TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 155 ~~PRACTICE~~ LICENSURE OF PSYCHOLOGY

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NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES
~~Nebraska Department of Health and Human Services~~
~~Regulation and Licensure~~

172 NAC 155

~~SUBJECT~~	~~CODE SECTION~~	~~PAGE~~
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TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 155 LICENSURE~~ PRACTICE~~ OF PSYCHOLOGY

155-001 SCOPE AND AUTHORITY: These regulations govern the credentialing~~apply to licensure~~ of psychologists under~~as defined by~~ Neb. Rev. Stat. §38-31~~71-1,206.~~01 to §38-3132~~71-1,206.35~~ and the Uniform Credentialing Act (UCA). ~~Licensing Law.~~

155-002 DEFINITIONS

1. Act means Neb. Rev. Stat. §§ 38-31~~71-1,206.~~01 to §38-3132~~71-1,206.35~~ known as the ~~Practice of~~ Psychology ~~section of the Uniform Licensing Law~~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. ASPPB means the Association of State and Provincial Psychology Boards.

5. Attest or ~~/~~Attestation means that the individual declares that all statements on the application~~/petition~~ are true and complete. Attestation to meeting continuing competency requirements satisfies the documentation requirement of Neb. Rev. Stat. § 38-142.

6. Behavioral Health Practitioner is a licensed psychologist, special licensed psychologist, licensed independent mental health practitioner, licensed mental health practitioner, qualified physician, licensed alcohol and drug counselor, or other recognized profession who is licensed, certified, or regulated under the laws of this state, whose scope of practice includes mental health services or mental health service referrals.

7. Board means the Board of PsychologyPsychologists.

8. Board-Developeddeveloped Jurisprudence Examination means an examination administered orally or in writing as determined by the Board, covering the statutes and, regulations governing psychology in Nebraska, and relevant federal laws and ethical standards in psychology.

9. CPQ means the Certificate of Professional Qualification in Psychology issued by ASPPB. Receipt of this certificate demonstrates compliance with ASPPB recommended standards for licensure as evidenced by providing original source documentation of education, training, and history of competent and ethical practice.

10. Client or Patient means a recipient of psychological services within the context of a professional relationship. In the case of individuals with legal guardians, including minors and incompetent adults, the legal guardian will also be considered a client or patient for decision-making purposes.

11. Code of Conduct means the set of regulatory rules of professional conduct which has been adopted by the Board in , 172 NAC 155-014.02 NAC156 and 157, to protect the public welfare by providing rules that govern a professional's behavior in the professional relationship.

12. Completed Application means an application that contains with all of the information requested on the application, with attestation to its truth and completeness, and that is submitted with the completed, the signature of the applicant, fees and all required documentation submitted.

13. Confidential information means information protected as privileged under applicable law.

14. Consultation means a professional collaborative relationship between a behavioral health practitioner and a consultant who is a licensed psychologist. The consultant must be qualified by license, training and experience to address the mental health problems of clients who are the subjects of consultation. The behavioral health practitioner has sole responsibility for deciding the correct course of action. No monetary liability and no cause of action will arise against a qualified consultant.

When a mental health practitioner seeks consultation with a licensed psychologist for clients with major mental disorders, the consultation must be conducted in accordance with 172 NAC 94.

15. Continuing Competency means activities to ensure:

a. 1. The maintenance by a credentialed person of knowledge and skills necessary to competently practice psychology;
b. 2. The utilization of new techniques based on scientific and clinical advances; and
c. 3. The promotion of research to assure expansive and comprehensive services to the public.

It is the competency required as a condition of licensure renewal, underpursuant to Neb. Rev. Stat. §38-145§ 71-161.10.

Continuing Competency Activities include:

a.1. Developing and teaching a graduate academic course;
b.2. Satisfactorily completing a graduate level academic course;
c.3. Authoring or editing a psychological practice oriented publication;
d.4. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, or meetings of professional or scientific organizations; and
e.5. Homestudy or videos.

16. 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.

17. Credential means a license, certificate, or registration.

18. Department means the Division of Public Health of the Department of Health and Human Services Regulation and Licensure of the State of Nebraska.

19. 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.

20. Direct Service means a variety of activities, during the internship and/or post doctoral experience , associated with a client system, including collateral contacts, for purposes of providing psychological services.

Examples of Direct Servicesdirect services are:

a1. Interviewing;
b2. Therapy;
c3. Case Conferences;
d4. Behavioral Observations and Management;
e5. Evaluations;
f6. Treatment Planning;
g7. Testing;
h. Report Writing;
i. Supervision of graduate students in an accredited psychology program may count up to 300 hours of direct services;
j8. Consultations; and
k9. Biofeedback; and.
l. Patient Management (such as crisis management, triage, placement referrals, etc).

Examples of Non-Direct Services are:

a1. Insurance/Managed Care Reviews Relating to Payment Judgements;
b2. ClassroomClass Room Teaching;
c3. Supervising Provisionally Licensed Mental Health Practitioners; and
d4. Receiving Supervision;.
e. Applied Research;
f. Program Evaluation;

g. Scheduling Client Appointments, and
h. Mental Health Related Administration.

21. Director means the Director of Public Health of the Division of Public Health or his/her designee. Director means the Director of Regulation and Licensure or the Chief Medical Officer if one has been appointed pursuant to Neb. Rev. Stat. § 81-3201 for performance of the duties set out in that statute.

22. Doctoral Degree means a doctoral degree from a program of graduate study in professional psychology from an institution of higher education. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association or be presented in the form of a certificate of retraining from a doctoral program in psychology which meets standards of accreditation adopted by the American Psychological Association. It is the responsibility of the applicant to provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association.

23. Inactive CredentialLicense means a credential which the credential holder has voluntarily placed on inactive status and by which action has terminatedvoluntary termination of the right or privilege to practice psychology. The licensee retains the right or privilege to represent him/self or herself as having an active credential.inactive license.

24. Institution of Higher Education means a university, professional school, or other institution of higher learning that meets one of the following:

a. 1. In the United States, is regionally accredited by a regional or professional accrediting organization recognized by the United States Department of Education;

b. 2. In Canada, holds a membership in the Association of Universities and Colleges of Canada; or

c. 3. In other countries, is accredited by the respective official organization having such authority.

25. Internship means a program meeting the standards of accreditation adopted by the American Psychological Association. It is the responsibility of the applicant to provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association.

26. 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 authorizationLapsed License means the voluntary termination of the right or privilege to represent oneself as a licensed person and to

practice psychology.

27. Licensed Psychologist means a person who is licensed to practice psychology under pursuant to Neb. Rev. Stat. §38-3101 to 38-3132§71-1,206.15 and who holds a current license issued by the Department under the statute.pursuant to Statute.

Any reference to a person certified to practice clinical psychology under the law in effect immediately prior to September 1, 1994, and any equivalent reference under the law of another jurisdiction, including, but not limited to, certified clinical psychologist, health care practitioner in psychology, or certified health care provider, is construed to refer to a licensed psychologist.

28. Major Mental and Emotional Disorders mean:

a1. 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:

(1)a. Persistent and/or severe suicidal or homicidal thinking and/or behaviors;
(2) b. Persistent and/or severe behaviors injurious to self and/or others;
(3)c. Psychotic symptoms which include delusions, hallucinations, or formal thought disorders; or
(4)d. Physical complaints or signs suggestive of deterioration or anomaly in physiological, psychophysiological, or neuropsychological functioning.

b. 2. 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:

(1)a. Schizophrenia;
(2)b. Major depressive disorder;
(3)c. Bipolar disorder;
(4)d. Delusional disorder;
(5)e. Psychotic disorder;
(6)f. Panic disorder; and
(7)g. Obsessive compulsive disorder.

c3. 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.

d4. 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.

29. Mental and Emotional Disorder means a clinically significant behavioral or psychological syndrome or pattern that occurs in a person and is associated with present distress or disability or with significantly increased risk of suffering death, pain, disability, or an important loss of freedom. Such disorders may take many forms and have varying causes but must be considered a manifestation of behavioral, psychological, or biological dysfunction in the person. Reasonable descriptions of the kinds and degrees of mental and emotional disorders may be found in the revisions of accepted nosologies such as the International Classification of Diseases and the Diagnostic and Statistical Manual of Mental Disorders.

30. 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 servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause. (From the Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as it existed on January 1, 2007.)

31. NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 155.

32. National Register means the National Register of Health Service Providers in Psychology (NRHSPP). The National Register will function as a credentials bank by verifying that the psychologist applying for licensure in Nebraska has previously submitted primary source documentation demonstrating completion of specific education and training, holds an active unrestricted license, and has maintained professional and ethical standards.

33. National Standardized Examination means the Examination for Professional Practice in Psychology (EPPP) developed by the Professional Examination Service (PES).

34. Official Transcript means a document issued by and under the original seal of the educational institution.

35. Pattern of Incompetent or Negligent Conduct means a continued course of incompetent or negligent conduct in performing the duties of the profession.

36. Postdoctoral Experience means work as a psychologist under the direct supervision of a licensed psychologist qualified to offer the services provided. To be postdoctoral, the experience must follow the formal awarding of the doctoral degree by an appropriate institution of higher education. Such experience must be compatible with knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice.

37. Practice of Psychology means the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health.

    The practice of psychology includes, but is not limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and psychophysiological and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and supervision of qualified individuals performing services specified in 172 NAC 155.

    Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology is considered within the meaning of this definition without regard to whether payment is received for services rendered.

38. Psychological Assistant or Psychologist Associate means an individual whose supervision is registered with the Department and who administers and scores and may develop interpretations of psychological testing under the supervision of the licensed psychologist. Such individuals must be deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and must not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision.

    To use the title Psychologist Associate, the individual must have carried out the duties described above as part of his/her employment in an institution accredited by the Department of Health and Human Services~~Public Institutions~~, the State Department of Education, or the Department of Correctional Services for a period of 2 years prior to September 1, 1994 and~~,~~ may use the title psychologist associate in the context of their employment in such settings. Use of the title must be restricted to duties described in this definition~~subdivision~~, and the title must be used in its entirety. Partial or abbreviated use of the title and use of the title beyond what is specifically authorized in this definition~~subdivision~~ will constitute the unlicensed practice of psychology.

39. Psychologist means a person licensed to engage in the practice of psychology in this or another jurisdiction. The terms certified, registered, chartered, or any other term chosen by a jurisdiction to authorize the autonomous practice of psychology are considered equivalent terms.

40. Qualified Physician means an individual with a current license to practice medicine and surgery and has specialized training in mental health treatment or is a Board Certified Psychiatrist.

41. Reciprocity Agreement means an agreement entered into with ASPPB in order to facilitate professional mobility through the recognition by each jurisdiction that said jurisdictions meet the educational, training and examination requirements set out by ASPPB.

42. Regular Employment for purposes of Neb. Rev. Stat. §38-3113§71-1,206.25(4) means:

a1. That the work is done in the context of an employer-employee relationship;

b2. That the contract is such that the school district takes legal responsibility for all actions by the school psychologist;

c3. That the school system directly pays the school psychologist for all services rendered and extracts withholding under income tax provisions; and

d4. That the agreed-upon school psychological services are provided in the context of a comprehensive service delivery system and are not limited to any specific type of service and include opportunities for follow-up and continuing consultation.

43. Representation as a Psychologist means that the person uses any title or description of services which incorporates the words psychology, psychological, or psychologist or which implies that s/he possesses expert qualification in any area of psychology or that the person offers to individuals or to groups of individuals services defined as the practice of psychology.

44. Served in the Regular Armed Forces has the same meaning as “military service” in these regulations.

45. Special License to Practice Psychology means a license to practice those activities defined as the practice of psychology, except diagnosing and/or treating of major mental and emotional disorders. A person who holds a special license must not supervise other mental health professionals or independently evaluate persons under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act.

Psychologists practicing with special licenses may continue to use the title licensed psychologist but must disclose supervisory relationships to clients or patients for whom supervision is required and to third-party payors when relevant.

46. Supervising Licensed Psychologist means a Nebraska licensed psychologist (not a special licensed) who holds a full and unrestricted license and provides supervision on a regularly scheduled basis. It is the responsibility of the supervisor to arrange adequate supervision coverage in his/her absence.

47. Supervision means:

a1. Provisional Psychology License: A professional relationship in which a licensed psychologist assumes full legal and professional responsibility for the work of the supervisee. The purpose of supervision is to provide training to assist the supervisee to achieve full licensure. The supervisor must:

(1) Hold a current unrestricted Nebraska license as a psychologist;
(2) Co-sign all clinical documentation; and
(3) Meet with the provisional licensee at least one continuous hour per week on a regularly scheduled basis. Such meeting may include face-to-face consultation, telephone, video, or other electronic means of communication interactive video, and must ensure confidentiality of the conversation. In the case of geographical or confirmed physical hardship, the Board may consider variance in the frequency of supervision sessions providing that a minimum of 4 hours per month of face-to-face supervision is maintained.

A primary supervisor may supervise up to 4 individuals holding either a provisional psychology license or a provisional mental health practitioner license.

2b. Special Psychology License: The supervisor will be responsible for determining the extent and character of supervision, keeping in mind the education and experience of the supervisee. The supervisor assumes full legal and professional responsibility for any work by the supervisee relating to major mental disorders. In all cases the supervisor must be competent to provide the services being supervised. The supervisor must:

a.(1) Hold a current unrestricted Nebraska license as a psychologist; and
b.(2) Co-sign all clinical documentation relating to major mental disorders; and
c. Meet with the supervisee at the supervisor's discretion.

3c. Provisional Mental Health Practitioner: A professional relationship in which a licensed psychologist has oversight responsibility for the mental health practice of the supervisee. The purpose of supervision is to provide training to assist the supervisee to achieve full licensure as a mental health practitioner. The supervisor must:

(1) Hold a current unrestricted Nebraska license as a psychologist; and
b.(2) Meet with the provisional licensee at least one hour per week. Such meeting must be face-to-face and in accordance with 172 NAC 94, Regulations Governing the Practice of Mental Health Practice.

d. Provisional Alcohol and Drug Counselor: A professional relationship in which a licensed psychologist has oversight responsibility for the alcohol and drug clinical work of the supervisee. The purpose of supervision is to enhance and promote the alcohol and drug clinical skills and competencies of the supervisee who is earning hours of clinical work experience to achieve full licensure as an alcohol and drug counselor. The supervisor must:

(1) Hold an active license and his/her license must not have been disciplined, limited, suspended, or placed on probation at any time while holding his/her credential. If any of these actions are taken by the Department during the supervisory period, the supervisor must terminate the supervision immediately and notify the Department of said action;
(2) Be formally affiliated with the program or agency in which the work experience is gained;
(3) Not be a family member;
(4) Complete 3 hours of training on the 12 core functions and 46 global criteria pre-approved by the Board of Psychologists. This training must be completed prior to beginning supervision; and
(5) Provide a minimum of 1 hour of face-to-face clinical supervision for each 40 hours of paid alcohol and drug counseling work experience by the supervisee. Face-to-face clinical supervision may include interactive video conferencing/phone conferencing up to 50% of the time. The format for supervision must be either one-on-one or small group. Methods of supervision must include case review and discussion, physical review of written records, and direct observation of a counselor's clinical work.

e 4. Psychological Assistant or Psychologist Associate: Is a professional relationship in which a licensed psychologist (not an individual who holds a special license to practice psychology) has oversight responsibility for the psychological work of an individual who administers and scores and may develop interpretations of psychological testing under the supervision of the licensed psychologist. Such individuals are deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and must not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision.

The purpose of this supervision will be to provide oversight that insures competent and ethical practice in accordance with the statutes and Code of Conduct as promulgated by this Board. The supervisor:

1. (1) Assumes full legal and professional responsibility for the work of the supervisee and must be fully competent to provide the psychological services which are being supervised; 2. Must have a current unrestricted Nebraska license;
3.(2) Must co-sign professional reports prepared by the associate or assistant; and
4.(3) Must meet at least one hour per week with the supervisee. Such meeting may include face-to-face consultation, video, telephone, or other means of electronic communication, and must ensure confidentiality of the conversation.

Verified means sworn to before a Notary Public.

155-003 INITIAL CREDENTIAL155-003 LICENSE REQUIREMENTS: A person may represent her/himselfhim/herself to be a psychologist or engage in the practice of psychology only when s/he is licensed, except individuals who meet the criteria under pursuant to Neb. Rev. Stat. § 38-3113 (also listed in 172 NAC 155-010).§ 71-1,206.25. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

155-003.01 Qualifications: To receive a credential to practice psychology, an individual must meet the following qualifications:155-003.01 INITIAL LICENSURE

155-003.01A Requirements: An applicant for an initial license to practice psychology must:

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 employment in the United States;

3. Education: 1. Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002, item 24.

a. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association.

b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association.

(1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-003.01 01A item 3a1a or 1b must present a certificate of retraining from a program of respecialization that does meet such standards;

4. Internship: Have completed an internship that:
2. Have completed two years of supervised professional experience;

a. WasOne year must be an internship, which (1) Is accredited by the American Psychological Association; or

b. Met the following (2) Meets the standards of accreditation adopted by the American Psychological Association, as follows:
(1) The internship:

(a) Was~~Is~~ at least 12 months in duration (date to date), and consisted~~, consisting~~ of at least 1,500 or more hours in not more than 24 months. School psychology internships may be 10 months in duration;

(b) Was directed by a Licensed Psychologist;

(c) Was sequentially organized (progressively increased levels of responsibility and skills);

(d) Required 4 hours of supervision per week, 2 of the 4 hours were individual face-to-face with 2 or more supervising licensed psychologists on-site. In the case of part time internships, the supervision requirements must be proportional to these standards; and

(e) Included positions for 2 or more psychology interns;

(2) The purpose of the internship was ~~is~~ to train psychologists for the independent provision of direct psychology services. Evidence of meeting this requirement must be a letter from the internship director or a copy of the internship brochure; and~~;~~

~~(c) It is directed by a Licensed Psychologist;~~

~~(d) It is sequentially organized (progressively increases levels of responsibility and skills);~~

~~(e) Requires 4 hours of supervision per week, 2 of the 4 hours must be individual face-to-face with 2 or more supervising licensed psychologists on-site;~~

~~(f) Must include positions for 2 or more psychology interns;~~

~~(g~~3) The official school, college or university transcript must show completion of practica prior to entering internship; ~~and~~

~~(h) The psychology staff must include a minimum of 3 on-site supervising licensed psychologists.~~

~~b.~~5. Supervised Postdoctoral Experience: Have completed One year of ~~must be~~ supervised postdoctoral experience. If the postdoctoral experience was ~~is to be~~ earned in Nebraska~~, it must be~~:

a. The individual must have:

(1) Had a provisional license under 172 NAC 155-004; and

(2) Registered with the Department for a supervisory relationship before commencing practice as required by 172 NAC 155-008, and have been supervised by ~~prior to commencement in accordance with 172 NAC 155-003.02; (2) Under the supervision of~~ a licensed psychologist (a special licensed psychologist can not supervise); and

b. The postdoctoral experience must have:

(1) Met the standards of supervision specified in 172 NAC155-002, item 47;
(2) Included (3) 1,500 or more hours in total duration, including 1,000 or more hours of direct service hours earned in not more than 48~~24~~ months; and
(3) Been compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice.

If the postdoctoral experience is earned outside of Nebraska, it must ~~be~~have:

a.(1) Been ~~U~~under the supervision of a licensed psychologist or similar title in said state;
b.(2) Included at least 1,500 ~~or more~~ hours in total duration, including 1,000 or more hours of direct service hours earned in not more than ~~24~~ 48 months; and
c.(3) Been ~~C~~compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice.

~~3.~~6. Examination: Have passed the national standardized examination with a minimum score at the national pass score for all doctoral candidates and have passed the Board-developed jurisprudence examination with a score of at least 80%.

a. Applicants who are Board certified in an area of professional psychology by the American Board of Professional Psychology are not required to take the national standardized examination.

~~4. Have attained the age of majority and have good moral character.~~

155-003.02 Application: To apply for a credential to practice psychology, 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 be obtain an application from the Department or construct an application that must contain the following information:

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 an 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 psychology in Nebraska before submitting the application; or
(2) If s/he has practiced psychology in Nebraska before submitting the application, to 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 statement on the applications are true and complete;
(3) S/he is of good character; and
(4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts.

2. Documentation155-003.01B Application Process: The applicant must submit the following must be submitted to the Department documentation with the application:

1. A complete application on Attachment A attached to these regulations and incorporated by this reference or an alternate form that contains all

the same information. Only applications which are complete will be considered;

a. Age: 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. Good character: 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) 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;
      (e) A letter from the probation officer addressing

probationary conditions and current status, if the applicant is currently on probation; and

(f) 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: Documentation of education, including:

(1) Name and date of degree awarded;

(2) Name of school, college, university that awarded the degree; and

(3) An official transcript showing proof of a doctoral degree in psychology. The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification;

f. Internship: Evidence that documents the internship is accredited by the American Psychological Association; or meets the standards of

accreditation adopted by the American Psychological Association as set out in 172 NAC 155-003.01, item 4. Evidence must include a letter from the internship director or a copy of the internship brochure;

g. Postdoctoral Experience: Evidence of at least one year of supervised postdoctoral experience, which includes:
(1) Name of Supervisor;
(2) Dates of supervision (from-to); and
(3) Number of hours completed; and

h. Examination: Documentation of examination, including:
(1) Name of examination;
(2) Date of examination;
(3) Rating/grade received;
(4) A completed request for special accommodations, if special testing accommodations are needed by the applicant; and
(5) If the 3. Official documentation of passing the national standardized examination was taken in a State other than Nebraska, documentation of passing the examination must be submitted directly by the Professional Examination Service, current examination vendor/owner as approved by the Board, or the licensing board in the state where the examination was administered.

(a) If the applicant is Board certified in an area of professional psychology by the American Board of Professional Psychology, the applicant must submit evidence of certification by the American Board of Professional Psychology and official documentation of passing the Board-developed jurisprudence examination; and . If the examination was taken in a State other than Nebraska, said documentation of passing the examination must be submitted directly by the Professional Examination Service or current examination vendor/owner as approved by the Board;

3. Fee: The applicant must submit the required license fee as specified in 172 NAC 2 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.

4. A complete affidavit of internship on Attachment A4 attached to these regulations and incorporated by this reference or an alternate form that contains all the same

information. Affidavits must be submitted directly by the supervisor/internship Director;

5. A complete affidavit of supervised postdoctoral experience on Attachment A5 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Affidavits must be submitted directly by the supervisor;
6. Evidence of having attained at least the age of majority, examples are:
   a. Driver's license;
   b. Marriage certificate / divorce decree;
   c. Transcript which contains birth date; or
   d. Other similar documentation;
7. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
8. If the applicant has been convicted of a felony or misdemeanor:
   (a) Official Court Record, which includes charges and disposition;
   (b) Copies of arrest records;
   (c) A letter from the applicant explaining the nature of the conviction;
   (d) 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; and
   (e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;
9. Attestation by the applicant:
   a. That s/he has not practiced in Nebraska prior to the application for a license; or
   b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required license fee.

155-003.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

155-003.04 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 155-014, 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.

155-003.05 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.

155-003.06 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 155-017 or such other action as provided in the statutes and regulations governing the credential.

155-003.07 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.

155-003.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-003.09 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.

155-003.02155-004 PROVISIONAL LICENSURE: A person who needs to obtain the one-year of postdoctoral experience must obtain a provisional license, if the hours are to be earned in Nebraska. Hours may not be earned prior to issuance of a provisional license.

155-004.01 Qualifications: To receive a provisional license to practice psychology, 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 employment in the United States;

3. Education: Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002;

a. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association.

b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association.

(1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-004.01, item 3a must present a certificate of retraining from a program of respecialization that does meet such standards;

4. Internship: Have completed an internship that:

a. Was accredited by the American Psychological Association; or
b. Met the following standards of accreditation adopted by the American Psychological Association:
(1) The internship:
(a) Was at least 12 months in duration (date to date), and consisted of at least 1,500 or more hours in not more than 24 months. School psychology internships may be 10 months in duration;
(b) Was directed by a Licensed Psychologist;
(c) Was sequentially organized (progressively increased levels of responsibility and skills);
(d) Required 4 hours of supervision per week, 2 of the 4 hours were individual face-to-face with 2 or more supervising licensed psychologists on-site. In the case of part time internships, the supervision requirements must be proportional to these standards; and
(e) Included positions for 2 or more psychology interns;
(2) The purpose of the internship was to train psychologists for the independent provision of direct psychology services. Evidence of meeting this requirement must be a letter from the internship director or a copy of the internship brochure; and
(3) The official school, college or university transcript must show completion of practica prior to entering internship;

5. Supervisor: Must have an agreement with a Licensed Psychologist to supervise the post-doctorate experience, the agreement must include:

a. A general description of the supervisee's practice and the plan of supervision;
b. A statement by the supervisor that he or she has the necessary experience and training to supervise this area of practice; and
c. A statement by the supervisor that he or she accepts the legal and professional responsibility for the supervisee's practice with individuals.

155-004.02 Application: To apply for a credential to practice as a provisional psychologist, 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);
(5) The applicant's:
(a) Social Security Number (SSN);
(b) Alien Registration Number ("A#");
(c) Form I-94 (Arrival-Departure Record) number.
Certain applicants may have both a SSN and an 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 psychology in Nebraska before submitting the application; or
(2) If s/he has practiced psychology in Nebraska before submitting the application, to 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 statement on the applications are true and complete;
(3) S/he is of good moral character; and
(4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts..

a. That s/he has not practiced in Nebraska prior to the application for a license; or
b. To the actual number of days practiced in Nebraska prior to the application for a license; and

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: Evidence of age, such as: 6. Evidence of having attained at least the age of majority, examples are:
(1) a. Driver's license;
(2) Birth certificate;
(3) Marriage license that provides date of birth b.Marriage certificate / divorce decree;
(4) ;c.Transcript that provides date of birth;
(5) U.S. State identification card;
(6) Military identificationwhich contains birth date; or
(7) d.Other similar documentation;

b. Good Character: Evidence of good character, including:

(1) Other Credential Information: 7. 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 action was taken against the applicant's credential and a license by another state, an official 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 a credentialing examination, an explanation of the basis for the denial;

(4) Conviction Information: 8. If the applicant has been convicted of a felony or 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(a) Official Court Record, which includes charges and disposition;
(b) Copies of arrest records;
(c) Explanation A letter from the applicant of explaining the events leading to nature of 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 treatment, if the conviction involved a drug and/or alcohol

related offense and if treatment was obtained and/or required; and

(e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation; and

(f) Any other information as requested 9.Attestation 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: Documentation of education, including:

(1) Name and date of degree awarded;

(2) Name of school, college, university that awarded the degree; and

(3) An official transcript. The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification;

f. Internship: Evidence that the internship is accredited by the American Psychological Association; or meets the standards of accreditation adopted by the American Psychological Association as set out in 172 NAC 155-004.01, item 4. Evidence must include a letter from the internship director or a copy of the internship brochure;Evidence of having attained at least the age of majority, examples are:

g. Supervisor Information: The supervisor must provide the following information:
(1) Name;
(2) Business mailing address (street, rural route, or post office address and city, state, and zip code);
(3) License number;
(4) Telephone number, including area code (optional);
(5) Fax number (optional):
(6) A general description of the supervisee's practice and the plan of supervision; and
(7) Supervisor signature and statement that the supervisor:
(a) Has the necessary experience and training to supervise this area of practice;
(b) Accepts the legal and professional responsibility for the supervisee's practice with individuals; and
(c) Will supervise the applicant and meet with applicant face-to-face at least 1 hour each week; and

3. Fee: The applicant must submit the required. Driver's license fee as specified in 172 NAC 2 along with the application and all required;
b. Marriage certificate / divorce decree;
c. Transcript which contains birth date; or
d. Other similar

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.

155-004.03 Compliance with Supervisory Requirements: The supervisor and applicant must comply with the supervisory requirements specified in 172 NAC 155-002.

155-004.04 Termination of Supervision: If a supervisor of a provisional licensee terminates supervision, s/he must immediately notify the Department in writing of the date of termination. The Department will record said termination date in the record.

155-004.05 License Extension: The provisional license may extended for 1 additional year, upon approval by the Board and submission of a new application under this section.

155-004.06 Change of or Additional Supervisor(s): If a change in or additional supervisor(s) occurs, the provisional licensee must submit a complete application to the Department within 30 days following the change. A complete application includes all required documentation, required re-issue 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. 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);
3. The applicant's provisional psychology license number;
4. The applicant's telephone number (optional);
5. The applicant's e-mail address (optional);
6. The applicant's fax number (optional);
7. The supervisor's name:
8. The supervisor's license number;
9. The supervisor's practice address (street, rural route, or post office address and city, state, and zip code); and
10. Indication if the supervisor is a change or additional supervisor;

4. A complete affidavit of internship on Attachment A4 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Affidavits must be submitted directly by the supervisor/internship Director;
5. A complete affidavit of supervised postdoctoral experience on Attachment A5 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Affidavits must be submitted directly by the supervisor;

155-003.01C Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect $25 and the Licensee Assistance Program fee of $1, and the credential will be valid until the next subsequent renewal date.

155-003.01D Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-003.01E Department Review: The Department will act within 150 days upon all completed applications for license.

155-003.02 PROVISIONAL LICENSURE: A person who needs to obtain the one-year of postdoctoral experience must obtain a provisional license. Hours may not be earned prior to issuance of a provisional license.

155-003.02A Requirements: An applicant for a provisional license must:

1. Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002. a. The degree must be obtained from a program of

graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association;

b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association;

(1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-003.02A item 1a or 1b must present a certificate of retraining from a program of respecialization that does meet such standards;

2. Have completed a one year internship, which:

(a) Is accredited by the American Psychological Association; or

(b) Meets the standards of accreditation adopted by the American Psychological Association as follows:

(1) Is at least 12 months in duration, consisting of at least 1,500 or more hours in not more than 24 months. School psychology internships may be 10 months in duration;

(2) The purpose of the internship is to train psychologists for the independent provision of direct psychology services;

(3) It is directed by a Licensed Psychologist;

(4) It is sequentially organized (progressively increases levels of responsibility and skills);

(5) Requires 4 hours of supervision per week, 2 of the 4 hours must be individual face-to-face with 2 or more supervising licensed psychologists on-site;

(6) Must include positions for 2 or more psychology interns;

(7) The transcript must show completion of practica prior to entering internship; and

(8) The psychology staff must include a minimum of 3 on-site supervising licensed psychologists; and

3. Be of the age of majority and of good moral character.

155-003.02B Application Process: The following must be submitted to the Department:

1.A complete application on Attachment B attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Only applications which are complete will be considered;

An official transcript showing proof of a doctoral degree in psychology.

155-004.07 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

155-004.08 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 155-014, 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.

155-004.09 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.

155-004.010 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 155-017 or such other action as provided in the statutes and regulations governing the credential.

155-004.011 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.

155-004.012 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-004.013 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.

155-005 TWENTY YEARS OF PSYCHOLOGY LICENSURE: An applicant for a license to practice psychology on the basis of at least 20 years of licensure to practice psychology in the United States or Canada may apply for licensure in Nebraska if s/he meets the qualifications for issuance of a license and submits the documentation required by the department and the board as set forth below.

155-005.01 Qualifications: To receive a credential to practice psychology on the basis of at least 20 years of licensure, an individual must meet the following qualifications:

1. Age and Good Character: Be at least 19 year 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 employment in the United States;

3. Current License: Hold a current license based on a doctoral degree in psychology;

4. Twenty years of licensure: Have at least 20 years of licensure to practice psychology in the United States or Canada;

5. Discipline: Have had no disciplinary sanction during the entire period of licensure; and

6. Examination: Have passed the Nebraska Board-developed jurisprudence examination with a minimum score of 80%;

155-005.02 Application: To apply for a credential to practice psychology on the basis of at least 20 years of licensure, 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 number, and if so, must report both.
         Certain applicants may have both a SSN and an 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 Untied 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 psychology in Nebraska before submitting the application; or
      (2) If s/he has practiced psychology in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the 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 statement on the application are true and complete;
(3) S/he is of good character; and
(4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts.

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: 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. Good Character: 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 by another state, an official 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 a credentialing 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) 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;
(e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
(f) 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 (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: Documentation of education, including:
(1) Name and date of degree awarded; and
(2) Name of school, college, university that awarded the degree.

f. Current License: Evidence of holding a current license based on a doctoral degree in psychology;

g. Practice: Evidence of at least 20 years of licensed practice in psychology in the United States or Canada; and

3. Fee: The applicant must submit the required license fee as specified in 172 NAC 2 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.

155-005.03 Department Review: The Department will act within 150 days upon all completed applications for initial credentialing.

155-005.04 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 155-014, 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.

155-005.05 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.

155-005.06 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 155-017 or such other action as provided in the statutes and regulations governing the credential.

155-005.07 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.

155-005.08 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-005.09 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.

155-003.03 TWENTY YEARS OF PSYCHOLOGY LICENSURE: Procedures for Issuance of a License to Practice Psychology for Persons who have at Least 20 years of Licensure to Practice Psychology in the United States or Canada

155-003.03A Requirements: An applicant must:

1. Hold a current license based on a doctoral degree in psychology;
2. Have at least 20 years of licensure to practice psychology in the United States or Canada;
3. Have had no disciplinary sanction during the entire period of licensure;
4. Have passed the Nebraska Board-developed jurisprudence examination with a minimum score of 80%; and
5. Be of good moral character.

155-003.03B Application Process: The following must be submitted to the Department:

1. A complete application on Attachment D attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Only applications which are complete will be considered;
2. An official transcript showing proof of a doctoral degree in psychology. The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification;
3. Verification of holding a current license based on a doctoral degree in psychology;
4. Official documentation verifying the licensee has had no disciplinary action during the entire period of licensure on Attachment D1 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information;
5. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
6. If the applicant has been convicted of a felony or misdemeanor:
   (a) Official Court Record, which includes charges and disposition;
   (b) Copies of arrest records;
   (c) A letter from the applicant explaining the nature of the conviction;
   (d) 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; and
   (e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;
7. Official documentation of passing the Board-developed jurisprudence examination;
8. Attestation by the applicant:
   a. That s/he has not practiced in Nebraska prior to the application for a license; or
   b. To the actual number of days practiced in Nebraska prior to the application for a license; and

9. The required licensure fee.

155-003.03C Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect $25 and the Licensee Assistance Program fee of $1, and the credential will be valid until the next subsequent renewal date.

155-003.03D Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-003.03E Department Review: The Department will act within 150 days upon all completed applications for license.

155-006 RECIPROCITY (LICENSURE MOBILITY) CREDENTIAL REQUIREMENTS: An applicant for a license to practice psychology on the basis of licensure from another jurisdiction may apply for licensure in Nebraska if s/he meets the qualifications for issuance of a license and submits the documentation required by the Department and the Board as set forth below.

155-006.01 Qualifications: To receive a credential to practice psychology based on reciprocity, 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 employment in the United States; and

3. Credentials: Holds one of the following credentials:

   a. The ASPPB Certificate of Professional Qualification (CPQ);
   b. A current credential at the doctoral level as a Health Service Provider by the National Register of Health Service Providers;
   c. Be licensed in a state participating in the ASPPB Reciprocity Agreement; or
   d. Applicants who do not hold one the credentials identified in 172 NAC 155-006.01, section 3a through 3c, must meet the requirements for initial licensure as specified in 172 NAC 155-003.01; and

4. Examination: Have passed the Nebraska Board-developed jurisprudence examination with a minimum score of 80%;

155-006.02 Application: To apply for a credential to practice psychology based on reciprocity, 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 an 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 psychology in Nebraska before submitting the application; or
(2) If s/he has practiced psychology in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the 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;
(3) S/he is of good character; and
(4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts.

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: 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. Good Character: 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 a credentialing examination, an explanation of the basis for the denial;

(4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, 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) 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;
(e) A letter from the probation officer addressing

probationary conditions and current status, if the applicant is currently on probation; and

(f) 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); and

c. Documentation of holding one of the following:

(1) The ASPPB Certificate of Professional Qualification (CPQ); or

(2) A current credential at the doctoral level as a Health Service Provider by the National Register of Health Service Providers; or

(3) Be licensed in a state participating in the ASPPB Reciprocity Agreement; and

3. Fee: The applicant must submit the required license fee as specified in 172 NAC 2 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.

155-006.03 Temporary License: A psychologist licensed under the laws of another jurisdiction may be authorized by the Board to practice psychology for a maximum of one year pending successful passage of the board-developed jurisprudence examination. An applicant must:

1. Meet the qualifications specified 172 NAC 155-006.01, items 1 through 3; and
2. Submit the required temporary license fee and the completed application and all required documentation for a license by reciprocity.

155-004 RECIPROCITY (LICENSURE MOBILITY) LICENSURE REQUIREMENTS: An applicant for a license to practice psychology on the basis of licensure from another jurisdiction may reciprocate licensure to Nebraska, if the requirements for a license in the other jurisdiction are equal to or exceed the requirements for licensure in Nebraska. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

155-004.01 Reciprocity

155-004.01A Requirements: An applicant for a license to practice psychology based on reciprocity must:

1. Provide documentation that the standards regulating the practice of psychology in the other jurisdiction are equivalent to those maintained in Nebraska as evidenced by:
   a. Holding the ASPPB Certificate of Professional Qualification (CPQ);
   b. Licensure in a state participating in the ASPPB Reciprocity Agreement;
   c. A current credential at the doctoral level as a Health Service Provider by the National Register of Health Service Providers; or
   d. Meeting the requirements for initial licensure as specified in 172 NAC 155-003.01;
2. Successfully pass of the Board-developed jurisprudence examination with a score of at least 80%; and
3. Have been in the active and continuous practice under license or certification in the State, territory, or District of Columbia from which s/he comes for at least one year; and have been actively engaged in the practice under such license or certificate or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for licensure.

155-004.01B Application Process: The following must be submitted to the Department:

1. A complete application on a form provided by the Department, as Attachment A or an alternate form that contains the same information. Only applications which are complete will be considered;
2. Evidence of:
   a. Holding the ASPPB Certificate of Professional Qualification (CPQ);
   b. Licensure in a state participating in the ASPPB Reciprocity Agreement;
   c. A current credential at the doctoral level as a Health Service Provider by the National Register of Health Service Providers; or

d. Meeting the requirements for initial licensure as specified in 172 NAC 155-003.01 for initial licensure;

3. Evidence of having attained at least the age of majority, examples are:
   a. Driver's license;
   b. Marriage certificate / divorce decree;
   c. Transcript which contains birth date; or
   d. Other similar documentation;
4. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
5. If the applicant has been convicted of a felony or misdemeanor:
   a.Official Court Record, which includes charges and disposition;
   b.Copies of arrest records;
   c.A letter from the applicant explaining the nature of the conviction;
   d.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; and
   e.A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;
6. Attestation by the applicant:
   a. That s/he has not practiced in Nebraska prior to the application for a license; or
   b. To the actual number of days practiced in Nebraska prior to the application for a license;
7. The required licensure fee; and
8. Documentation that the applicant has been in the active and continuous practice under license or certification in the State, territory, or District of Columbia from which s/he comes for at least one year; and has been actively engaged in the practice under such license or certificate or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for licensure.

155-004.01C If the application is not based on a CPQ, National Register, or Reciprocity Agreement, the applicant must have the licensing or certifying agency submit to the Department:

1. A certification that the applicant is duly licensed or certified, that his or her license or certificate has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement on Attachment A3 attached to these regulations and incorporated by this reference or an alternate form that includes the same information;
2. The nature of disciplinary actions or pending disciplinary actions, if any, taken against the applicant's license or certificate;
3. The date of the applicant's initial license or certification;
4. The name of the examination on which licensure or certification was based;
5. The score attained on the examination; and
6. Documentation of the requirements for licensure or certification in the other jurisdiction which are currently in effect and which were in effect at the time the license was issued.

155-004.01D If the applicant's license or certification was based on an examination other than the national standardized examination, the applicant must take the national standardized licensure examination.

1. Applicants who are Board certified in an area of professional psychology by the American Board of Professional Psychology are not required to take the national standardized examination.

155-004.01E Board Review: The Board will review the documents submitted to determine if the applicant's license or certificate issued by the other jurisdiction was based upon requirements which are equal to those maintained in Psychology in Nebraska and will make a recommendation to the Department.

155-004.01F Pro-rated Fee: When a credential will expire within 180 days after its initial issuance date, the Department will collect $25 and the Licensee Assistance Program fee of $1, and the credential will be valid until the next subsequent renewal date.

155-004.01G Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-004.02 Temporary License

155-004.02A Requirements: A psychologist licensed under the laws of another jurisdiction may be authorized by the Board to practice psychology for a maximum of one year pending successful passage of the board-developed jurisprudence examination. An applicant must:

1. Have made application, in accordance with 172 NAC 155-004.01, to the Board for licensure as a Psychologist in Nebraska and such application has been approved by the Board;
2. Have met the educational and experience requirements for licensure in Nebraska as defined in 172 NAC 155-003.01A1 and 155-003.0101A2;
3. Hold a current license in another jurisdiction;
4. Have not been the subject of past or pending disciplinary action in this or another jurisdiction; and
5. Submit the required fee.

155-004.02B The Board will review the documents submitted to determine if the applicant's license issued by the other jurisdiction was based upon requirements which are equal to or exceed the requirements for licensure in Nebraska and to ascertain that the applicant has met the educational and experience requirements for licensure in Nebraska.

155-004.02C Upon determination that the applicant has met the requirements of this section, the Board will issue a letter authorizing the practice of psychology for a maximum of one year. This authorization will automatically expire upon issuance/denial of licensure to practice psychology in Nebraska or upon expiration of the one-year period, whichever occurs first.

155-004.02D The applicant must have successfully passed the Board-developed jurisprudence examination with a minimum score of 80% prior to issuance of a license to practice psychology in Nebraska.

155-004.02E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-004.02F Department Review: The Board will act within 150 days upon all completed applications for licensure.

155-003.02H Department Review: The Department will act within 150 days upon all completed applications for initial credentialing. license.

155-006.05 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 155-014, 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.

155-006.06 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.

155-006.07 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 155-017 or such other action as provided in the statutes and regulations governing the credential.

155-006.08 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.

155-006.09 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-006.10 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.

155-007 THIRTY DAYS PRACTICE WITHIN A ONE YEAR PERIOD: A person holding 155-003.03 TWENTY YEARS OF PSYCHOLOGY LICENSURE: Procedures for Issuance of a License to Practice Psychology for Persons who have at Least 20 years of Licensure to Practice Psychology in the United States or Canada

155-003.03A Requirements: An applicant must:

1. Hold a current license based on a doctoral degree in psychology from an institution of higher education who is licensed as a psychologist under the laws of another jurisdiction and who provides no more than an aggregate of 30 days of professional services as a psychologist in Nebraska during the 12-month period beginning with the first date of issuance may be issued a letter to practice. ;

155-007.01 Qualifications: To receive approval 2. Have at least 20 years of licensure to practice psychology for no more than an aggregate of 30 days during a 12-month period, 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 employment in the United States. ~~or Canada;~~

3. Education: Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002. ~~Have had no disciplinary sanction during the entire period of licensure;~~

   a. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association.~~4. Have passed the Nebraska Board-developed jurisprudence examination with a minimum score of 80%; and~~

   b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association. ~~5. Be of good moral character.~~

      (1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-007.01, item 3a must present a certificate of retraining from a program of respecialization that does meet such standards;

155-007.02~~003.03B~~ Application: To apply for approval to practice psychology for no more than an aggregate of 30 days during a 12-month period, the individual must submit a complete application ~~Process: The following must be submitted~~ 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 complete application on Attachment D attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Only applications which are complete will be considered;~~

   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
(b) Form I-94 (Arrival-Departure Record) number.
Certain applicants may have both a SSN and an 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 psychology in Nebraska before submitting the application; or
(2) If s/he has practiced psychology in Nebraska before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the 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;
(3) S/he is of good character; and
(4) S/he has not committed any act that would be ground for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts.

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: 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. Good Character: 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 a credentialing examination, an explanation of the basis for the denial; and

(4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, 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) 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;
(e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
(f) 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~~transcript~~ showing an Alien Registration Number ("A#"); or
   (14) A Form I-94 (Arrival-Departure Record); and

e. Education: Documentation of education, including:
   (1) Name and date of ~~proof of a doctoral~~ degree awarded;
   (2) Name of school, college, university that awarded the degree; and
   (3) Official Transcript verifying degree.~~in psychology.~~ The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification; and

3. Fee: The applicant must submit the required license fee, as specified in 172 NAC 2, along with the application and all required documentation.~~Verification of holding a current license based on a doctoral degree in psychology;~~

~~4. Official documentation verifying the licensee has had no disciplinary action during the entire period of licensure on Attachment D1 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information;~~

~~5. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;~~

~~6. If the applicant has been convicted of felony or misdemeanor:~~

~~(a) Official Court Record, which includes charges and disposition;~~
~~(b) Copies of arrest records;~~
~~(c) A letter from the applicant explaining the nature of the conviction;~~

(d) 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; and

(e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;

7. Official documentation of passing the Board-developed jurisprudence examination;

8. Attestation by the applicant:

a. That s/he has not practiced in Nebraska prior to the application for a license; or

b. To the actual number of days practiced in Nebraska prior to the application for a license; and

9. The required licensure fee.

155-003.03C Pro-rated 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 credentialand the Licensee Assistance Program fee of $1, and the credential will be valid until the next subsequent renewal date.

155-007.03 003.03D Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential. 155-003.03E Department Review: The Department will act within 150 days upon all completed applications for initial credentialing. license.

155- Issuance of Letter: Upon determination that the applicant has met the requirements of this section, the Board will issue a letter permitting the practice of psychology for an aggregate of 30 days within the subsequent year. The letter permitting the practice will automatically expire one year from the date of issuance. An individual's permission to practice under this section may be revoked if it is determined by the Department that s/he has engaged in conduct defined as illegal, unprofessional, or unethical under the statutes and rules and regulations governing the practice of psychology in Nebraska.

155-004.03E Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-004.03F Board Recommendation: The Board will act within 150 days upon all completed applications for temporary practice.

155-008 SUPERVISORY REGISTRATION 155-005 SUPERVISORY REGISTRATION – SPECIAL LICENSED PSYCHOLOGISTS, PSYCHOLOGICAL ASSISTANTS, PSYCHOLOGIST ASSOCIATES, AND PROVISIONAL MENTAL HEALTH PRACTITIONERS

155-005.01 The following individuals must submit a complete supervisory registration application to the Departmentform, prior to commencing practice: , on Attachment E attached to these regulations and incorporated by this reference or an alternate form which contains the same information:

1. Special licensed psychologists who wish to diagnose and treat major mental and emotional disorders; or

2. Psychological Assistants; or
3. and Psychologist Associates.

155-008.02 Special Licensed Psychologist 155-005.02 Supervisors of provisionally licensed mental health practitioners who are obtaining the required experience for licensure pursuant to Neb. Rev. Stat. §71-1,314(1)(b) must submit the appropriate application as specified in 172 NAC 94.
155-005.03 Procedures for Supervisory Registrations:

1. Qualifications: An applicant must hold a current license as a Special Licensed Psychologist. s: An applicant must:

2. Application: To apply for a supervisory registration, the individual must submit a complete application. Hold a current Special License as a Psychologist; and
b. Submit to the Department. A complete application includes all required documentation 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 an 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;

c. Supervision:

(1) A general description of the supervisee's practice and the plan of supervision;

(2) A statement by the supervisor that s/he has the necessary experience and training to supervise this area of practice; and

(3) A statement by the supervisor that s/he accepts the legal and professional responsibility for the supervisee's practice with individuals having major mental and emotional disorders.

d. Practice Before Application: The applicant must state:

(1) ~~(1) A complete application on Attachment E, or an alternate form which contains the same information;~~

~~(2) Attestation by the applicant:~~

~~a.~~ That s/he has not diagnosed and/or treated major mental and emotional disorders~~practiced~~ in Nebraska before submitting ~~prior to~~ the application~~ for registration~~; or

(2) If s/he has diagnosed and/or treated major mental and emotional disorders in Nebraska before submitting the application, —

~~b. To~~ the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice;

f. Attestation: The applicant must attest that:

(1) S/he has read the application or has had the application read to him/her

(2) All statement on the application are true and complete;

(3) S/he is of good character; and

(4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts.

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: 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. Good Character: Evidence of good character, including:

(1) Other Credential Information: If the applicant holds a credential~~prior~~ 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 application for registration, and~~

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 of the disciplinary action(s), including charges and disposition;

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

(4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, 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) 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;
(e) A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation; and
(f) 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 (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); and

3. Fee: The required supervisory registration fee as specified in 171 NAC 2.

155-008.03 ~~2.~~ Psychological Assistants and Psychologist Associates : ~~An applicant must:~~

155-008.03A Qualifications: To qualify for a supervisory registration, 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. Degree: ~~.~~ Have a Master's Degree in:
a. Clinical psychology;
b. Counseling psychology;
c. Educational psychology; or
d. An Educational Specialist Degree in School Psychology.

155-005.03B Application: To apply for a supervisory registration, 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 an 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 as a Psychological Assistant and/or Psychologist Associate in Nebraska before submitting the application; or
      (2) If s/he has practiced in Nebraska as a Psychological Assistant and/or Psychologist Associate before submitting the application, the actual number of days practiced in Nebraska before submitting the application for a credential and the name and location of practice;

   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;
      (3) S/he is of good character; and
      (4) S/he has not committed any act that would be grounds for denial under 172 NAC 155-014 or if an act(s) was committed, provide an explanation of all such acts..

2. Documentation: The applicant must submit the following documentation with the application:

a. Age: 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. Good Character: 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 a credentialing examination, an explanation of the basis for the denial; and

(4) Conviction Information: If the applicant has been convicted of a felony or misdemeanor, 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) 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;
(e) A letter from the probation officer addressing

probationary conditions and current status, if the applicant is currently on probation; and

(f) 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: Documentation of education, including:

(1) Name and date of degree awarded;

(2) Name of school, college, university that awarded the diploma/degree; and

(3) An official transcript showing proof of Master's Degree~~from an approved program as defined in 172 NAC 155-002,~~ in clinical psychology, counseling psychology, ~~or~~ educational psychology, or an Educational Specialist Degree in School Psychology~~; and~~

~~b. Submit to the Department:(1) A complete application on Attachment E, or an alternate form which contains the same information;~~

~~(2) An official transcript showing proof of a Doctoral degree in psychology~~. The transcript must be submitted directly by the

institution of higher education issuing the transcript;

f. Supervision: Evidence of supervision, including:
(1) A general description of the supervisee's practice and the plan of supervision; and
(2) A statement by the supervisor that s/he has the necessary experience and training to supervise this area of practice.

3. Fee: ~~(4)~~ The required supervisory registration fee as specified in 172 NAC 2.

~~(3) Attestation by the applicant:~~
~~a. That s/he has not practiced in Nebraska prior to the application for registration; or~~
~~b. To the actual number of days practiced in Nebraska prior to the application for registration; and~~

155-008~~005~~.04 Termination of Supervision: If a supervisor or registrant 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.

155-008~~005~~.05 Change of or Additional Supervisor(s): If a change in supervisors occurs or additional supervisors are added, the registrant must file an application with the Department, in accordance with 172 NAC 155-008 which reflects said change ~~on Attachment E or an alternate form which contains the same information~~.

155-008~~005~~.06 Department Review: The Department will act within 150 days upon all completed applications for registration.

155-008.07 Denial of Supervisory Registration: If an applicant for a supervisory registration does not meet all of the requirements or if the applicant is found to have committed any of the grounds listed in 172 NAC 155-014, the Department will deny issuance of the supervisory registration. To deny a supervisory registration, 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.

155-008.08 Withdrawn Applications: An applicant for a supervisory registration 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.

155-008.09 Practice Prior to Registration~~Penalty/Other Action~~: An individual who practices prior to issuance of a supervisory registration~~credential,~~ is subject to assessment of an administrative penalty under 172 NAC 155-017~~Administrative Penalty pursuant to 172 NAC 155-012,~~ or such other action as provided in the statutes and regulations governing the credential.

155-008.010 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~~155-005.07 Department Review: The Department will act within 150 days upon all completed applications for registration~~.

155-008.011 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-008.012 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.

155-009 UNLICENSED PRACTICE ACTIVITIES: The following activities do not require a license as a psychologist or registration as a psychological assistant or psychologist associate.

155-009.01 Test Administration: An individual who is trained by and is under the supervision of a licensed psychologist may administer and score tests which require no independent professional judgment and no interpretation of results. The individual must receive supervision, orders, and directions from a licensed psychologist. The supervisor must select the test to be administered and is ultimately responsible for the accuracy of the administration and scoring of the tests.

Examples of excluded tests include, but are not limited to:

1. Wechsler Scales;
2. Rorschach; and
3. Halstead-Reitan Neuropsychological Test Battery (HRNB).

155-010 EXCEPTIONS FROM LICENSURE: Under Neb. Rev. Stat. §38-3113, these regulations do not prevent:

1. The teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions if such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in the Psychology Practice Act prevents the provision of expert testimony by psychologists who are otherwise exempted by the Psychology Practice Act. Persons holding a doctoral degree in psychology from an institution of higher education may use the title psychologist in conjunction with the activities permitted by this section;

2. Members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics and within the scope of practice as set out in the statutes regulating their professional practice if they do not represent themselves to be psychologists;

3. Duly recognized members of the clergy from functioning in their ministerial capacity if they do not represent themselves to be psychologists or their services as psychological;

4. Persons who are certified as school psychologists by the State Board of Education from using the title school psychologist and practicing psychology as defined in the Psychology Practice Act if such practice is restricted to regular employment within a setting under the jurisdiction of the State Board of Education. Such individuals must be employees of the educational setting and not independent contractors providing psychological services to educational settings; or

5. Any of the following persons from engaging in activities defined as the practice of psychology if they do not represent themselves by the title psychologist, if they do not use terms other than psychological trainee, psychological intern, psychological resident, or psychological assistant to refer to themselves, and if they perform their activities under the supervision and responsibility of a psychologist in accordance with the rules and regulations adopted and promulgated under the Psychology Practice Act:

   a. A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;
   b. An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under the act; or
   c. An individual with a master's degree in clinical, counseling, or educational psychology or an educational specialist degree in school psychology who administers and scores and may develop interpretations of psychological testing under the supervision of a psychologist.

   Such individuals are deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and must not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision.

   Persons who have carried out the duties described in this section as part of their employment in institutions accredited by the Department of Health and Human Services, the State Department of Education, or the Department of Correctional Services for a period of two years prior to September 1, 1994, may use the title psychologist associate in the context of their employment in such settings. Use of the title must be restricted to duties described in this section , and the title must be used in its entirety. Partial or abbreviated use of the title and use of the title beyond what is specifically authorized in this section constitutes the unlicensed practice of psychology.

155-011~~006~~ EXAMINATION

155-011~~006~~.01 Eligibility – National Standardized Examination: To be eligible to take the national standardized examination, an applicant must have met all the requirements for licensure ~~that are specified in 172 NAC 155-003.01, 155-003.02, or 155-003.03,~~ with the exception of completion of the post-doctoral experience and passage of the national standardized examination and the Board-developed jurisprudence examination. An applicant for initial licensure must also have been issued a provisional license.

155-011~~006~~.02 Eligibility – Board-Developed Jurisprudence Examination: To be eligible to take the Board-developed jurisprudence examination, an applicant must have met all the requirements for licensure ~~that are specified in 172 NAC 155-003.01, 155-003.02, or 155-003.03~~, with the exception of completion of the post-doctoral experience and passage of the Board-developed jurisprudence examination and the national standardized examination. An applicant for initial licensure must also have been issued a provisional license.

1. An applicant taking the Board-developed jurisprudence examination must submit a complete Board-developed examination application to the Department. A complete application includes all required documentation and a written application. The applicant may obtain an application from the Department or construct an application that must contain the following:

   a. The legal name of the applicant;
   b. The applicant's provisional license number (if applicable);
   c. Mailing address (street, rural route, or post office address; and city, state, and zip code, or country information);
   d. A completed request for special accommodations, if special testing accommodations are needed by the applicant; and
   e. Any other documentation as requested by the Board/Department.

155-011.~~006.~~03 Administration: The examinations will be administered as follows:

1. The national standardized examination will be administered by the Association of State and Provincial Psychology Boards (ASPPB). The applicant must apply through the organization administering the examination.~~);~~

2. The Board-developed jurisprudence examination will be administered by the Department at least 4 times per year. The applicant will be notified of the date, time, place and other information pertinent to the administration of the examination;

~~2. The Department will notify the applicant in writing of the national standardized examination and the Board-developed jurisprudence examination results within 6 to 8 weeks following the administration of the examinations;~~

~~4. If the Board-developed jurisprudence examination is failed, the examinee may retake it without charge;~~

~~5. An applicant for a license who withdraws his/her application or whose application is rejected by the Department will be allowed the return of his/her fee, except for an administrative fee of $25.00 to be retained by the Department; and~~

~~6. An applicant taking the Board-developed jurisprudence examination must submit a complete Board-developed examination applicationon Attachment R attached to these~~

regulations and incorporated by this reference or an alternate form which contains the same information; and

7. If applicable, the applicant must submit a completed request for special accommodations on Attachment P attached to these regulations and incorporated by this reference or an alternate form that contains all the same information.

155-007 LICENSE RENEWAL PROCEDURES: All licenses issued by the Department under the Act and 172 NAC 155 will expire January 1 of each odd-numbered year.

155-007.01 Any licensee who wishes to renew his/her license must:

4. Meet the continuing competency requirements as specified in 172 NAC 155-009;
5. Pay the renewal fee as prescribed in 172 NAC 158; and
6. Respond to the following questions:
   f. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
   g. Have you been convicted of a misdemeanor or felony?

   These questions relate to the time period since the last renewal of the license or during the time period since initial licensure in Nebraska if such occurred within the two years prior to the license expiration date.
4. Cause to be submitted to the Department:
   a. The renewal notice;
   b. The renewal fee;
   c. Attestation of completing 24 hours of continuing competency earned within 24 months of the date of expiration or an application for waiver of continuing competency. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
   d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
   e. If the licensee has been convicted of a felony or misdemeanor:
      (1) Official Court Record, which includes charges and disposition;
      (2) Copies of arrest records;
      (3) A letter from the licensee explaining the nature of the conviction;
      (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; and
      (5) A letter from the probation officer addressing the probationary conditions and current status, if the licensee is currently on probation.

155-007.02 First Notice: At least 30 days before January 1st of each odd-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last place of residence as noted in the records of the Department. It is the responsibility of the licensee prior to the renewal period to notify the Department of any name and/or address changes.

155-007.02A The renewal notice will specify:

1. The name of the licensee;
2. The licensee's last known address of record;
3. The license number;
4. The expiration date of the license;
5. The renewal fee as prescribed in 172 NAC 158;
6. The option to place the license on either inactive or lapsed status; and
7. The number of continuing competency hours required for renewal.

155-007.02B The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee;
3. The licensee's social security number;
4. Attestation of completing 24 hours of continuing competency earned with 24 months of the date of expiration or application for a waiver of the continuing competency; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

155-007.02C If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
   a. The renewal notice with a check in the box marked inactive; and
   b. The fee of $25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
   a. The renewal notice with a check in the box marked lapsed.

155-007.02D The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

155-007.03 Second Notice: The Department will send to each licensee who fails to renew his/her license or place the license on inactive or lapsed status in response to the first notice, a second notice of renewal in accordance with 172 NAC 155-007.01 that specifies:

1. That the licensee failed to pay the renewal fee;
2. That the license has expired;
3. That the licensee is subject to an administrative penalty pursuant to 172 NAC 155-012 if s/he practices after the expiration date;
4. That upon receipt of the renewal fee, together with an additional late fee of $25 and documentation of continuing competency hours within that time, no order of revocation will be entered; and
5. That upon failure to receive $25 in addition to the regular renewal fee, and documentation of continuing competency hours, the license will be revoked as specified in 172 NAC 155-008.

155-007.03A The licensee must apply for renewal by submitting to the Department:

1. The renewal notice;
2. The renewal fee and the additional late fee of $25;
3. The licensee's social security number
4. Attestation by the licensee that:
   a. That s/he has not practiced in Nebraska since the expiration of his/her license; or
   b. To the actual number of days practiced in Nebraska since the expiration of his/her license;
5. Attestation of completing 24 hours of continuing competency earned with 24 months of the date of expiration or an application for waiver of the continuing competency; and
6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

155-007.03B If the licensee wishes to place his/her license on either inactive or lapsed status s/he must:

1. Request that his/her license be placed on inactive status by submitting to the Department:
   a. The renewal notice with a check in the box marked inactive; and
   b. The fee of $25; or
2. Request that his/her license be placed on lapsed status by submitting to the Department:
   a. The renewal notice with a check in the box marked lapsed.

155-007.03C The Department will notify the licensee in writing of the acceptance or denial of the request to allow the license to be placed on lapsed or inactive status.

155-007.04 When any licensee fails, within 30 days of expiration of a license, to pay the renewal fee, to submit documentation of continuing competency, and/or to pay an additional late fee of $25, the Department will automatically revoke the license without further notice or hearing and make proper record of the revocation.

155-007.05 Failure to meet the continuing competency requirement for renewal within 30 days of expiration of his/her license will constitute non-renewal of a license, unless a waiver of continuing competency is granted or the license is placed on inactive or lapsed status. When any licensee fails, within 30 days of expiration of a license, to meet the continuing competency requirements for renewal and pay an additional late fee of $25, the Department revokes the license after notice and opportunity for hearing. Hearings held before the Department will be conducted in accordance with Neb. Rev. Stat. §§ 84-901 to 84-920, Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure of the Department.

155-007.06 When the licensee has given notification to the Department that s/he desires to have the license lapse or be placed on inactive status upon expiration, 172 NAC 155-007.04 and 155-007.05 will not apply.

155-007.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of the license. Such refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure for the Department.

155-007.08 An individual who practices after expiration of his/her credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

155-008 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a credential when the licensed psychologist or special licensed psychologist fails to meet the renewal requirements.

155-008.01 Revocation for Nonpayment of Renewal Fee or Late Fee, or Failure to Submit Documentation of Continuing Competency within Thirty Days of Expiration of the License

155-008.01A When a credential holder fails to pay the required renewal fee, to submit documentation of continuing competency, and/or to pay a late fee of $25 and fails to request that his/her credential be placed on either inactive or lapsed status within 30 days of its expiration, the Department automatically revokes the credential without further notice or hearing.

155-008.01A1 A post revocation notice will be sent which will specify that:

1. The credential holder was given a first and final notice of renewal requirements and the respective dates for these notices;
2. The credential holder failed to renew the credential or to request that his/her credential be placed on inactive or lapsed status;
3. The Department has revoked the credential; and
4. The credential holder has a right to request reinstatement of the credential.

155-008.02 Revocation for Failure to Meet Continuing Competency Requirements

~~155-008.02A When a credential holder fails within 30 days of the expiration of his/her credential to meet the continuing competency requirement, the Department revokes his/her credential after notice and opportunity for a hearing.~~

~~155-008.02A1 The revocation notice for failure to meet continuing competency requirements specifies that:~~

~~1. The credential holder was given a first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;~~

~~2. The credential holder failed to meet continuing competency renewal requirements or to have his/her credential timely placed on inactive or lapsed status;~~

~~3. The credential has been revoked for failure to meet continuing competency requirements within thirty days after expiration of the credential and that the revocation will become final unless a request for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and~~

~~4. The credential holder has a right to request reinstatement of the credential after revocation.~~

~~155-009 CONTINUING COMPETENCY REQUIREMENTS~~

~~155-009.01 General Requirements: On or before January 1of each odd numbered year, each psychologist who is in active practice in the State of Nebraska must:~~

155-012 CONTINUING COMPETENCY REQUIREMENTS: Each person holding an active credential within the state must, on or before the date of expiration of the credential, comply with the continuing competency requirements for his/her profession. Except as otherwise provided in 172 NAC 155-013.03 and 155-013.04, 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.

155-012.01 Continuing Competency Requirements: On or before January 1st of each odd numbered year, each psychologist (licensed and special licensed) who is in active practice in the State of Nebraska must:

155-01~~209~~.01A Complete 24 hours of professional activities directed at maintaining continuing competency during the preceding 24 month period. Additional hours earned during this period which are above and beyond the required 24 hours cannot be utilized for subsequent renewals.

~~1. No more than the total number of approved hours offered in Nebraska to renew the license will be required during this period.~~

~~155-009.01B At the time of renewal, the licensee must submit to the Department the renewal notice with an attestation by the licensee that:~~

~~1. States s/he has met the continuing competency requirements; and~~

~~2. Indicates the number of credits/hours in one or more of the following competency areas:~~

~~a. Developing and teaching an academic course;~~

~~b. Satisfactorily completing a graduate level academic course;~~

c. Authoring or editing a psychological practice oriented publication;
d. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations; or
e. Homestudy or videos.

155-009.01C A psychologist must maintain documentation of attendance at continuing competency activities

155-009.01D 155-012.01BContinuing competency activities must directly relate to the definition of the practice of psychology. Continuing competency hours will be determined as follows:

1. Developing and teaching a graduate academic course in an institution accredited by a regional accrediting agency. Credit will be granted only for the first time the licensee teaches the course during the renewal period and can not be used for subsequent renewal periods.

   a. 1 semester hour of graduate academic credit equals 15 hours continuing competency credit.

2. Satisfactorily completing a graduate level course offered by an institution accredited by a regional accrediting agency. Credit will be granted only for the first time it is completed, and it must be completed during the renewal period for which it is submitted.

   a. 1 semester hour of graduate academic credit equals 15 hours of continuing competency credit.

3. Authoring or editing a peer-reviewed psychological practice oriented publication. Continuing competency credit may be earned only in the year of publication or first distribution.

   f.a. Senior/1st author of a peer-reviewed psychological practice oriented professional or scientific book equals 16 hours of competency credit;
   g.b. Senior/1st author of a peer-reviewed psychological practice oriented professional or scientific book chapter equals 8 hours of continuing competency credit;
   h.c. Senior/1st author of a peer-reviewed psychological practice oriented professional journal article equals 8 hours of continuing competency credit; and
   i.d. Editor of a peer-reviewed psychological practice oriented professional or scientific book/journal equals 16 hours of continuing competency credit.

4. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations, homestudy, or videos.

a. 60 minutes of presentation or attendance equals 1 hour of continuing competency credit; and.

b. Only activities approved by the following organizations are acceptable:

(1) The American Psychological Association (APA);

(2) The American Medical Association, (AMA);

(3)) Nebraska Medical Association (NMA);

(4(3) The American Nurses Credentialing Center's Commission on Accreditation (ANCCCA);

(5(4) Nebraska Nurses Association (NNA);

(6(5) National Association of Alcohol and Drug Abuse Counselors (NAADAC) or Nebraska Certified Alcohol and Drug Abuse Counselors (NCADAC);

(7) The Department of Health and Human Services for Licensed Alcohol and Drug Counselors (DHHS);

(8(6) National Association of Social Workers (NASW);

(9) American (7) NationalCounselors Association (ACANCA); or

(10(8) National Association of Marriage and Family Therapists (NAMFT).

155-013 RENEWAL: An individual who wants to renew his/her psychology credential must request renewal as specified in 172 NAC 155-013.02. All psychology credentials issued by the Department will expire on January 1st of each odd-numbered year.

155-013.01 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.

155-013.02 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:

1. Written Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:

a. Must provide the following 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); or

(b) Alien Registration Number (A#) or Form I-94 (Arrival-Departure Record) number.

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

b. May provide the following information about him/herself:

(1) The applicant's telephone number including area code;

(2) The applicant's e-mail address; and

(3) The applicant's fax number;

c. Must indicate that s/he:

(1) Is of good character;

(2) Has met the continuing competency requirements as specified in 172 NAC 155-012 and has the allowable number of credits/hours in one or more of the following competency areas or has requested a waiver if s/he meets the requirements of 172 NAC 155-013.03 or 155-013.04:

a. Developing and teaching an academic course;

b. Satisfactorily completing a graduate level academic course;

c. Authoring or editing a psychological practice oriented publication;

d. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations; or

e. Homestudy or videos;

(3) Has not, since the last renewal of the credential, committed any act which would be grounds for action against a credential as specified in 172 NAC 155-014, or if an act(s) was committed, provide an explanation of all such acts.

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 a credentialing examination, an explanation of the basis for the denial;

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.

155-013.03 Waivers for Military Activity: 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 155-002, item 30, 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.

155-013.04 Waiver of Continuing ~~Audit 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.

155-013.05 Audit of Continuing Competency Requirements: The Department or the Board may biennially select, in a random manner, a sample of the ~~license~~ renewal applications for audit of continuing competency requirements. Each credential holder~~credits. Each licensee is responsible for maintaining in his/ her personal files such certificates or records of credit from continuing competency activities received from providers. Licensees~~ selected for audit must produce documentation of the continuing competency activities.

155-013.05A The Department/Board 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.

155-013.05B 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.

155-013.05C Acceptable documentation that the credential holder has met the continuing competency requirements include copies of:

1. Certificates of his/her attendance;
2. Attendance rosters;
3. Letters from sponsors of the continuing competency activity;
4. Transcripts;
5. Publications; or
4. Other similar documents.

155-013.05D The Department/Board will review the submitted documentation to determine if the credential holder has met the requirements for at those 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. attested to on his/her renewal application.

155-013.05E The Department/Board will notify the credential holder upon . When selected for audit, the licensee must provide satisfactory completion of the audit.

155-013.05F 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.

155-013.05G 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. participation in approved continuing competency activities attested to on the licensee's renewal. Satisfactory documentation includes, but is not limited to, certificates of attendance, or certified attendance rosters, or letters from sponsors of continuing competency activities, which verify attendance/completion.

155-013.06 Department Review: The Department will act within 150 days upon all completed applications for renewal.

155-013.06A 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.

155-013.07 Address Information: Each credential holder must notify the Department of any change to the address of record.

155-013.08 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.

155-013.08A 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.

155-013.08B 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.

155-013.08C Right to Practice: When an individual's credential expires, the right to represent him/herself as a credential holder and to practice psychology expires.

155-013.08D Practice After Expiration: An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty under 172 NAC 155-017 or such other action as provided in the statutes and regulations governing the credential.

155-013.08E Reinstatement of an Expired Credential: If a credential holder wants to resume the practice of psychology 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 155-016.

155-013.09 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.

155-013.09A 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.

155-013.09B Placement on Inactive Status: When an individual's credential is placed on inactive status, the credential holder must not engage in the practice of psychology, but may represent him/herself as having an inactive credential.

155-013.09C 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 155-016.

2. The Board reserves the right to audit the continuing competency attestation of any licensee by notifying the licensee and requesting the licensee to produce within 30 days of mailing, documents verifying attendance/completion of acceptable continuing competency programs.
3. Continuing competency hours for which no documentation of attendance/completion is produced will not be included in the calculation of the total of continuing competency hours earned.
4. Failure to comply with the audit will result in non-renewal of the license.

155-009.03 Waiver of the Continuing Competency: The Department, on the recommendation of the Board, may waive the continuing competency requirements, in whole or in part, for any two-year period or for the period of time since the license was last issued when a licensee submits documentation that circumstances beyond his/her control prevented him/her from completing such requirements. Any licensee who seeks a waiver of the continuing competency must complete the appropriate request on the renewal form which must be received by the Department on or before January 1st of the year the license is subject to renewal.

155-009.03A Circumstances and documentation required follows. The licensee must:

1. Hold a Nebraska license but have not engaged in the practice of psychology for the 24 months preceding renewal; or

2. Have been in the service of the regular armed forces of the United States during any part of the period since his/her license was issued or last renewed. If this waiver is granted, the renewal fee is also waived;

a. Submit to the Department official documentation stating dates of service; or

3. Be a legal resident of another state, territory, or the District of Columbia and have not practiced as a psychologist in the State of Nebraska since his/her license was issued or last renewed; or
4. Have been suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing competency hours since his/her license was issued or last renewed;
   a. Submit to the Department a statement from a physician stating that the licensee was injured or ill, the duration of the illness or injury and the recovery period; and that the licensee was unable to attend continuing competency activities during that period; or
5. Have been first licensed within 24 months immediately preceding the license or renewal date.

155-009.03B The Department may, upon the recommendation of the Board, grant or deny an application for waiver of the continuing competency requirements.

1. When the Department determines to deny an application for waiver of the continuing competency requirements, it will send to the applicant by certified mail to the last name and address of record in the Department a notice setting forth the reasons for the denial determination.
   a. The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal will be

conducted in accordance with 184 NAC 1 Rules of Practice and Procedure for the Department.

b. At the conclusion of the appeal pursuant to 184 NAC 1, the Department will issue a final order setting forth the results of the appeal.

155-009.03C When the Department determines to grant a waiver of the continuing competency, the applicant will be notified within 30 days of receipt of the application.

155-010 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF OR DISCIPLINE A LICENSEE

155-010.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure as specified in 172 NAC 155-003 through 155-004, or is found to be in violation of any of the grounds listed in 172 NAC 155-010.03.

155-010.02 The Department will refuse renewal of a license if the licensee fails to meet the requirements specified in 172 NAC 155-007 or 155-009, or in 172 NAC 155-010.03.

155-010.03 The Department may deny, refuse renewal of, limit, suspend, or revoke licenses for any of the following grounds and those specified in Neb. Rev. Stat. §71-147:

1. Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license.
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this State.
3. Habitual intoxication or dependence or failure to comply with

155-014 DISCIPLINARY ACTIONS

155-014.01 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; §71-172.01.
5.4. Conviction of:
   a. A misdemeanor or felony under Nebraska state law or , federal law, or
   b. A crime in anythe law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under Nebraska state law and which has a rational connection with the applicant's or licensee's fitness or capacity of the applicant or credential holder to practiceto practice the profession.

   5. Practice of the profession::
6. Practice of the profession:
   a. Fraudulently,
   b. Beyond its authorized scope,
   c.a.c. With manifest incapacity, With gross incompetence or with gross negligence, or

d. In a pattern of incompetent or negligent conduct; ~~. Patterns of negligent conduct means a continued course of negligent conduct in performing the duties of the profession.~~

7~~6~~. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, ~~narcotic~~ drugs, mind-altering substances, physical disability, mental disability, or emotional disability;~~.~~

8~~7~~. Physical or mental incapacity to practice the profession as evidenced by a legal judgment or a determination~~adjudication or a determination thereof~~ by other lawful means;~~.~~

9. Illness, deterioration, or disability that impairs the ability to practice the profession;

10~~8~~. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a credential~~license~~ by a person not credentialed ~~licensed~~ to do so;~~.~~

11~~9~~. Having had his/her credential~~license~~ denied, refused renewal, limited, suspended, ~~or~~ revoked, or ~~having had such license~~ disciplined in any ~~other~~ manner similar to 172 NAC ~~in accordance with Neb. Rev. Stat. § 71-~~155-014.05 by another state or jurisdiction ~~to practice psychology,~~ based upon acts by the applicant or credential holder~~licensee~~ similar to acts described in this part; ~~172 NAC 155-010.~~

12~~10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. § 71-148 or such other acts as are defined in 172 NAC 156 and 172 NAC 157.11~~. Use of untruthful, deceptive, or misleading ~~or improbable~~ statements ~~or flamboyant, exaggerated, or extravagant claims concerning such licensee's professional excellence or abilities,~~ in advertisements;~~.~~

13~~12~~. Conviction of fraudulent or misleading advertising or conviction~~conviction~~ of a violation of the Uniform Deceptive Trade Practices Act;~~.~~

14~~13~~. 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. ~~14. Willful or repeated violations of the Uniform Licensing Law or 172 NAC 155.~~

~~15.~~ Unlawful invasion of the field of practice of any profession regulated by ~~mentioned in~~ the Uniform Credentialing Act~~Licensing Law~~ which the credential holder~~licensee~~ is not credentialed~~licensed~~ to practice;~~.~~

17. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the Act;

18~~16~~. Failure to file a report required by Neb. Rev. Stat. §§ 38-1,124 or 38-1,125;~~§ 71-168.~~

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 155-014.02; or

24. Violation of the Automated Medication Systems Act.

155-014.02 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 under 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 under 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;

14. Disruptive behavior, whether verbal or physical, which interferes with consumer care or could reasonably be expected to interfere with the care;

NOTE: ITEMS 15-18 AND 20-25 WERE MOVED FROM 172 NAC 156 AND 157:

~~003~~ 15. INFORMED CONSENT. A psychologist ~~shall~~must obtain from a client or his~~ or~~ /her legal representative informed and voluntary consent before providing or assisting in the care of treatment of the client. Failure to do so ~~shall~~will constitute unprofessional conduct. A client ~~shall be~~ is deemed to have not given his~~ or~~ /her informed and voluntary consent if the psychologist:

~~003.01~~ a. Fails to advise a client of a conflict of interest. A conflict of interest exists if the exercise of the psychologist's professional judgment on behalf of the client will be or reasonably will be impaired or adversely affected by his or her own financial, business, property or personal interest.

~~003.02~~ b. Fails to clarify the nature of the relationship to all parties directly affected by the services.

~~003.03~~ c. Fails to advise a client of a known bias or prejudice which seriously affects the psychologist's objectivity in dealing with the client.

~~004~~ 16. COMPETENCE. A psychologist ~~shall~~must not provide services or use techniques for which ~~he or~~ s/he is not trained or experienced. Unprofessional conduct ~~in the practice of psychology shall include~~includes but is not limited to:

~~004.01~~ a. Failure to consider a client as an individual and imposing on the client any stereotypes of behavior, values or roles related to age, gender, religion, race, disability, nationality or sexual orientation which would unreasonably interfere with the objectivity provision of psychological services to the client.

~~004.02~~ b. Making decisions involving clients based on test results for which the psychologist has made an interpretation in an area or areas where ~~he or~~ s/he is not trained or experienced.

004.03 c. Making decisions involving clients based on interpretations of test results by others whom the psychologist knows are not adequately trained or experienced.

004.04 d. Providing psychological services in which his or /her serious personal problems may cause a competent psychologist to believe it will lead to inadequate performance or harm to a client, colleague, student, or research participant.

004.05 e. Willful or gross neglect of a client of record.

004.06 f. Terminating a relationship which with a client without informing the client of such termination and providing the client with information regarding adequate alternatives for treatment.

004.07 g. Failing to take appropriate care when working with minors or other persons who are unable to give voluntary, informed consent, to protect their best interests.

005 17. PUBLIC STATEMENTS. A psychologist shallmust be accurate and objective when advertising regarding professional services or products. Unprofessional conduct includes but is not limited to:

005.01 a. Advertising of psychological products or services which contain: A) a false:

(1) False, fraudulent, misleading, deceptive statement; B) a testimonial

(2) Testimonial from a patient which attests to performance of superior performance of professional service of psychologist's services; C) a statement

(3) Statement guaranteeing any professional services; D) a statement

(4) Statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services; E) a statement

(5) Statement concerning the comparative desirability of offered services; F) a statement

(6) Statement of direct solicitation of individual clients.

005.02 b. Giving anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item.

005.03 c. Advertising for "personal growth groups", clinics, and agencies without a clear statement of purpose and a clear description of the services to be provided.

005.04 advertisingd. Advertising for psychological devices, books or other

products offered for commercial sale without making reasonable efforts to ensure presentation of nondeceptive, accurate, or nonmisleading statements.

~~005.05~~ e. Knowingly permitting others to misrepresent the psychologist's professional qualifications or the psychologist's affiliation with products or services for personal gain of the psychologist.

~~005.06~~ f. Providing individual formal diagnostic or formal therapeutic services outside the context of the psychologist/client relationship.

~~005.07~~ g. Making deceptive or misleading representations of the psychologist's education, training, or experience.

~~006~~ 18. CONFIDENTIALITY. A psychologist ~~shall~~must hold in confidence information obtained from a 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 and in accordance with Neb. Rev. Stat. §38-3131. Failure to do so ~~shall~~will constitute unprofessional conduct.

~~007~~ 19. PROFESSIONAL RECORDS: Credential holders must:

a. Not destroy client records earlier than 7 years following termination of services. Exception: If at the time of termination of services, the client is under the age of 19, the records may be destroyed 7 years following the client's 19th birth date;

b. Employ a policy for transferring records in the event of a location change, death, disaster, or other unforeseen change in a way that maintains confidentiality and safeguards the welfare of the clients;

20. PROFESSIONAL RELATIONSHIPS. A psychologist ~~shall~~must safeguard the welfare of clients and maintain appropriate professional relationships with clients and research participants. Unprofessional conduct includes but is not limited to:

~~007.01~~ a. Using skills of the psychologist to exploit clients.

~~007.02~~ b. Failure to terminate a clinical or consulting relationship with a client when the client is clearly and convincingly not benefiting from it.

~~007.03~~ c. Intentional failure to report to the Board of ~~Examiners of Psychologists~~ Psychology known unprofessional conduct by a psychologist. Information that becomes known to a psychologist in the course of psychotherapy and is otherwise subject to the protection of confidentiality is exempt from this provision.

~~007.04~~ d. Abandoning or neglecting a client with whom a professional relationship exists.

~~008~~ 21. SEXUAL MISCONDUCT. A psychologist ~~shall in no circumstances~~ must not engage in sexual acts with clients, with students who are under direct evaluative control of the psychologist, or with individuals who are currently participating in research conducted by or under the direction of the psychologist. Specifically with regard to the clients, such unprofessional conduct includes but is not limited to:

~~008.01~~ a. Engaging in sexual relationships with a client, regardless of the ~~clients~~client's consent.

~~008.02~~ b. Soliciting a sexual relationship with a client.

~~008.03~~ c. Committing an act with a client punishable as a sexual or sexual related crime.

~~008.04~~ d. Engaging in any sexual act with a client or with a person who has been a client. Nothing in these regulations ~~shall be construed to~~ allow for a pre-arranged waiting period.

~~008.05~~ e. Engaging in sexual harassment of a client. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unnecessary in the professional relationship with a client.

~~009~~ 22. FEES FOR SERVICES. A psychologist ~~shall~~must solicit or obtain fees for professional service in an appropriate manner consistent with the laws of the State of Nebraska. Unprofessional conduct includes but is not limited to:

~~009.01~~ a. Solicitation of professional patronage by agents or persons, popularly known as cappers or steerers, or profiting by the acts of those representing themselves to be agents of the psychologist.

~~009.02~~ b. Receipt of fees on the assurance that a manifestly incurable disease can be permanently cured.

~~009.03~~ c. Division of fees, or agreeing to split or divide the fees received for professional services with any person for bringing or referring a patient.

~~009.04~~ d. Ordering or utilizing tests, treatment, or use of treatment facilities not warranted by the condition of the patient.

~~009.05~~ f. Falsely or fraudulently claiming to have performed a professional service, charging for a service, or representing a service as the psychologist's own when ~~he or~~ s/he has not rendered due service or substantially assumed responsibility for the service.

~~010~~ 23. ASSESSMENT AND TREATMENT TECHNIQUES. A psychologist

~~shall~~must make reasonable efforts to preclude misuse in the development, publication and utilization of psychological assessment techniques for use with clients. Unprofessional conduct includes but is not limited to:

~~010.01~~ a. Failure, in reporting assessment results, to indicate any serious concerns or special circumstances that exist regarding validity or reliability because of the circumstances of the assessment or the inappropriateness of the norms for the person tested.

~~010.02~~ b. Failure to make reasonable efforts to avoid and prevent the misuse of obsolete psychological tests and instruments.

~~010.03~~ c. Offering scoring and interpretation services for which the validity of the programs and procedures used in arriving at interpretations cannot be supported by adequate evidence.

~~010.04~~ d. Encouraging or promoting the use of psychological assessment techniques by inadequately trained or otherwise unqualified persons through teaching, sponsorship, or supervision.

~~010.05~~ e. In presenting psychological information, failure to make reasonable efforts to present such information objectively, fully, and accurately.

~~011~~ 24. RESEARCH WITH HUMAN PARTICIPANTS. A psychologist ~~shall~~must respect the dignity and welfare of human research participants, and ~~shall~~must comply with these regulations governing such psychological research. Unprofessional conduct includes but is not limited to:

~~011.01~~ a. Except in minimal risk research unless care and treatment is provided in such research, failure to establish an agreement with research participants, prior to their participation, that clarifies the obligations and responsibilities of the psychologist and of the participant. Except where the nature of the research precludes full disclosure, the failure to inform participants of all aspects of the research that might reasonably be expected to influence willingness to participate, or the failure to explain all aspects of the research about which a participant inquires, also constitute unprofessional conduct; where the nature of the research precludes full prior disclosure, or where the research is with children or with participants who have impairments, the failure to ~~tax~~take additional safeguards to protect the welfare and dignity of the research participants constitutes unprofessional conduct.

~~011.02~~ b. Where methodological requirements of a study make the use of concealment or deception necessary, unprofessional conduct includes failure of the investigator to:

(1) Determine before conducting the study whether the use of the techniques is justified by the study's prospective scientific, educational, or applied value;

(2) Determine before conducting the study whether alternative procedures are available that do not use concealment or deception; or

(3) Provide the participants with an explanation as soon as possible.

011.03 c. Failure to grant a participant the right to decline to participate in or to withdraw from the research any time.

011.04 d. Failure to protect and or inform the participant of undue physical and mental discomfort, harm, and danger that may arise from research procedures; failure to inform participants of risks of such consequences; use of research procedures likely to cause serious or lasting harm to a participant unless the research has a potential benefit and fully informed and voluntary consent is obtained from the participant.

011.05 e. Except where scientific or humane values justify delaying or withholding information, the failure to provide participants, after data is collected, with information about the nature of the study or the failure to make reasonable efforts to remove any misconceptions that may have arisen constitute unprofessional conduct. Where scientific or humane values justify delaying or withholding this information, unprofessional conduct includes failure by the investigatorpsychologist to monitor the research and to ensure that there are no undue damaging consequences for participants.

011.06 f. Failure to make reasonable efforts to detect and remove or correct undesirable consequences for the individual participants, including long term effects.

011.07 g. Failure to make reasonable efforts to minimize the possibility that his or /her research findings will be misleading.

011.08 h. Failure to make reasonable efforts to prevent distortion, misuse, or suppression of psychological findings by an institution or agency of which he or s/he is an employee.

011.09 i. Solicitation of research participants, when clinical services or other professional services are offered as an inducement for participation, without making clear the nature of the services as well as the costs and other obligations to be accepted by participants.

012 25. ADOPTION OF APA ETHICAL PRINCIPLES AND CODE OF ETHICAL STANDARDS.CONDUCT. The Board hereby adopts the Ethical StandardsPrinciples of Psychologists and Code of Conduct of the American Psychological Association (APA) as the Code of Professional Conduct under Neb. Rev. Stat. §38-3129 for the practice of Psychology in Nebraska. Copies of the Ethical StandardsPrinciples of Psychologists and Code of PsychologistsConduct are available from the Board or from the American Psychological Association.

Nothing in this section may be construed to exclude determination of additional conduct that is unprofessional by adjudication in individual contested cases.

~~17. Practicing the profession of psychology while his or her license is suspended or in contravention of any limitation placed upon his or her license.~~

~~18. Refusal of an applicant for a license or of a licensee to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed.~~

155-014.03 Temporary Suspension or Limitation

155-014.03A 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 155-014.01 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.

155-014.03B 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.

155-014.03C A temporary suspension or temporary limitation of a credential under 172 NAC 155-014.03 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.

155-014.04 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.

155-014.05 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.

155-014.05A Additional Terms and Conditions of Discipline: If any discipline is

imposed under 172 NAC 155-014.05, 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.

155-015 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.

155-015.01 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.

155-015.02 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.

155-015.03 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.

155-015.04 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.

155-01505 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.

155-015.06 Reinstatement following voluntary surrender is set out in 172 NAC 155-016.

155-016 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.

155-016.01 Reinstatement From Expired or Inactive Status or Following Voluntary Surrender Unrelated to a Disciplinary Matter: The applicant must submit to the Department:

The applicant must submit to the Department a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant must attest that all information in the application is truthful and complete, and the applicant, in his/her application:
   a. Must provide the following 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); or
         (b) Alien Registration Number (A#); or
         (c) Form I-94 (Arrival-Departure Record) number.
         Certain applicants may have both a SSN and an A# or I-94 number, and if so, must report both.
      (4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
   b. May provide the following information about him/herself:
      (1) Telephone number including area code;
      (2) E-mail address:
      (3) Fax number; and
   c. Must indicate that s/he:
      (1) Is of good character;
      (2) Has met the continuing competency requirements specified in 172 NAC 155-012 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);
      (3) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced; and
      (4) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 155-014 since the last renewal or issuance of the credential (whichever is later), or

if an act(s) was committed, provide an explanation of all such acts; and

2. Fee(s): 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.

155-016.01A 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 172 155-017, 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.

155-016.01B 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.

155-016.01C The Department will act within 150 days on all completed applications.

155-016.01D 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.

155-016.02 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 155-016.01.

155-016.03 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 according to the order entered by the Director.

The applicant must submit to the Board a written application on a form provided by the Department or constructed by the applicant.

1. Application: The applicant must attest that all information in the application is

truthful and complete, and the applicant, in his/her application:

a. Must provide the following 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); or

(b) Alien Registration Number (A#); or

(c) Form I-94 (Arrival-Departure Record) number.

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

(4) If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;

(5) A statement of the reason the applicant believes his/her credential should be reinstated;

b. May provide the following information about him/herself:

(1) Telephone number including area code;

(2) E-mail address;

(3) Fax number; and

c. Must indicate that s/he:

(1) Is of good character;

(2) Has met the continuing competency requirements specified in 172 NAC 155-012 within the 24 months immediately preceding submission of the application (or other requirements as specified by the practice act);

(3) Has not practiced in Nebraska since s/he last held an active credential, or if the applicant has practiced in Nebraska since s/he last held an active credential, the actual number of days practiced; and

(4) Has not committed any act which would be grounds for action against a credential as specified in 172 NAC 155-014 since the last renewal or issuance of the credential (whichever is later), or if an act(s) was committed, provide an explanation of all such acts; and

2. Fee: The renewal fee.

155-016.03A The Board will make a recommendation regarding reinstatement following suspension, limitation, revocation, or voluntary surrender within 180 days of receipt of the application.

155-016.03B 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.

155-016.03C On the basis of the written application, materials submitted by the applicant, and the information obtained under 172 NAC 155-016.03B, 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.

If the applicant has practiced while his/her credential was suspended, limited, revoked, or voluntarily surrendered, the Department may assess an administrative penalty pursuant to 172 NAC 155-017, in which case a separate notice of opportunity for hearing will be sent to the applicant.

155-016.03D 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.

155-016.03E Full Reinstatement: 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.

155-016.03F Denial, Modification, Limitation, or Probation: If the Board's initial decision is to deny the application for reinstatement, recommend modification of the suspension or limitation, or reinstate the credential subject to limitation or probation with terms and conditions, notification of the Board's decision will be mailed to the applicant by certified mail.

1. The initial decision or recommendation of the Board will become final 30 days after the decision or recommendation is mailed to the applicant unless the applicant requests a hearing within that 30-day period.

   a. 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.
   b. Following the hearing, the Board may deny the reinstatement or recommend full reinstatement of the credential, or recommend modification of the suspension or limitation, or recommend reinstatement of the credential subject to limitations or probation with terms and conditions.

2. 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.

155-016.03G Denial Decision: If the Board's final decision is denial of the application for reinstatement, the applicant will be notified by certified mail. The applicant may appeal the Board's denial to District Court in accordance with the Administrative Procedure Act.

155-016.03H Board Recommendation: If the Board's final recommendation is full reinstatement of the credential, modification of the suspension or limitation, or reinstatement of the credential subject to limitations or 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.

155-016.03I Director's Review: The Director, upon receipt of the Board's recommendation for full reinstatement, modification, or probation, 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 will enter an order setting forth the decision. The Director may:

1. Affirm the recommendation of the Board and grant reinstatement; or
2. Reverse or modify the recommendation if the Board's recommendation is:
   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 and capricious.

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

155-011 RE-CREDENTIALING: This section applies to individuals previously issued a Nebraska credential who have lost the legal authority to practice in total or in part and who seek the authority to return to practice in Nebraska with a valid Nebraska credential.

155-011.01 Eligibility 155-011.01A An individual whose credential has been previously:

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements; Suspended or limited for disciplinary reasons; orVoluntarily surrendered or voluntarily limited for an indefinite period of time;

may request, at any time, to be re-credentialed and re-authorized to practice under the credential, in accord with these regulations. 155-011.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

155-011.01C An individual who practices prior to re-credentialing is subject to: Assessment of an Administrative Penalty pursuant to 172 NAC 155-012; and

1. Limitation or other sanction on the credential, or denial of the request to be re-credentialed and re-authorized to practice under the credential, and referral for prosecution for uncredentialed practice, as provided in the statutes and regulations governing the credential.

155-011.02 Requirements for Restoration from Lapsed Status: A person whose credential has been placed on lapsed status may have his/her credential restored from lapsed to active status by the Department upon proof to the Department that s/he meets the requirements pursuant to 172 NAC 155-003.01.

155-011.02A If the Department has evidence that an applicant has practiced while his/her credential was lapsed, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 155-012;
2. Initiate disciplinary action against the lapsed credential;
3. Deny the request to restore the credential from lapsed to active status; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.02B If the Department has evidence that an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the lapsed credential;
2. Deny the request to restore the credential from lapsed to active status; or

3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.02C The Department will act within 150 days on all completed applications.

155-011.02D The applicant will be provided with notice and the opportunity for hearing in accord with the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920 before any of the actions pursuant to 172 NAC 155-011.02A and 155-011.02B are final.

155-011.03 Requirements to Move a Credential from Inactive to Active Status: A person whose credential has been placed on inactive status may have his/her credential moved from inactive to active status upon proof to the Department that s/he meets the following requirements:

1. Meet renewal requirements, including:
   a. The continuing competency requirements; and
   b. Paying the renewal fee and any other applicable fees; and
2. Attest:
   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.

155-011.04 Procedures for Moving from Inactive to Active Status: To move a credential from inactive status to active status, the applicant must submit the following to the Department:

A written application which contains the following information about the applicant:

a. Name;
b. Address;
c. Social security number; and
d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
e. A statement describing all:
   (1) Felony or misdemeanor convictions during the time period since the credential was active;
      (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
         [1] Official Court Record, which includes charges and disposition;
         [2] Arrest records;
         [3] A letter from the applicant explaining the nature of the conviction;
         [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; and
         [5] 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 was active;
      (a) If any disciplinary action was taken against the applicant's credential

(b) by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant;

f. Verification that the continuing competency requirements for renewal have been met;

2. The renewal fee and any other applicable fees; and

3. Attestation by applicant:

a. That s/he has not practiced in Nebraska since s/he last held an active credential; or

To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

155-011.04A If an applicant has practiced while his/her credential was inactive, the Department may:

2. Assess an Administrative Penalty pursuant to 172 NAC 155-012;

3. Initiate disciplinary action against the credential;

4. Deny the request to move the credential from inactive to active status; or

Move the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.04B If an applicant has committed any other violation of the statutes and regulations governing the credential, the Department may:

1. Initiate disciplinary action against the credential;

2. Deny the request to move the credential from inactive to active status; or

3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.04C In either event pursuant to 172 NAC 155-011.04A or 155-011.04B, a notice and the opportunity for hearing will be given to the applicant.

155-011.04D The Department will act within 150 days on all completed applications.

155-011.05 Requirements for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies not more than one year following revocation for failure to meet renewal requirements must:

1. Meet the renewal requirements, including:

a. The continuing competency requirements; and

b. Paying the renewal fee, the late fee of $35 and any other applicable fees; and

2. Attest:

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.

155-011.06 Procedures for Reinstatement Within One Year Following Revocation for Failure to Meet the Renewal Requirements: To reinstate a credential not more than one year following revocation for failure to meet renewal requirements, the applicant must submit the following to the Department:

1. A written application which contains the following information about the applicant:

a. Name;

b. Address;

c. Social security number; and
d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
e. A statement describing all:
(1) Felony or misdemeanor convictions during the time period since the credential was active;
[a] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
[1] Official Court Record, which includes charges and disposition;
[2] Arrest records;
[3] A letter from the applicant explaining the nature of the conviction;
[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; and
[5] 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 was revoked;
[a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
(3) Disciplinary charges pending against any professional credential held by the applicant.
f. Verification that the continuing competency requirements for renewal have been met;
2. The renewal fee, the late fee of $35 and any other applicable fees; and
3. 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.
(1) If an applicant has practiced after his/her credential was revoked, the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a notice and opportunity for hearing will be sent to the applicant.
(2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 155-011.06B.

The Department will forward the application to the Board for its recommendation pursuant to Neb. Rev. Stat. § 71-110 (5).

155-011.06A The Board's recommendation to the Department may be to:
1. Reinstate the credential;

2. Reinstate the credential with terms, conditions or restrictions; or
3. Deny reinstatement.

155-011.06B Upon receipt of the Board's recommendation, the Department will, within 150 days, send to the applicant a written notice of the Department's response. The Department may:

1. Reinstate the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 155-012 if warranted;

If the Department determines that the applicant has committed acts or offenses prohibited by Neb. Rev. Stat. §§ 71-147 or 71-148, the Department may:

a. Reinstate the credential with terms, conditions or restrictions. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920. An Administrative Penalty may be assessed pursuant to 172 NAC 155-012 if warranted; or

b. Deny reinstatement. In such case the applicant will be provided notice and the opportunity for hearing before the Department pursuant to the Department's Rules of Practice and Procedure and Neb. Rev. Stat. §§ 84-901 to 84-920.

155-11.07 Requirements for Reinstatement More Than One Year Following Revocation for Failure to Meet the Renewal Requirements: An applicant for reinstatement who applies more than one year after revocation for failure to meet the renewal requirements must:

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The petition for reinstatement must be accompanied by:

a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and

b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.

2. Meet the renewal requirements, including:

a. The continuing competency requirements; and

b. Paying the renewal fee, the late fee of $75 and any other applicable fees.

3. Attest:

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 petitioner has practiced in Nebraska since s/he last held an active credential.

155-011.08 Procedures for Reinstatement More Than One Year Following Revocation for Failure to Meet Renewal Requirements. An applicant for reinstatement more than one year following revocation for failure to meet renewal requirements must submit to the Board:

1. A petition for reinstatement:

b. Stating the reason the petitioner believes his/her credential should be reinstated;

c. Accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.

d. Containing the following information about the petitioner:

(1) Name;
(2) Address;
(3) Social security number; and
(4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
(5) A statement describing all:
(a) Felony or misdemeanor convictions during the time period since the credential was active;
[1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
[a] Official Court Record, which includes charges and disposition;
[b] Arrest records;
[c] A letter from the petitioner explaining the nature of the conviction;
[d] 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; and
[e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
(b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
[1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
(c) Disciplinary charges pending against any professional credential held by the petitioner.
(6) Verification that the continuing competency requirements for renewal have been met;

2. The renewal fee, the late fee of $75 and any other applicable fees; and
3. Attestation by the petitioner:
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 petitioner has practiced in Nebraska since s/he last held an active credential.
(1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a notice and opportunity for hearing will be sent to the petitioner.
(2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 155-011.08E.

155-011.08A The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.

155-011.08B Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.

155-011.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

155-011.08D Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

155-011.08D1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

155-011.08E If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

155-011.08F The Board will review the petition to recommend reinstatement and the record of any hearing held, and submit its recommendation regarding reinstatement and the record on which such recommendation is made to the Department within 180 days of receipt of the petition to recommend reinstatement.

155-011.08F1 If the Board recommends reinstatement of the credential, the Department may:

Accept the Board's recommendation and grant reinstatement of the credential; or2. If the Department determines that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence; or arbitrary or capricious, not accept the Board's recommendation and either:

b. Deny reinstatement of the credential, or

c. Grant reinstatement with terms, conditions, or restrictions.

155-011.08F2 If the Board recommends denial of reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

155-011.08F3 If the Board recommends reinstatement with terms, conditions, or restrictions, the Department may:

1. Accept the Board's recommendation and grant reinstatement with terms, conditions, or restrictions; or
2. Not accept the Board's recommendation and either:
   a. Deny reinstatement of the credential; or
   b. Grant reinstatement of the credential.

155-011.08F4 The Department will, within 150 days of receipt of the Board's recommendation, send to the petitioner a written notice of the Department's reinstatement with or without terms, conditions, or restrictions or denial of reinstatement of the credential.

155-011.08F5 The petitioner may appeal the Department's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

155-011.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension,

limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement:
   b. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked;
2. Pay the reinstatement fee of $75, and other profession-specific requirements if expressly set by law; and
3. If the credential was revoked or suspended, attest:
   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 petitioner has practiced in Nebraska since s/he last held an active credential.

155-011.10 Procedures for Reinstatement Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must submit to the Board:

1. A petition for reinstatement:
   a. Stating the reason the petitioner believes his/her credential should be reinstated;
   b. Accompanied by verified recommendations from at least two credentialed practitioners
   of the same profession as the petitioner each having personal knowledge of the
   activities of the petitioner since the credential was suspended, limited, or revoked; and
   verified recommendations from at least two citizens each having personal knowledge
   of the activities of the petitioner since the credential was suspended, limited, or
   revoked.
   the following information about the petitioner:
   (1) Name;
   (2) Address;
   (3) Social security number; and
   (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
   (5) A statement describing all:
   (a) Felony or misdemeanor convictions during the time period since the credential was suspended, limited, or revoked;
   [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
   [a] Official Court Record, which includes charges and disposition;
   [b] Arrest records;
   [c] A letter from the petitioner explaining the nature of the conviction;
   [d] 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;

~~and~~

~~[e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.~~

~~(b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;~~

~~[1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and~~

~~(c) Disciplinary charges pending against any professional credential held by the petitioner;~~

~~(6) Any continuing competency activities;~~

~~2. The reinstatement fee of $75; and~~

~~3. Attestation by the petitioner, if the credential was revoked or suspended:~~

~~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 petitioner has practiced in Nebraska since s/he last held an active credential.~~

~~(1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a separate notice and opportunity for hearing will be sent to the petitioner.~~

~~(2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 155-011.10G.~~

~~155-011.10A The Board will make a recommendation to the Director regarding reinstatement following disciplinary action. In determining whether reinstatement should be recommended, the Board may:~~

~~1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by Neb. Rev. Stat. §§71-147 and 71-148.~~

~~2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;~~

~~3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or~~

~~4. Require the petitioner to complete additional education.~~

~~155-011.10B The petition to recommend reinstatement will be considered at the next meeting of the Board that is held, but not earlier than 30 days after the petition is filed.~~

~~155-011.10C Any petition to recommend reinstatement of a credential will be conclusively acted upon by the Board within 180 days after the filing of a properly prepared petition and the necessary accompanying documents with the Board.~~

~~155-011.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.~~

~~155-011.10E Prior to any recommendation by the Board against reinstatement of the~~

credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

155-011.10E1 The petitioner's request for a formal hearing must be submitted within 30 days of the Board's notification of an opportunity for a formal public hearing.

155-011.10E2 If the petitioner had a hearing or an opportunity for a hearing on a prior petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04 within a period of two years immediately preceding the filing of such petition, the Board may grant or deny, without a hearing, any petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

155-011.10F If the petitioner formally requests a formal public hearing or if the Board otherwise holds such a hearing, the petitioner will be given at least 30 days prior notice by sending to the petitioner a copy of the notice of hearing by certified or registered mail at his/her last known residence or business post office address as shown by the files or records of the Department or as otherwise known. Notice may be given to the petitioner by personal service. The hearing will be conducted pursuant to 172 NAC 1.

155-011.10G The Board reviews the petition to recommend reinstatement, any examination or investigatory information and the record of hearing, if one was held. The Board will submit its recommendation to the Director within 180 days of receipt of the petition to recommend reinstatement.

155-011.10G1 If the Board recommends reinstatement of the credential:

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
   a. The application must include:
      (1) Name of the petitioner; and
      (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
   a. The application;
   b. The written recommendation of the Board, including any finding of fact or order of the Board;
   c. The petition submitted to the Board;
   d. The record of hearing, if any; and
   e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse, or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in

~~excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence in view of the entire record; or arbitrary or capricious.~~

~~a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;~~

~~b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.~~

~~155-011.10G2 If the Board recommends reinstatement of the credential with terms, conditions, or restrictions:~~

~~1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.~~

~~2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.~~

~~a. The application must include:~~

~~(1) Name of the petitioner; and~~

~~(2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.~~

~~3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:~~

~~a. The application;~~

~~b. The written recommendation of the Board, including any finding of fact or order of the Board;~~

~~c. The petition submitted to the Board;~~

~~d. The record of hearing, if any; and~~

~~e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.~~

~~4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence in view of the entire record; or arbitrary or capricious.~~

~~a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of~~

the petitioner's credential. The order will be sent by certified mail to the petitioner;

b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

155-011.10G3 If the Board denies reinstatement, the Board will send to the petitioner a written notice of the Board's recommendation to deny reinstatement. The petitioner may appeal the Board's decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

155-011.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

155-011.11A Credentials voluntarily surrendered or limited for an indefinite period of time pursuant to Neb. Rev. Stat. §71-161.11 may be restored at the discretion of the Department.

155-011.11A1 An applicant for restoration of a credential that was voluntarily surrendered or limited for an indefinite period of time must submit to the Department:

1. A written application which contains the following information about the applicant:

a. Name;

b. Address;

c. Social security number; and

d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;

e. A statement describing all:

(1) Felony or misdemeanor convictions during the time period since the credential was active;

(a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:

[1] Official Court Record, which includes charges and disposition;

[2] Arrest records;

[3] A letter from the applicant explaining the nature of the conviction;

[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; and

[5] 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 was active;

(a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and

(3) Disciplinary charges pending against any professional credential held by the applicant;

f. Any continuing competency activities; and
g. An attestation:
(1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
(2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.

155-011.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

1. Assess an Administrative Penalty pursuant to 172 NAC 155-012;
2. Initiate disciplinary action against the credential;
3. Deny the request to restore the credential; or
4. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.11A3 If an applicant has committed any other violation of the statutes and regulations governing the credential while his/her credential was voluntarily surrendered or limited, the Department may:

1. Initiate disciplinary action against the credential;
2. Deny the request for restoration of the credential; or
3. Restore the credential to active status and impose limitation(s) or other sanctions on the credential.

155-011.11A4 In either event pursuant to 172 NAC 155-011.11A2 or 155-011.11A3, a notice and the opportunity for hearing will be given to the applicant.

155-011.11A5 The Department will act within 150 days on all completed applications.

155-011.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time

155-011.12A Credentials voluntarily surrendered or limited for a specific and definite period of time as agreed to between the holder and Department pursuant to Neb. Rev. Stat. § 71-161.11 will be automatically restored at the expiration of that period of time.

155-011.12B If an individual has practiced while his/her credential was voluntarily surrendered for a specific and definite period of time, the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012.

155-011.13 Credentials Voluntarily Surrendered or Limited Permanently: Credentials that are voluntarily surrendered or limited permanently pursuant to Neb. Rev. Stat. § 71-161.11 will not be restored.

155-017~~2~~ 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.~~that a person or entity practices without a credential.~~ Practice without a credential for the purpose of this regulation means practice:

~~2.~~1. Prior to the issuance of a credential;
~~3.~~2. Following the expiration of a credential; or
~~4.~~3. Prior to the reinstatement of a credential.

155-017~~0012~~.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

~~a.~~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;
~~e.~~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.

155-017~~012~~.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 such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice will ~~must~~ specify:

~~3.~~a. The total amount of the administrative penalty;
~~4.~~b. The evidence on which the administrative penalty is based;
~~5.~~c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
~~6.~~d. That the Department will within 30 days following receipt of payment of the administrative penalty remit~~transmit~~ the penalty to the State Treasurer ~~for credit~~ to be disposed of in accordance with Article VII, section 5 of the Constitution of Nebraska~~Permanent School Fund~~; and
~~7.~~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.

155-017~~012~~.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing under the Administrative Procedure Act~~pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920~~ and 184 NAC 1, the Department's Rules of Practice and Procedure for Administrative Hearings ~~before the Department~~.

155-018 FEES: Fees referred to in these regulations are set out in 172 NAC 2, unless otherwise specified.

These AMENDED RULES AND REGULATIONS Replace 172 NAC 155, effective October 30, 2004; Repeal 172 NAC 156, effective November 7, 1992; Repeal 172 NAC 157, effective August of 1992; and Repeal 172 NAC 158, effective October 30, 2004.

~~These Rules and Regulations amend 172 NAC 155, which were last filed with the Secretary of State on July 24, 1996 and became effective July 29, 1996.~~

Approved by the Attorney General: ~~September 27, 2004~~
Approved by the Governor: ~~October 25, 2004~~
Filed with the Secretary of State: ~~October 25, 2004~~
EFFECTIVE DATE: ~~**October 30, 2004**~~
~~Forms referred to in the body of these regulations are available upon request.~~