

MAJOR REVISIONS TO 172 NAC 94
LICENSURE OF INDEPENDENT MENTAL HEALTH PRACTITIONERS, MENTAL HEALTH PRACTITIONERS, AND THE CERTIFICATION OF MARRIAGE AND FAMILY THERAPISTS, PROFESSIONAL COUNSELORS AND SOCIAL WORKERS

In these draft regulations, proposed changes will revise or add regulations on provisions of the Uniform Credentialing Act (UCA); Laws 2007, LB 247; and Laws 2008, LB 1108, including:

- Establishing common definitions for active addiction, alcohol or substance abuse, attest or attestation, board, complete application, confidential information, conviction, Department, dependence, Director, license, military service, pattern of incompetent or negligent conduct, and served in the regular armed forces; (UCA) [pages 1-17]
- Revising definitions for terms including, but not limited to, approved programs, consultation, direct client contact, mental health practice examination, qualified physician, qualified supervisor, qualified experience/supervision, and supervision; [pages 1-17]
- Adding definitions for terms for certificate, independent mental health practice, licensed clinical social worker, licensed independent mental health practitioner, licensed marriage and family therapist, licensed professional counselor,
- Deleting definitions of actually engaged in the practice of social work, collateral contact, ethical standards, lapsed license, and verified;
- Requiring that a credential may only be issued to a citizen of the United States, an alien lawfully admitted into the United States who is eligible for a credential under the UCA, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to said employment in the United States; (UCA) [pages 17, 23, 30, 37, 39, 42, 43, 48, & 53]
- Establishing a uniform process for initially obtaining a credential (UCA) including reciprocity to practice as:
 - A provisionally licensed mental health practitioner; [pages 17-22]
 - A licensed independent mental health practitioner; [pages 23-29]
 - A licensed mental health practitioner; [pages 29-35]
 - A certified marriage and family therapist; [pages 37-39]
 - A certified professional counselor; [pages 39-41]
 - A certified clinical social worker; [pages 41-43]
 - A certified master social worker; [pages 43-47]
 - A provisionally certified master social worker; [pages 48-52]
 - A certified social worker; [pages 53-57]
- Implementing provisions for the licensure of independent mental health practitioners, including the specific scope of practice and requirements to attain this license; [pages 23-29; also definitions [pages 6, 8, 9, 14, and 16]
- Establishing uniform processes (UCA) for:
 - Renewal of a credential; [pages 62-66]
 - Voluntarily surrender or limitation of a credential; [pages 73-75] or
 - Reinstatement of a credential; [pages 75-80]
- Requiring that a single notice be sent to the licensee for renewal; (UCA) [page 62]
- Providing for reinstatement of an expired license and eliminating process for revoking a license for non-renewal [page 66]
- Eliminating lapsed status as a renewal option; (UCA);
- Specifying continuing competency requirements [pages 58-62], including requiring two hours of ethics every two years for social workers and specifying requirements for LIMHPs and providing for waiving the continuing competency requirements for these professions for military service and for individuals who were first credentialed within the preceding 24-month period [page 64](UCA);
- Establishing uniform grounds for disciplinary actions and further delineating acts or behaviors considered unprofessional conduct for these professions; (UCA) {pages 66-73}
- Removing the list of fees and refers to fees in 172 NAC 2 (new chapter), page 82; and
- Standardizing the format of each chapter.

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 94 INDEPENDENT MENTAL HEALTH PRACTITIONERS, MENTAL HEALTH PRACTITIONERS, AND THE CERTIFICATION OF MARRIAGE AND FAMILY THERAPISTS, PROFESSIONAL COUNSELORS AND SOCIAL WORKERS

NOTE:

UCA TEMPLATE language is in **TEAL**
BOARD changes are in **RED**
LB 247 and LB 1108 are in **PURPLE**

94-001 SCOPE AND AUTHORITY: These regulations govern the credentialing of independent mental health practitioners and mental health practitioners and the associated certifications of social workers, master social workers, professional counselors, and marriage and family therapists as defined by Neb. Rev. Stat. §§38-2101 to 38-2139 and the Uniform Credentialing Act. These regulations are operative December 1, 2008.

A license as a mental health practitioner is required if a person wishes to provide mental health services as defined in these regulations, unless s/he meets one of the exemptions identified in Neb. Rev. Stat. §38-2121 and 172 NAC 94-006. An associated certificate in social work, professional counseling, and/or marriage and family therapy is necessary only if the individual wishes to represent him/herself as a Social Worker, Certified Professional Counselor, and/or Certified Marriage and Family Therapist.

94-002 DEFINITIONS

1. Act means Neb. Rev. Stat. §38-2101 to 38-2139 is known and may be cited as the Mental Health Practice Act.
2. Active Addiction means current physical or psychological dependence on alcohol or a substance, which develops following the use of alcohol or a substance on a periodic or continuing basis.
3. Alcohol or Substance Abuse means a maladaptive pattern of alcohol or substance use leading to clinically significant impairment or distress as manifested by one or more of the following occurring at any time during the same 12-month period:
 - a. Recurrent alcohol or substance use resulting in a failure to fulfill major role obligations at work, school, or home;
 - b. Recurrent alcohol or substance use in situations in which it is physically hazardous;
 - c. Recurrent legal problems related to alcohol or substance use; or
 - d. Continued alcohol or substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the alcohol or substance use.

4. Actively Engaged in the Practice of Marriage and Family Therapy includes services and activities provided under the direct supervision of a person with at least a master's degree in marriage and family therapy from a program approved by the Board, or services and activities that are classified by title or by description of duties and responsibilities as marriage and family therapy practice.
5. Approved Continuing Education Program means courses, clinics, forums, lectures, training programs, seminars, home study programs, publications, presentations, or video, satellite or other electronic interactive programs, including formal course presentations, that pertain to mental health or the associated certificates.
6. Approved Marriage and Family Therapy Program means:
 - a. COAMFTE Accreditation: A program of graduate marriage and family therapy education and training approved by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or
 - b. Related Field: A program of graduate education and training that meets the standards of accreditation adopted by COAMFTE.
7. Approved Mental Health Practice Program means an approved educational program consisting of a master's or doctoral degree, with the focus being primarily therapeutic mental health, from an institution of higher education approved by the Council for Higher Education Accreditation (CHEA), its successor, **or approved as equivalent to a U.S. degree by a foreign educational credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES)** and any other documentation the board deems necessary; and must meet either item a or b as follows:
 - a. Accredited Programs: The program must be accredited by one of the following accrediting agencies:
 - (1) Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);
 - (2) Council for Accreditation of Counseling and Related Educational Programs (CACREP); or
 - (3) Council on Social Work Education (CSWE); andThe program must also include a practicum or internship. If the practicum or internship was completed after September 1, 1995, it must have included a minimum of 300 clock hours of direct client contact under the supervision of a qualified supervisor as defined in 172 NAC 94-002, item 62. Any artificial situation where a person presents a problem, such as role playing, is not acceptable; or
 - b. Other Programs: If the program is not accredited by one of the agencies identified in item 7a above, the program must have:
 - (1) **Been at least 48 semester hours in total, 54 semester hours effective July 1, 2009 and 60 semester hours effective July 1, 2013;**
 - (2) **Been from an institution of higher education approved by the Council for Higher Education Accreditation (CHEA), its successor, or approved as equivalent to a U.S. degree by a foreign educational credential evaluation service that is a member of the National**

- Association of Credential Evaluation Services (NACES)** and any other documentation the board deems necessary;
- (3) Had a supervised practicum or internship; If an applicant completed the practicum/internship after September 1, 1995, the practicum/internship must have included a minimum of 300 clock hours of direct client contact under the supervision of a qualified supervisor as defined in 172 NAC 94-002, item 62. Any artificial situation where a person presents a problem, such as role playing, is not acceptable; and
- (4) Had an emphasis on the provision of mental health practice, and include the following 27 semester hours of coursework:
- (a) Theories and Techniques: **At least 9 semester hours or 12 quarter hours.** Includes courses that cover therapeutic techniques and strategies for human behavioral intervention. Examples are: major contributions of the biological, behavioral, cognitive, and social sciences relevant to understanding assessment and treatment of the person and his/her environment with emphases on the social systems framework, personality theories and development through the life cycle, and their application.
- (b) Professional Ethics: At least 3 semester hours or 4.5 quarter hours. Includes the application of ethical and legal issues to the practice. Examples are: family law, codes of ethics, boundaries, peer review, record keeping, confidentiality, informed consent, and duty to warn.
- (c) Assessment Techniques: At least 3 semester hours or 4.5 quarter hours. Includes the process of collecting pertinent data about client or client systems and their environment and appraising the data as a basis for making decisions regarding treatment and/or referral. Examples are: ability to make a clinical diagnostic impression, knowledge of psychopathology, and assessment of substance abuse and other addictions.
- (d) Human Growth and Development: **At least 6 semester hours or 9 quarter hours.** Includes studies that provide an understanding of the nature and needs of individuals at all developmental levels. Examples are: theories of individual and family development and transitions across the life-span; theories of learning and personality development; human behavior including an understanding of developmental crises, disability, exceptional behavior, addictive behavior, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior; and strategies for facilitating optimum development over the life-span.
- (e) Research and Evaluation: At least 3 semester hours or 4.5 quarter hours. Examples are statistics or research design and development of research and demonstration proposals.

- (f) Social and Cultural Diversity: At least 3 semester hours or 4.5 quarter hours. Includes studies that provide an understanding of the cultural context of relationships, issues and trends in a multicultural and diverse society. Examples are: multicultural and pluralistic trends, including characteristics and concerns between and within diverse groups nationally and internationally; attitudes, beliefs, understandings, and acculturative experiences, including specific experiential learning activities; individual, couple, family, group, and community strategies for working with diverse populations and ethnic groups; counselors' roles in social justice, advocacy and conflict resolution, cultural self-awareness, the nature of biases, prejudices, processes of intentional and unintentional oppression and discrimination, and other culturally supported behaviors that are detrimental to the growth of the human spirit, mind, or body; theories of multicultural counseling, theories of identity development, and multicultural competencies;

Undergraduate Courses: Graduate programs accepting an undergraduate course(s) as meeting the course criteria in 172 NAC 94-002, item 7b(4) (a through f) will be acceptable. The school must submit a notarized letter, on institutional letterhead, from an authorized person, i.e., the Department Chair of the program, stating the undergraduate course(s) was accepted to meet the educational requirement(s) of the master's degree.

Programs less than 48 semester hours; 54 semester hours effective July 1, 2009 and 60 semester hours effective July 1, 2013: If the master's degree is less than 48 semester hours (54 hours on 7-1-09 and 60 hours on 7-1-13), additional hours can be attained outside of the program to equal 48 semester hours (54 hours on 7-1-09 and 60 hours on 7-1-13); these additional hours must be graduate hours and have a mental health focus.

8. Approved Professional Counseling Program means:

- a. CACREP Accredited: A program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP); or
- b. Non-CACREP Accredited: A program from an institution of higher education approved by the Council for Higher Education Accreditation (CHEA), its successor, or approved as equivalent to a U.S. degree by a foreign educational credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the board deems necessary as meeting the standards of accreditation adopted by CACREP.

9. Approved Social Work Program means an educational program as follows:

- a. Baccalaureate degree: Undergraduate social work education and training approved by the Council on Social Work Education (CSWE).
- b. Master's degree: Graduate social work education and training approved by the Council on Social Work Education (CSWE).
- c. Doctoral degree programs: Recognized by the Groups for Advancement of Doctoral Education (GADE).

10. Assessment means the process of collecting pertinent data about client or client systems and their environment and appraising the data as a basis for making decisions regarding treatment and/or referral.
11. Associated Certificate means a certificate issued to provide for the use of the title certified social worker, certified master social worker, certified professional counselor, or certified marriage and family therapist.
12. Attest/Attestation means that the individual declares that all statements on the application are true and complete. Attestation to meeting continuing education requirements satisfies the documentation requirement of Neb. Rev. Stat. § 38-142.
13. BAC means blood alcohol content.
14. Board means the Board of Mental Health Practice.
15. Certificate means an authorization issued by the Department that gives a person the right to use a protected title that only a person who has met specific requirements may use.
16. Certified Marriage and Family Therapist (CMFT) means a person who is certified to practice marriage and family therapy pursuant to the Uniform Credentialing Act and who holds a current certificate issued by the Department.
17. Certified Master Social Worker (CMSW) means a person who meets the standards established in subsection (1) of Neb. Rev. Stat. § 38-2128 and who holds a current certificate issued by the Department.
18. Certified Professional Counselor (CPC) means a person who is certified to practice professional counseling pursuant to the Uniform Credentialing Act and who holds a current certificate issued by the Department.
19. Certified Social Worker (CSW) means a person who meets the standards established in subsection (2) of Neb. Rev. Stat. §38-2128 and who holds a current certificate issued by the Department.
20. Client or Client System means an individual, couple, family or group in a professional work setting.
21. Code of Ethics/Ethical Standards means the actions or practices defined in 172 NAC 94-015 'Unprofessional Conduct'.
22. Complete Application means an application that contains all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the required fees and all required documentation.
23. Confidential information means information protected as privileged under applicable law.
24. Consultation means a professional collaborative relationship between a licensed mental health practitioner and a consultant who is a licensed psychologist, a qualified physician or a licensed independent mental health practitioner in which:

- a. The consultant makes a diagnosis based on information supplied by the licensed mental health practitioner and any additional assessment deemed necessary by the consultant; and
- b. The consultant and the licensed mental health practitioner jointly develop a treatment plan which indicates the responsibility of each professional for implementing elements of the plan, updating the plan, and assessing the client's progress.

25. Continuing Competency means:

- a. The maintenance by a credentialed person of knowledge and skills necessary to competently practice mental health, marriage and family therapy, professional counseling, and/or social work;
- b. The utilization of new techniques based on scientific and clinical advances, and
- c. The promotion of research to assure expansive and comprehensive services to the public. It is the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. §38-145.

Continuing Education is the method of continuing competency.

26. Continuing Education (CE) Hour or Credit is defined as follows:

- a. Academic credit: May accumulate up to 30 hours of continuing education per biennial renewal period.
 - (1) 1 semester hour of academic credit equals 15 continuing education credit hours. 1 semester hour credit audited equals 8 hours of continuing education;
 - (2) 1 quarter hour of academic credit equals 10 continuing education credit hours. 1 quarter hour credit audited equals 5 hours of continuing education; and
 - (3) 1 trimester hour of academic credit equals 14 continuing education credit hours. 1 trimester hour credit audited equals 7 hours of continuing education.
- b. Dissertations: May accumulate up to 30 hours of continuing education per biennial renewal period.
- c. Teaching: Hours granted for teaching a college/university course are calculated as stated in item a above; 30 of the 32 hours may be earned per biennial.
- d. Home study programs (including those transmitted through electronic means): May accumulate up to 20 hours of continuing education per biennial renewal period.
- e. Publications: May accumulate up to 20 hours of continuing education per biennial renewal period.
- f. Educational/training videos: May accumulate up to 10 hours of continuing education within a biennial renewal period.
- g. Workshops/Programs: 60 minutes equals 1 continuing education credit.
- h. Workshop Presenters: May receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program/course.

27. Counseling means a professional relationship in which an independent mental health practitioner or mental health practitioner assists another (client) to understand, cope with,

solve, and/or prevent problems, such as, but not limited to areas of education, vocation, and/or interpersonal relationships in the social environment.

28. Conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge, or a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof, and includes instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation.
29. Credential means a license or certificate.
30. Department means the Division of Public Health of the Department of Health and Human Services.
31. Dependence means a maladaptive pattern of alcohol or substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:
 - a. Tolerance as defined by either of the following:
 - (1) A need for markedly increased amounts of alcohol or the substance to achieve intoxication or desired effect; or
 - (2) A markedly diminished effect with continued use of the same amount of alcohol or the substance;
 - b. Withdrawal as manifested by either of the following:
 - (1) The characteristic withdrawal syndrome for alcohol or the substance as referred to in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, published by the American Psychiatric Association; or
 - (2) Alcohol or the same substance or a closely related substance is taken to relieve or avoid withdrawal symptoms;
 - c. Alcohol or the substance is often taken in larger amounts or over a longer period than was intended;
 - d. A persistent desire or unsuccessful efforts to cut down or control alcohol or substance use;
 - e. A great deal of time is spent in activities necessary to obtain alcohol or the substance, to use alcohol or the substance; or to recover from the effects of use of alcohol or the substance;
 - f. Important social, occupational, or recreational activities are given up or reduced because of alcohol or substance use; or
 - g. Alcohol or substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by alcohol or the substance.
32. Direct Client Contact means contact between the practicum student or provisional licensed mental health practitioner and a client system while providing mental health services.
 - a. Examples of activities not considered direct client contact include:
 - (1) Writing progress notes;
 - (2) Supervisory meetings;
 - (3) Research;
 - (4) Video observation;
 - (5) CE workshops or other workshops;
 - (6) Telephone supervision;

- (7) Contact with the school or judicial system;
- (8) Formal case staffings;
- (9) Child protective services; or
- (10) Similar activities.

33. Director means the Director of Public Health of the Division of Public Health or his/her designee.
34. Inactive Certification means a certification which the certificate holder has voluntarily placed on inactive status and by which action has terminated the right to practice social work, professional counseling, or marriage and family therapy or represent him/herself as having an active certificate.
35. Inactive License means a license which the license holder has voluntarily placed on inactive status and by which action has terminated the right to practice mental health services or represent him/herself as having an active license.
36. Independent Mental Health Practice means the provision of treatment, assessment, psychotherapy, counseling, or equivalent activities to individuals, couples, families, or groups for behavioral, cognitive, social, mental, or emotional disorders, including interpersonal or personal situations.

Independent mental health practice includes diagnosing major mental illness or disorder, using psychotherapy with individuals suspected of having major mental or emotional disorders, or using psychotherapy to treat the concomitants of organic illness, with or without consultation with a qualified physician or licensed psychologist.

Independent mental health practice does not include the practice of psychology or medicine, prescribing drugs or electroconvulsive therapy, treating physical disease, injury, or deformity, or measuring personality or intelligence for the purpose of diagnosis or treatment planning.

37. Internship or Practicum means:
- a. For mental health practice it is the experience that an intern gained in a program of higher education accredited by the accrediting agency for the Council for Higher Education Accreditation (CHEA) or its successor or approved as equivalent to a U.S. degree by a foreign educational credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES) and any other documentation the board deems necessary.
 - (1) Hours earned Before September 1, 1995: A qualified physician, a licensed clinical psychologist, or a certified master social worker, certified professional counselor, or marriage and family therapist qualified for certification on September 1, 1994, for any hours completed before September 1, 1995; or
 - (2) Hours earned After September 1, 1995: Internships or practicums completed after September 1, 1995, must include a minimum of 300 clock hours of direct client contact under the supervision of a qualified physician, a licensed psychologist, a licensed independent mental health practitioner, or a licensed mental health practitioner for any hours completed after September 1, 1995, or an equivalent license in another jurisdiction;

- b. For marriage and family therapy, it is defined in 172 NAC 94-002, item 6 “Approved Marriage and Family Therapy Program”; and
 - c. For professional counseling, it is defined in 172 NAC 94-002, item 8 “Approved Professional Counseling Program”.
 - d. For master social work, it is defined in 172 NAC 94-002, item 9.
38. License means an authorization issued by the Department to an individual to engage in a profession or to a business to provide services which would otherwise be unlawful in this state in the absence of such authorization.
39. Licensed means an individual who holds a current license to practice.
40. Licensed Clinical Social Worker (LCSW) means a person who is licensed as a mental health practitioner or an independent mental health practitioner who is certified as a master social worker who may use the title licensed clinical social worker.
41. Licensed Independent Mental Health Practitioner (LIMHP) means a person who holds him/herself out as a person qualified to engage in independent mental health practice or a person who offers or renders independent mental health practice services.
- a. A person who is licensed as an independent mental health practitioner and certified as a master social worker may use the title Licensed Independent Clinical Social Worker (LICSW).
 - b. A person who is licensed as an independent mental health practitioner and certified as a professional counselor may use the title Licensed Independent Professional Counselor (LIPC).
 - c. A person who is licensed as an independent mental health practitioner and certified as a marriage and family therapist may use the title Licensed Independent Marriage and Family Therapist (LIMFT).
42. Licensed Mental Health Practitioner (LMHP) means a person who holds him/herself out as a person qualified to engage in mental health practice or a person who offers or renders mental health practice services.
- a. A person who is licensed as a mental health practitioner and certified as a master social worker may use the title Licensed Clinical Social Worker (LCSW).
 - b. A person who is licensed as a mental health practitioner and certified as a professional counselor may use the title Licensed Professional Counselor (LPC).
 - c. A person who is licensed as a mental health practitioner and certified as a marriage and family therapist may use the title Licensed Marriage and Family Therapist (LMFT).
43. Licensed Marriage and Family Therapist (LMFT) is a person who is licensed as a mental health practitioner or an independent mental health practitioner who is certified as a marriage and family therapist who may use the title licensed marriage and family therapist.
44. Licensed Professional Counselor (LPC) is a person who is licensed as a mental health practitioner or an independent mental health practitioner who is certified as a professional counselor who may use the title licensed professional counselor.

45. Major Mental Disorder means any mental and emotional disorder in which the following behaviors occur or might reasonably be expected to occur regardless of specific diagnoses or the nature of the presenting complaint:
- a. Persistent and/or severe suicidal or homicidal thinking and/or behaviors;
 - b. Persistent and/or severe behaviors injurious to self and/or others;
 - c. Psychotic symptoms which include delusions, hallucinations, or formal thought disorders; or
 - d. Physical complaints or signs suggestive of deterioration or anomaly in physiological, psychophysiological or neuropsychological functioning.

The following diagnoses as referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases are major mental disorders:

- a. Schizophrenia;
- b. Major depressive disorder;
- c. Bipolar disorder;
- d. Delusional disorder;
- e. Psychotic disorder;
- f. Panic disorder; and
- g. Obsessive compulsive disorder.

Certain diagnoses which are referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases, such as dissociative disorders, post traumatic stress disorder, dissociative identity disorder, severe eating disorder, and borderline personality disorder, are more likely than others to demonstrate one or more of the above behavioral criteria, although these diagnoses alone do not constitute a major mental disorder.

Persons who have exhibited behaviors consistent with a major mental disorder in the past have an increased probability of exhibiting such behaviors in the future, especially under stress.

46. Marriage and Family Therapy means the assessment and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems through the professional application of psychotherapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating such disorders.
47. Mental Health means the relative state of emotional well-being, freedom from incapacitating conflicts, and the consistent ability to make and carry out rational decisions and cope with environmental stresses and internal pressures.
48. Mental Health Focus or Therapeutic Mental Health means an educational process consisting of mental health theories, techniques, practices, and methods necessary to prepare a mental health professional to identify, assess, and intervene with a client population for the primary purposes of providing or resulting in the clients optimal mental health.
49. Mental Illness means impaired psychosocial or cognitive functioning due to disturbances in any one or more of the following processes: biological, chemical, physiological, genetic, psychological, social, or environmental. Mental illness is extremely variable in duration, severity, and prognosis, depending on the specific type of affliction.

50. Mental Health Practice means the provision of treatment, assessment, psychotherapy, counseling, or equivalent activities to individuals, couples, families, or groups for behavioral, cognitive, social, mental, or emotional disorders, including interpersonal or personal situations.

Mental health practice does not include:

- a. The practice of psychology or medicine;
- b. Prescribing drugs or electroconvulsive therapy;
- c. Treating physical disease, injury, or deformity;
- d. Diagnosing major mental illness or disorder except in consultation with a qualified physician, a psychologist licensed to engage in the practice of psychology as provided in Neb. Rev. Stat. §38-3111, or a licensed independent mental health practitioner;
- e. Measuring personality or intelligence for the purpose of diagnosis or treatment planning;
- f. Using psychotherapy with individuals suspected of having major mental or emotional disorders except in consultation with a qualified physician, a licensed psychologist, or a licensed independent mental health practitioner;
- or
- g. Using psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed psychologist.

Mental health practice includes the initial assessment of organic mental or emotional disorders for the purpose of referral or consultation.

Nothing in Neb. Rev. Stat. §§38-2114, 38-2118, and 38-2119 is deemed to constitute authorization to engage in activities beyond those described in this section. Persons certified under the Mental Health Practice Act but not licensed under Neb. Rev. Stat. §38-2122 must not engage in mental health practice.

51. Mental Health Practice Examination means:
- a. The Association of Social Work Boards (ASWB) Clinical examination;
 - b. The Association of Marital and the Family Therapy Regulatory Boards Examination (AMFTRB);
 - c. The National Board of Certified Counselor's National Counselor Examination (NBCC/NCE) or the National Clinical Mental Health Counselor Examination (NBCC/NCMHCE); or
 - d. An equivalent examination as determined by the Board.
- EPPP examination removed from listing above.

An applicant who by reason of educational background is eligible for certification as a Certified Master Social Worker, a Certified Professional Counselor, or a Certified Marriage and Family Therapist must take and pass the appropriate certification examination; those not eligible for certification in an associated field must take and pass the NBCC/NCE, or NBCC/NCMHCE, or other examination as determined by the Board to be equivalent.

52. Mental Health Program means an educational program in a field such as, but not limited to, social work, professional counseling, marriage and family therapy, human development, psychology, or family relations, the content of which contains an emphasis on therapeutic mental health and course work in psychotherapy and the assessment of mental disorders.
53. Military service means full-time duty in the active military service of the United States or a National Guard call to active service for more than 30 consecutive days, or active service as a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration. Military service may also include any period during which a service member is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Service members Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)
54. NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 94.
55. Official Transcript means issued by and under the original seal of the educational institution.
56. Pattern of incompetent or negligent conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.
57. Professional Counseling means the assessment and treatment of mental and emotional disorders within the context of professional counseling theory and practice of individuals, couples, families, or groups for remuneration and includes, but is not limited to:
- a. Assisting individuals or groups through the counseling relationship to develop understanding, define goals, plan action, and change behavior with the goal of reflecting interests, abilities, aptitudes, and needs as they are related to personal and social concerns, educational progress, and occupations;
 - b. Appraisal activities which means selecting, administering, scoring, and interpreting instruments designed to assess a person's aptitudes, attitudes, abilities, achievements, interests, and personal characteristics, except that nothing in this subdivision authorizes a certified professional counselor to engage in the practice of clinical psychology as defined in Neb. Rev. Stat. §38-3111;

- c. Referral activities which evaluate data to identify which persons or groups may better be served by other specialists;
 - d. Research activities, which means reporting, designing, conducting, or consulting on research in counseling with human subjects;
 - e. Therapeutic, vocational, or personal rehabilitation in relationship to adapting to physical, emotional, or intellectual disability; and
 - f. Consulting on any activity listed in this section.
58. Provisionally Certified Master Social Worker means a person who needs to obtain the required three thousand hours of supervised experience in social work as specified in Neb. Rev. Stat. § 38-2128 to qualify for certification as a master social worker must obtain a provisional certification as a master social worker.
59. Provisionally Licensed Mental Health Practitioner means a person who needs to obtain the required three thousand hours of supervised experience in mental health practice as specified in Neb. Rev. Stat. §38-2122 to qualify for a mental health practitioner license and who must obtain a provisional mental health practitioner license.
60. Psychotherapy means a specialized formal interaction between a mental health practitioner and a client in which a therapeutic relationship is established to help to resolve symptoms of mental disorder, psychosocial stress, relationship problems and difficulties in coping in the social environment. Some specific types of psychotherapy may include, but are not limited to, psychoanalysis, family therapy, group psychotherapy, supportive treatment, gestalt therapy, experiential therapy, primal therapy, psychosocial therapy, psychodrama, behavioral therapy, clinical hypnosis, addiction therapy, and cognitive therapy.
61. Qualified Physician means an individual with a current license to practice medicine and surgery and has specialized training in mental health treatment. **Examples of this training are Board Certification in Psychiatry or a family practice residency or fellowship training in behavioral medicine.**
62. Qualified Supervisor means an individual who assumes the responsibility of supervision.
- a. For Marriage and Family Therapy Certification the supervisor must be a licensed independent mental health practitioner, licensed mental health practitioner, licensed psychologist, or licensed physician who:
 - (1) Holds a current active license;
 - (2) Has not had his/her license disciplined, limited, suspended, or placed on probation during the **5 years** immediately preceding the supervisee's application for a provisional license. At least 1 year must have elapsed following completion of any disciplinary terms and conditions. If any of these actions are taken by the Department during the supervisory agreement period, the supervisor must terminate the supervision immediately and notify the Department; and
 - (3) Holds an "approved supervisor's" designation certificate from the American Association for Marriage and Family Therapy;
OR
Provides evidence of training in clinical supervision equivalent to 15 hours. Evidence must be shown through academic course work, continuing education, or consultation with a qualified marriage and family therapy supervisor, and has 3 years of experience supervising the provision of marriage and family therapy services.

- b. For Master Social Work Certification the supervisor must be a certified master social worker, who:
 - (1) Holds a current active certificate; and
 - (2) Has not had his/her license disciplined, limited, suspended, or placed on probation during the 5 years immediately preceding the supervisee's application for a provisional license. At least 1 year must have elapsed following completion of any disciplinary terms and conditions. If any of these actions are taken by the Department during the supervisory agreement period, the supervisor must terminate the supervision immediately and notify the Department.

 - c. For Independent Mental Health Practice Licensure, the supervisor must be a licensed physician, a licensed psychologist, a licensed independent mental health practitioner, or a similar license/certification in another jurisdiction, who:
 - (1) Holds a current active license; and
 - (2) Has not had his/her license disciplined, limited, suspended, or placed on probation during the 5 years immediately preceding the supervisee's application for a provisional license. At least 1 year must have elapsed following completion of any disciplinary terms and conditions. If any of these actions are taken by the Department during the supervisory agreement period, the supervisor must terminate the supervision immediately and notify the Department.

 - d. For Mental Health Practice Licensure the supervisor must be a licensed physician, a licensed psychologist, a licensed independent mental health practitioner, a licensed mental health practitioner, or a similar license or certification in another jurisdiction, who:
 - (1) Holds a current active license; and
 - (2) Has not had his/her license disciplined, limited, suspended, or placed on probation during the 5 years immediately preceding the application for a provisional license. At least 1 year must have elapsed following completion of any disciplinary terms and conditions. If any of these actions are taken by the Department during the supervisory agreement period, the supervisor must terminate the supervision immediately and notify the Department.
63. Served in the Regular Armed Forces has the same meaning as 'military service' in these regulations.

64. Social Work Practice or the Practice of Social Work means the professional activity of helping individuals, groups, and families or larger systems such as organizations and communities to improve, restore, or enhance their capacities for personal and social functioning and the professional application of social work values, knowledge, principles, and methods in the following areas of practice:
- a. Information, resource identification and development, and/or referral services;
 - b. Preparation and evaluation of psychosocial assessments and development of social work service plans;
 - c. Case management, coordination, and monitoring of social work service plans in the areas of personal, social, or economic resources, conditions, or problems;
 - d. Development, implementation, evaluation, and/or administration of social work programs and policies;
 - e. Supportive contacts to assist individuals and groups with personal adjustment to crisis, transition, economic changes, or a personal or family member's health condition, especially in the area of services given in hospitals, health clinics, home health agencies, schools, shelters for the homeless, shelters for the urgent care of victims of sexual assault, child abuse, elder abuse, or domestic violence, nursing homes, and correctional facilities. Nothing in this section prevents charitable and religious organizations; the clergy; governmental agencies; hospitals; health clinics; home health agencies; schools; shelters for the homeless; shelters for the urgent care of victims of sexual assault, child abuse, elder abuse, or domestic violence; nursing homes; or correctional facilities from providing supportive contacts to assist individuals and groups with adjustment to crisis, transition, economic change, or personal or a family member's health condition if such persons or organizations do not represent him/herself to be social workers or provides mental health services;
 - f. Social casework for the prevention of psychosocial dysfunction, disability, or impairment; and
 - g. Social work research, consultation, and education.

Social work practice does not include:

- a. The measuring and testing of personality or intelligence;
- b. Accepting fees or compensation for the treatment of disease, injury, or deformity of persons by drugs, surgery, or any manual or mechanical treatment whatsoever;
- c. Prescribing drugs or electroconvulsive therapy; and
- d. Treating organic diseases or major psychiatric diseases.

A certified master social worker who practices within the confines of this section is not required to be licensed as a mental health practitioner.

65. Supervised Experience/Supervision means the hours of experience obtained after receipt of the master's degree. Licensed Independent Mental Health Practice (LIMHP), Licensed Mental Health Practice (LMHP) and Certified Marriage and Family Therapist (CMFT) supervised experience must:

- a. Focus on raw data from the applicant's clinical work which is made directly available to the supervisor through such means as written clinical materials, direct observation, or video and audio recordings;
- b. Include a process which is distinguishable from personal psychotherapy, consultation or didactic instruction; and
- c. Consist of experience in a setting where mental health services are being offered during which:
 - (1) The supervisee appraises the supervisor of the diagnosis and treatment of clients;
 - (2) The clients' cases are discussed;
 - (3) Ethical principles of the profession are discussed;
 - (4) The supervisor provides the supervisee with oversight and guidance with the provision of service to clients;
 - (5) The supervisor must periodically evaluate the therapeutic process and determine if treatment goals are being met and if changes in direction or emphasis are needed; and
 - (6) The supervisor can not supervise more than 6 persons at 1 face-to-face supervisory meeting. Face to face supervision may include interactive visual imaging assisted communication

Provisionally Licensed Mental Health Practitioners (PLMHP) applicants applying for a LIMHP who do not attain the LMHP must also meet the supervision requirements for a LMHP.

Mental Health Practice supervision must also include:

- a. At least 3,000 hours of supervised experience;
- b. A minimum of 1,500 hours of direct client contact in a setting where mental health services are being offered;
- c. Supervised non-direct experience, which includes, but is not limited to, review of client records, case conferences, direct observation, or video observation; and
- d. Evaluative face-to-face contact for a minimum of 1 hour per week between the supervisee and supervisor.

Independent Mental Health Practice supervision must also include:

- a. A review of the diagnostic criteria for clients diagnosed with major mental disorders; and
- b. Evaluative face-to-face contact with a minimum cumulative ratio of 2 hours of face-to-face contact between the supervisee and a qualified supervisor per 15 hours of contact with clients diagnosed with major mental disorders, no more than 45 hours may be accumulated without supervision.

Marriage and Family Therapy supervision must also include:

- a. At least 3,000 hours of supervised experience;
- b. A minimum of 1,500 hours of direct client contact with a minimum cumulative ratio of 2 hours of face-to-face contact between the supervisee and a qualified supervisor per 15 hours of the supervisee's contact with clients, no more than 45 hours may be accumulated without supervision; and
- c. Supervised non-direct experience, which includes, but is not limited to, review of client records, case conferences, direct observation, or video observation.

Master Social Work supervision, when conducted within the confines of 172 NAC 94-002, item 64 (definition of social work), must include:

- a. At least 3,000 hours of supervised experience;
- b. The written records of services or procedures are examined and evaluative interviews are conducted by a certified master social worker;
- c. **Ethical principles of the profession are discussed; and**
- d. **Evaluative face-to-face contact for a minimum of 1 hour per week between the supervisee and supervisor.**

When a person wishes to apply for a MHP license and MSW certificate, supervision must be provided under a licensed independent clinical social worker (LICSW) or licensed clinical social worker (LCSW) and in accordance with this section.

66. Therapeutic Mental Health or Mental Health Focus means an educational process consisting of mental health theories, techniques, practices, and methods necessary to prepare a mental health professional to identify, assess, and intervene with a client population for the primary purposes of providing or resulting in the client's optimal mental health.

94-003 PROVISIONAL LICENSURE AS A MENTAL HEALTH PRACTITIONER (PLMHP): A person who needs to obtain the required 3,000 hours of supervised experience in mental health practice in Nebraska, as defined in 172 NAC 94-002, item 65, in order to qualify for a mental health practitioner license (LMHP) and/or independent mental health practitioner license (LIMHP) must obtain a provisional mental health practitioner license to practice and before beginning his/her supervised experience. Any hours earned in Nebraska prior to the receipt of the provisional license may not be considered for a license as a mental health practitioner or independent mental health practitioner.

The criteria for the issuance of a provisional license and the documentation required by the Department and the Board are set forth below and ONLY apply to individuals earning hours in Nebraska.

94-003.01 Qualifications: To receive a credential to practice as a provisional mental health practitioner, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
3. Education: Has graduated with a masters' or doctoral degree as defined in 172 NAC 94-002, item 7; and
4. Supervisor: Have a supervisor who meets the definition of a qualified supervised as defined in 172 NAC 94-002, item 62.

94-003.02 Application: To apply for a credential to practice as a provisional mental health practitioner, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application.

The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) Number;Certain applicants may have both a SSN and A# or I-94 number, and if so, must report both;
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not practiced mental health in Nebraska before submitting the application; or
 - (2) If s/he has practiced mental health in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and business name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;

- (2) Birth certificate;
- (3) Marriage license that provides date of birth;
- (4) Transcript that provides date of birth;
- (5) U.S. State identification card;
- (6) Military identification; or
- (7) Other similar documentation;

b. Evidence of good character, including:

- (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;

The applicant must have the licensing agency submit to the Department a certification of his/her credential.

- (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential, and a copy of the disciplinary action(s), including charges and disposition;
- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
- (4) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) His/her BAC level (if the conviction was alcohol related);
 - (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (g) Any other information as requested by the Board/Department;

c. Evidence that the applicant is:

- (1) A citizen;

- (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);
- e. Evidence of Supervisor Information, including:
- (1) Name of Supervisor;
 - (2) Address of Supervisor; and
 - (3) Supervisor's License Number and Telephone Number;
- f. Evidence of Supervision which includes having arranged for supervision with a qualified supervisor in Nebraska. The supervisor must attest to the supervision on a form provided by the Department or on an alternate format which includes the same information

- g. Evidence of education/practicum including:
- (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree;
 - (3) An official transcript showing proof of the required degree, coursework, and documentation of completion of a practicum/internship.
 - (a) Applicants who have completed practicums or internships after September 1, 1995, must document at least 300 clock hours of direct client contact under a qualified supervisor; and
 - (4) Evidence of meeting the education qualification set out in 172 NAC 94-002, item 7.
 - (a) If the applicant graduated from a program not accredited by CACREP, COAMFTE, or CSWE, the applicant must submit evidence of coursework (i.e., course catalogue, syllabi, etc. and indication of the course name and course number) as defined in 172 NAC 94-002, item 7 as follows:
 - ii. Theories and Techniques
 - iii. Professional Ethics
 - iv. Assessment Techniques
 - v. Human Growth and Development
 - vi. Research and Evaluation; and
 - vii. Social and Cultural Diversity.
 - (b) If the applicant will be earning hours towards a LIMHP and graduated from a program that s/he believes is equivalent to an accredited program, s/he must submit official course descriptions (i.e., course catalogue, syllabi, etc), must indicate the course name and course number for each required course work area and must submit evidence of completing the required number of practicum/internship hours; and

3. Fee: The applicant must submit the required license fee along with the application and all required documentation.

- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-003.03 Department Review: The Department will act within 150 days upon all completed applications for credentialing.

94-003.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice

unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-003.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-003.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-003.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-003.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-003.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-003.10 Expiration of a Provisional License: A provisional license expires upon the following conditions:

1. Termination of supervision agreement or change in supervisor; or
2. Receipt of the licensure as an independent mental health practitioner or mental health practitioner or 5 years after the date of issuance, whichever comes first.

94-003.11 Second Provisional License: An individual who does not complete the hours required for licensure within the specified 5 year period may re-apply one time for another provisional license.

94-003.12 Client Notification: An individual who holds a provisional license must inform all clients that s/he holds a provisional license and is practicing mental health under supervision and must identify the supervisor. Failure to make such a disclosure is a ground for discipline as set forth in Neb. Rev. Stat. §38-2139.

94-003.13 Change of Supervisor: An individual who changes his/her supervisor or adds a new supervisor must submit an application within 30 days following the change. The application may be submitted on a form provided by the Department or on an alternate format which includes all information as specified in 172 NAC 94-003.01 and 94-003.02.

94-003.14 Termination of Supervision: If a supervisor or provisional licensee terminates supervision, s/he must notify the Department in writing immediately of the date of termination. The Department will record said termination date in the record.

94-004 INDEPENDENT MENTAL HEALTH PRACTITIONER (LIMHP) LICENSE REQUIREMENTS:

No person may represent him/herself as an independent mental health practitioner unless licensed and no person may engage in the independent practice of mental health unless s/he is licensed, except individuals who meet Neb. Rev. Stat. §38-2121 and 172 NAC 94-006.

Independent mental health practice includes diagnosing major mental illness or disorder, using psychotherapy with individuals suspected of having major mental or emotional disorders, or using psychotherapy to treat the concomitants of organic illness, with or without consultation with a qualified physician or licensed psychologist.

94-004.01 Qualifications: To receive a credential to practice as an independent mental health practitioner, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship, lawful permanent residence./Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
3. Licensure: Is licensed as a provisional mental health practitioner or a licensed mental health practitioner;
4. Education and Experience: The applicant must meet either a or b as follows:
 - a. Education: Has graduated with a masters' or doctoral degree from an educational program which is accredited, at the time of graduation or within 4 years after graduation, by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or the Council on Social Work Education (CSWE);

OR
Graduated with a masters' or doctoral degree from an educational program deemed by the board to be equivalent in didactic content and supervised clinical experience to an accredited program;

AND
Experience: Has 3,000 hours of experience obtained in a period of not less than 2 nor more than 5 years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half (1,500) of which is comprised of experience with clients diagnosed under the major mental illness or disorder category;
 - b. Education: Has graduated from an educational program which is not accredited by or deemed equivalent to CACREP, COAMFTE, or CSWE;

AND

Experience: Has 7,000 hours of experience obtained in a period of not less than 10 years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half (3,500) of which is comprised of experience with clients diagnosed under the major mental illness or disorder category.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska is deemed to have met the specified education and experience set out in this section, providing his/her authority to practice in another state includes independent mental health practice.

5. Examination: If the applicant holds a provisional license as a mental health practitioner, s/he must have passed the mental health practice examination as defined in 172 NAC 94-002, item 51 and as determined by the Board, with a minimum score as specified below. The applicant must submit to the Department official documentation of passing the licensure examination;
 - a. Social Work: An individual who holds a master's or doctorate degree in social work from an approved education program must take the Clinical Category of the ASWB examination and pass with a minimum score set at the national pass score.
 - b. Professional Counseling: An individual who by reason of educational background is qualified to be certified as a certified professional counselor must take the National Board of Certified Counselor's National Counselor Examination (NBCC/NCE) or the National Clinical Mental Health Counselor Examination (NBCC/NCMHCE) and pass with a minimum score set at the national pass score.
 - c. Marriage and Family Therapy: An individual who by reason of educational background is qualified to be certified as a marriage and family therapist must take the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination and pass with a minimum score set at the national pass score.
 - d. Other Examination: Any other examination determined by the Board to be equivalent with a minimum score determined by the Board.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska, is deemed to have met the specified examination set out in this section, provided s/he was required to successfully pass an examination to attain the license in another state and his/her authority to practice in another state includes independent mental health practice.

94-004.02 Application: To apply for a credential to practice as an independent mental health practitioner, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written

application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

I. Written Application:

a. Personal Information:

- (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
- (2) Date of birth (month, day, and year);
- (3) Place of birth (city and state or country if not born in the United States);
- (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
- (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number; Certain applicants may have both a SSN and A# or I-94 number, and if so, must report both;
- (6) The applicant's telephone number including area code (optional);
- (7) The applicant's e-mail address (optional);
- (8) The applicant's fax number (optional); and
- (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United State for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

b. Practice Before Application: The applicant must state:

- (1) That s/he has not practiced independent mental health in Nebraska before submitting the application; or
- (2) If s/he has practiced independent mental health in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and business name and location of practice; and

- c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.

2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;

 - b. Evidence of good character, including:
 - (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The applicant must have the licensing or certifying agency submit to the Department a certification of his/her credential.

Reciprocity: If the applicant is applying based on a license Issued in another jurisdiction, the applicant must provide documentation that his/her authority to practice in another state includes independent mental health practice.

- (2) Disciplinary Action: A list of any disciplinary action(s) taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;

- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and

- (4) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why)) and a

summary of actions the applicant has taken to address the behaviors/actions related to the convictions;

- (d) His/her BAC level (if the conviction was alcohol related);
- (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
- (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
- (g) Any other information as requested by the Board/Department;

c. Evidence that the applicant is:

- (1) A citizen;
- (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
- (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:

- (1) A U.S. Passport (unexpired or expired);
- (2) A birth certificate by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
- (3) An American Indian Card (I-872);
- (4) A Certificate of Naturalization (N-550 or N-570);
- (5) A Certificate of Citizenship, lawful permanent residence, (N-560 or N-561);
- (6) Certification of Report of Birth (DS-1350);
- (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
- (8) Certification of Birth Abroad (FS-545 or DS-1350);
- (9) A United States Citizen Identification Card (I-197 or I-179);
- (10) A Northern Mariana Card (I-873);
- (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
- (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
- (13) A document showing an Alien Registration Number ("A#"); or
- (14) A Form I-94 (Arrival-Departure Record);

- e. Education: Evidence of education, including:
- (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree;
 - (3) An official transcript showing proof of the required degree; and
 - (4) Evidence of meeting the education qualifications set out in 172 NAC 94-004.01, item 4.
 - (a) If the applicant graduated with a masters' or doctoral degree from an educational program which was accredited, at the time of graduation or within 4 years after graduation, by CACREP, COAMFTE, or CSWE, s/he must submit evidence of the program's accreditation status and date of accreditation. This evidence may be obtained from the accrediting agency's web site.
 - (b) If the applicant graduated from an educational program in which s/he believes is equivalent in didactic content and supervised clinical experience to a program accredited by CACREP, COAMFTE, or CSWE, s/he must submit evidence of meeting the specified accrediting agency's coursework and clinical experience requirements.
- f. Experience: Evidence of 3,000 hours of experience obtained in a period of not less than 2 nor more than 5 years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half (1,500) of which is comprised of experience with clients diagnosed under the major mental illness or disorder category;
- OR
- Evidence of 7,000 hours of experience obtained in a period of not less than 10 years and supervised by a licensed physician, a licensed psychologist, or a licensed independent mental health practitioner, one-half (3,500) of which is comprised of experience with clients diagnosed under the major mental illness or disorder category.
- Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska is not required to submit evidence of the experience identified in this section, providing his/her authority to practice in another state includes independent mental health practice.
- g. Examination: If the applicant holds a provisional license as a mental health practitioner, documentation that the applicant:
- (1) Submitted a completed application for requesting approval to test;

- (2) Submitted a completed request for special accommodations, if special testing accommodations are needed by the applicant;
 - (3) Requested the examination rating/grades be sent directly to the Department from the appropriate examination service or State Board Office; and
 - (4) Submitted any other documentation as requested by the Board/Department; and
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-004.03 Department Review: The Department will act within 150 days upon all completed applications for credentialing.

94-004.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-004.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-004.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-004.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-004.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-004.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-005 MENTAL HEALTH PRACTITIONER LICENSE (LMHP) REQUIREMENTS: No person may represent him/herself as a mental health practitioner unless licensed and no person may engage in

the practice of mental health unless s/he is licensed, except individuals who meet Neb. Rev. Stat. §38-2121 and 172 NAC 94-006.

An individual who attains ONLY a mental health practice license can not diagnose major mental illness or disorders or use psychotherapy with individuals suspected of having major mental or emotional disorders, except in consultation with a qualified physician, licensed psychologist, or licensed independent mental health practitioner.

94-005.01 Qualifications: To receive a credential to practice as a mental health practitioner, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship, lawful permanent residence./Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
3. Education: The applicant must meet either a or b as follows:
 - a. Accredited Program: Has graduated with a masters' or doctoral degree from an educational program which was accredited, at the time of graduation by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE), or the Council on Social Work Education (CSWE); or
 - b. Other Program: Has graduated from an educational program which is deemed equivalent to CACREP, COAMFTE, or CSWE and defined in 172 NAC 94-002, item 6, 7, 8, or 9.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska, is deemed to have met the specified education set out in this section, providing his/her authority to practice in another state includes mental health practice.

4. Experience: Has completed at least 3,000 hours of supervised experience obtained within the 5 years immediately preceding application and supervised by a licensed physician, a licensed psychologist, a licensed independent mental health practitioner or a mental health practitioner, one-half (1,500) of which is comprised of direct client contact. If the hours were earned in Nebraska, the applicant must have held a provisional license as a mental health practitioner while s/he earned the hours.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska, is deemed to have met the specified experience set out in this section, providing his/her authority to practice in another state includes mental health practice.

5. Examination: Has passed the mental health practice examination as defined in 172 NAC 94-002, item 51 and as determined by the Board, with a minimum score as specified below. The applicant must submit to the Department Official documentation of passing the licensure examination;
 - a. Social Work: An individual who holds a master's or doctorate degree in social work from an approved education program must take the Clinical Category of the ASWB examination and pass with a minimum score set at the national pass point.
 - b. Professional Counseling: An individual who by reason of educational background is qualified to be certified as a certified professional counselor must take the National Board of Certified Counselor's National Counselor Examination (NBCC/NCE) or the National Clinical Mental Health Counselor Examination (NBCC/NCMHCE) and pass with a minimum score set at the National Cut Score.
 - c. Marriage and Family Therapy: An individual who by reason of educational background is qualified to be certified as a marriage and family therapist must take the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination and pass with a minimum score set at the National Pass Point.
 - d. Other Examination: Any other examination determined by the Board to be equivalent with a minimum score determined by the Board.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska is deemed to have met the specified examination set out in this section, provided s/he was required to successfully pass an examination to attain the license in another state and his/her authority to practice in another state includes mental health practice.

94-005.02 Application: To apply for a credential to practice as a mental health practitioner, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (arrival-Departure Record) number;

Certain applicants may have both a SSN and A# or I-94 number, and if so, must report both;

- (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- b. Practice Before Application: The applicant must state:
- (1) That s/he has not practiced mental health in Nebraska before submitting the application; or
 - (2) If s/he has practiced mental health in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and business name and location of practice; and
- c. Attestation: The applicant must attest that:
- (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
- (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;

b. Evidence of good character, including:

- (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The applicant must have the licensing or certifying agency submit to the Department a certification of his/her credential.

Reciprocity: If the applicant is applying based on a license issued in another jurisdiction, the applicant must provide documentation that his/her authority to practice in another state includes mental health practice.

- (2) Disciplinary Action: A list of any disciplinary action(s) taken against the applicant's credential and copy of the disciplinary action(s), including charges and disposition;
- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
- (4) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
- (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) His/her BAC level (if the conviction was alcohol related);
 - (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (g) Any other information as requested by the Board/Department;

c. Evidence that the applicant is:

- (1) A citizen;

- (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
- (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);
- e. Education: Evidence of education, including:
- (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree;
 - (3) An official transcript showing proof of the required degree; and
 - (4) Evidence of meeting the educational requirements as specified in 172 NAC 94-002, item 6, 7, 8, or 9.
- f. Experience: Evidence of 3,000 hours of experience obtained within the 5 years immediately preceding application and supervised by a licensed physician, a licensed psychologist, a licensed independent mental health practitioner or a mental health practitioner, one-half (1,500) of which is comprised of direct client contact; and
- g. Examination: Documentation that the applicant:
- (1) Submitted a completed application for requesting approval to test;
 - (2) Submitted a completed request for special accommodations, if special testing accommodations are needed by the applicant;
 - (3) Requested the examination rating/grades be sent directly to the Department from the appropriate examination service or State Board Office; and

- (4) Submitted any other documentation as requested by the Board/Department; and
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.
 - a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-005.03 Department Review: The Department will act within 150 days upon all completed applications for credentialing.

94-005.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-005.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-005.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-005.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-005.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-005.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-006 EXCEPTIONS FROM LICENSURE AS AN INDEPENDENT MENTAL HEALTH PRACTITIONER OR MENTAL HEALTH PRACTITIONER: The requirements to be licensed as an independent mental health practitioner or as a mental health practitioner does not preclude:

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

2. Alcohol and drug counselors who are licensed by the Division of Public Health of the Department of Health and Human Services and problem gambling counselors who are certified by the Department of Health and Human Services from practicing their profession. This includes students training and working under the supervision of an individual qualified under Neb. Rev. Stat. §38-315 for alcohol and drug counselor licensure;
3. Any person employed by an agency, bureau, or division of the federal government from discharging his/her official duties, except that if such person engages in mental health practice in this state outside the scope of such official duty or represents himself /herself as a licensed health practitioner, s/he must be licensed;
4. Teaching or the conduct of research related to mental health services or consultation with organizations or institutions if such teaching, research, or consultation does not involve the delivery or supervision of mental health services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;
5. The delivery of mental health services by:
 - a. Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, or other health care or mental health service professions; or
 - b. Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;
6. Duly recognized members of the clergy from providing mental health services in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be mental health practitioners;
7. The incidental exchange of advice or support by persons who do not represent themselves as engaging in mental health practice, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as mental health practitioners or their services as mental health practice;
8. Any person providing emergency crisis intervention or referral services or limited services supporting a service plan developed by and delivered under the supervision of a licensed mental health practitioner, licensed physician, or a psychologist licensed to engage in the practice of psychology if such persons are not represented as being licensed mental health practitioners or their services are not represented as mental health practice; or
9. Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with mental illness from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.

94-007 MARRIAGE AND FAMILY THERAPIST CERTIFICATE (CMFT) REQUIREMENTS: An individual who is qualified to be licensed as an independent mental health practitioner or mental health practitioner may apply for an associated certification as a certified marriage and family therapist.

94-007.01 Titles:

1. LIMHP and CMFT: A person who is licensed as an independent mental health practitioner and certified as a marriage and family therapist may use the title Licensed Independent Marriage and Family Therapist (LIMFT).
2. LMHP and CMFT: A person who is licensed as a mental health practitioner and certified as a marriage and family therapist may use the title Licensed Marriage and Family Therapist (LMFT).

Any person who represents him/herself as a certified marriage and family therapist must be certified as a marriage and family therapist and licensed as a mental health practitioner or independent mental health practitioner.

94-007.02 Qualifications: To receive a certification to represent oneself as a certified marriage and family therapist, an individual must meet the following qualifications:

1. License: Hold an active independent mental health practice license, a mental health practice license or be eligible and have made application for licensure;
2. Age and Good Character: Be at least 19 years old and of good character;
3. Citizenship, lawful permanent residence,/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
4. Education: Have received a master's or doctoral degree in marriage and family therapy from a program approved by the Board or a graduate degree in a field determined by the Board to be related to marriage and family therapy and graduate-level course work determined by the Board to be equivalent to a master's degree in marriage and family therapy as defined in 172 NAC 94-002, item 6; and
5. Experience: Have received at least 3,000 hours of experience in marriage and family therapy under a qualified supervisor as defined in 172 NAC 94-002, item 62 following receipt of the graduate degree.
6. Examination: Pass the AMFTRB certification examination with a minimum score set at the National Pass Point.

94-007.03 Application: To apply for a credential to represent oneself as a certified marriage and family therapist, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application: The applicant must complete all information requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Personal Information;
 - b. Practice Before Application; and
 - c. Attestation.

2. Documentation: The applicant must submit all documentation requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Evidence of Age;
 - b. Evidence of Good Character;
 - c. Citizenship, Lawful Permanent Residence/Resident Information;
 - d. Education;
 - e. Experience;
 - f. Examination; and
 - g. Fee.

94-007.04 Department Review: The Department will act within 150 days upon all completed applications for licensure.

94-007.05 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-007.06 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-007.07 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-007.08 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-007.09 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-007.10 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-008 PROFESSIONAL COUNSELOR CERTIFICATE (CPC) REQUIREMENTS: An individual who is qualified to be licensed as an independent mental health practitioner or mental health practitioner may apply for an associated certification as a certified professional counselor.

94-008.01 Titles:

1. **LIMHP and CPC:** A person who is licensed as an independent mental health practitioner and certified as a professional counselor may use the title Licensed Independent Professional Counselor (LIPC).
2. **LMHP and CPC:** A person who is licensed as a mental health practitioner and certified as a professional counselor may use the title Licensed Professional Counselor (LPC).

Any person who represents him/herself as a certified professional counselor must be certified as a certified professional counselor and licensed as a mental health practitioner or independent mental health practitioner.

94-008.02 Qualifications: To receive a certification to represent oneself as a certified marriage and family therapist, an individual must meet the following qualifications:

1. **License:** Hold an active independent mental health practice license, a mental health practice license or be eligible and have made application for licensure;
2. **Age and Good Character:** Be at least 19 years old and of good character;
3. **Citizenship, lawful permanent residence./Resident Information:** Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
4. **Education:** Have received a master's or doctoral degree from an approved professional counseling program as defined in 172 NAC 94-002, item 8; and
5. **Examination:** Pass the National Board of Certified Counselor's National Counselor Examination (NBCC/NCE) or the National Clinical Mental Health Counselor Examination (NBCC/NCMHCE) with a minimum score set at the national pass score.

94-007.03 Application: To apply for a credential to represent oneself as a certified professional counselor, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. **Written Application:** The applicant must complete all information requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Personal Information;
 - b. Practice Before Application; and

- c. Attestation.
2. Documentation: The applicant must submit all documentation requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Evidence of Age;
 - b. Evidence of Good Character;
 - c. Citizenship, Lawful Permanent Residence/Resident Information;
 - d. Education;
 - e. Examination; and
 - f. Fee.

94-008.04 Department Review: The Department will act within 150 days upon all completed applications for licensure.

94-008.05 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-008.06 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-008.07 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-008.08 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-008.09 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-008.10 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-009 MASTER SOCIAL WORKER CERTIFICATE (CMSW) AND LICENSED CLINICAL SOCIAL WORKER (LCSW) REQUIREMENTS: An individual who is qualified to be licensed as an independent mental health practitioner or mental health practitioner may apply for an associated certification as a certified master social worker.

An individual who practices pursuant to 172 NAC 94-002, item 64 (definition of social work) is not required to be licensed or certified as long as s/he does not represent him/herself as a mental health practitioner or as a social worker. An individual may be certified without licensure as a master social worker or as a social worker if s/he practices pursuant to 172 NAC 94-002, item 64 (definition of social work).

The requirement to be certified as a social worker under the Uniform Credentialing Act to represent him/herself as a social worker must not be construed to prevent:

1. Qualified members of other professions, including, but not limited to, licensed physicians, registered or licensed practical nurses, attorneys, marriage and family therapists, psychologists, psychotherapists, vocational guidance counselors, school psychologists, members of the clergy, court employees, or other persons credentialed under the Uniform Credentialing Act from doing work consistent with the scope of practice of their respective professions, except that such qualified members must not hold themselves out to the public by title as being engaged in the practice of social work; or
2. The activities and services of a student or intern in social work practice who is pursuing a course of study in an approved educational program if the activities and services constitute a part of his/her supervised course of study or experience for certification and are performed under the supervision of a certified master social worker and the person is identified by an appropriate title as a social work student or intern. For purposes of this regulation, supervision means that written records of services or procedures are examined and evaluative interviews are conducted relative thereto by a certified master social worker.

94-009.01 Titles:

1. LIMHP and CMSW: A person who is licensed as an independent mental health practitioner and certified as a master social worker may use the title Licensed Independent Clinical Social Worker (LICSW).
2. LMHP and CMSW: A person who is licensed as a mental health practitioner and certified as a master social worker may use the title Licensed Clinical Social Worker (LCSW).

Any person who presents him/herself as a social worker must be certified as a certified master social worker or certified social worker.

94-009.02 Clinical Social Worker Qualifications: To receive a certification to represent oneself as a clinical social worker, an individual must meet the following qualifications:

1. License: Hold an active independent mental health practice license, a mental health practice license or be eligible and have made application for licensure;
2. Age and Good Character: Be at least 19 years old and of good character;
3. Citizenship, lawful permanent residence,/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a

nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

4. Education: Have received a master's or doctorate degree in social work from an approved education program approved by the Council on Social Work Education (CSWE) showing receipt of either the master's or doctorate degree in social work;
5. Experience: Have 3,000 hours of experience in the practice of social work as defined in 172 NAC 94-002, item 64 (definition of social work), under the supervision of a certified master social worker. The hours must have been earned following receipt of the master's or doctorate degree.

Reciprocity: An applicant who is fully licensed (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for certification in Nebraska is deemed to have met the specified experience set out in this section, providing his/her authority to practice in another state includes social work; and

6. Examination: Have passed the Clinical Social Work examination administered by the American Association of State Social Work Boards (ASWB) with a score set at the national pass point.

94-009.03 Clinical Social Worker Written Application: To apply for a credential to represent oneself as a social worker, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application: The applicant must complete all information requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Personal Information;
 - b. Practice Before Application; and
 - c. Attestation.
2. Documentation: The applicant must submit all documentation requested in 172 NAC 94-004.02 (LIMHP) or 94-005.02 (LMHP), relating to:
 - a. Evidence of Age;
 - b. Evidence of Good Character;
 - c. Citizenship, Lawful Permanent Residence/Resident Information;
 - d. Education;
 - e. Experience;
 - f. Examination; and
 - g. Fee.

94-009.04 Master Social Worker Qualifications: To receive a certification to represent oneself as a master social worker (and does not hold or is not requesting an independent mental health practice license or mental health practice license), an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;

2. Citizenship, lawful permanent residence./Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
3. Education: Have graduated with a masters' or doctoral degree from an educational program which is accredited by the Council on Social Work Education (CSWE);
4. Experience: Have completed at least 3,000 hours of supervised experience supervised by a certified master social worker. The hours must have been earned following receipt of the master's or doctorate degree.

Reciprocity: An applicant who is fully licensed/certified (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska is deemed to have met the specified experience set out in this section, providing his/her authority to practice in another state includes social work practice; and

5. Examination: Have passed the **Advanced Generalist** or Clinical examination administered by the American Association of Social Work Boards (ASWB) with a score set at the national pass score.

Reciprocity: An applicant who is fully licensed/certified (not provisional) in another state and has practiced for at least 5 years immediately prior to the application for licensure in Nebraska is deemed to have met the specified examination set out in this section, provided s/he was required to successfully pass an examination to attain the license in another state and his/her authority to practice in another state includes social work.

94-009.05 Master Social Work Application: To apply for a credential to represent oneself as a social worker, the individual must submit a complete application to the Department. A complete application includes the documentation and required fee as well as the application on a form provided by the Department or on an alternate format that includes the following:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or
 - (c) Form I-94 (Arrival-Departure Record) number;Certain applicants may have both a SSN and A# or I-94

- number, and if so, must report both;
- (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- b. Practice Before Application: The applicant must state:
- (1) That s/he has not represented herself/himself as a social worker in Nebraska before submitting the application; or
 - (2) If s/he has represented herself/himself as a social worker in Nebraska before submitting the application, the actual number of days of representation in Nebraska before submitting the application for a credential and business name and location of practice; and

- c. Attestation: The applicant must attest that:
- (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
- a. Evidence of age, such as:
- (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
- b. Evidence of good character, including:
- (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed.

The applicant must have the licensing or certifying agency submit to the Department a certification of his/her credential.

Reciprocity: If the applicant is applying based on a License Issued in Another Jurisdiction, the applicant must provide documentation that his/her authority to practice in another state includes social work practice;
 - (2) Disciplinary Action: A list of any disciplinary action(s) taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
 - (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
 - (4) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to

- address the behaviors/actions related to the convictions;
 - (d) His/her BAC level (if the conviction was alcohol related);
 - (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (g) Any other information as requested by the Board/Department;
- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
- d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship, lawful permanent residence, (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);

- e. Education: Evidence of education, including:
 - (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree; and
 - (3) An official transcript showing proof of the required degree.
 - f. Experience: Evidence of 3,000 hours of experience obtained preceding application and supervised by a master social worker; and
 - g. Examination: Documentation that the applicant:
 - (1) Submitted a completed application for requesting approval to test;
 - (2) Submitted a completed request for special accommodations, if special testing accommodations are needed by the applicant;
 - (3) Requested the examination rating/grades be sent directly to the Department from the appropriate examination service or State Board Office; and
 - (4) Submitted any other documentation as requested by the Board/Department; and
3. Fee: The applicant must submit the required certification fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-009.06 Department Review: The Department will act within 150 days upon all completed applications for licensure.

94-009.07 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-009.08 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-009.09 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-009.10 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if

necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-009.11 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-009.12 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-010 PROVISIONAL CERTIFICATION AS A MASTER SOCIAL WORKER (PCMSW) REQUIREMENTS: A person who needs to obtain the required 3,000 hours of supervised experience in social work as specified in 172 NAC 94-002, item 65 in order to qualify for a certification as a master social worker must obtain a provisional certification as a master social worker before beginning his/her supervised experience. Any hours earned prior to the receipt of the provisional certificate may not be considered for a certificate as a master social worker.

The criteria for the issuance of a provisional certificate and the documentation required by the Department and the Board are set forth below and ONLY applies to those earning hours in Nebraska.

94-010.01 Qualifications: To receive a credential to represent him/herself as a provisional master social worker, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship, lawful permanent residence./Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
3. Education: Has graduated with masters' or doctoral degree from an educational program which is accredited by the Council on Social Work Education (CSWE); and
4. Supervisor: Have a supervisor who meets the definition of a qualified supervised as defined in 172 NAC 94-002, item 61.

94-010.02 Application: To apply for a credential to practice as a provisional master social worker, the individual must submit a complete application to the Department. A complete application includes all required documentation, the required fee, and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#") or
 - (c) Form I-94 (Arrival-Departure Record) number;Certain applicants may have both a SSN and A# or I-94 number, and if so, must report both;
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not represented him/herself as a social worker in Nebraska before submitting the application; or
 - (2) If s/he has represented him/herself as a social worker in Nebraska before submitting the application, the actual number of days of representation in Nebraska before submitting the application for a credential and business name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;

- (4) Transcript that provides date of birth;
- (5) U.S. State identification card;
- (6) Military identification; or
- (7) Other similar documentation;

b. Evidence of good character, including:

- (1) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
- (2) Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential, and a copy of the disciplinary action(s), including charges and disposition;
- (3) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial;
- (4) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) His/her BAC level (if the conviction was alcohol related);
 - (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (g) Any other information as requested by the Board/Department; and

- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

 - d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship, lawful permanent residence, (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);

 - e. Supervisor Information:
 - (1) Name of Supervisor;
 - (2) Address of Supervisor; and
 - (3) Supervisor's License Number and Telephone Number;

 - f. Supervision: Have arranged supervision with a qualified supervisor in Nebraska. The supervisor must attest to the supervision on a form provided by the Department or on an alternate format which includes the same information;

 - g. Education and practicum: Evidence of education/practicum, including:
 - (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree; and
 - (3) An official transcript showing proof of the required degree; and
3. Fee: The applicant must submit the required license fee along with the application and all required documentation.

- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-010.03 Department Review: The Department will act within 150 days upon all completed applications for credentialing.

94-010.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-010.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-010.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-010.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-010.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-010.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-010.10 Expiration of a Provisional License: A provisional license expires upon the following conditions:

1. Termination of supervision agreement or change in supervisor; or
2. Receipt of the certification as a master social worker or 5 years after the date of issuance, whichever comes first.

94-010.11 Second Provisional License: An individual who does not complete the hours required for licensure within the specified 5 year period may re-apply one time for another provisional certification.

94-010.12 Client Notification: An individual who holds a provisional certification must inform all clients that s/he holds a provisional certification as a master social worker and is

practicing social work under supervision and must identify the supervisor. Failure to make such a disclosure is a ground for discipline as set forth in Neb. Rev. Stat. §38-2139.

94-010.13 Change of Supervisor: An individual who changes his/her supervisor or adds a new supervisor must submit an application within 30 days following the change. The application may be submitted on a form provided by the Department or on an alternate format which includes all information as specified in 172 NAC 94-010.

94-010.14 Termination of Supervision: If a supervisor or provisional licensee terminates supervision, s/he must notify the Department in writing immediately of the date of termination. The Department will record said termination date in the record.

94-011 CERTIFIED SOCIAL WORKER (CSW) REQUIREMENTS: An individual who practices pursuant to 172 NAC 94-002, item 64 (definition of social work) is not required to be licensed or certified as long as s/he does not represent him/herself as a mental health practitioner or as a social worker. An individual may be certified as a social worker if s/he practices pursuant to 172 NAC 94-002, item 64.

94-011.01 Social Worker Qualifications: To receive a certification to represent oneself as a social worker, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 years old and of good character;
2. Citizenship, lawful permanent residence,/Resident Information: Be a citizen of the United States, an alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act, or a nonimmigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States; and
3. Education: Have graduated with a baccalaureate, masters' or doctoral degree from an educational program which is accredited by the Council on Social Work Education (CSWE).

94-011.02 Social Work Application: To apply for a credential to represent oneself as a social worker, the individual must submit a complete application to the Department. A complete application includes the documentation and required fee as well as the application on a form provided by the Department or on an alternate format that includes the following:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Date of birth (month, day, and year);
 - (3) Place of birth (city and state or country if not born in the United States);
 - (4) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (5) The applicant's:
 - (a) Social Security Number (SSN);
 - (b) Alien Registration Number ("A#"); or

- (c) Form I-94 (Arrival-Departure Record) number; Certain applicants may have both a SSN and A# or I-94 number, and if so, must report both;
 - (6) The applicant's telephone number including area code (optional);
 - (7) The applicant's e-mail address (optional);
 - (8) The applicant's fax number (optional); and
 - (9) Citizenship: The applicant must state that s/he is one of the following:
 - (a) A citizen of the United States;
 - (b) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) and who is eligible for a credential under the Uniform Credentialing Act; or
 - (c) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;
 - b. Practice Before Application: The applicant must state:
 - (1) That s/he has not represented herself/himself as a social worker in Nebraska before submitting the application; or
 - (2) If s/he has represented herself/himself as a social worker in Nebraska before submitting the application, the actual number of days of representation in Nebraska before submitting the application for a credential and business name and location of practice; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
 - 2. Documentation: The applicant must submit the following documentation with the application:
 - a. Evidence of age, such as:
 - (1) Driver's license;
 - (2) Birth certificate;
 - (3) Marriage license that provides date of birth;
 - (4) Transcript that provides date of birth;
 - (5) U.S. State identification card;
 - (6) Military identification; or
 - (7) Other similar documentation;
 - b. Evidence of good character, including:
 - (a) Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of

each credential where the applicant has been or is currently credentialed.

The applicant must have the licensing or certifying agency submit to the Department a certification of his/her credential.

- (b) Disciplinary Action: A list of any disciplinary action(s) taken against the applicant's credential and a copy of the disciplinary action(s), including charges and disposition;
- (c) Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
- (d) Conviction Information: If the applicant has been convicted of a misdemeanor or felony, the applicant must submit to the Department:
 - (a) A list of any misdemeanor or felony convictions;
 - (b) A copy of the court record, which includes charges and disposition;
 - (c) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) His/her BAC level (if the conviction was alcohol related);
 - (e) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (f) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (g) Any other information as requested by the Board/Department; and

- c. Evidence that the applicant is:
 - (1) A citizen;
 - (2) An alien lawfully admitted into the United States for permanent residence under the Immigration and Naturalization Act (INA) who is eligible for a credential under the Uniform Credentialing Act; or
 - (3) A non-immigrant whose visa for entry, or application for visa for entry, is related to such employment in the United States;

 - d. Evidence of citizenship, lawful permanent residence, and/or immigration status may include a copy of:
 - (1) A U.S. Passport (unexpired or expired);
 - (2) A birth certificate issued by a state, county, municipal authority or outlying possession of the United States bearing an official seal;
 - (3) An American Indian Card (I-872);
 - (4) A Certificate of Naturalization (N-550 or N-570);
 - (5) A Certificate of Citizenship, lawful permanent residence, (N-560 or N-561);
 - (6) Certification of Report of Birth (DS-1350);
 - (7) A Consular Report of Birth Abroad of a Citizen of the United States of America (FS-240);
 - (8) Certification of Birth Abroad (FS-545 or DS-1350);
 - (9) A United States Citizen Identification Card (I-197 or I-179);
 - (10) A Northern Mariana Card (I-873);
 - (11) An Alien Registration Receipt Card (Form I-551, otherwise known as a "Green Card");
 - (12) An unexpired foreign passport with an unexpired Temporary I-551 stamp bearing the same name as the passport;
 - (13) A document showing an Alien Registration Number ("A#"); or
 - (14) A Form I-94 (Arrival-Departure Record);

 - e. Education: Evidence of education, including:
 - (1) Name and date of diploma/degree awarded;
 - (2) Name of school, college, university that awarded the diploma/degree; and
 - (3) An official transcript showing proof of the required degree; and
3. Fee: The applicant must submit the required certification fee along with the application and all required documentation.
- a. Prorated Fee: When a credential will expire within 180 days after its initial issuance date and the initial credentialing fee is \$25 or more, the Department will collect \$25 or one-fourth of the initial credentialing fee, whichever is greater, for the initial credential, and the credential will be valid until the next subsequent renewal date.

94-011.03 Department Review: The Department will act within 150 days upon all completed applications for licensure.

94-011.04 Denial of Initial Credential: If an applicant for an initial credential does not meet all of the requirements for a credential or if the applicant is found to have committed any of

the grounds listed in 172 NAC 94-015, the Department will deny issuance of a credential. To deny a credential, the Department will notify the applicant in writing of the denial and the reasons for the determination. The denial will become final 30 days after mailing the notice unless the applicant, within that 30-day period, requests a hearing in writing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-011.05 Withdrawn Applications: An applicant for a credential who withdraws his/her application or whose application is rejected by the Department prior to administration of the examination will be allowed the return of his/her fee, except for a \$25 administrative fee to be retained by the Department.

94-011.06 Practice Prior to Credential: An individual who practices prior to issuance of a credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-011.07 Confidentiality: Social Security Numbers obtained under this section are not public information but may be shared by the Department for administrative purposes if necessary and only under appropriate circumstances to ensure against any unauthorized access to this information.

94-011.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-011.09 Non-English Documents: Any documents written in a language other than English must be accompanied by a complete translation into the English language. The translation must be an original document and contain the notarized signature of the translator. An individual may not translate his/her own documents.

94-012 EXAMINATION ELIGIBILITY

94-012.01 Mental Health Practice Examination: An applicant who by reason of educational background is eligible for certification as a Certified Master Social Worker, a Certified Professional Counselor, or a Certified Marriage and Family Therapist must take and pass the appropriate certification examination; those not eligible for certification in an associated field must take and pass the NBCC/NCE, NBCC/NCMHCE, or other examination as determined by the Board to be equivalent.

94-012.01A Social Work: An individual who holds a master's or doctorate degree in social work from an approved education program and is applying for the LMHP or LIMHP must take the Clinical Category of the ASWB examination and pass with a minimum score set at the national pass point. An applicant applying only for the CMSW, may take either the Advanced Generalist Examination or the Clinical Category of the ASWB examination and pass with a minimum score set at the national pass point.

94-012.01B Professional Counseling: An individual who by reason of educational background is qualified to be certified as a certified professional counselor must take the National Board of Certified Counselor's National Counselor Examination (NBCC/NCE) or the National Clinical Mental Health Counselor Examination (NBCC/NCMHCE) and pass with a minimum score set at the National Cut Score.

94-012.01C Marriage and Family Therapy: An individual who by reason of educational background is qualified to be certified as a marriage and family therapist must take the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination and pass with a minimum score set at the National Pass Point.

94-012.01D Other Examination: Any other examination determined by the Board to be equivalent with a minimum score determined by the Board.

94-012.02 Examination Eligibility and Application Process: To be eligible to take the licensure examination, an applicant must:

1. Have received a master's or doctorate degree from an approved program as set out in 172 NAC 94-002, item 6, 7, 8 or 9. The applicant must submit to the Department an official transcript showing proof of the required degree and coursework if required;
2. Submit a completed application for requesting approval to test; and
3. Submit a completed request for special accommodations, if special testing accommodations are needed by the applicant.

94-013 CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active credential within the state must, on or before the date of expiration of the credential (September 1 of even-numbered years) comply with the continuing competency requirements for his/her profession. Except as otherwise provided in 172 NAC 94-014.03 and 94-014.04, the Department will not renew the credential of any person who has not complied with these requirements. Each credentialed individual is responsible for maintaining certificates or records of continuing competency activities.

The Board of Mental Health Practice does not pre-approve offerings but may accept as continuing education for licensure and certification renewal learning experiences as set out in 172 NAC 94-013, provided they are planned and conducted for mental health practitioners, marriage and family therapists, professional counselors, or social workers, and that they are related to mental health practice. Continuing education for individuals who hold a social work certificate, but are not licensed as a mental health practitioner, must relate to the practice of social work.

94-013.01 General Requirements: On or before September 1 of each even numbered year, each licensed independent mental health practitioner, licensed mental health practitioner, certified master social worker, certified social worker, certified professional counselor, and certified marriage and family therapist who is in active practice in the State of Nebraska must complete 32 hours of approved continuing education during the proceeding 24 month period. Additional hours earned during this period which are above and beyond the required 32 hours can not be utilized for subsequent renewals.

1. Ethics: All credential holders must complete at least 4 hours of the 32 hours relating to the credential holder's practice ethics.
2. LIMHP's: Licensees who hold a LIMHP must complete at least 6 hours of the 32 hours relating to diagnosis and treatment of major mental disorders.
3. MHP and Associated Certificate: An individual who holds a mental health practice license and an associated certificate(s) is not required to earn hours for each additional certificate s/he holds.
4. Professional Counseling: A person who holds an associated certificate in professional counseling is allowed to count any continuing education hours earned for the renewal of the professional counselor certification as hours approved to renew the mental health practitioner license.
5. Social Work: A person who holds an associated certificate in social work is allowed to count any continuing education hours earned for the renewal of the social worker certification as hours approved to renew the mental health practitioner license.
6. Marriage and Family Therapy: A person who holds an associated certificate in marriage and family therapy is allowed to count any continuing education hours earned for the renewal of the marriage and family therapist certification as hours approved to renew the mental health practitioner license.

94-013.02 Continuing Education Hour Defined: Continuing Education (CE) Hour or Credit is defined as follows:

1. Academic credit: An individual may accumulate up to 30 hours of continuing education per biennial renewal period:
 - a. 1 semester hour of academic credit equals 15 continuing education credit hours. 1 semester hour credit audited equals 8 hours of continuing education;
 - b. 1 quarter hour of academic credit equals 10 continuing education credit hours. 1 quarter hour credit audited equals 5 hours of continuing education; and
 - c. 1 trimester hour of academic credit equals 14 continuing education credit hours. 1 trimester hour credit audited equals 7 hours of continuing education.
2. Dissertations: An individual may accumulate up to 30 hours of continuing education per biennial renewal period.
3. Teaching: Hours granted for teaching a college/university course are calculated as stated in item a above; 30 of the 32 hours may be earned per biennial.
4. Home study programs (including those transmitted through electronic means): May accumulate up to 20 hours of continuing education per biennial renewal period.

5. Publications: An individual may accumulate up to 20 hours of continuing education per biennial renewal period.
6. Educational/training videos: An individual may accumulate up to 10 hours of continuing education within a biennial renewal period.
7. Workshop/Programs: 60 minutes equals 1 continuing education hour.
8. Presenters: An individual may receive credit for only the initial presentation during a renewal period. Credit will not be given for subsequent presentations of the same program/course.

94-013.03 Appropriate Subject Matter: Each credentialed individual must be responsible for assuring the continuing education program meets the appropriate subject matter as follows:

1. Mental Health - Approved Continuing Education: Programs acceptable for continuing education credit for mental health practice must clearly relate to maintaining skills necessary for the safe and competent practice of mental health, marriage and family therapy or professional counseling.
2. Social Work - Approved Continuing Education: Certificate holders who do not hold or wish to maintain the independent mental health practice license or mental health practice license, programs acceptable for continuing education credit in social work must relate to maintaining skills necessary for the safe and competent practice of social work.
3. Non-Acceptable Continuing Education: Examples of non-acceptable subject matter for continuing education credit includes, but is not limited to the following:
 - a. Association business meeting or delegate report;
 - b. Leadership training provided through associations; and
 - c. Business technology, techniques, and management.

94-013.04 Department Responsibility: The Department will not renew or reinstate the license and/or certification of any person who has not complied with the continuing education requirements of these regulations.

94-013.05 Acceptable Continuing Education Program Criteria: A continuing education program must meet the following criteria to be acceptable for continuing education credit:

1. The program's objectives must relate to the practice of mental health and/or the associated certificate;
2. Presenters of programs must be qualified by education, experience, or training;
3. Programs must be open to all credential holders who meet the training and educational pre-requisites for the program. Employment can not be considered as a pre-requisite;

4. Program provider must have a process for monitoring and verifying attendance.

94-013.06 Home Study Program Criteria: A home study program must meet the following criteria to be acceptable for continuing education:

1. The home study program's objectives must relate to the enhancement of the practice/skills of the credential holder's scope of practice;
2. The provider must be qualified by education, experience, or training; and
3. The provider must employ a system to monitor knowledge obtained by the licensee and/or certificate holder completing a home study program, such as, but not limited to, a final examination or program evaluation.

94-013.07 Publications/Articles Criteria: A publication/article must meet the following criteria to be accepted for continuing education credit:

1. The publication/article objectives must relate to the enhancement of the skills/practice of the credential holder's scope of practice; and
2. The publication/article must be already published or accepted for publishing in a refereed and/or reviewed professional journal, as a chapter of a book, or as a book.

94-013.08 Educational/Training Video Program Criteria: An educational/training video program must meet the following criteria to be acceptable for continuing education credit:

1. The educational/training video program's objectives must relate to the enhancement of the practice/skills of the credential holder's scope of practice;
2. The provider must be qualified by education, experience or training; and
3. The provider must employ a formal system to monitor and verify the use of the educational/training video.

94-013.09 Dissertation Criteria: The dissertation's objectives must relate directly to the theory or clinical application of theory relating to the credential holder's scope of practice.

94-013.010 Continuing Education Certificate of Completion: Each provider of a continuing education program must furnish to each person completing the program a certificate of completion.

1. Each certificate must include the following:
 - a. Program title;
 - b. Name of the participant;
 - c. Provider's name;
 - d. City, State and Location of the program;
 - e. Date(s) of the program; and

- f. Number of hours received by the licensee and/or certificate holder.
2. Presentation of the certificate will constitute evidence that the person complied with all requirements of the program and did complete the program.

94-013.11 Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

94-013.12 Denial of Continuing Education Programs: At the time of renewal the Board will deny a continuing education program on any of the following grounds:

1. Program content or the presenter's qualifications fail to meet requirements specified in 172 NAC 94-013;
2. The program's objectives do not relate to the practice of mental health, or to the associated certificate for which the continuing education is being requested; and
3. Failure to reflect participant's actual hours of attendance upon the certificate issued.

94-013.13 Should the Board determine to deny a continuing education program, the Division will send to the applicant by either certified or registered mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 calendar days after the mailing of the notice unless the applicant within the 30 day period gives written notice to the Department of a desire for hearing. The hearing will be conducted in accordance with Chapter 84, Article 9 and 184 NAC 1 of the Rules of Practice and Procedure for the Department. The applicant may re-submit the program for re-evaluation.

94-0014 RENEWAL: An individual who wants to renew his/her credential must request renewal as specified in 172 NAC 94-014.02. All Independent Mental Health Practice Licenses, Mental Health Practice Licenses, Marriage and Family Therapy Certificates, Professional Counseling Certificates, and Social Work Certificates issued by the Department will expire on September 1 of each even-numbered year.

94-014.01 Renewal Notice: At least 30 days before the expiration of a credential, the Department will notify each credential holder at the last known address of record. The renewal notice will include:

1. The type of credential;
2. The credential number;
3. The expiration date;
4. Continuing competency requirements for renewal;
5. The amount of the renewal fee; and
6. Information on how to request renewal and how to place a credential on inactive status.

94-014.02 Renewal Procedures: The request for renewal may be submitted in person or by mail or Internet, and must include all required documentation and the renewal fee, which

must be paid no later than the expiration date. The applicant may obtain an application from the Department or construct an application that must contain the following information:

1. Written Application:
 - a. Personal Information:
 - (1) The legal name of the applicant, maiden name (if applicable), and any other names by which the applicant is known;
 - (2) Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
 - (3) The applicant's:
 - (a) Social Security Number (SSN), if the applicant has obtained a SSN since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years; or
 - (b) Alien Registration Number (A#) or Form I-94 (Arrival-Departure Record) number, if the applicant's citizenship, lawful permanent residence, or immigration status has changed since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years;
 - (4) The applicant's telephone number including area code (optional);
 - (5) The applicant's e-mail address (optional); and
 - (6) The applicant's fax number (optional);
 - b. Continuing competency: The individual:
 - (1) Must attest to meeting the continuing competency requirements as specified in 172 NAC 94-013; or
 - (2) May request a waiver of continuing competency requirements as specified in 172 NAC 94-014.03 and 94-014.04; and
 - c. Attestation: The applicant must attest that:
 - (1) S/he has read the application or has had the application read to him/her;
 - (2) All statements on the application are true and complete; and
 - (3) S/he is of good character.
2. Documentation: The applicant must submit the following documentation with the application:
 - a. Other Credential Information: If the applicant holds a credential to provide health services, health-related services, or environmental services in Nebraska or in another jurisdiction, the applicant must submit the state, credential number, type of credential, date issued, and expiration date of each credential where the applicant has been or is currently credentialed;
 - b. Disciplinary Action: A list of any disciplinary actions taken against the applicant's credential and a copy of the disciplinary action(s),

including charges and disposition;

- c. Denial: If the applicant was denied a credential or denied the right to take an examination, an explanation of the basis for the denial; and
- d. Conviction Information: If the applicant has been convicted of a felony or misdemeanor since his/her last renewal or during the time period since initial credentialing if such occurred within the previous two years, the applicant must submit to the Department:
 - (1) A list of any misdemeanor or felony convictions;
 - (2) A copy of the court record, which includes charges and disposition;
 - (3) Explanation from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required;
 - (5) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
 - (6) Any other information as requested by the Board/Department; and

3. The renewal fee according to 172 NAC 2.

94-014.03 Waivers for Military Service: A credential holder who has served in the regular armed forces of the United States during part of the credentialing period immediately preceding the renewal date, or is actively engaged in military service as defined in 172 NAC 94-002, is not required to pay the renewal fee or to meet the continuing competency requirements if acceptable documentation is submitted to the Department. The individual must document his/her military service by submitting to the Department:

- 1. Military identification proving that s/he is in active service;
- 2. Military orders; or
- 3. A letter from his/her Commanding Officer indicating that s/he is on active duty.

Upon receipt of acceptable documentation, the Department will waive the fee and the continuing competency requirements and renew the credential. The credential will remain active until the next renewal period.

94-014.04 Waiver of Continuing Competency Requirements: The Department waives continuing competency requirements for individuals who were first credentialed within the 24-month period immediately preceding the renewal date.

94-014.05 Audit of Continuing Competency Requirements: The Department or the Board may biennially select, in a random manner, a sample of the renewal applications for audit of continuing competency requirements. Each credential holder selected for audit must produce documentation of the continuing competency activities.

94-014.05A The Department will notify each selected credential holder by mail. Failure to notify the Department of a current mailing address will not absolve the credential holder from the requirement for audit.

94-014.05B Within 30 days, each selected credential holder must respond by submitting documentation that s/he has met the requirements for continuing competency. An extension beyond 30 days for submission of the documentation may be granted at the discretion of the Department. Documentation submitted by the credential holder will not be returned.

94-014.05C Acceptable documentation that the credential holder has met the continuing competency requirements include copies of:

1. Certificates of attendance;
2. Attendance/Sign in-out rosters;
3. Transcripts or grade reports;
4. Evidence of publication;
5. Letters from sponsors of continuing education verifying attendance;
or
6. Similar documentation.

94-014.05D The Department will review the submitted documentation to determine if the credential holder has met the requirements for continuing competency activities for renewal of the credential. Only documented activities/hours that meet the continuing competency requirements will be counted toward the total requirements for renewal.

94-014.05E The Department will notify the credential holder upon satisfactory completion of the audit.

94-014.05F The credential of any person who fails to comply with the conditions of the audit will expire 30 days after notice and an opportunity for a hearing.

94-014.05G The Board reserves the right to audit continuing competency requirements of any credential holder by notifying the credential holder and requesting that s/he produce the required documentation of attendance at or participation in acceptable continuing competency programs within 30 days of mailing.

94-014.06 Department Review: The Department will act within 150 days upon all completed applications for renewal.

94-014.06A False Information: The Department may refuse to renew a credential for falsification of any information submitted for renewal of a credential. The refusal will be made according to 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-014.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

94-014.08 Expiration of a Credential: A credential expires if a credential holder fails to:

1. Notify the Department that s/he wants to place his/her credential on inactive status upon its expiration;
2. Meet the requirements for renewal on or before the date of expiration of his/her credential; or
3. Otherwise fails to renew his/her credential.

94-014.08A Failure to Renew: A credential automatically expires without further notice or opportunity for hearing if a credential holder fails by the expiration date of the credential to either:

1. Submit documentation of continuing competency; or
2. Pay the required renewal fee.

94-014.08B Failure to Meet Continuing Competency Requirements: The Department will refuse to renew a credential, after notice and opportunity for hearing, if a credential holder fails to meet the continuing competency requirements for renewal by the expiration date of the credential.

94-014.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice expires.

94-014.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 94-018 or such other action as provided in the statutes and regulations governing the credential.

94-014.08E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice of his/her credential after failing to renew his/her credential by the expiration date, s/he must apply to the Department for reinstatement as specified in 172 NAC 94-017.

94-014.09 Inactive Status: When an individual wants to have his/her credential placed on inactive status, s/he must notify the Department in writing. There is no fee to have a credential placed on inactive status and continuing competency is not required.

94-014.09A Request for Inactive Status: When the Department has received notification that an individual wants to have his/her credential placed on inactive status, the Department will notify the credential holder in writing of the acceptance or denial of the request.

94-014.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice of mental health and/or represent him/herself as a certified marriage and family therapist, certified professional counselor or social worker, but may represent him/herself as having an inactive credential.

94-014.09C Return to Active Status: A credential may remain on inactive status for an indefinite period of time. An individual who wants to have his/her credential returned to active status must apply to the Department for reinstatement and meet

the requirements specified in 172 NAC 94-017.

94-015 DISCIPLINARY ACTIONS

94-015.01 Grounds for Action Against a Credential: A credential to practice a profession may have disciplinary actions taken against it on any of the following grounds:

1. Misrepresentation of material facts in procuring or attempting to procure a credential;
2. Immoral or dishonorable conduct evidencing unfitness to practice the profession in this state;
3. Abuse of, dependence on, or active addiction to alcohol, any controlled substance, or any mind-altering substance;
4. Failure to comply with a treatment program or an aftercare program, including, but not limited to, a program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. § 38-175;
5. Conviction of:
 - a. A misdemeanor or felony under Nebraska law or federal law, or
 - b. A crime in any jurisdiction which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska law and which has a rational connection with the fitness or capacity of the applicant or credential holder to practice the profession;
6. Practice of the profession:
 - a. Fraudulently,
 - b. Beyond its authorized scope,
 - c. With gross incompetence or gross negligence, or
 - d. In a pattern of incompetent or negligent conduct;
7. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, drugs, mind-altering substances, physical disability, mental disability, or emotional disability;
8. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination by other lawful means;
9. Illness, deterioration, or disability that impairs the ability to practice the profession;
10. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential by a person not credentialed to do so;
11. Having had his/her credential denied, refused renewal, limited, suspended, revoked, or disciplined in any manner similar to 172 NAC 94-015.06 by another state or jurisdiction based upon acts by the applicant or credential holder similar to acts described in this part;
12. Use of untruthful, deceptive, or misleading statements in advertisements;
13. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
14. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
15. Violations of the Uniform Credentialing Act or the rules and regulations relating to the particular profession;
16. Unlawful invasion of the field of practice of any profession regulated by the Uniform Credentialing Act which the credential holder is not credentialed to practice;

17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
18. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;
19. Failure to maintain the requirements necessary to obtain a credential;
20. Violation of an order issued by the Department;
21. Violation of an assurance of compliance entered into under Neb. Rev. Stat. § 38-1,108;
22. Failure to pay an administrative penalty;
23. Unprofessional conduct as defined in 172 NAC 94-015.02; or
24. Failure to inform all clients that s/he holds a provisional license as a mental health practitioner or a provisional certification as a master social worker and is practicing under supervision and identifies the supervisor.

94-015.02 Unprofessional Conduct: Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of a profession or the ethics of the profession, regardless of whether a person, consumer, or entity is injured. Unprofessional conduct also means conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including but not limited to:

1. Receipt of fees on the assurance that an incurable disease can be permanently cured;
2. Division of fees, or agreeing to split or divide the fees, received for professional services with any person for bringing or referring a consumer other than:
 - a. With a partner or employee of the applicant or credential holder or his/her office or clinic;
 - b. With a landlord of the applicant or credential holder pursuant to a written agreement that provides for payment of rent based on gross receipts;
 - c. With a former partner or employee of the applicant or credential holder based on a retirement plan or separation agreement; or
 - d. By a person credentialed pursuant to the Water Well Standards and Contractors' Practice Act.
3. Obtaining any fee for professional services by fraud, deceit, or misrepresentation, including, but not limited to, falsification of third-party claim documents;
4. Cheating on or attempting to subvert the credentialing examination;
5. Assisting in the care or treatment of a consumer without the consent of the consumer or his/her legal representative;
6. Use of any letters, words, or terms, either as a prefix, affix, or suffix, on stationery, in advertisements, or otherwise, indicating that the person is entitled to practice a profession for which s/he is not credentialed;
7. Performing, procuring, or aiding and abetting in the performance or procurement of a criminal abortion;
8. Knowingly disclosing confidential information except as otherwise permitted by law;
9. Commission of any act of sexual abuse, misconduct, or exploitation related to the practice of the profession of the applicant or credential holder;
10. Failure to keep and maintain adequate records of treatment or service;
11. Prescribing, administering, distributing, dispensing, giving, or selling any controlled substance or other drug recognized as addictive or dangerous for

- other than a medically accepted therapeutic purpose;
12. Prescribing any controlled substance to:
 - a. Oneself; or
 - b. Except in the case of a medical emergency;
 - (1) One's spouse;
 - (2) One's child;
 - (3) One's parent;
 - (4) One's sibling; or
 - (5) Any other person living in the same household as the prescriber;
 13. Failure to comply with any federal, state, or municipal law, ordinance, rule, or regulation that pertains to the applicable profession; or
 14. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care;

94-015.02A Discrimination: Credential holders must provide professional assistance to patients/clients without discrimination on the basis of race, age, ethnicity, socioeconomic status, disability, gender, health status, religion, national origin, or sexual orientation.

94-015.02B Competence: A credential holder must not provide services for which s/he is not trained or experienced. Unprofessional conduct includes but is not limited to:

1. Committing any act which endangers patient/client safety or welfare; or
2. Failure to adhere to or departure from the standards of acceptable and prevailing practice in mental health practice, social work, professional counseling, or marriage and family therapy.

94-015.02C Confidentiality: A credential holder must hold in confidence information obtained from a patient/client, except in those unusual circumstances in which to do so would result in clear danger to the person or to others, or where otherwise required by law.

94-015.02D Professional Relationships: A credential holder must safeguard the welfare of patients/clients and maintain professional relationships with patients/clients. Commission of any of the following acts or behavior constitutes unprofessional conduct.

1. Exploiting another person for one's own advantage;
2. Performing or agreeing to perform mental health services, social work, professional counseling, or marriage and family therapy that have been requested when such services are known to be contraindicated or unjustified;
3. Performing or agreeing to perform procedures that have been requested when such procedures are known to be outside of the mental health practice, social work, professional counseling, or marriage and family therapy scope of practice;
4. Verbally or physically abusing patients/clients;

5. Attempting to provide diagnostic or treatment information to patient(s)/client(s) that is beyond the credential holder's level of education, training and expertise;
6. Delegating to other personnel those patient/client related services for which the clinical skills and expertise of a credential holder are required;
7. Encouraging or promoting the practice of mental health services, social work, professional counseling or marriage and family therapy by untrained or unqualified persons; or
8. Failure to safeguard the patient's/client's dignity and right to privacy.

94-015.02E Dual Relationship: Credential holders must make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, licensees and/or certificate holders must take appropriate professional precautions (seek supervision and/or professional consultation) to ensure judgment is not impaired and no exploitation occurs. Examples of such dual relationships include, but are not limited to, business or close personal relationships with a client.

94-015.02F Sexual Intimacy: Sexual intimacy with a client during the provision of professional services, 6 months preceding the provision of professional services, or with a former client less than 2 years following the termination of therapy is prohibited.

1. Sexual Intimacy means any written, verbal, or physical behavior which a reasonable person would find to be sexually seductive or sexually demeaning. Sexual intimacy may or may not include sexual contact.
 - a. Sexual contact is defined as sexual intercourse, either genital or anal, cunnilingus, fellatio, sodomy or the handling of breasts, genital areas, buttocks, or thighs whether clothed or unclothed, initiated or consented to by the credential holder.

In the therapeutic relationship, credential holders need to be aware of the intimacy and responsibilities inherent in the therapeutic relationship and must avoid actions that seek to meet their personal needs at the expense of clients. Credential holders must be aware of their influential positions with respect to clients, and they must avoid exploiting the trust and dependency of such persons. Credential holders, therefore, must make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation.

94-015.02G Sexual Harassment: A credential holder must not under any circumstances engage in sexual harassment of patients/clients. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which results in:

1. Providing or denying care to a patient/client;
2. Creating an intimidating, hostile, or offensive environment for the patient/client; or
3. Interfering with a patient's/client's ability to recover.

94-015.02H Professional Records: Credential holders must:

1. Maintain client records for at least 5 years following termination of services;
2. Not falsify patients/clients records;
3. Not destroy patients/clients records when not authorized to do so;
4. Store, safeguard, and dispose of client records in ways that maintain confidentiality and in accord with applicable laws and professional standards; and
5. Subsequent to the credential holder moving from the area, closing the practice, or upon the death of the therapist, a credential holder must arrange for the storage, transfer, or disposal of client records in ways that maintain confidentiality and safeguard the welfare of clients.

94-015.02I Technology Assisted Services: Clients in Nebraska receiving technology assisted services, such as internet or phone services, must be provided by a Nebraska credential holder.

94-015.02J Students and Supervisees. Credential holders do not exploit the trust and dependency of students and supervisees.

1. Credential holders must be aware of their influential positions with respect to students and supervisees, and they avoid exploiting the trust and dependency of such persons. Credential holders, therefore, make every effort to avoid conditions and multiple relationships that could impair professional objectivity or increase the risk of exploitation. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.
2. Credential holders must not provide professional services to current students or supervisees.
3. Credential holders must not engage in sexual intimacy with students or supervisees during the evaluative or training relationship between the credential holder and student or supervisee. Should a supervisor engage in sexual activity with a former supervisee, the burden of proof shifts to the supervisor to demonstrate that there has been no exploitation or injury to the supervisee.
4. Credential holders must not permit students or supervisees to perform or to hold themselves out as competent to perform professional services beyond their training, level of experience, and competence.
5. Credential holders must take reasonable measures to ensure that services provided by supervisees are professional.
6. Credential holders must avoid accepting as supervisees or students those individuals with whom a prior or existing relationship could compromise the credential holder's objectivity. When such situations cannot be avoided, credential holders take appropriate precautions to maintain objectivity. Examples of such relationships include, but are not limited to, those

individuals with whom the credential holder has a current or prior sexual, close personal, immediate familial, or therapeutic relationship.

7. Credential holders must not disclose supervisee confidences except by written authorization or waiver, or when mandated or permitted by law. In educational or training settings where there are multiple supervisors, disclosures are permitted only to other professional colleagues, administrators, or employers who share responsibility for training of the supervisee. Verbal authorization is not sufficient except in emergency situations, unless prohibited by law.

94-015.03 Disclosure of Confidential Information: A person licensed or certified pursuant to these regulations must not disclose any information s/he may have acquired from any person consulting him/her in his/her professional capacity except:

1. With the written consent of such person;
2. In the case of death or disability of the person's personal representative, any other person authorized to sue on behalf of the person, or the beneficiary of an insurance policy on the person's life, health, or physical condition;
3. When more than one person in a family received therapy conjointly, each such family member who is legally competent to execute a waiver must agree to the waiver referred to in this section. Without such a waiver from each family member legally competent to execute a waiver, a practitioner must not disclose information received from any family member who received therapy conjointly;
4. As such privilege is limited by the laws of the State of Nebraska or as the board may determine by rule and regulation;
5. When the person waives the privilege by bringing charges against the credential holder;
6. When there is a duty to warn under the limited circumstances set forth in Neb. Rev. Stat. §38-2137 as follows:
 - a. There is no monetary liability on the part of, and no cause of action will arise against, any person who is licensed or certified pursuant to the Mental Health Practice Act for failing to warn of and protect from a patient's threatened violent behavior or failing to predict and warn of and protect from a patient's violent behavior except when the patient has communicated to the licensee and/or certificate holder a serious threat of physical violence against himself, herself, or a reasonably identifiable victim or victims;
 - b. The duty to warn of or to take reasonable precautions to provide protection from violent behavior arises only under the limited circumstances specified in 172 NAC 94-015.03, item 6a. The duty is discharged by the credential holder if reasonable efforts are made to

communicate the threat to the victim or victims and to a law enforcement agency; and

No monetary liability and no cause of action will arise under Neb. Rev. Stat. §38-2136 against a licensee or certificate holder for information disclosed to third parties in an effort to discharge a duty arising under 172 NAC 94-015.03, item 6a according to the provisions of 172 NAC-015.03, item 6b.

94-015.04 Temporary Suspension or Limitation

94-015.04A The Department may temporarily suspend or temporarily limit any credential issued by the Department without notice or a hearing if the Director determines that there is reasonable cause to believe that grounds exist under 172 NAC 94-015 for the revocation, suspension, or limitation of the credential and that the credential holder's continuation in practice or operation would constitute an imminent danger to the public health and safety. Simultaneously with the action, the Department will institute proceedings for a hearing on the grounds for revocation, suspension, or limitation of the credential. The hearing will be held no later than 15 days from the date of the temporary suspension or temporary limitation of the credential.

94-015.04B A continuance of the hearing will be granted by the Department upon the written request of the credential holder, and the continuance must not exceed 30 days unless waived by the credential holder. A temporary suspension or temporary limitation order by the Director will take effect when served upon the credential holder.

94-015.04C A temporary suspension or temporary limitation of a credential under 172 NAC 94-015.04 will not be in effect for more than 90 days unless waived by the credential holder. If a decision is not reached within 90 days, the credential will be reinstated unless and until the Department reaches a decision to revoke, suspend, or limit the credential or otherwise discipline the credential holder.

94-015.05 Department Action: The Department will follow the procedures delineated in the Uniform Credentialing Act to notify credential holders of any disciplinary action to be imposed and the time and place of the hearing.

94-015.06 Sanctions: Upon the completion of any hearing held regarding discipline of a credential, the Director may dismiss the action or impose the following sanctions:

1. Censure;
2. Probation;
3. Limitation;
4. Civil Penalty;
5. Suspension; or
6. Revocation.

94-015.06A Additional Terms and Conditions of Discipline: If any discipline is imposed pursuant to 172 NAC 94-015.06, the Director may, in addition to any other terms and conditions of that discipline:

1. Require the credential holder to obtain additional professional training and to pass an examination upon the completion of the training. The examination may be written or oral or both and may be a practical or clinical examination or both or any or all of the combinations of written, oral, practical, and clinical, at the option of the Director;
2. Require the credential holder to submit to a complete diagnostic examination by one or more physicians or other qualified professionals appointed by the Director. If the Director requires the credential holder to submit to an examination, the Director will receive and consider any other report of a complete diagnostic examination given by one or more physicians or other qualified professionals of the credential holder's choice if the credential holder chooses to make available the report or reports by his/her physician or physicians or other qualified professionals; and
3. Limit the extent, scope, or type of practice of the credential holder.

94-016 VOLUNTARY SURRENDER OR LIMITATION: A credential holder may offer to voluntarily surrender or limit a credential issued by the Department. The credential holder must make the offer in writing on a form provided by the Department or constructed by the credential holder, which must include the following information:

1. Personal Information:
 - a. First, middle and last name;
 - b. Mailing address (street, rural route, or post office address), city, state, and zip code;
 - c. Telephone number; and
 - d. Fax number.
2. Information Regarding the Credential Being Offered for Surrender or Limitation:
 - a. List credential(s) and credential number(s) that would be surrendered or limited;
 - b. Indicate the desired time frame for offered surrender or limitation:
 - (1) Permanently;
 - (2) Indefinitely; or
 - (3) Definite period of time (specify);
 - c. Specify reason for offered surrender or limit of credential; and
 - d. Specify any terms and conditions that the credential holder wishes to have the Department consider and apply to the offer.
3. Attestation: The credential holder must:
 - a. Attest that all the information on the offer is true and complete; and
 - b. Provide the credential holder's signature and date.

94-016.01 The Department may accept an offer of voluntary surrender or limitation of a credential based on:

1. An offer made by the credential holder on his/her own volition;
2. An offer made with the agreement of the Attorney General or the legal counsel of the Department to resolve a pending disciplinary matter;
3. A decision by the Attorney General to negotiate a voluntary surrender or limitation in lieu of filing a petition for disciplinary action; or

4. A decision by the legal counsel of the Department to negotiate a voluntary surrender or limitation in response to a notice of disciplinary action.

94-016.02 The Department may reject an offer of voluntary surrender of a credential under circumstances which include, but are not limited to, when the credential:

1. Is under investigation;
2. Has a disciplinary action pending but a disposition has not been rendered; or
3. Has had a disciplinary action taken against it.

94-016.03 When the Department either accepts or rejects an offer of voluntary surrender or limitation, the Director will issue the decision in a written order. The order will be issued within 30 days after receipt of the offer of voluntary surrender or limitation and will specify:

1. Whether the Department accepts or rejects the offer of voluntary surrender; and
2. The terms and conditions under which the voluntary surrender is accepted or the basis for the rejection of an offer of voluntary surrender. The terms and conditions governing the acceptance of a voluntary surrender will include, but not be limited to:
 - a. Duration of the surrender;
 - b. Whether the credential holder may apply to have the credential reinstated; and
 - c. Any terms and conditions for reinstatement.

94-016.04 A limitation may be placed on the right of the credential holder to practice a profession or operate a business to the extent, for the time, and under the conditions as imposed by the Director.

94-016.05 Violation of any of the terms and conditions of a voluntary surrender or limitation by the credential holder will be due cause for the refusal of renewal of the credential, for the suspension or revocation of the credential, or for refusal to restore the credential.

94-016.06 Reinstatement following voluntary surrender is set out in 172 NAC 94-017.

94-017 REINSTATEMENT: This section applies to individuals previously credentialed in Nebraska who seek the authority to return to practice in Nebraska with a valid Nebraska credential. Individuals may apply for reinstatement as follows:

1. An individual whose credential has expired, been placed on inactive status, voluntarily surrendered for an indefinite period of time, or suspended or limited for disciplinary reasons, may apply for reinstatement at any time.
2. An individual whose credential has been voluntarily surrendered for a definite period of time may apply for reinstatement after that period of time has elapsed.
3. An individual whose credential has been revoked may apply for reinstatement only after a period of two years has elapsed from the date of revocation.
4. An individual whose credential has been permanently voluntarily surrendered may not

apply for reinstatement.

The voluntary surrender of a credential may be unrelated to disciplinary matters, or may be done to resolve a pending disciplinary matter, in lieu of disciplinary action, or in response to a notice of disciplinary action.

94-017.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter: The applicant must submit to the Department:

1. A written application on a form provided by the Department or constructed by the applicant which must contain the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. The applicant's:
 - (1) Social Security Number (SSN), if the applicant has obtained a SSN since his/her last renewal or voluntary surrender; or
 - (2) Alien Registration Number (A#) or Form I-94 (Arrival-Departure Record) number, if the applicant's citizenship, lawful permanent residence, or immigration status has changed since his/her last renewal or voluntary surrender;
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. Attestation that the continuing competency requirements for renewal have been met; and
 - f. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active. If the applicant has been convicted of a felony or misdemeanor, s/he must provide copies of:
 - (a) The court record, which includes charges and disposition;
 - (b) Arrest records;
 - (c) A letter from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of any treatment obtained; and
 - (e) A letter from the probation officer addressing probationary conditions and current status if the applicant is currently on probation;
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential the applicant wishes to reinstate was active. If any disciplinary action was taken against the applicant's credential by another state, the applicant must submit a copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant;

2. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential; and
3. The following fee(s):
 - a. If the credential is expired or inactive, the reinstatement and renewal fees; or
 - b. If the credential was voluntarily surrendered, the renewal fee.

94-017.01A If an applicant has practiced while his/her credential was expired, inactive, or voluntarily surrendered, the Department may, with the recommendation of the Board, take one or more of the following actions:

1. Assess an administrative penalty pursuant to 172 NAC 94-018, in which case a separate notice of opportunity for hearing will be sent to the applicant;
2. Deny the application to reinstate the credential;
3. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
4. Reinstate the credential.

94-017.01B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the application for reinstatement of the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
3. Reinstate the credential.

94-017.01C The Department will act within 150 days on all completed applications.

94-017.01D The Department's decision may be appealed to the Director by any party to the decision. The appeal must be in accordance with the Administrative Procedure Act.

94-017.02 Reinstatement from Non-Disciplinary Revocation or Lapsed Status: An individual whose credential was placed on non-disciplinary revocation or lapsed status before December 1, 2008 may apply for reinstatement as provided in 172 NAC 94-017.01.

94-017.03 Reinstatement Following Suspension, Limitation, Revocation, or Voluntary Surrender to Resolve a Pending Disciplinary Matter, In Lieu of Discipline, or In Response to a Notice of Disciplinary Action: An individual whose credential was suspended or limited may apply for reinstatement at any time. An individual whose credential has been revoked may apply for reinstatement after a period of two years has elapsed from the date of revocation. An individual whose credential was voluntarily surrendered may apply for reinstatement based on the provisions in the order accepting the voluntary surrender.

The applicant must submit to the Board:

1. A written application on a form provided by the Department or constructed by the applicant, which must contain the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. The applicant's:
 - (1) Social Security Number (SSN), if the applicant has obtained a SSN since action was taken to resolve a pending disciplinary matter, in lieu of discipline, or in response to a notice of disciplinary action; or
 - (2) Alien Registration Number (A#) or Form I-94 (Arrival-Departure Record) number, if the applicant's citizenship, lawful permanent residence, or immigration status has changed since action was taken to resolve a pending disciplinary matter, in lieu of discipline, or in response to a notice of disciplinary action;
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. If the applicant's credential has expired during the time the credential was suspended, limited, revoked, or voluntarily surrendered, attestation of meeting the continuing competency requirements for renewal;
 - f. A statement of the reason the applicant believes his/her credential should be reinstated;
 - g. Written recommendations from at least two individuals each having personal knowledge of the activities of the applicant since the credential was suspended, limited, revoked, or voluntarily surrendered. Recommendations from household members or relatives are not acceptable; and
 - h. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, revoked, or voluntarily surrendered. If the applicant has been convicted of a felony or misdemeanor, s/he must provide copies of:
 - (a) The court record, which includes charges and disposition;
 - (b) Arrest records;
 - (c) A letter from the applicant of the events leading to the conviction (what, when, where, why) and a summary of actions the applicant has taken to address the behaviors/actions related to the convictions;
 - (d) All addiction/mental health evaluations and proof of any treatment obtained; and
 - (e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspension, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential the applicant wishes to

- reinstate was suspended, limited, revoked, or voluntarily surrendered. If any disciplinary action was taken against the applicant's credential by another state, the applicant must submit a copy of the disciplinary action, including charges and disposition; and
- (3) Disciplinary charges pending against any professional credential held by the applicant;
2. Attestation by the applicant:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential; and
3. The renewal fee.

94-017.03A If an applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may take one or more of the following actions:

1. Assess an administrative penalty pursuant to 172 NAC 94-018, in which case a separate notice of opportunity for hearing will be sent to the applicant;
2. Deny the application to reinstate the credential;
3. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; and/or
4. Reinstate the credential.

94-017.03B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Deny the application for reinstatement of the credential;
2. Reinstate the credential to active status and impose limitation(s) or other disciplinary actions on the credential; or
3. Reinstate the credential.

94-017.03C The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application. The Department, with the recommendation of the Board, may:

1. Conduct an investigation to determine if the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. § 38-178;
2. Require the applicant to submit to a complete diagnostic examination, at the expense of the applicant, by one or more physician(s) or other professionals appointed by the Board. The applicant may also consult a physician(s) or other professionals of his/her own choice for a complete diagnostic examination and make available a report(s) of the examination(s) to the Department and to the Board;
3. Require the applicant to pass a written, oral, or practical examination or any combination of examinations at the expense of the applicant;

4. Require the applicant to successfully complete additional education at the expense of the applicant;
5. Require the applicant to successfully pass an inspection of his/her practice site; or
6. Take any combination of these actions.

94-017.03D On the basis of the information obtained under 172 NAC 94-017.03C, the Board may:

1. Deny the application for reinstatement; or
2. Recommend to the Department:
 - a. Full reinstatement of the credential;
 - b. Modification of the suspension or limitation; or
 - c. Reinstatement subject to limitations or subject to probation with terms and conditions.

94-017.03E An affirmative vote of a majority of the full membership of the Board as authorized by statute is required to recommend reinstatement of a credential with or without terms, conditions, or restrictions.

94-017.03F If the Board's decision is to deny the application for reinstatement, notification of the Board's decision will be mailed to the applicant by certified mail. The decision of the Board will become final 30 days after the decision is mailed to the applicant unless the applicant requests a hearing within that 30-day period.

1. If the applicant has been afforded a hearing or an opportunity for a hearing on an application for reinstatement within two years before filing the current application, the Department may grant or deny the application without another hearing before the Board.
2. If the applicant requests a hearing before the Board, the Department will mail a notice of the date, time, and location of the hearing. The notice will be sent by certified mail at least 30 days before the hearing.
3. Following the hearing, if the Board's decision is denial of the application for reinstatement, the applicant will be notified by certified mail.
4. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.

94-017.03G If the Board recommends full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or subject to probation with terms and conditions, the Board's recommendation will be sent to the applicant by certified mail. The following information will be forwarded to the Director for a decision:

1. The written recommendation of the Board, including any finding of fact or order of the Board;
2. The application for reinstatement;
3. The record of hearing, if any; and
4. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the

applicant.

94-017.03H The Director will review the application and other documents and make a decision within 150 days of receipt of the Board's recommendation and accompanying documents. 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:
 - a. In excess of statutory authority;
 - b. Made upon unlawful procedure;
 - c. Unsupported by competent, material, and substantial evidence in view of the entire record; or
 - d. Arbitrary or capricious; and
3. Enter an order setting forth the decision regarding reinstatement of the applicant's credential. The order will be sent to the applicant by certified mail.

94-017.03I 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.

94-018 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists of practice without a credential to practice a profession or operate a business. Practice without a credential for the purpose of this regulation means practice:

1. Prior to the issuance of a credential;
2. Following the expiration of a credential; or
3. Prior to the reinstatement of a credential.

94-018.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without being credentialed:

1. The person admits to engaging in practice;
2. Staffing records or other reports from the employer of the person indicate that the person was engaged in practice;
3. Billing or payment records document the provision of service, care, or treatment by the person;
4. Service, care, or treatment records document the provision of service, care, or treatment by the person;
5. Appointment records indicate that the person was engaged in practice; and
6. The person opens a business or practice site and announces or advertises that the business or site is open to provide service, care, or treatment.

For purposes of this regulation, prima facie evidence means a fact presumed to be true unless disproved by some evidence to the contrary.

94-018.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess the penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will specify:
 - a. The total amount of the administrative penalty;
 - b. The evidence on which the administrative penalty is based;
 - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
 - d. That the Department will within 30 days following receipt of payment of the administrative penalty, remit the penalty to the State Treasurer to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska; and
 - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property. The Department may also collect in such action attorney's fees and costs incurred directly in the collection of the administrative penalty.

2. Send by certified mail, a written notice of the administrative penalty to the last known address of the person to whom the penalty is assessed.

94-018.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to the Administrative Procedure Act and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings.

94-019 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

THESE AMENDED RULES AND REGULATIONS Replace Title 172 Chapter 94, Regulations Governing the Licensure of Mental Health Practitioners and the Certification of Marriage and Family Therapists, Professional Counselors, and Social Workers, effective July 28, 2004.

Approved by the Attorney General:

Approved by the Governor:

Filed with the Secretary of State:

EFFECTIVE DATE: