



May 20, 2021

James Leonard Holt
3822 N. 173rd Ave.
Omaha, NE 68116

Dear Mr. Holt:

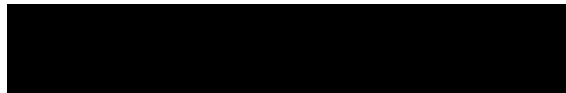
This letter is to notify you that you have completed all terms and conditions of your "Probation" as specified in the Order on Reinstatement dated June 8, 2017, following a period of Voluntary Surrender. Our records reflect the probation completion as being June 18, 2020. This notification is being sent at a later date due to the Licensure Unit recently receiving (April 2021) Verification of Employment during the probationary period of your credentials.

You may discard the licensing documents previously issued to you, which had the term "Probation" imprinted on them. If you wish to print a new Mental Health Practitioner License Wallet Card and a new Independent Mental Health Practitioner License Wallet Card, please go to the following website: dhhs.ne.gov/lookup.

Your Master Social Worker Certification is currently on Probation until May 10, 2022. Upon completion of this probationary period, a letter of notification will be sent to you.

Please contact Anna Harrison, Compliance Monitor, at (402) 471-0313 if you have any questions.

Sincerely,



Becky Wisell, Administrator
Licensure Unit
301 Centennial Mall South
Lincoln, NE 68509-4986

BW/dcp

cc: Anna Harrison, Compliance Monitor

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES



Pete Ricketts, Governor

June 12, 2020

James Holt
3822 N 173rd Ave
Omaha, NE 68116

RE: Independent Mental Health Practitioner #467, Mental Health Practitioner #1923

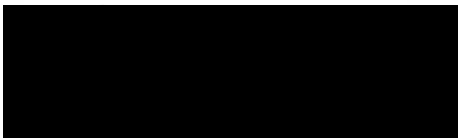
Dear Mr. Holt:

This letter is written to serve you notice that you have not met Condition No. 11 of the Order On Application for Reinstatement signed into Order by the Chief Medical Officer on June 8, 2017, which requires that any period that you are not employed as an Independent Mental Health Practitioner, Mental Health Practitioner, and Certified Master Social Worker will not reduce the probationary period or satisfy the terms and conditions of probation.

As of June 8, 2020, you have not provided any documentation of employment during your probation. Therefore, your probation is extended as required by the Order. Additionally, the records of the Licensure Unit have been changed to reflect that your probation has not ended.

Please contact Anna Harrison, Compliance Monitor, at (402) 471-0313 if you have any questions.

Sincerely,



Becky Wisell, Administrator
Licensure Unit
Division of Public Health
Department of Health and Human Services

BW/amh

cc: Anna Harrison, Compliance Monitor

**IN THE MATTER OF THE APPLICATION
FOR REINSTATEMENT AND EARLY
RELEASE FROM PROBATION
OF THE LICENSES OF JAMES LEONARD HOLT
TO PRACTICE AS AN
INDEPENDENT MENTAL HEALTH
PRACTITIONER AND MENTAL HEALTH
PRACTITIONER**

On January 10, 2020, a formal hearing was held before the Board of Mental Health Practice on the Application of James Leonard Holt (hereafter Applicant) for reinstatement and early release from probation of his licenses to practice as an independent mental health practitioner and mental health practitioner in the State of Nebraska. Applicant appeared at the hearing and was represented by himself. Mindy Lester, Assistant Attorney General, appeared on behalf of the Department. Evidence was submitted. All parties rested and the matter was submitted to the Board of Mental Health Practice for decision.

ax to 4027421106, DHHS Licensure 2117, From Page 2 of 3 received on 2/11/2020 5:10:39 PM [Central Standard Time] on Server STNFAX01

CONCLUSION OF LAW

The Board of Mental Health Practice has jurisdiction over this matter pursuant to NEB. REV. STAT. § 38-149. The Applicant has met the procedural requirements for consideration of reinstatement; this matter is properly before the Board for consideration on the merits of the Application for Reinstatement from probation (early release) of the licenses of James Leonard Holt to practice as an independent mental health practitioner and mental health practitioner.

ORDER

Based upon the foregoing, the Board hereby denies the Application for Reinstatement from probation (early release) of the licenses of James Leonard Holt based on the applicant did not complete items 10, 11, and 13 of the terms and conditions of probation as listed in the Board's letter of May 17, 2017.

- 10) If you notify the Department in writing that you have discontinued practicing in Nebraska for 6-months or longer or hold an inactive license, the Probationary terms and conditions will not be in effect and the Department will discontinue monitoring your probation from the date you notified the Department. If you return to practice, you must notify the Department and your end date of probation will be adjusted to comply with the original length of probation. If you do not notify the Department that you have resumed practice, such practice will be considered a violation of probation and may be subject to discipline.
- 11) Any period that you are not employed as an Independent Mental Health Practitioner, Mental Health Practitioner, and Certified Master Social worker will not reduce the probationary period or satisfy the terms and conditions of probation.
- 12) Provide all reports, notices, and other documentation, as directed by the Department. If the Department provides any particular form of report, reports must be made on such form.


Motion was made by Dittmer and seconded by Gill, with members Battleson, Dittmer, Feyen, Gill, Hof, Maxson, Moore, and Ruma voting in favor of the motion to deny (8). Andrews was absent (1).

Applicant is notified that, pursuant to NEB. REV. STAT. § 38-149 (7), this denial may be appealed to the District Court of Lancaster County, Nebraska in accordance with the Administrative Procedure Act.

Applicant is further notified that, pursuant to NEB. REV. STAT. § 38-148 (2), he may file another application for reinstatement at any time and that application would be considered by the Board as provided by NEB. REV. STAT. § 38-149 (1); however, a formal hearing is not required for any reapplication made within two years of this hearing.

Dated this 11 day of February, 2020.

THE BOARD OF MENTAL HEALTH PRACTICE

By:  Dale G. Battleson, PhD., Chairperson
Board of Mental Health Practice
Department of Health and Human Services
State of Nebraska

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the ____ day of _____, 2020, a copy of the foregoing FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER was sent by certified United States mail, postage prepaid, return receipt requested, to James Leonard Holt, 3822 N 173rd Avenue, Omaha, NE 68116 and to Mindy Lester, Assistant Attorney General, by email.

Heidi Weland, Health Licensing Coordinator
Office of Behavioral Health and Consumer Services
Licensure Unit
Division of Public Health
Nebraska Department of Health and Human Services

The Licensure Unit received documentation that Mr. James Leonard Holt successfully completed the Jurisprudence Exam related to Mental Health on Monday, December 11, 2017; therefore, the summary suspension of his credentials ended, and the probation of his credentials resumed, with an ending probation date of June 8, 2020.

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES

STATE OF NEBRASKA ex rel. DOUGLAS))	142558 LIMHP LMHP CMSW
J. PETERSON, Attorney General,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
HOLT, JAMES,)	
)	
Defendant.)	

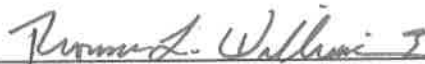
THIS MATTER came on for consideration of the Department of Health and Human Services' request for summary suspension.

The undersigned being fully advised finds that Defendant failed to comply with the May 17, 2017, Offer of License by failing to successfully complete the Jurisprudence Examination related to Mental Health within three (3) months after issuance of the license.

Defendant's license is hereby SUSPENDED, effective TWO (2) WEEKS from the date of this Order, and shall remain suspended until Defendant successfully completes the Jurisprudence Examination.

IT IS SO ORDERED.

Date: NOVEMBER 14, 2017



Thomas L. Williams, MD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

NEBRASKA

Good Life. Great Mission.

DEPT. OF HEALTH AND HUMAN SERVICES

May 17, 2017



Pete Ricketts, Governor

Sent by Certified Mail

James Leonard Holt
3822 N. 173rd Ave.
Omaha NE 68116

Dear James Leonard Holt:

The Board of Mental Health Practice reviewed at its May 12, 2017, meeting the reinstatement application (following voluntary surrender) and supporting documents relating to your License to practice as an Independent Mental Health Practitioner, No. 467; Mental Health Practitioner, No. 1923; and Certified Master Social Worker, No. 908.

The Board is recommending a Probationary Reinstated License and Certificate, to practice as an Independent Mental Health Practitioner, Mental Health Practitioner and Certified Master Social Worker in the State of Nebraska.

To respond to this recommendation, you must:

- Accept the Probationary License;
- OR**
- Request a Hearing to Appeal the probationary License.

Your response must be made in writing and received by the Department within 30 days of the date of this letter.

The terms and conditions of probation are:

- 1) The **Probation** would be effective for 3 years, starting on the date the license would be issued.
- 2) In person ethics course consisting of 6 continuing education hours per year of probation. These continuing education hours can also count towards required license continuing education hours.
- 3) Complete and pass jurisprudence examination within 3 months of reinstatement. Failure to pass will result in immediate suspension.
- 4) No self-employment will be allowed and you will not be allowed to have access to billings. Employer will provide quarterly reports indicating appropriate record keeping and billing.
- 5) Refrain from conduct which would constitute a misdemeanor or felony which has a rational connection to your fitness to practice as an Independent Mental Health Practitioner, Mental Health Practitioner and Certified Master Social Worker.
- 6) Provide notification of this Probationary action to all employers and to the licensing authority in any state where you have or obtain an active Independent Mental Health Practitioner and/or Mental Health Practitioner license or Certified Master Social worker credential within 5 days of employment, any

changes in employment, or subsequent out-of-state licensure. Such notification must include providing a copy of the Board's Probationary recommendation. Written confirmation of this notification must be provided by the Applicant to the Department within 30 days of any changes in employment or any subsequent out-of-state licensure.

- 7) Provide written notification, within 7 days of its occurrence, any change in employment status or employer, including the name and complete address and complete phone number of the employer, and its effective date. The name, complete address and complete phone number of your current employer is due within 7 days of the issuance of your Probationary license.
- 8) Provide written notification, within 7 days of its occurrence, any change in residence, address or phone number and its effective date.
- 9) Obey all state and federal laws and rules and regulations regarding practice as an Independent Mental Health Practitioner, Mental Health Practitioner and Certified Master Social Worker.
- 10) If you notify the Department in writing that you have discontinued practicing in Nebraska for 6-months or longer or hold an inactive license, the Probationary terms and conditions will not be in effect and the Department will discontinue monitoring your probation from the date you notified the Department. If you return to practice, you must notify the Department and your end date of probation will be adjusted to comply with the original length of probation. If you do not notify the Department that you have resumed practice, such practice will be considered a violation of probation and may be subject to discipline.
- 11) Any period that you are not employed as an Independent Mental Health Practitioner, Mental Health Practitioner, and Certified Master Social worker will not reduce the probationary period or satisfy the terms and conditions of probation.
- 12) If you practice or reside in a jurisdiction other than Nebraska, such practice or residency must not serve to reduce or satisfy the probationary terms and conditions unless that jurisdiction adopts the probationary terms and conditions that are on your Nebraska license. If this situation should occur, you may submit documentation that includes the terms and conditions of your licensure in the other jurisdiction. This information will be reviewed to determine equivalency with your Nebraska probationary terms and conditions.
- 13) Provide all reports, notices, and other documentation, as directed by the Department. If the Department provides any particular form of report, reports must be made on such form.
- 14) Promptly respond to all requests and inquiries by the Department concerning compliance with the terms of probation.
- 15) Pay any costs associated with insuring compliance with this probationary status.
- 16) Appear at any meetings of the Board of Mental Health Practice when requested.

The basis for the Board's recommendation is the information submitted on compliance by presenting plan to prevent relapse with collateral information, proof of continuing education requirements, letter from probation officer indicating compliance and letters of reference.

The following provides information relating to Accepting the Probation or Requesting a Hearing:

If you accept the recommendation, complete the enclosed "Request Issuance of License" form and return it to the Licensure Unit to the address shown on the form. Upon receipt of this form, the reinstatement application, supporting documentation, and the Board's recommendation will be forwarded to the Director of the Division of Public Health for a decision. The Director will enter an order setting forth the decision.

James Leonard Holt - Continued
Page 3

The order regarding reinstatement will be sent to you by certified mail. The Director's decision may be appealed to District Court by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

If your license is issued, your compliance with the probationary terms and conditions will be monitored by the person whose name appears below. Therefore, you are to submit all reports and direct all questions to this person.

Anna Harrison, RN, Compliance Monitor
Licensure Unit, PO Box 94986
Division of Public Health
Department of Health & Human Services
Lincoln, NE 68509-4986
402-471-0313 E-Fax: 402-742-2306

If you practice or reside in a jurisdiction other than Nebraska, such practice or residency will not serve to reduce or satisfy the probationary terms and conditions unless that jurisdiction adopts the probationary terms and conditions that are on your Nebraska license. If this situation should occur, you may submit documentation that includes the terms and conditions of your licensure in the other jurisdiction. This information will be reviewed to determine equivalency with your Nebraska probationary terms and conditions.

Your failure to comply with the probationary terms and conditions is grounds for further disciplinary action against your license. Further, the Chief Medical Officer for the State of Nebraska may summarily suspend your license for non-compliance with any one or a combination of the following conditions:

- Failure to complete the Jurisprudence Examination as specified in item 3 of this letter.

If you request a hearing, you will be notified of the date, time and place of the hearing and other pertinent information as required by law. You may request a copy of the Department's Rules of Practice and Procedure that further explain your rights in relation to that hearing. Following the hearing, the Director will enter an order setting forth the decision. The Director may:

1. Affirm the recommendation of the board and grant reinstatement; or
2. Reverse or modify the recommendation if the board's recommendation is (i) in excess of statutory authority, (ii) made upon unlawful procedure, (iii) unsupported by competent, material, and substantial evidence in view of the entire record, or (iv) arbitrary or capricious.

If you do not respond to the Board's recommendation, the reinstatement application, supporting documentation and the Board's recommendation will be forwarded to the Director of the Division of Public Health for a decision.

Please contact Kris Chiles, Program Manager, Office of Behavioral Health and Consumer Services at (402) 471-0185 or kris.chiles@nebraska.gov if you have questions regarding the Board's recommendation.

Sincerely,

The Board of Mental Health Practice


Dale Battleson, Chairperson

7016 2140 0000 8086 5163

**BEFORE THE BOARD OF MENTAL HEALTH PRACTICE
STATE OF NEBRASKA**

IN THE MATTER OF THE APPLICATION) FOR REINSTATEMENT) FOLLOWING VOLUNTARY SURRENDER) OF THE LICENSE OF JAMES LEONARD) HOLT TO PRACTICE AS AN) INDEPENDENT MENTAL HEALTH) PRACTITIONER, MENTAL HEALTH) PRACTITIONER AND CERTIFICATION AS) A MASTER SOCIAL WORKER)	FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER
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On January 6, 2017, a formal hearing was held before the Board of Mental Health Practice on the Application of James Leonard Holt (hereafter Applicant) for reinstatement of his license following voluntary surrender to practice as an independent mental health practitioner, mental health practitioner and his certification as a master social worker in the State of Nebraska. Applicant appeared at the hearing and was represented by himself. Ami Huff, Assistant Attorney General, appeared on behalf of the Department. Evidence was submitted. All parties rested and the matter was submitted to the Board of Mental Health Practice for decision.

FINDINGS OF FACT

The Board finds that:

1. Applicant's license to practice as an independent mental health practitioner, mental health practitioner and certification as a master social worker were voluntarily surrendered per an Order On Agreed Settlement dated October 23, 2014.
2. Applicant filed his application for reinstatement on August 15, 2016, requesting reinstatement following voluntary surrender.
3. Applicant submitted a grade report from Walden University and a letter with his Application for Reinstatement. The letter outlined the following steps/remedies he stated he had taken to address the actions that caused the voluntary surrender of his licenses/certificate: 1) Reimbursing Medicaid; 2) Followed all rules that were levied as conditions of probation; 3) Filed for bankruptcy to alleviate financial problem that contributed to stress; Enrolled in a Doctoral Social Work program and 4) Took an introspective look at himself.
4. The Board of Mental Health Practice reviewed the applicant's Application for Reinstatement from voluntary surrender on September 9, 2016, and denied the application based on the applicant not providing sufficient evidence to show why the licenses and certificate should be reinstated.
5. Applicant provided no new evidence to address the issues that lead to the voluntary surrender during the formal hearing to reconsider the original decision.

CONCLUSION OF LAW

The Board of Mental Health Practice has jurisdiction over this matter pursuant to NEB. REV. STAT. § 38-149. The Applicant has met the procedural requirements for consideration of reinstatement; this matter is properly before the Board for consideration on the merits of the Application for Reinstatement from voluntary surrender of the licenses of James Leonard Holt to practice as an independent mental health practitioner, mental health practitioner, and certificate as a master social worker.

ORDER

Based upon the foregoing, the Board hereby denies the Application for Reinstatement from voluntary surrender of the licenses/certificate of James Leonard Holt based on providing no new evidence to address the issues that lead to licensure surrender such as 1) plan to identify how to prevent this from happening again with collateral information, 2) proof that CEU requirements are met to include ethics CEU, 3) letter from probation officer to include proof of payment of restitution and in good standing with probation, and 4) letters of reference. Motion was made by Feyen and seconded by Moore, with members Chambers, Feyen, Gaughan, Moore, and Ruma voting in favor of the motion to deny. Battleson voted no.

Applicant is notified that, pursuant to NEB. REV. STAT. § 38-149 (7), this denial may be appealed to the District Court of Lancaster County, Nebraska in accordance with the Administrative Procedure Act.

Applicant is further notified that, pursuant to NEB. REV. STAT. § 38-148 (2), he may file another application for reinstatement at any time and that application would be considered by the Board as provided by NEB. REV. STAT. § 38-149 (1); however, a formal hearing is not required for any reapplication made within two years of this hearing.

Dated this 27 day of January, 2017.

THE BOARD OF MENTAL HEALTH PRACTICE
By:



Dale G. Battleson, Chairperson
Board of Mental Health Practice
Department of Health and Human Services
State of Nebraska

7016 1370 0000 9590 3142

LICENSURE UNIT

OCT 17 2016

BEFORE THE BOARD OF
MENTAL HEALTH PRACTICE
STATE OF NEBRASKA

RECEIVED

IN THE MATTER OF THE APPLICATION FOR)
REINSTATEMENT FROM VOLUNTARY SURRENDER)
OF JAMES LEONARD HOLT TO PRACTICE)
AS AN INDEPENDENT MENTAL HEALTH)
PRACTITIONER, MENTAL HEALTH PRACTITIONER,)
AND CERTIFIED MASTER SOCIAL WORKER)

DENIAL and
NOTICE OF RIGHT TO
REQUEST HEARING

On September 9, 2016, the Board of Mental Health Practice reviewed James Leonard Holt's request for reinstatement (from voluntary surrender) of his Independent Mental Health Practitioner License, No. 467; Mental Health Practitioner License, No. 1923; and Certified Master Social Worker Certificate, No. 908, to practice in the State of Nebraska.

The Board of Mental Health Practice, by a vote of 8-0, voted to deny James Leonard Holt's application for reinstatement of his license. The basis for the denial is that there was not sufficient evidence provided to show why the license should be reinstated.

This decision will become final thirty (30) days from the date of this letter unless the applicant requests a hearing within thirty (30) days of the date of this letter.

Applicant is hereby notified that applicant is entitled to a hearing before the Board of Mental Health Practice to present information prior to the Board making a final decision regarding the reinstatement of his license.

If applicant desires such a hearing, a written request must be sent to the Board of Mental Health Practice, c/o Nebraska Department of Health and Human Services, Licensure Unit, P.O. Box 94986, Lincoln, Nebraska 68509. Upon receipt of said request applicant will be sent a notice of the date, time, and place of a hearing.

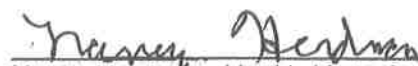
Dated this 17th day of October, 2016.

Board of Mental Health Practice


Dale Battleson, Chairperson

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 17th day of October, 2016, a copy of the foregoing DENIAL AND NOTICE OF RIGHT TO REQUEST HEARING was sent by certified United States mail, postage prepaid, return receipt requested, to James Leonard Holt, 3822 N 173rd Avenue, Omaha NE 68116.


Nancy Herdman, Health Licensing Coordinator
Office of Behavioral Health and Consumer Services
Licensure Unit
Nebraska Department of Health and Human Services

7015 1520 0002 7876 5387

STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH



STATE OF NEBRASKA ex rel., JON
BRUNING, Attorney General,

Plaintiff,

vs.

JAMES L. HOLT, LIMHP, LMHP, CMSW,

Defendant.

142558

ORDER ON
AGREED SETTLEMENT

A proposed Agreed Settlement was filed with the Department on October 20, 2014.

ORDER

1. The Agreed Settlement is adopted, attached hereto and incorporated by reference.
2. The facts as set out in the Petition are taken as true and adopted herein.
3. The parties shall comply with all of the terms of the Agreed Settlement.

DATED this 23 day of October, 2014.

A handwritten signature in black ink, appearing to read "Joseph Acierno".

Joseph Acierno, MD, JD
Chief Medical Officer
Director, Division of Public Health
Department of Health and Human Services

CERTIFICATE OF SERVICE

COMES NOW the undersigned and certifies that on the 24th day of October, 2014, a copy of the foregoing ORDER ON AGREED SETTLEMENT was sent certified United States Mail, postage prepaid, return receipt requested to defendant, James Holt, 3822 North 173rd Street, Omaha, NE 68166-3124 and by e-mail to Julie Agena, Assistant Attorney General, at the e-mail address: ago.health@nebraska.gov.

A handwritten signature in black ink, appearing to read "Beth Davidson".

DHHS Hearing Office
P.O. Box 98914
Lincoln, Nebraska 68509-8914
P. (402) 471-7237 F. (402) 742-2376

**STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH**

**STATE OF NEBRASKA ex rel.
JON BRUNING, Attorney General**

Plaintiff,

vs.

**JAMES L. HOLT, LIMHP, LMHP,
CMSW,**

Defendant.

AGREED SETTLEMENT

The Plaintiff and the Defendant, James L. Holt, LIMHP, LMHP, CMSW, in consideration of the mutual covenants and agreements contained herein, agree as follows:

1. The Defendant, James L. Holt, was issued a license (#467) to practice as an independent mental health practitioner, a license (#1923) to practice as a mental health practitioner, and a certificate (#908) to practice as a master social worker by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
2. Before disciplinary measures may be taken against the Defendant's credentials, the Defendant is entitled to a hearing as provided by law. The Defendant waives the right to a hearing. The Defendant waives any right to judicial review of an order by the Department's Chief Medical Officer which approves the terms of this Agreed Settlement.
3. No coercion, threats, or promises, other than those stated herein, were made to the Defendant to induce him to enter into this Agreed Settlement.

4. The Defendant acknowledges that he is not licensed to practice as a mental health practitioner or master social worker in any state other than Nebraska.
5. The Defendant acknowledges that he has read the Petition for Disciplinary Action filed by the Attorney General's Office. The Defendant admits the allegations of the Petition for Disciplinary Action.
6. The Defendant hereby voluntarily surrenders his credentials to practice as an independent mental health practitioner, mental health practitioner and master social worker in the State of Nebraska for a minimum period of two (2) years in lieu of a formal, public hearing.
7. The Defendant acknowledges that pursuant to Neb. Rev. Stat. §§ 38-1,100 and 38-1,109 (Reissue 2008) reinstatement of the Defendant's credentials in the State of Nebraska, after the two year minimum time, is at the discretion of the Department and by approval by the Board of Mental Health.
8. The Plaintiff and the Defendant consent to the Chief Medical Officer entering a final disciplinary order which finds the allegations of the Petition for Disciplinary Action are true and grounds exist to accept the voluntary surrender of the Defendant's credentials to practice as an independent mental health practitioner, mental health practitioner and master social worker. The Parties further consent to the Chief Medical Officer accepting the Defendant's surrender of his credentials in lieu of formal, public hearing.
9. The Attorney General's Office has given notice of this Agreed Settlement to the Board of Mental Health in accordance with Neb. Rev. Stat. § 38-190 (Reissue 2008).

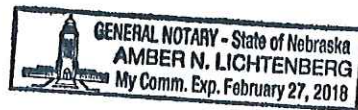
10. If this Agreed Settlement is not approved by the Chief Medical Officer, this Agreed Settlement shall become null and void and will not be admissible for any purpose at any hearing that may be held on this matter.

AGREED TO:

By: James L. Holt
James L. Holt, LIMHP, LMHP, CMSW
Defendant

State of Nebraska)
County of Douglas) ss.

Acknowledged before me by James L. Holt, LIMHP, LMHP, CMSW, on this 9th day of October, 2014.



Amber Lichtenberg
Notary Public
My Commission Expires: 02/27/2018

THE STATE OF NEBRASKA, ex rel.
JON BRUNING, Attorney General
Plaintiff,

By: JON BRUNING, #20351
Attorney General

By: Julie L. Agena
Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509-8920
(402) 471-1815

Attorneys for the Plaintiff.



**STATE OF NEBRASKA
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH**

**STATE OF NEBRASKA ex rel.
JON BRUNING, Attorney General,**

Plaintiff,

v.

**JAMES L. HOLT, LIMHP, LMHP,
CMSW,**

Defendant.

**PETITION FOR
DISCIPLINARY ACTION**

The Plaintiff alleges as follows:

ALLEGATIONS COMMON TO ALL CAUSES OF ACTIONS:

1. Jurisdiction is based on Neb. Rev. Stat. §§ 38-176 (Reissue 2008) and 38-186 (2012 Cum. Supp.).
2. At all times relevant herein, the Defendant, James L. Holt, LIMHP, LMHP, CMSW, has been the holder of a license (#467) to practice as an independent mental health practitioner, a license (#1923) to practice as a mental health practitioner, and a certificate (#908) to practice as a master social worker issued by the Nebraska Department of Health and Human Services Division of Public Health ("Department").
3. The Department is the agency of the State of Nebraska authorized to enforce the provisions of the Uniform Credentialing Act regulating the practice of mental health.
4. The Nebraska Board of Mental Health considered the investigation of this matter and made a disciplinary recommendation to the Attorney General,

which recommendation has been considered. Such matters are privileged pursuant to Neb. Rev. Stat. §§ 38-1,105 and 38-1,106 (Reissue 2008).

5. On May 3, 2013, the Defendant entered into an Assurance of Compliance in which it was alleged that the Defendant had failed to report convictions to the Department within the mandatory reporting period and that he misrepresented his conviction history to the Department. The Defendant agreed to comply with the mandatory reporting law in the future.
6. In July 2013, the Defendant was convicted of four (4) separate misdemeanors.
7. The Defendant failed to report his July 2013 convictions to the Department within the mandatory reporting period.
8. On February 11, 2014, the Defendant entered a plea of guilty to nine (9) separate counts of Theft of Public Money in the United States District Court for the District of Nebraska. The charges were based upon submitting false Medicaid claims of more than \$24,000 for services he did not provide as an independent mental health practitioner, mental health practitioner or social worker.
9. On July 9, 2014, the Defendant was sentenced to five (5) years probation and was ordered to pay restitution of more than \$15,000.
10. The Defendant failed to report his 2014 convictions to the Department within the mandatory reporting period.

FIRST CAUSE OF ACTION

11. Paragraphs 1 through 10 are incorporated herein by reference
12. Neb. Rev. Stat. § 38-178(5) (2012 Cum. Supp.) provides that a professional license may be disciplined for the conviction of a misdemeanor or felony

which has a rational connection with the licensee's fitness or capacity to practice the profession.

13. The Defendant's convictions are grounds for discipline.

SECOND CAUSE OF ACTION

14. Paragraphs 1 through 10 are incorporated herein by reference.
15. Neb. Rev. Stat. § 38-178(21) (2012 Cum. Supp.) provides that a professional license may be disciplined for violation of an Assurance of Compliance.
16. The Defendant's failure to report convictions is a violation of his May 2013 Assurance of Compliance and is grounds for discipline.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that the Chief Medical Officer set this matter for hearing, order appropriate disciplinary action concerning the Defendant's credentials in the State of Nebraska pursuant to Neb. Rev. Stat. §§ 38-188, 38-195 and 38-196 (Reissue 2008), and tax the costs of this action to the Defendant.

STATE OF NEBRASKA ex rel. JON
BRUNING, Attorney General,
Plaintiff,

BY: JON BRUNING, #20351
Attorney General



BY: _____
Julie L. Agena, #23137
Assistant Attorney General
2115 State Capitol
Lincoln, NE 68509
(402) 471-1815

Attorneys for the Plaintiff.