and training accredited by an agency listed in subsection (2)
7 of this section or approved by the board. Such approval may be based on
8 the program's accreditation by an accrediting agency with requirements
9 similar to an agency listed in subsection (2) of this section or on
10 standards established by the board in the manner and form provided in
11 section 38-133.

12 (2) Approved educational program includes a program of education and
13 training accredited by:

14 (a) The Commission on Accreditation for Marriage and Family Therapy
15 Education;

16 (b) The Council for Accreditation of Counseling and Related
17 Educational Programs;

18 (c) The Council on Rehabilitation Education;

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

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

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

26 Sec. 6. Art media means the materials used by an individual to
27 create tangible representations of private experiences, thoughts, and
28 emotions. Art media includes, but is not limited to, traditional art
29 making materials such as paint, clay, drawing implements, photography,
30 and collage, as well as, crafts, found objects, and nontraditional
31 materials that can be utilized to make personal art.

1 Sec. 7. (1) Art therapy means the integrative application of
2 psychotherapeutic principles and methods with specialized training in
3 strategic use of art media, the neurobiological implications of art-
4 making, and art-based assessment models in the evaluation, assessment,
5 and treatment of normal and abnormal cognitive, developmental, emotional,
6 and behavioral disorders and conditions in individuals, families, and
7 groups.

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

10 (a) Appraisal activities involving selecting, administering, and
11 interpreting art-based appraisal tools and standard diagnostic
12 instruments designed to assess levels of functioning, aptitudes,
13 abilities, and personal characteristics to determine treatment plans and
14 appropriate art-based interventions;

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

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

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

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

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

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

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

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

8 Sec. 8. Certified art therapist means a person who is certified to
9 practice art therapy pursuant to the Uniform Credentialing Act and who
10 holds a current certificate issued by the department.

11 Sec. 9. Section 38-2116, Revised Statutes Cumulative Supplement,
12 2022, is amended to read:

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

17 (b) Independent mental health practitioner means a person who holds
18 himself or herself out as a person qualified to engage in independent
19 mental health practice or a person who offers or renders independent
20 mental health practice services.

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

24 (b) A person who is licensed as a mental health practitioner and
25 certified as a professional counselor may use the title licensed
26 professional counselor.

27 (c) A person who is licensed as a mental health practitioner and
28 certified as a marriage and family therapist may use the title licensed
29 marriage and family therapist.

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

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

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

8 (b) A person who is licensed as an independent mental health
9 practitioner and certified as a professional counselor or who holds a
10 privilege to practice in Nebraska as a professional counselor under the
11 Licensed Professional Counselors Interstate Compact may use the title
12 licensed independent professional counselor.

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

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

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

24 (4) A mental health practitioner shall not represent himself or
25 herself as a physician or psychologist and shall not represent his or her
26 services as being medical or psychological in nature. An independent
27 mental health practitioner shall not represent himself or herself as a
28 physician or psychologist.

29 Sec. 10. Section 38-2117, Revised Statutes Cumulative Supplement,
30 2022, is amended to read:

31 38-2117 Mental health program means an approved educational program

1 in a field such as, but not limited to, social work, professional
2 counseling, marriage and family therapy, human development, psychology,
3 ~~or family relations,~~ or art therapy, the content of which contains an
4 emphasis on therapeutic mental health and course work in psychotherapy
5 and the assessment of mental disorders.

6 Sec. 11. Section 38-2120, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-2120 The board shall consist of nine ~~eight~~ professional members
9 and two public members appointed pursuant to section 38-158. The members
10 shall meet the requirements of sections 38-164 and 38-165. Two
11 professional members shall be certified master social workers, two
12 professional members shall be certified professional counselors, two
13 professional members shall be certified marriage and family therapists,
14 one professional member shall be a certified art therapist, and two
15 professional members shall be licensed mental health practitioners that
16 do not hold an associated certification.

17 Sec. 12. Section 38-2121, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 38-2121 The requirement to be licensed as a mental health
20 practitioner pursuant to the Uniform Credentialing Act in order to engage
21 in mental health practice shall not be construed to prevent:

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

26 (2) Alcohol and drug counselors who are licensed by the Division of
27 Public Health of the Department of Health and Human Services and problem
28 gambling counselors who are certified by the Department of Health and
29 Human Services prior to July 1, 2013, or by the Nebraska Commission on
30 Problem Gambling beginning on July 1, 2013, from practicing their
31 profession. Such exclusion shall include students training and working

1 under the supervision of an individual qualified under section 38-315;

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

7 (4) Teaching or the conduct of research related to mental health
8 services or consultation with organizations or institutions if such
9 teaching, research, or consultation does not involve the delivery or
10 supervision of mental health services to individuals or groups of
11 individuals who are themselves, rather than a third party, the intended
12 beneficiaries of such services;

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

14 (a) Students, interns, or residents whose activities constitute a
15 part of the course of study for medicine, psychology, nursing, school
16 psychology, social work, clinical social work, counseling, marriage and
17 family therapy, art therapy, or other health care or mental health
18 service professions; or

19 (b) Individuals seeking to fulfill postgraduate requirements for
20 licensure when those individuals are supervised by a licensed
21 professional consistent with the applicable regulations of the
22 appropriate professional board;

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

27 (7) The incidental exchange of advice or support by persons who do
28 not represent themselves as engaging in mental health practice, including
29 participation in self-help groups when the leaders of such groups receive
30 no compensation for their participation and do not represent themselves
31 as mental health practitioners or their services as mental health

1 practice;

2 (8) Any person providing emergency crisis intervention or referral
3 services or limited services supporting a service plan developed by and
4 delivered under the supervision of a licensed mental health practitioner,
5 licensed physician, or a psychologist licensed to engage in the practice
6 of psychology if such persons are not represented as being licensed
7 mental health practitioners or their services are not represented as
8 mental health practice;

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

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

17 Sec. 13. Section 38-2122, Revised Statutes Cumulative Supplement,
18 2022, is amended to read:

19 38-2122 A person shall be qualified to be a licensed mental health
20 practitioner if such person ~~he or she~~:

21 (1) Has received a master's degree, a doctoral degree, or the
22 equivalent of a master's degree, as determined by the board, that
23 consists of course work and training which was primarily therapeutic
24 mental health in content and included a practicum or internship and was
25 from an approved educational program. Practicums or internships completed
26 after September 1, 1995, must include a minimum of three hundred clock
27 hours of direct client contact under the supervision of a qualified
28 physician, a licensed psychologist, or a licensed mental health
29 practitioner;

30 (2) Has successfully completed three thousand hours of supervised
31 experience in mental health practice of which fifteen hundred hours were

1 in direct client contact in a setting where mental health services were
2 being offered and the remaining fifteen hundred hours included, but were
3 not limited to, review of client records, case conferences, direct
4 observation, and video observation. For purposes of this subdivision,
5 supervised means monitored by a qualified physician, a licensed clinical
6 psychologist, or a certified master social worker, certified professional
7 counselor, or marriage and family therapist qualified for certification
8 on September 1, 1994, for any hours completed before such date or by a
9 qualified physician, a psychologist licensed to engage in the practice of
10 psychology, or a licensed mental health practitioner for any hours
11 completed after such date, including evaluative face-to-face contact for
12 a minimum of one hour per week. Such three thousand hours shall be
13 accumulated after completion of the master's degree, doctoral degree, or
14 equivalent of the master's degree; and

15 (3) Has satisfactorily passed an examination approved by the board.
16 An individual who by reason of educational background is eligible for
17 certification as a certified master social worker, a certified
18 professional counselor, ~~or~~ a certified marriage and family therapist, or
19 a certified art therapist shall take and pass a certification examination
20 approved by the board before becoming licensed as a mental health
21 practitioner.

22 Sec. 14. Section 38-2124, Revised Statutes Cumulative Supplement,
23 2022, is amended to read:

24 38-2124 (1) No person shall hold himself or herself out as an
25 independent mental health practitioner unless he or she is licensed as
26 such by the department or unless he or she holds a privilege to practice
27 in Nebraska as a professional counselor under the Licensed Professional
28 Counselors Interstate Compact. A person shall be qualified to be a
29 licensed independent mental health practitioner if he or she:

30 (a)(i)(A) Graduated with a master's or doctoral degree from an
31 educational program which is accredited, at the time of graduation or

1 within four years after graduation, by the Council for Accreditation of
2 Counseling and Related Educational Programs, the Commission on
3 Accreditation for Marriage and Family Therapy Education, or the Council
4 on Social Work Education, (B) graduated with a master's or doctoral
5 degree which was either approved by the American Art Therapy Association
6 or accredited by the Commission on Accreditation of Allied Health
7 Education Programs at the time of graduation, or (C) ~~(B)~~ graduated with a
8 master's or doctoral degree from an educational program deemed by the
9 board to be equivalent in didactic content and supervised clinical
10 experience to an accredited program;

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

15 (iii) Has three thousand hours of experience supervised by a
16 licensed physician, a licensed psychologist, or a licensed independent
17 mental health practitioner, one-half of which is comprised of experience
18 with clients diagnosed under the major mental illness or disorder
19 category; or

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

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

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

31 (2) The experience required under this section shall be documented

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

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

7 Sec. 15. Section 38-2130, Revised Statutes Cumulative Supplement,
8 2022, is amended to read:

9 38-2130 The department, with the recommendation of the board, may
10 issue a certificate based on licensure in another jurisdiction to
11 represent oneself as a certified marriage and family therapist, a
12 certified professional counselor, ~~or~~ a social worker, or a certified art
13 therapist to an individual who meets the requirements of the Mental
14 Health Practice Act relating to marriage and family therapy, professional
15 counseling, ~~or~~ social work, or art therapy, as appropriate, or
16 substantially equivalent requirements as determined by the department,
17 with the recommendation of the board. An applicant for a certificate who
18 is a military spouse may apply for a temporary certificate as provided in
19 section 38-129.01.

20 Sec. 16. (1) For purposes of this section, qualified supervisor
21 means a qualified physician, a psychologist licensed to engage in the
22 practice of psychology, a licensed mental health practitioner, a licensed
23 independent mental health practitioner, or a certified art therapist who
24 has met standards for supervision specified in rules and regulations
25 approved by the board and adopted and promulgated by the department.

26 (2) A person who submits a complete application to the department
27 for certification as an art therapist shall be qualified for such
28 certification if such person:

29 (a) Provides evidence to the department that such person:

30 (i) Has a master's or doctoral degree in art therapy from an
31 approved educational program or a master's degree in a related mental

1 health field and graduate-level course work determined by the board to be
2 equivalent in didactic content and supervised clinical experience to an
3 approved educational program in art therapy; and

4 (ii) Has had at least three thousand hours of experience in art
5 therapy supervised by a qualified supervisor following receipt of such
6 graduate degree and at least one-half of such hours were supervised by a
7 certified art therapist acting as the qualified supervisor. The three
8 thousand hours of experience shall include at least one thousand five
9 hundred hours of direct client contact, and at least one-half of such
10 hours shall be supervised by a certified art therapist acting as the
11 qualified supervisor. The direct-client-contact hours shall include at
12 least one hundred hours of supervisor-supervisee-contact hours supervised
13 by a qualified supervisor, with supervision provided at least one hour
14 per week or two hours every two weeks, and at least one-half of such
15 hours shall be supervised by a certified art therapist acting as the
16 qualified supervisor; and

17 (b) Passes an examination approved by the board.

18 (3) An applicant for certification as a certified art therapist who
19 has completed all or part of such applicant's qualifying experience in
20 art therapy in another state or jurisdiction shall have completed not
21 less than one-half of the required three thousand hours of experience and
22 not less than one-half of the direct-client-contact hours and supervisor-
23 supervisee-contact hours supervised by a certified art therapist or a
24 person holding a credential as a Board Certified Art Therapist from the
25 Art Therapy Credentials Board, Inc., as determined by the Board of Mental
26 Health Practice acting as the qualified supervisor.

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

1 department, with the recommendation of the board.

2 (2) A person practicing art therapy in Nebraska before January 1,
3 2025, may apply for certification as an art therapist under the Mental
4 Health Practice Act if such person completes an application and provides
5 satisfactory evidence to the department that such person:

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

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

10 (c) Has met any additional requirements as determined by the
11 department, with the recommendation of the board.

12 Sec. 18. (1) A person who needs to obtain the required three
13 thousand hours of supervised experience in art therapy as specified in
14 section 16 of this act to qualify for certification as an art therapist
15 shall obtain a provisional certification as an art therapist. To qualify
16 for a provisional certification as an art therapist, such person shall:

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

19 (b) Apply prior to earning the three thousand hours of supervised
20 experience.

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

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

29 Sec. 19. Nothing in the Mental Health Practice Act shall be
30 construed to prevent or restrict any person who has obtained a credential
31 under the Uniform Credentialing Act from engaging in any activity or

1 practice, including use of art and art materials, that is consistent with
2 such person's licensed scope of practice and professional training, as
3 long as such person does not use the title licensed art therapist or
4 certified art therapist.

5 Sec. 20. Except as otherwise provided in section 38-2136, a
6 certified art therapist shall not disclose any information, including,
7 but not limited to, client records, artwork, verbal or artistic
8 expressions, assessment results, or assessment interpretations, that such
9 certified art therapist may have acquired from any person consulting such
10 certified art therapist in a professional capacity.

11 Sec. 21. (1) The board may appoint an art therapist advisory
12 committee, as provided in section 38-161, to assist the board in carrying
13 out its duties under the Mental Health Practice Act.

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

19 (a) Standards of competency and procedures for qualifying art
20 therapists as licensed mental health practitioners and certified art
21 therapists and for certification as provisional art therapists;

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

25 (c) Standards pertaining to the supervised practice of art therapy
26 by certified provisional art therapists and requirements for approved
27 supervisors;

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

30 (e) Standards for continuing competency and procedures for
31 compliance with the continuing education requirements and approval of

1 providers of continuing education.

2 Sec. 22. Nothing in the Mental Health Practice Act shall be
3 construed to require the State of Nebraska, any agency of the State of
4 Nebraska, or any of the entities which operate under rules and
5 regulations of a state agency, which employ or contract for the services
6 of art therapists, to employ or contract with only persons certified
7 pursuant to the act for the performance of any of the professional
8 activities enumerated in section 7 of this act.

9 Sec. 23. Section 38-2139, Revised Statutes Cumulative Supplement,
10 2022, is amended to read:

11 38-2139 In addition to the grounds for disciplinary action found in
12 sections 38-178 and 38-179, a credential or privilege to practice in
13 Nebraska subject to the Mental Health Practice Act may be denied, refused
14 renewal, limited, revoked, or suspended or have other disciplinary
15 measures taken against it in accordance with section 38-196 when the
16 applicant, licensee, or privilege holder fails to disclose the
17 information required by section 38-2123 or 38-2129 or section 18 of this
18 act or the Licensed Professional Counselors Interstate Compact.

19 Sec. 24. This act becomes operative on January 1, 2025.

20 Sec. 25. Original sections 38-2102, 38-2103, and 38-2120, Reissue
21 Revised Statutes of Nebraska, sections 38-2101, 38-2104, 38-2116,
22 38-2117, 38-2121, 38-2122, 38-2124, 38-2130, and 38-2139, Revised
23 Statutes Cumulative Supplement, 2022, and section 38-121, Revised
24 Statutes Supplement, 2023, are repealed.