

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1106

Introduced by Day, 49.

Read first time January 19, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to relating to the Mental Health Practice Act;
- 2 to amend sections 38-2122 and 38-2123, Revised Statutes Cumulative
- 3 Supplement, 2020; to change licensure qualifications for provisional
- 4 mental health practitioners and mental health practitioners; to
- 5 harmonize provisions; and to repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2122, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 38-2122 A person shall be qualified to be a licensed mental health
4 practitioner if he or she:

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

14 (b) Has a master's degree, an educational specialist degree, a
15 doctoral degree, or the equivalent of a master's degree, as determined by
16 the board, that consists of course work and training which was primarily
17 therapeutic mental health in content and included a practicum or
18 internship and was from an educational program approved or accredited by
19 the National Association of School Psychologists;

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

1 completed after such date, including evaluative face-to-face contact for
2 a minimum of one hour per week. Such three thousand hours shall be
3 accumulated after completion of the master's degree, doctoral degree, or
4 equivalent of the master's degree; and

5 (3) Has satisfactorily passed an examination approved by the board
6 which shall include the option of a board-approved examination from the
7 National Association of School Psychologists. An individual who by reason
8 of educational background is eligible for certification as a certified
9 master social worker, a certified professional counselor, ~~or~~ a certified
10 marriage and family therapist, or a nationally certified school
11 psychologist shall take and pass a certification examination approved by
12 the board before becoming licensed as a mental health practitioner.

13 Sec. 2. Section 38-2123, Revised Statutes Cumulative Supplement,
14 2020, is amended to read:

15 38-2123 (1) A person who needs to obtain the required three thousand
16 hours of supervised experience in mental health practice as specified in
17 section 38-2122 to qualify for a mental health practitioner license shall
18 obtain a provisional mental health practitioner license. To qualify for a
19 provisional mental health practitioner license, such person shall:

20 (a)(i) (a) Have a master's degree, a doctoral degree, or the
21 equivalent of a master's degree, as determined by the board, that
22 consists of course work and training which was primarily therapeutic
23 mental health in content and included a practicum or internship and was
24 from a mental health program as specified in section 38-2122; or

25 (ii) Have a master's degree, an educational specialist degree, a
26 doctoral degree, or the equivalent of a master's degree, as determined by
27 the board, that consists of course work and training which was primarily
28 therapeutic mental health in content and included a practicum or
29 internship and was from an educational program approved or accredited by
30 the National Association of School Psychologists;

31 (b) Apply prior to earning the three thousand hours of supervised

1 experience; and

2 (c) Pay the provisional mental health practitioner license fee.

3 (2) The rules and regulations approved by the board and adopted and
4 promulgated by the department shall not require that the applicant have a
5 supervisor in place at the time of application for a provisional mental
6 health practitioner license.

7 (3) A provisional mental health practitioner license shall expire
8 upon receipt of licensure as a mental health practitioner or five years
9 after the date of issuance, whichever comes first.

10 (4) A person who holds a provisional mental health practitioner
11 license shall inform all clients that he or she holds a provisional
12 license and is practicing mental health under supervision and shall
13 identify the supervisor. Failure to make such disclosure is a ground for
14 discipline as set forth in section 38-2139.

15 Sec. 3. Original sections 38-2122 and 38-2123, Revised Statutes
16 Cumulative Supplement, 2020, are repealed.