

TITLE 172      PROFESSIONAL AND OCCUPATIONAL LICENSURE  
CHAPTER 15    LICENSURE OF ALCOHOL AND DRUG COUNSELORS

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172 NAC 15

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 15 LICENSURE OF ALCOHOL AND DRUG COUNSELORS

15-001 Scope and Authority: These regulations apply to licensure of alcohol and drug counselors as defined by Neb. Rev. Stat. §71-1,351 to 71-1,361 and the Uniform Licensing Law.

15-002 Definitions

Act means Neb. Rev. Stat. §71-1,351 to 71-1,361 known as the Practice of Alcohol and Drug Counseling section of the Uniform Licensing Law.

Alcohol or Drug Abuse means the abuse of alcohol or other drugs which have significant mood or perception changing capacities, which are likely to be physiologically or psychologically addictive, and the use of which have negative physical, social, or psychological consequences.

Alcohol and Drug Counseling means providing or performing the core functions of an alcohol and drug counselor for remuneration.

Alcohol and Drug Counselor means a person engaged in alcohol and drug counseling.

Alcohol or Drug Dependence means cognitive, behavioral, and psychological symptoms indicating the continued use of alcohol or other drugs despite significant alcohol or drug-related problems.

Alcohol or Drug Disorder means a substance-related disorder as defined in the latest edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association.

Attest/Attestation means that the individual declares that all statements on the application/petition are true and complete.

Board means the Board of Alcohol and Drug Counseling.

Client means a person being assessed for a possible alcohol or drug disorder or an individual with an alcohol or drug disorder diagnosis who is receiving the direct services of the counselor. It includes those client cases the counselor may review, consult on or staff as part of an agency. Client may also include significant others for whom counseling or other services are provided in the context of treatment for the diagnosed alcohol/drug disordered person.

Clinical Supervision is supervision directed towards enhancing and promoting the clinical skills and competencies of persons who are earning the 6,000 hours of clinical work experience by providing alcohol and drug counseling pursuant to 172 NAC 15-004.

Clinical Supervisor is the person directly responsible for supervising the 6,000 hours of clinical work experience set out in 172 NAC 15-004 and who holds the credential specified in 172 NAC 15-004.01, item 3e.

Code of Ethics means the standards set out in 172 NAC 15-016 to govern the conduct of Licensed Alcohol and Drug Counselors and Provisional Licensed Alcohol and Drug Counselors.

Completed Application means an application with all of the information requested, the signature of the applicant, fees and all required documentation submitted.

Continuing Competency means the competency required as a condition of licensure renewal, pursuant to Neb. Rev. Stat. § 71-161.09 and to ensure:

1. The maintenance of knowledge and skills necessary to competently practice alcohol and drug counseling;
2. Utilization of new techniques based on scientific and clinical advances; and
3. Promotion of research to assure expansive and comprehensive services to the public.

Continuing Competency programs/activities may be offered as follows:

1. College/university coursework;
2. Home study programs;
3. Research;
4. Continuing education programs or presentations; or
5. Presenter of an approved continuing education program.

Continuing Competency hours/credits are determined as follows:

1. College/University Coursework:
  - a. 1 semester of academic credit equals 15 continuing competency credit hours.
  - b. 1 quarter hour of academic credit equals 10 continuing competency credit hours; and
  - c. 1 trimester hour of academic credit equals 14 continuing competency credit hours.
2. Home Study Programs: A licensee may earn up to 15 hours of continuing competency per biennial renewal period.
3. Research: A licensee may earn up to 10 hours of continuing competency per biennial renewal period. This is a peer review environment by either poster-session or publication.
4. Presenter: A presenter may earn up to 15 hours of continuing competency per biennial renewal period for each initial presentation; hours will not be granted for repeat presentations within the same biennial.
5. Continuing Education Programs or Presentations: 60 minutes of participation or presentation equals 1 continuing competency hour.

Continuing competency means the same as continuing education.

Core Functions means the following 12 activities an alcohol and drug counselor performs in the role of counselor: Screening, intake, orientation, assessment, treatment planning, counseling (individual, group and significant others), case management, crisis intervention, client education, referral, reports and recordkeeping and consultation with other professionals in regard to client treatment and services. These core functions are in accordance with the IC&RC/AODA, Inc. definitions as follows:

1. Screening means the process by which a client is determined appropriate and eligible for admission to a particular program.
2. Intake means the administrative and initial assessment procedures for admission to a program.
3. Orientation means describing to the client the general nature and goals of the program; the rules governing client conduct and infractions that can lead to disciplinary actions or discharge from the program; in a non-residential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client rights.

4. Assessment means those procedures by which a counselor/program identifies and evaluates an individual's strengths, weaknesses, problems, and needs for the development of the treatment plan.
5. Treatment Planning means the process by which the counselor and the client identify and rank problems needing resolution, establish agreed upon immediate and long-term goals, and decide on a treatment process and the resources to be utilized.
6. Counseling means the utilization of special skills to assist individuals, families, or groups in achieving objectives through the exploration of a problem and its ramifications; the examination of attitudes and feelings; consideration of alternative solutions; and decision making.
7. Case Management means activities which bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established client goals. It may involve liaison activities and collateral contacts.
8. Crisis Intervention means those services which respond to an alcohol and/or other drug abuser's needs during acute emotional and/or physical distress.
9. Client Education means the provision of information to the client and significant others, either individually or in a group, concerning alcohol and other drug abuse and available services and resources.
10. Consultation with other Professionals in Regard to Client Treatment/Services means relating with professionals from one's own profession and from other professions to assure comprehensive, quality care for the client.
11. Referral means identifying the needs of the client that cannot be met by the counselor or agency and assisting the client to utilize the support systems and community resources available.
12. Reports and Recordkeeping means charting the results of the assessment and treatment plan; and writing reports, progress notes, discharge summaries and other client-related data.

Department means the Department of Health and Human Services.

Director means the Director of the Division of Public Health 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.

Division means the Division of Public Health of the Department of Health and Human Services.

Education as it relates to the 270 clock hours of education in Neb. Rev. Stat. §71-1,355 and 172 NAC 15-003.01 means formal education in the form of workshops, seminars, institutes and college/university coursework.

Family Member means spouse, significant other, children, parents, grandparents, grandchildren, brothers, sisters, aunts, uncles, cousins, or persons bearing the same relationship to the spouse.

Hour of Education as it relates to the 270 clock hours of education in Neb. Rev. Stat. §71-1,355 and 172 NAC 15-003.01 is determined as follows:

1. One clock hour equals 60 minutes of instruction.
2. One semester hour of post-secondary education equals 15 hours of education.
3. One quarter hour of post-secondary education equals 10 hours of education.

Inactive License means the voluntary termination of the right or privilege to provide alcohol and drug counseling. The licensee retains the right or privilege to represent himself or herself as having an inactive license.

International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. (IC&RC/AODA, Inc) means the organization that establishes minimum international standards for alcohol and drug counselor credentialing.

Lapsed License means the voluntary termination of the right or privilege to represent oneself as a licensed person and to provide alcohol and drug counseling.

Licensed means an individual who holds a current license to practice.

Licensed Alcohol and Drug Counselor (LADC) means a person who holds a current license as an alcohol and drug counselor issued by the Department.

NAC means the Nebraska Administrative Code, the system for classifying State agency rules and regulations. These regulations are 172 NAC 15.

Official Transcript from a Post-Secondary Educational Institution means a transcript issued by and under the original seal of the educational institution.

Practical Training Supervisor means the person(s) directly responsible for supervising the 300 hours of practical training (internship/practicum) set out in 172 NAC 15-003.01 and who holds a credential pursuant to 172 NAC 15-003.01, item 3f.

Practical Training Supervision is supervision directed towards enhancing and promoting the practical skills and competencies of persons who are earning the 300 hours of practical training (internship/practicum) by providing alcohol and drug counseling as set forth in 172 NAC 15-003.01.

Provisional Licensed Alcohol and Drug Counselor (PLADC) means a person who holds a current provisional license as an alcohol and drug counselor issued by the Department.

Reciprocity means the mutual recognition of valid credentials between credentialing bodies or jurisdictions.

Scope of Practice means the application of general counseling theories and treatment methods adapted to specific addiction theory and research for the express purpose of treating any alcohol or drug abuse, dependence, or disorder. The practice of alcohol and drug counseling consists of the following performance areas which encompass the 12 core functions: Clinical evaluation; treatment planning; counseling; education; documentation; and professional and ethical standards.

1. The performance area of clinical evaluation consists of screening and assessment of alcohol and drug problems, screening of other presenting problems for which referral may be necessary, and diagnosis of alcohol and drug disorders. Clinical evaluation does not include mental health assessment or treatment. An alcohol and drug counselor must refer a person with co-occurring mental disorders unless such person is under the care of, or previously assessed or diagnosed by, an appropriate practitioner within a reasonable amount of time.
2. The performance area of treatment planning consists of case management, including implementing the treatment plan, consulting, and continuing assessment and treatment planning; referral; and client advocacy.
3. The performance area of counseling consists of individual counseling, group counseling, and family or significant other counseling.
4. The performance area of education consists of education for clients, family of clients, and the community.

Substance Abuse (See definition of Alcohol or Drug Abuse).

Supervised Clinical Work Experience means those work activities performed while obtaining the required 6,000 hours of clinical work experience under clinical supervision which involve primary responsibility for providing alcohol and drug treatment counseling services to alcohol and other drug clients and for which remuneration is received.

Verified means that the accuracy and truth of the statement or contents of a document are sworn to before a Notary Public.

**15-003 PROVISIONAL LICENSED ALCOHOL AND DRUG COUNSELOR (PLADC):** This is a status for individuals working towards Licensed Alcohol and Drug Counselor (LADC). The status enables them to practice and acquire the 6,000 hours of supervised clinical work experience in alcohol and drug counseling, as defined in 172 NAC 15-004.01, item 3, required for LADC.

1. An individual must obtain a provisional license if gaining hours in Nebraska.
2. For hours gained in Nebraska prior to July 1, 2004, an individual must have held a credential that authorized him/her to provide alcohol and drug counseling and been supervised as set forth in 172 NAC 15-004.01, items 3e and 3f.
3. Provisional status may be granted once, must be renewed on or before September 1 of each even-numbered year, may only be renewed twice, and may be held for a time period not to exceed 6 years.
4. A provisional licensee may not render services without clinical supervision as set forth in 172 NAC 15-004.01, items 3e and 3f.
5. A provisional licensee must inform all clients that s/he holds a provisional license, is practicing under supervision, and must identify the supervisor.
6. Any hours obtained in Nebraska prior to the receipt of the provisional license will not be considered towards meeting the 6,000 hours of supervised clinical work experience required for a license as an alcohol and drug counselor except as outlined in item number 2 above.

The criteria for the issuance of a provisional license and the documentation required by the Department and the Board are set forth below.

15-003.01 Requirements: A person applying for a provisional license must:

1. Have a high school diploma or its equivalent. For purposes of this section, a person having a post-secondary degree will be deemed to have a high school diploma;
2. Have completed 270 clock hours of education (workshops, seminars, institutes, college/university coursework) related to the knowledge and skills of alcohol and drug counseling, which included:
  - a. Counseling Theories and Techniques - A minimum of 45 clock hours. This means education that includes the study and practice of theories, principles, and techniques of counseling.

A minimum of 4 accepted counseling techniques must be studied such as active listening, reflective feedback, summarizing, self-disclosing, displaying empathy, confronting, establishing rapport, and communicating at the client's comprehension level.

A minimum of 4 accepted counseling theories must be studied such as Adlerian, cognitive behavioral, client-centered, Gestalt, rational emotive, reality, and transactional analysis.

- b. Group Counseling - A minimum of 45 clock hours. This means education that includes the study and practice of group theories, processes, dynamics, techniques, methods, and group counseling and facilitation.
- c. Human Growth and Development - A minimum of 30 clock hours. This means education that includes the study of the nature and needs of individuals at all developmental levels from birth to death.
- d. Professional Ethics and Issues - A minimum of 15 clock hours. This means education that addresses standards of conduct and professional behavior expectations for counselors.

Ethical standards to be studied may include non-discrimination, responsibilities and integrity, competence, moral standards, client welfare, legal issues, client relationships, inter-professional relationships, remuneration and societal obligations.

- e. Alcohol/Drug Assessment, Case Planning and Management - A minimum of 30 clock hours. This means education on the process of collecting client data for making decisions regarding alcohol/drug disorder diagnosis, level of care placement, and treatment and referral.

Two or more alcohol/drug assessment instruments must be studied. There must be study and practice of record keeping addressing the development of alcohol/drug assessment summaries, treatment plans, progress notes, discharge plans and clinical case reviews including case management activities to bring together services, agencies, and resources to achieve client treatment goals while adhering to confidentiality as it relates to these areas.

- f. Multicultural Counseling - A minimum of 30 clock hours. This means education on cultural, social, lifestyle, spiritual, and economic factors relevant to the provision of competent and relevant counseling to varied populations. The education must include the adaptation of traditional counseling theories and techniques.

- g. Medical and Psychosocial Aspects of Alcohol/Drug Use, Abuse and Addiction - A minimum of 45 clock hours. This means education on the physiological, psychological, and sociological aspects of alcohol/drug use, abuse, and dependence. The education must include studying the processes of dependence, addiction, and withdrawal covering signs, symptoms, and behavior patterns. It also must include the study of drug types and pharmacology; and
- h. Clinical Treatment Issues in Chemical Dependency - A minimum of 30 clock hours. This means education such as the study of treatment issues specific to chemical dependency including denial, resistance, minimization, family dynamics, relapse, cross-addiction, co-occurring disorders, spirituality, and influences of self-help groups. The education must include studying chemical dependency clinical treatment needs of individuals taking into consideration gender, culture, and lifestyle.

An applicant who holds an active credential as a Provisional Licensed Mental Health Practitioner (PLMHP) or Licensed Mental Health Practitioner (LMHP) issued by the State of Nebraska at the time of application for a Provisional Licensed Alcohol and Drug Counselor is deemed to have met 172 NAC 15-003.01, items 2a, 2b, 2c, 2d and 2f.

- 3. Have completed supervised practical training which:
  - a. Included performing a minimum of 300 hours in the counselor core functions in a work setting where alcohol and drug counseling is provided;
  - b. Included the performance of all counselor core functions with no single function performed less than 10 hours;
  - c. Had a formal, systematic process that focused on skill development and integration of knowledge of the 12 core functions;
  - d. Included review of the global criteria for each of the core functions as outlined by IC&RC/AODA, Inc.;
  - e. Included training hours documented by performance date and core function performance areas; and
  - f. Was supervised by a practical training supervisor.

(1) The practical training supervisor must hold one of the following credentials:

- (a) Licensed Alcohol and Drug Counselor as defined in 172 NAC 15-002 who has been licensed and who has not had his/her license disciplined, limited, suspended, or placed on probation during the 1 year immediately preceding supervision as a practical training supervisor. If any of these actions are taken by the Department during the practical training supervision period, the LADC must terminate the supervision immediately; or
- (b) If hours are earned out-of-state, a reciprocity level alcohol and drug counselor credential from a member jurisdiction of the IC&RC/AODA, Inc. or its successor; or
- (c) A physician or psychologist licensed under the Uniform Licensing Law, or an equivalent credential from another jurisdiction (if the hours were earned in another state), and sufficient training as determined by the Board of Medicine and Surgery for physicians or the Board of Psychologists for psychologists, in consultation with the Board of Alcohol and Drug Counseling.

(i) For physicians, sufficient training includes:

- 1. Holding an American Board of Psychiatry and Neurology subspecialty certification in addiction psychiatry; or
- 2. Holding an American Society of Addiction Medicine (ASAM) certification; or
- 3. Having significant work in substance abuse treatment, which includes 3 years with at least 20% of time working in the substance abuse treatment field. These physicians must maintain competency by demonstrating that at least 20% of their continuing medical education (CME) is focused on substance abuse issues.

In addition, these physician supervisors must incorporate knowledge of the 12 core functions and 46 global criteria of substance abuse counseling into the supervisory experience.

(ii) For psychologists, sufficient training includes at least 3 hours of training on the 12 core functions and 46 global criteria pre-approved by the Board of Psychologists. A primary supervisor who is a

psychologist must also 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) The practical training supervisor:

- (a) Must not be a family member; and
- (b) Assumes responsibility for the performance of the individual in training and must be onsite at the work setting when core function activities are performed by the individual in training. (Onsite means readily accessible within the same building.)

A minimum of 1 hour of evaluative face-to-face supervision for each 10 hours of core function performance must be documented.

Supervisory methods must include, as a minimum, individual supervisory sessions, formal case staffings, and conjoint/co-therapy sessions. Supervision is to be directed towards teaching the knowledge and skills of alcohol and drug counseling.

- 4. Have attained the age of majority and is of good moral character; and
- 5. Have signed an attestation indicating s/he has read and agrees to be bound by the Code of Ethics for alcohol and drug counselor licensure as set out in 172 NAC 15-016 and the Grounds for Discipline for alcohol and drug counselor licensure pursuant to 172 NAC 15-015.03.

15-003.02 Application Process: The following must be submitted to the Department:

- 1. A complete application for a provisional alcohol and drug counselor license. The application may be submitted on Attachment A attached to these regulations and incorporated by this reference or an alternate form that contains the same information;
- 2. Official copy of high school diploma, General Education Document (GED), high school transcript that shows date of graduation, or official transcript verifying receipt of a post-secondary degree;

3. Documentation of 270 clock hours of education (workshops, seminars, institutes, college/university coursework) as set out in 172 NAC 15-003.01, item 2; hours must be documented on Attachment A.
  - a. An official transcript must be submitted for any hours completed through a college or university; and
  - b. Certificates of completion must be submitted for hours earned through workshops/seminars and institutes;
4. Official course descriptions for each course submitted (i.e., syllabi, course catalogue, brochure, etc.) and indication of the course name and course number;
5. Documentation of 300 hours of supervised practical training with a minimum of 10 hours in each core function, documented on Attachment A1;
6. Evidence of having attained at least the age of majority, examples of evidence include:
  - a. Driver's license;
  - b. Birth certificate;
  - c. Marriage license;
  - d. Official transcript which provides date of birth; or
  - e. Other similar documentation;
7. If the applicant holds a credential in another state and if any disciplinary action was taken against the applicant's credential 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 probationary conditions and current status, if the applicant is currently on probation;
9. Attestation by the applicant:
  - a. That s/he has not practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a PLADC license; or

- b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a PLADC license;
10. The required provisional license fee; and
11. Attestation that the applicant has read and agrees to be bound by the Code of Ethics for alcohol and drug counselor licensure as set out in 172 NAC 15-016 and the Grounds for Discipline for alcohol and drug counselor licensure as set out in 172 NAC 15-015.03.

15-003.03 Client Notification: An individual who holds a provisional alcohol and drug counselor license must inform all clients that s/he holds a provisional license and is practicing alcohol and drug counseling under supervision and must identify the supervisor. Failure to make such a disclosure is a ground for discipline as set forth in 172 NAC 15-015.03.

15-003.04 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 15-017, or such other action as provided in the statutes and regulations governing the credential.

15-003.05 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.

15-003.06 Department Review: The Department will act within 150 days upon all completed applications for a license.

15-003.07 Withdrawn Applications: 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 to be retained by the Department, as authorized in Neb. Rev. Stat. §71-163.

15-003.08 Denied Application: Should the Department deny an application, it will send to the applicant by certified mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within such 30-day period gives written notice to the Department of a desire for re-evaluation or for a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

15-003.09 Clinical Supervision: A provisional licensee may not render services without clinical supervision as set out in this section.

Work experience where a qualified supervisor has not been registered with the Department, in accordance with this section, will not be accepted towards a license as an alcohol and drug counselor.

15-003.09A Registration of Supervisor: A provisional licensee must register his/her clinical work experience supervisor with the Department. The application must be submitted within 15 days of beginning employment. The application may be submitted on Attachment B attached to these regulations and incorporated by this reference or an alternate format which includes all information as specified in 172 NAC 15-003.09A. The application must include:

1. The name of an assigned qualified supervisor as defined in 172 NAC 15-004.01, item 3e; and
2. Agreement to supervise by the supervisor.

15-003.09B Change of Supervisor: A provisional licensee who changes his/her supervisor must submit an application within 15 days following the change. The application may be submitted on Attachment C attached to these regulations and incorporated by this reference or an alternate format which includes all information as specified in 172 NAC 15-003.09B. The application must include:

1. The name of an assigned qualified supervisor as defined in 172 NAC 15-004.01, item 3e; and
2. Agreement to supervise by the supervisor.

15-003.09C Termination of Supervision: If a supervisor or provisional licensee terminates supervision, s/he must notify the Department in writing immediately of the date of termination. The Department will record said termination date in the record.

15-003.10 Renewal of Provisional Status: Provisional status may be granted once, must be renewed on or before September 1 of each even-numbered year, may only be renewed twice, and may be held for a time period not to exceed 6 years. Also see 172 NAC 15-009.

15-003.11 Expiration of a Provisional License: A provisional alcohol and drug counselor license expires upon receipt of a license as an alcohol and drug counselor (LADC) or expiration date of the PLADC, whichever comes first.

15-004 LICENSED ALCOHOL AND DRUG COUNSELOR (LADC). No individual may represent himself/herself to be an alcohol and drug counselor unless licensed and no person must engage in the practice of alcohol and drug counseling unless s/he is licensed, except individuals who meet the criteria pursuant to Neb. Rev. Stat. §71-1,353 as follows:

1. Qualified members of other professions who are licensed, certified, or registered by this state from practice of any alcohol and drug counseling consistent with the scope of practice of their respective professions;

2. Teaching or the conduct of research related to alcohol and drug counseling with organizations or institutions if such teaching, research, or consultation does not involve the delivery or supervision of alcohol and drug counseling to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;
3. The delivery of alcohol and drug counseling by:
  - a. Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, alcohol and drug counseling, compulsive gambling counseling, or other health care or mental health service professions; or
  - b. Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;
4. Duly recognized members of the clergy from providing alcohol and drug counseling in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be alcohol and drug counselors;
5. The incidental exchange of advice or support by persons who do not represent themselves as engaging in alcohol and drug counseling, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as alcohol and drug counselors or their services as alcohol and drug counseling;
6. Any person providing emergency crisis intervention or referral services; or
7. Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with alcohol or drug disorders from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.

The criteria for the issuance of a license and the documentation required by the Department and the Board are set forth below.

15-004.01 Requirements: A person applying for a license must:

1. Have met the requirements for or hold licensure as a provisional alcohol and drug counselor pursuant to 172 NAC 15-003;
2. Have received a passing score on both the International Written Examination for Alcohol and Drug Counselors and the Case Presentation Method (CPM) Oral Examination of the IC&RC/AODA, Inc. or its successor; and

3. Have completed 6,000 hours of supervised clinical work experience providing alcohol and drug counseling services to alcohol and other drug clients for remuneration. An applicant must hold a PLADC if gaining work experience hours in Nebraska. Any hours obtained in Nebraska prior to the receipt of the PLADC will not be considered towards meeting the 6,000 hours of supervised clinical work experience required for a license as an alcohol and drug counselor except as outlined in 172 NAC 15-003, item 2.
  - a. The supervised clinical work experience must have included:
    - (1) Carrying a client caseload as the primary alcohol and drug counselor performing the core functions of assessment, treatment planning, counseling, case management, referral, reports and record keeping, and consultation with other professionals for those clients; and
    - (2) Responsibility for performance of the five remaining core functions although these core functions need not be performed by the applicant with each client in his/her caseload.
  - b. Experience that will not count towards licensure includes, but is not limited to:
    - (1) Providing services to individuals who do not have a diagnosis of alcohol and drug abuse or dependence such as prevention, intervention, and codependency services or other mental health disorder counseling services, except that this does not exclude counseling services provided to a client's significant others when provided in the context of treatment for the diagnosed alcohol or drug client;
    - (2) Providing services when the experience does not include primary case responsibility for alcohol or drug treatment or does not include responsibility for the performance of all of the core functions; and
    - (3) Providing mental health disorder counseling services other than alcohol and drug counseling services to a diagnosed alcohol and drug client.
  - c. The maximum number of hours of experience that may be accrued are 40 hours per week or 2,000 hours per year.
  - d. A post-secondary educational degree may be substituted for part of the supervised clinical work experience. The degree must be from a regionally accredited post-secondary educational institution or the educational program must be accredited by a nationally recognized accreditation agency.
    - (1) An associate's degree in addictions or chemical dependency may be substituted for 1,000 hours of supervised clinical work experience.

- (2) A bachelor's degree with a major in counseling, addictions, social work, sociology, or psychology may be substituted for 2,000 hours of supervised clinical work experience.
  - (3) A master's degree or higher with a major in counseling, addictions, social work, sociology, or psychology may be substituted for 4,000 hours of supervised clinical work experience.
  - (4) A substitution may not be made for more than one degree.
- e. The clinical supervisor must hold one of the following credentials:
- (1) Licensed Alcohol and Drug Counselor as defined in 172 NAC 15-002;  
or
  - (2) A reciprocity level alcohol and drug counselor credential issued by a member jurisdiction of the IC&RC/AODA, Inc. or its successor (for clinical work experience obtained outside the State of Nebraska); or
  - (3) The highest level alcohol and drug counselor credential issued by a jurisdiction that is not a member of the IC&RC/AODA, Inc. or its successor if the credential is based on education, experience, and examination that is substantially similar to the license issued in this state as determined by the Board (for clinical work experience obtained outside the State of Nebraska); or
  - (4) Physician or psychologist licensed under the Uniform Licensing Law, or an equivalent credential from another jurisdiction (if the clinical work experience hours were earned in another state), and sufficient training as determined by the Board of Medicine and Surgery for physicians or the Board of Psychologists for psychologists, in consultation with the Board of Alcohol and Drug Counseling.
    - (a) For physicians, sufficient training includes:
      - (i) Holding an American Board of Psychiatry and Neurology subspecialty certification in addiction psychiatry; or
      - (ii) Holding an American Society of Addiction Medicine (ASAM) certification; or
      - (iii) Having significant work in substance abuse treatment, which includes 3 years with at least 20% of time working in the substance abuse treatment field. These physicians must maintain competency by demonstrating that at least 20% of their continuing medical education (CME) is focused on substance abuse issues.

In addition, these physician supervisors must incorporate knowledge of the 12 core functions and 46 global criteria of substance abuse counseling into the supervisory experience.
    - (b) For psychologists, sufficient training includes at least 3 hours of training on the 12 core functions and 46 global criteria pre-

approved by the Board of Psychologists. A primary supervisor who is a psychologist must:

- (i) 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; and
- (ii) Only supervise, at one time, up to 4 individuals holding either a provisional psychology license, a provisional mental health practitioner license, or a provisional alcohol and drug counselor license.

f. The clinical supervisor must:

- (1) Be formally affiliated with the program or agency in which the work experience is gained;
  - (2) Not be a family member; and
  - (3) Provide at least 1 hour of evaluative face-to-face clinical supervision for each 40 hours of paid alcohol and drug counseling work experience. 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.
4. Have signed an attestation indicating s/he has read and agrees to be bound by the Code of Ethics for alcohol and drug counselor licensure as set out in 172 NAC 15-016 and the Grounds for Discipline for alcohol and drug counselor licensure pursuant to 172 NAC 15-015.03 of these regulations; and
5. Have attained the age of majority and is of good moral character.

15-004.02 Application Process: The following must be submitted to the Department:

- 1. A complete application for an alcohol and drug counselor license. The application may be submitted on Attachment D attached to these regulations and incorporated by this reference or an alternate form that contains the same information;
- 2. If the applicant does not hold a valid PLADC, s/he must meet items 1 through 3 outlined in 172 NAC 15-003.01 and provide documentation as outlined in items 2 through 5 of 172 NAC 15-003.02;

3. Documentation of 6,000 hours of supervised clinical work experience providing alcohol and drug treatment counseling services to alcohol and other drug clients for remuneration on Attachment D1 or an alternate form that contains the same information;
4. If the applicant seeks a substitution for work experience hours based on a degree, an official transcript from a post-secondary educational institution;
5. Attestation that the applicant has read and agrees to be bound by the Code of Ethics for alcohol and drug counselor licensure as set out in 172 NAC 15-016 and the Grounds for Discipline for alcohol and drug counselor licensure as set out in 172 NAC 15-015.03;
6. Evidence of passing the following examinations:
  - a. International Written Examination for Alcohol and Drug Counselors of the IC&RC/AODA, Inc, or its successor; and
  - b. Case Presentation Method (CPM) Oral Examination of the IC&RC/AODA, Inc. or its successor;
7. If the applicant holds a credential in another state and if any disciplinary action has been taken against the applicant's credential by said 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 probationary conditions and current status, if the applicant is currently on probation;
9. Attestation by the applicant:
  - a. That s/he has not practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a LADC license; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a LADC license;
10. If hours were obtained in another state or a provisional license as specified in 172 NAC 15-003 was not submitted, evidence of having attained at least the age of majority, examples of evidence include:

- a. Driver's license;
- b. Birth certificate;
- c. Marriage license;
- d. Official transcript which provides date of birth; or
- e. Other similar documentation; and

11. The required license fee.

15-004.03 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.

15-004.04 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 15-017, or such other action as provided in the statutes and regulations governing the credential.

15-004.05 Department Review: The Department will act within 150 days upon all completed applications for a license.

15-004.06 Withdrawn Applications: An applicant for a license 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 an administrative fee to be retained by the Department, as authorized in Neb. Rev. Stat. §71-163.

15-004.07 Denied Application: Should the Department deny an application, it will send to the applicant by certified mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within such 30-day period gives written notice to the Department of a desire for re-evaluation or for a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

15-005 RECIPROCITY: The criteria for the issuance of a license and the documentation required by the Department and the Board are set forth below.

15-005.01 Requirements: A person applying for a license must:

1. Hold a valid reciprocal level credential from a member jurisdiction of the IC&RC/AODA, Inc. or its successor. The member jurisdiction and the Department must currently hold membership in the IC&RC/AODA, Inc. or its successor for a reciprocity request to be considered;
2. Have attained the age of majority and is of good moral character; and

3. Have signed an attestation indicating s/he has read and agrees to be bound by the Code of Ethics for alcohol and drug counselor licensure as set out in 172 NAC 15-016 and the Grounds for Discipline for alcohol and drug counselor licensure as set out in 172 NAC 15-015.03.

15-005.02 Application Process: The following must be submitted to the Department:

1. Documentation from the IC&RC/AODA, Inc. member jurisdiction that the applicant holds a valid reciprocal credential in that jurisdiction and is entitled to its endorsement;
2. A complete application on Attachment E attached to these regulations and incorporated by this reference or an alternate form which contains the same information. Only applications which are complete will be considered;
3. 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;
4. 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 probationary conditions and current status, if the applicant is currently on probation;
5. Attestation by the applicant:
  - a. That s/he has not practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a LADC license; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska without a credential prior to the application for a LADC license;
6. Evidence of having attained at least the age of majority, examples of evidence include:
  - a. Driver's license;
  - b. Birth certificate;
  - c. Marriage license;
  - d. Official transcript which provides date of birth; or
  - e. Other similar documentation; and

7. The required license fee.

15-005.03 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.

15-005.04 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 15-017, or such other action as provided in the statutes and regulations governing the credential.

15-005.05 Department Review: The Department will act within 150 days upon all completed applications for a license.

15-005.06 Denied Application: Should the Department deny an application, it will send to the applicant by certified mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within such 30-day period gives written notice to the Department of a desire for re-evaluation or for a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

### 15-006 RESPONSIBILITIES OF LICENSEES

1. Every person issued a credential to practice alcohol and drug counseling under these regulations must keep his/her license available in an office or place in which s/he practices and must show such proof of a license upon request.
2. Individuals licensed under these regulations must use the following wording or acronym to reference their licensure in all signs, announcements, stationery and advertisements of such licensee as follows:
  - a. Licensed Alcohol and Drug Counselor (LADC); or
  - b. Provisional Licensed Alcohol and Drug Counselor (PLADC).
3. A licensee is responsible for keeping the Department advised in writing of his/her current name and public address at all times.

### 15-007 EXAMINATION AND EXAMINATION APPLICATION PROCESS

#### 15-007.01 Written Examination

1. Eligibility and Application: Applicants for licensure as an alcohol and drug counselor are eligible to take the written examination if they hold the Provisional Licensed Alcohol and Drug Counselor credential, have submitted the Written Examination Application and have paid the examination fee.
  - a. The Written Examination Application and fee must be received 60 days prior to the date of the examination. The Written Examination fee is non-refundable.
  - b. If special accommodations are requested, such request must be received 60 days prior to the date of the examination submitted on Attachment F attached to these regulations and incorporated by this reference or an alternate form which includes the same information.
2. Examination and Process: The written examination is the International Written Examination for Alcohol and Drug Counselors of the IC&RC/AODA, Inc. or its successor. The passing score is the score established by IC&RC/AODA, Inc.
  - a. The IC&RC/AODA, Inc. written test procedures and policies will be followed.
  - b. The written examination will be administered in Nebraska at least two times per year.

- (1) The Department will establish written examination dates and such other timelines as are necessary for examination administration.
  - (2) The Department or the test administration organization will notify the applicant of the date, time, place and other information pertinent to the administration of the examination.
  - (3) The applicant will be notified in writing of the written examination results within 30 days after the Department receives the examination results. The applicant may receive the results directly from the IC&RC/AODA, Inc.
3. Failed Examinations: An examinee who fails the examination may retake the examination upon payment of the fee and submittal of the Written Examination Application each time s/he is examined.

#### 15-007.02 Oral Examination

1. Eligibility and Application: Applicants for licensure as an alcohol and drug counselor are eligible to take the oral examination if they hold the Provisional Licensed Alcohol and Drug Counselor credential, have passed the International Written Examination for Alcohol and Drug Counselors of the IC&RC/AODA, Inc. or its successor, have submitted the CPM Oral Examination Application and have paid the examination fee.
  - a. The CPM Oral Examination Application and fee must be received 60 days prior to the date of the examination. The CPM Oral Examination fee is non-refundable.
  - b. If special accommodations are requested, such request must be received 60 days prior to the date of the examination submitted on Attachment F attached to these regulations and incorporated by this reference or an alternate form which includes the same information.
2. Examination and Process: The oral examination is the Case Presentation Method (CPM) Oral Examination of the IC&RC/AODA, Inc. or its successor. The passing score is the score established by IC&RC/AODA, Inc.
  - a. The IC&RC/AODA, Inc. CPM Oral Examination procedures and policies will be followed.
  - b. The oral examination will be administered in Nebraska at least two times per year.

- (1) The Department will establish oral examination dates and such other timelines as are necessary for examination administration.
  - (2) The Department will notify the applicant of the date, time, place and other information pertinent to the administration of the examination.
  - (3) The applicant will be notified in writing of the oral examination results within 30 days of the examination.
- c. The oral examination will be audio taped and the audiotape will remain the property of the Department for use in any appeal or review. The audiotape may be erased or disposed of after the appeal time has expired.
3. Failed Examinations: An examinee who fails the examination may retake the examination upon payment of the fee and submittal of the CPM Oral Examination Application each time s/he is examined.

15-008 APPROVAL OF INITIAL (270 HOURS) EDUCATION FOR LICENSURE; The Board will review coursework as meeting the 270 clock hours of education for initial licensure. Approval will be valid for a maximum of 5 years with the first 5-year period beginning January 1, 2008, and ending December 31, 2012. Education providers desiring to obtain approval for subsequent periods must reapply.

15-008.01 Application Process: The following must be submitted to the Department:

1. A complete application for approval of coursework submitted by the college/university/training institution. The application may be submitted on Attachment G attached to these regulations and incorporated by this reference or an alternate form that contains the same information. The institution must list the course name and course number under the educational area for which they are seeking approval.
2. Official course curricula for each course submitted.
3. Number of academic semester or quarter credit hours for post-secondary education or clock hours for non-post-secondary education.
4. Course objectives and amount of instructional time (clock hours) spent in each course objective.
5. Signature and telephone number of an official of the institution.

If the course title, number or content change the approval is null and void effective the date of the change and a new application for approval is required.

15-008.02 Board Review: The Board will act within 150 days on a completed application. The Board may request additional information before making their decision.

15-008.03 Denied Education: The Department will deny an application for education or will suspend or revoke approval of education on any of the following grounds:

1. Fraud or misrepresentation of information in an application; or
2. Program content fails to meet the requirements of 172 NAC 15-003.01, item 2.

Should the Department deny an application for education, it will send to the applicant by certified mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within such 30-day period gives written notice to the Department of a desire for re-evaluation or for a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1 of the Rules of Practice and Procedure for the Department.

15-009 RENEWAL PROCEDURES: All licenses issued by the Department pursuant to the Act and these regulations expire on September 1<sup>st</sup> of each even-numbered year. The Provisional Licensed Alcohol and Drug Counselor can be renewed for a maximum of two renewals upon meeting the renewal requirements of these regulations.

15-009.01 Renewal Process: Any licensee who wishes to renew his/her license must:

1. Meet the continuing competency requirements pursuant to 172 NAC 15-012;
2. Pay the renewal fee as prescribed in 172 NAC 16;
3. Respond to the following questions:
  - a. Has your license in any profession in another state been revoked, suspended, limited or disciplined in any manner?
  - b. 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 40 hours of Department-approved continuing education earned within 24 months of the date of expiration or 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; and
  - 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 probationary conditions and current status, if the licensee is currently on probation.

15-009.02 First Notice: At least 30 days before September 1 of each even-numbered year, the Department will send a renewal notice by means of regular mail to each licensee at the licensee's last known address 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.

15-009.02A 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 16;
6. The number of continuing education hours required for renewal; and
7. The option to place the license on inactive status.

15-009.02B 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 40 hours of Department approved continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency and a listing of the continuing competency activities completed; and
5. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

15-009.02C 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.

15-009.02C1 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.

15-009.03 Second Notice: The Department must 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 the requirements of 172 NAC 15-009.01 that specify that:

1. The licensee failed to pay the renewal fee;
2. The license has expired;
3. The licensee is subject to an administrative penalty pursuant to 172 NAC 15-017 if s/he practices after the expiration date;
4. 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. 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 15-013.

15-009.03A 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:
  - 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 40 hours of Department-approved continuing education earned within 24 months of the date of expiration or application for waiver of continuing competency and a listing of the continuing competency activities completed; and

6. Documentation relating to misdemeanor or felony conviction(s) or licensure revocation, suspension, limitation or disciplinary action (if applicable).

15-009.03A1 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.

15-009.03A2 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.

15-009.04 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.

15-009.05 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 must 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.

15-009.06 When the licensee has given notification to the Department that s/he desires to have the license be placed on inactive status upon expiration, 172 NAC 15-009.04 and 15-009.05 will not apply.

15-009.07 The Department may refuse to renew a license for falsification of any information submitted for renewal of a license. The refusal will be made pursuant to Neb. Rev. Stat. §§ 71-149 to 71-155 and 184 NAC 1, Rules of Practice and Procedure of the Department.

15-009.08 An individual who practices after expiration of his/her credential is subject to assessment of an administrative penalty pursuant to 172 NAC 15-017, or such other action as provided in the statutes and regulations governing the credential.

15-010 AUDIT OF CONTINUING EDUCATION REQUIREMENTS: The Board may select in a random manner a sample of the license renewal applications for audit of continuing education hours. Each licensee is responsible for maintaining in his/her personal files such certificates or records of credit from continuing education activities received from approved providers. A licensee selected for audit must produce documentation of his/her attendance at those continuing education activities listed on his/her renewal application.

15-010.01 Audit Requirements:

1. When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in continuing education activities attested to on the licensee's renewal form. Satisfactory documentation includes, but is not limited to, certifications of attendance, certified attendance rosters, evidence of being a presenter, evidence of research activities, or letters from sponsors of continuing education verifying attendance.
2. The Board reserves the right to audit the continuing education activities of any licensee by notifying the licensee and requesting the licensee to produce within 30 days of mailing documents verifying attendance at continuing education programs.
3. Continuing education activities for which no documentation of attendance is produced will not be included in the calculation of the total number of continuing education hours earned.
4. Failure to comply with the audit will result in non-renewal of the license.

15-011 WAIVER OF CONTINUING EDUCATION REQUIREMENTS: The Department, on the recommendation of the Board, may waive the continuing education requirements, in whole or in part, for any two-year period since the license was last issued when a licensee submits documentation that circumstances beyond his/her control prevented him or her from completing the requirements. The Department must receive this request on or before September 1<sup>st</sup> of the year the license is subject to renewal.

15-011.01 Waiver Circumstances: The circumstances and documentation required are set forth below. The licensee must:

1. Have been in the service of the regular armed forces of the United States

during any part of the 24 months since his/her license was issued or last renewed;

- a. The licensee must submit official documentation stating dates of service;
2. Have been first licensed in Nebraska within 24 months immediately preceding the license renewal date; or
  3. Have been suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours since his/her license was issued or last renewed.
    - a. The licensee must submit 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 education activities during that period.

15-011.02 Approval/Denial: The Department, on the recommendation of the Board, may grant or deny an application for exemption from continuing education requirements.

1. Approval: When the Department determines to grant an application for exemption from continuing education requirements, the applicant will be notified within 30 days of receipt of the application.
2. Denial: When the Department determines to deny an application for exemption from continuing education requirements, the Department 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. Appeal: 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 of the Department.
  - b. Appeal Results: At the conclusion of the appeal, the Department will issue a final order setting forth the results of the appeal.

#### 15-012 CONTINUING EDUCATION REQUIREMENTS

15-012.01 General Requirements: On or before September 1 of each even number year, each licensee must complete 40 hours of continuing education during the preceding 24-month period. Additional hours earned during this period which are above and beyond the required 40 hours cannot be utilized for subsequent renewals. The same continuing education program may not be completed more than once per biennial renewal period.

15-012.01A Continuing education programs/activities may be offered as follows:

1. College/university coursework;
2. Home study programs;
3. Research;
4. Continuing education programs or presentations; or
5. Presenter of an approved continuing education program.

15-012.01B At least 20 hours of continuing education per biennial renewal period must be alcohol and drug specific. (All 40 hours of continuing education per biennial renewal period may be alcohol and drug specific.) Continuing education hours approved by the Department as outlined in 172 NAC 15-012.02 or presented by or approved by one of the following organizations will be deemed alcohol and drug specific and the hours/credits for the program established will not be altered/changed:

1. Addiction Technology Transfer Centers (ATTC);
2. American Society of Addiction Medicine (ASAM); or
3. National Association of Alcohol and Drug Abuse Counselors (NAADAC).

15-012.01C A licensee may earn up to 20 hours of continuing education per biennial renewal period in activities that may not be alcohol and drug specific but must be approved by the following organizations and the hours/credits for the program established will not be altered/changed:

1. American Counselors Association (ACA) or National Board for Certified Counselors (NBCC);
2. American Medical Association (AMA); Nebraska Medical Association (NMA);
3. American Nurses Credentialing Center's Commission on Accreditation;
4. American Psychological Association (APA);
5. National Association of Social Workers (NASW);
6. American Association of Marriage and Family Therapists (AAMFT); or
7. Nebraska Nurses Association (NNA).

15-012.01D Per biennial renewal period, a licensee may earn :

1. A total of 15 hours of continuing education through home study programs.
2. A total of 10 hours of continuing education through research. This must be a peer review environment by either poster session or publication.
3. A total of 15 hours of continuing education as the presenter of an approved continuing education program. Hours will not be granted for repeat presentations within the same biennial.

15-012.01E Continuing education hours/credits are determined as follows:

1. College/University Coursework:
  - a. 1 semester of academic credit equals 15 continuing education credit hours.
  - b. 1 quarter hour of academic credit equals 10 continuing education credit hours; and
  - c. 1 trimester hour of academic credit equals 14 continuing education credit hours.
2. Continuing Education Programs or Presentations: 60 minutes of participation or presentation equals 1 continuing education hour.

15-012.02 Department Approval of Alcohol and Drug Specific Continuing Education Programs and Home Study Programs

15-012.02A Application Eligibility: Applications for approval of alcohol and drug specific continuing education programs which are not approved by or presented by one of the organizations listed in 172 NAC 15-012.01B must be submitted to the Department for approval.

15-012.02B Approval Criteria: The Department will evaluate applications to determine if approval is to be granted or denied.

15-012.02B1 Approval Criteria for Continuing Education Programs: To be approved, a continuing education program must meet the following criteria:

1. The program must be at least 60 minutes in duration;
2. The program's objectives must relate to the clinical knowledge and skills of the scope of practice of alcohol and drug counseling;
3. The program's content must be at a level which contributes to the development of the clinical knowledge and skills of an alcohol and drug counselor licensed by the Department ;

4. Presenters of programs must be qualified by education, experience or training;
5. Programs must be open to all alcohol and drug counselors licensed by the Department who meet the training and education prerequisites for the program. Employment cannot be considered as a prerequisite; and
6. Program provider must have a process for monitoring and verifying attendance.

15-012.02B2 Approval Criteria for Home Study Programs: To be approved, a home study program must meet the following criteria:

1. The home study program must be at least 3 hours (180 minutes) in duration;
2. The home study program's objectives must relate to the clinical knowledge and skills of the scope of practice of alcohol and drug counseling;
3. The home study program's content must be at a level which contributes to the development of the clinical knowledge and skills of an alcohol and drug counselor licensed by the Department;
4. The home study program provider must be qualified by education, experience, or training;
5. The home study program provider must employ a system to measure knowledge obtained by the licensee completing a home study program such as, but not limited to, a final examination; and
6. The home study program must have a reasonable number of pages of reading material and content, as determined by the Board, to warrant the number of continuing education hours requested.

15-012.02C Application Process: To seek approval of a continuing education program or home study program, the program provider/sponsor/organization must submit an application to the Department. The application may be submitted on Attachment H attached to these regulations and incorporated by this reference or an alternate form which contains the same information.

1. If the program provider/sponsor/organization has not submitted an application to the Department within 30 days prior to the occurrence of a program, a licensed alcohol and drug counselor may submit an application.

2. A licensed alcohol and drug counselor may submit an application if the program is presented outside the State of Nebraska or for a college/university credit course.

Only complete applications will be considered. The applicant may submit such additional documents or information as the applicant may consider relevant to the application.

15-012.02C1 For a continuing education program, the following must be included in the application:

1. Copy of the program agenda indicating actual presentation times, lunch, and breaks;
2. Description of the program content and objectives;
3. Description of the education, experience, and training of each presenter;
4. Number of hours for which approval is requested;
5. Name, address, and telephone number of the person or organization submitting the application;
6. Description of the process the training program provider will use to document and monitor attendance;
7. Date, time, town/city, state, and location of the program;
8. Title of the program and name of presenting organization/person; and
9. Signature of the person submitting the application.

15-012.02C2 For a home study program, the following must be included in the application:

1. Description of the program content and objectives;
2. Description of the education, experience, and training of each presenter;
3. Number of hours for which approval is requested and method by which the hours requested were calculated;
4. Name, address, and telephone number of the person or organization submitting the application;
5. Description of the process the training program provider will use to document and monitor attendance;
6. Title of the program and name of presenting organization/person;
7. Signature of the person submitting the application;
8. Copy of the textbook or other training materials utilized; and
9. Description of how knowledge gained will be measured.

15-012.02D Department Review: The Department will act within 60 days upon all completed applications.

15-012.02E Post-Program Approval: Applications for approval of a continuing education program or home study program may be submitted for approval after the program has occurred.

1. Licensees assume the risk that a program may not be approved when they attend a training program that has not been approved by the Department prior to the program's occurrence.
2. Training that has not been approved 30 days prior to the receipt of a licensee's renewal application will not count towards that licensee's renewal.

15-012.02F Certificate of Completion: Each provider of a Department-approved continuing education program must furnish to each person completing the program a certificate of completion. The certificate must include:

1. Program title;
2. Name of the participant;
3. Date(s) of the training;
4. City, state, and location of the program;
5. Provider's name;
6. Department approval number;
7. Number of hours received by the licensee; and
8. Signature of provider representative.

15-012.02G Program Monitoring: The provider must employ a reliable system to monitor the physical presence of participants throughout the entire program. If a participant chooses not to participate in the entire program, the certificate of attendance must reflect the participant's actual hours of attendance.

1. Providers of Department-approved continuing education who fail to issue certificates of completion to individuals who complete the program or who issue certificates to individuals who do not complete the program may jeopardize Department approval of future training they may sponsor.

15.012.02H Continuing Approval: A continuing education program is approved specifically for the date of the program. If an identical program (same content, agenda, objectives and presenter) is presented again within the biennial renewal period, the provider will not be required to complete the entire application for approval of continuing education. The provider must submit the application completing the program title, date of program, location of program, provider contact information and representative signature, and include a statement that the program is identical to a previously approved program providing the prior approved number.

Once a home study program is approved, re-approval will not be required unless the home study program is changed. If any portion of the home study program is changed, re-application must be made as set out in 172 NAC 15-012.02. Failure to

advise the Department of changes may result in immediate revocation of approval of the home study program and denial of future approval of programs presented by the provider.

15-012.02I Denial of Continuing Education Program: The Department will deny an application for approval of a continuing education program or home study program or will suspend or revoke approval of a program on any of the following grounds:

1. Fraud or misrepresentation of information in an application;
2. Program content or the presenter's qualification fail to meet requirements specified in 172 NAC 15-012.02; or
3. If the program's objectives do not relate to the areas specified in 172 NAC 15-012.02.

If the Department denies an application for a continuing education program or home study program, it will send to the applicant by certified mail to the last address of record in the Department a notice setting forth the reasons for the determination. The denial will become final 30 days after the mailing of the notice unless the applicant within such 30-day period gives written notice to the Department of a desire for re-evaluation or for a hearing. The hearing will be conducted in accordance with the Administrative Procedure Act and 184 NAC 1, Rules of Practice and Procedure for the Department

15-013 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS: The Department may revoke a credential when the credential holder fails to meet the renewal requirements.

15-013.01 Revocation for Nonpayment of Renewal Fee or Late Fee, or Failure to Submit Documentation of Continuing Competency within Thirty Days of Expiration of the Credential

15-013.01A 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 inactive status within 30 days of its expiration, the Department automatically revokes the credential without further notice or hearing.

15-013.01A1 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 status;
3. The Department has revoked the credential; and
4. The credential holder has a right to request reinstatement of the credential.

15-013.02 Revocation for Failure to Meet Continuing Competency Requirements

15.013.02A 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.

15.013.02A1 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 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.-

15-014 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.

15-014.01 Eligibility

15-014.01A An individual whose credential has been previously:

1. Placed on inactive status;
2. Revoked for failure to meet the renewal requirements;
3. Suspended or limited for disciplinary reasons; or
4. Voluntarily 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.

15-014.01B 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.

15-014.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an administrative penalty pursuant to 172 NAC 15-017, and
2. 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.

15-014.02 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 15-004.

15-014.02A 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 15-017;
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.

15-014.02B 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.

15-014.02C The Department will act within 150 days on all completed applications.

15-014.02D The applicant will be provided with notice and the opportunity for hearing in accordance 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 15-014.02A and 15-014.02B are final.

15-014.03 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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska since s/he last held an active credential.

15-014.04 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:

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. 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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
- b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska since s/he last held an active credential.

15-014.04A If an applicant has practiced while his/her credential was inactive, the Department may:

1. Assess an administrative penalty pursuant to 172 NAC 15-017;
2. Initiate disciplinary action against the credential;
3. Deny the request to move the credential from inactive to active status; or
4. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

15-014.04B 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.

15-014.04C In either event pursuant to 172 NAC 15-014.04A or 15-014.04B, a notice and the opportunity for hearing will be given to the applicant.

15-014.04D The Department will act within 150 days on all completed applications.

15-014.05 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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling in Nebraska since s/he last held an active credential.

15-014.06 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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling 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 15-017 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 15-014.06B.

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

15-014.06A The Board's recommendation to the Department may be to:

1. Reinstatement of the credential;
2. Reinstatement of the credential with terms, conditions or restrictions; or
3. Denial of reinstatement.

15-014.06B 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. Reinstatement of the credential. An administrative penalty may be assessed pursuant to 172 NAC 15-017 if warranted;
2. 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. Reinstatement of 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 15-017 if warranted; or
  - b. Denial of 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.

15-014.07 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; and
3. Attest:
- a. That s/he has not practiced alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he has practiced alcohol and drug counseling in Nebraska since s/he last held an active credential.

15-014.08 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:
- 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 revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
  - c. Containing the following information about the petitioner:
    - (1) Name;
    - (2) Address;
    - (3) Social security number;
    - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential; and
    - (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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he practiced alcohol and drug counseling 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 15-017 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 pursuant to 172 NAC 15-014.08F.

15-014.08A 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.

15-014.08B 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.

15-014.08C If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

15-014.08D 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.

15-014.08D1 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.

15-014.08E 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.

15-014.08F 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.

15-014.08F1 If the Board recommends reinstatement of the credential, the Department may:

1. Accept the Board's recommendation and grant reinstatement of the credential; or
2. 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:
  - a. Deny reinstatement of the credential, or
  - b. Grant reinstatement with terms, conditions, or restrictions.

15-014.08F2 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.

15-014.08F3 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.

15-014.08F4 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.

15-014.08F5 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.

15-014.09 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 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 suspended, limited, or revoked; and
  - b. 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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
  - b. To the actual number of days s/he has practiced alcohol and drug counseling in Nebraska since s/he last held an active credential.

15-014.10 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.
  - c. Containing the following information about the petitioner:

- (1) Name;
  - (2) Address;
  - (3) Social security number;
  - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential; and
  - (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; and
  - (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 alcohol and drug counseling in Nebraska since s/he last held an active credential; or
    - b. To the actual number of days s/he has practiced alcohol and drug counseling 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 15-017 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 15-014.10G.

15-014.10A 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 submit to an alcohol and drug assessment by one or more licensed alcohol and drug counselors appointed by the Board, the petitioner being free also to consult a licensed alcohol and drug counselor(s) of his/her own choice for an alcohol and drug assessment and make available a report thereof to the Board;
4. Require the petitioner to submit to a psychological diagnostic evaluation by one or more psychologists appointed by the Board, the petitioner being free also to consult a psychologist or psychologists of his/her own choice for a psychological diagnostic evaluation and make available a report or reports thereof to the Board;
5. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
6. Require the petitioner to complete additional education.

15-014.10B 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.

15-014.10C 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.

15-014.10D If the Board recommends reinstatement of the credential, no public hearing need be held on the petition.

15-014.10E 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.

15-014.10E1 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.

15-014.10E2 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 this petition, the Board may grant or deny, without a hearing, any petition to recommend reinstatement filed pursuant to Neb. Rev. Stat. § 71-161.04.

15-014.10F 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.

15-014.10G 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.

15-014.10G1 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;

- 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.

15-014.10G2 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;
  - 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 County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

15-014.10G3 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.

15-014.11 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for an Indefinite Period of Time

15-014.11A 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.

15-014.11A1 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. Documentation of any continuing competency activities; and
- g. An attestation:
  - (1) That s/he has not practiced alcohol and drug counseling in Nebraska prior to the voluntary surrender of his/her credential; or
  - (2) To the actual number of days s/he practiced alcohol and drug counseling in Nebraska prior to the voluntary surrender of his/her credential.

15-014.11A2 If an applicant has practiced while his/her credential was voluntarily surrendered, the Department may:

- 1. Assess an administrative penalty pursuant to 172 NAC 15-017;
- 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.

15-014.11A3 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.

15-014.11A4 In either event pursuant to 172 NAC 15-014.11A2 or 15-014.11A3, a notice and the opportunity for hearing will be given to the applicant.

15-014.11A5 The Department will act within 150 days on all completed applications.

15-014.12 Procedures for Restoration of Credentials Voluntarily Surrendered or Limited for a Specific and Definite Period of Time.

15-014.12A 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.

15-014.12B 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 15-017.

15-014.13 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.

15-015 GROUNDS ON WHICH THE DEPARTMENT MAY DENY, REFUSE RENEWAL OF, OR DISCIPLINE A LICENSE

15-015.01 The Department will deny an application for a license when the applicant fails to meet the requirements for licensure as specified in 172 NAC 15-003 through 15-004, or is found to be in violation of any of the grounds listed in 172 NAC 15-015.03.

15-015.02 The Department will refuse renewal of a license if the licensee fails to meet the requirements specified in 172 NAC 15-009 or 15-012, or in 172 NAC 15-015.03.

15-015.03 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, certificate, or registration;
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 a treatment program or an aftercare program entered into under the Licensee Assistance Program established pursuant to Neb. Rev. Stat. §71-172.01;
4. Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction and which, if committed within this state, would have constituted a misdemeanor or felony under state law and which has a rational connection with the applicant's or licensee's fitness or capacity to practice the profession;
5. Practice of the profession (a) fraudulently, (b) beyond its authorized scope, (c) with manifest incapacity, (d) with gross incompetence or gross negligence, or (e) in a pattern of negligent conduct. Pattern of negligent conduct means a continued course of negligent conduct in performing the duties of the profession;
6. Practice of the profession while the ability to practice is impaired by alcohol, controlled substances, narcotic drugs, physical disability, mental disability, or emotional disability;
7. Physical or mental incapacity to practice the profession as evidenced by a legal adjudication or a determination thereof by other lawful means;
8. Permitting, aiding, or abetting the practice of a profession or the performance of activities requiring a license, certificate, or registration by a person not licensed, certified, or registered to do so;
9. Having had his or her license, certificate, or registration denied, refused renewal, limited, suspended, or revoked or having had such license, certificate, or registration disciplined in any other manner in accordance with Neb. Rev. Stat. §71-155 by another state or jurisdiction, based upon acts by the applicant, licensee, certificate holder, or registrant similar to acts described in this section. A certified copy of the record of denial, refusal of renewal, limitation, suspension, or revocation of a license, certificate, or registration or the taking of other disciplinary measures against it by another state or jurisdiction will be conclusive evidence;
10. Unprofessional conduct as defined in 172 NAC 15-016;
11. Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims, concerning the licensee's professional excellence or abilities in

advertisements;

12. Conviction of fraudulent or misleading advertising or conviction of a violation of the Uniform Deceptive Trade Practices Act;
13. Distribution of intoxicating liquors, controlled substances, or drugs for any other than lawful purposes;
14. Willful or repeated violations of the Uniform Licensing Law or 172 NAC 15;
15. Unlawful invasion of the field of practice of any profession mentioned in the Uniform Licensing Law which the licensee is not licensed to practice;
16. Violation of the Uniform Controlled Substances Act or any rules and regulations adopted pursuant to the act;
17. Failure to file a report required by Neb. Rev. Stat. §71-168;
18. When the applicant is found to be not qualified to practice alcohol and drug counseling for which s/he is applying or licensed because of a physical or mental illness or physical or mental deterioration or disability.

A license to practice a profession may also be refused renewal or revoked when the licensee is guilty of practicing the profession while his/her license to do so is suspended or is guilty of practicing the profession in contravention of any limitation placed upon his/her license.

15-016 UNPROFESSIONAL CONDUCT (CODE OF ETHICS): Unprofessional conduct means any departure from or failure to conform to the standards of acceptable and prevailing practice of alcohol and drug counseling or the ethics of alcohol and drug counseling, regardless of whether a person, client, or entity is injured, or conduct that is likely to deceive or defraud the public or is detrimental to the public interest, including, but not limited to those specified in Neb. Rev. Stat. § 71-148 and the following:

15-016.01 Competence: An alcohol and drug counselor must not provide services for which s/he is not trained or experienced. This includes but is not limited to:

1. Committing any act which endangers client safety or welfare;
2. Failure to refer or release a client to other professionals or services if that is in the client's best interests;
3. Failure to consider a client as an individual and imposing on the client any stereotypes of behavior, values or roles related to race, disability, appearance, religion, age, gender, intelligence, sexual orientation, national ancestry, or marital, economic, educational or social status;

4. Failure to respect the rights of the client to make his/her own decisions, to participate in any plans made in his/her interest, and to reject services;
5. Failure to assess personal and professional strengths, limitations, biases, and effectiveness on a continuing basis; to strive for self-improvement; and to assume responsibility for professional growth through further education and training; and
6. Failure to follow procedures and policies of the agency/employer to ensure safety of the client.

15-016.02 Confidentiality: A licensee 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. This includes written documentation and oral communications. Commission of any of the following acts or behavior constitutes unprofessional conduct:

1. Violating 42 CFR Part 2 or other federal or state statutes;
2. Releasing client information without a signed release except where otherwise allowed by law; and
3. Releasing client identifying data without a signed release and where another party would be able to recognize the identity of the client except where otherwise allowed by law.

15-016.03 Professional Relationships: A licensee must safeguard the welfare of clients and maintain professional relationships with clients. Commission of any of the following acts or behaviors constitutes unprofessional conduct:

1. Exploiting another person for one's own advantage;
2. Performing or agreeing to perform alcohol and drug counseling services when the services are known to be contraindicated or unjustified;
3. Performing or agreeing to perform procedures when the procedures are known to be outside the alcohol and drug counseling scope of practice;
4. Verbally or physically abusing clients;
5. Attempting to provide diagnostic or treatment information to client(s) that is beyond the licensee's level of education, training, and expertise;
6. Delegating to other personnel those client-related services for which the clinical skills and expertise of a licensee are required;
7. Failure to safeguard the client's dignity and right to privacy; and

8. Permitting, aiding or abetting the performance of activities requiring a license or certificate by a person not licensed or certified to do so or in contravention of any other statute or regulation.

15-016.04 Sexual Harassment: A licensee must not under any circumstances engage in sexual harassment of clients.

1. Sexual harassment includes making unwelcome sexual advances, requesting sexual favors, and engaging in other verbal or physical conduct of a sexual nature which may result in but does not have to result in:
  - a. Providing or denying care to a client;
  - b. Creating an intimidating, hostile, or offensive environment for the client;  
or
  - c. Interfering with a client's ability to recover.

15-016.05 Dual Relationship: Licensees must make every effort to avoid dual relationships with clients that could impair professional judgment or increase the risk of exploitation. When a dual relationship cannot be avoided, licensees must take appropriate professional precautions to ensure judgment is not impaired and no exploitation occurs. Examples of dual relationships include, but are not limited to, business or personal relationships with a client.

In the therapeutic relationship, licensees are aware of the intimacy and responsibilities inherent in the therapeutic relationship and must avoid actions that seek to meet their personal needs at the expense of the client. Licensees are aware of their influential positions with respect to clients and must avoid exploiting the trust and dependency of such persons. Licensees, therefore, must make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation. Commission of any of the following acts or behavior constitutes unprofessional conduct:

1. Entering into a professional counseling relationship with family members, with friends or with other persons closely connected to the licensee, or with an individual the licensee currently has or previously had a personal, sexually intimate, dating, or romantic relationship.
2. Developing a business or personal relationship with a client during the provision of professional services or within 2 years following the termination of professional services. This includes hiring ex-clients or serving as a practical training supervisor or clinical supervisor of ex-clients pursuant to these regulations within the 2-year time period.
3. Developing a sexually intimate, dating, or romantic relationship with a client during the provision of professional services or within 5 years following the termination of professional services.

- a. Sexually intimate means any written, verbal, or physical behavior which a reasonable person would find to be sexually seductive or sexually demeaning. Sexually intimate may or may not mean sexual contact.

(1) Sexual contact is defined as sexual intercourse, either genital or anal, cunnilingus, fellatio, sodomy, or the handling of breasts, genital areas, buttocks or thighs, whether clothed or unclothed, initiated or consented to by licensee.

15-016.06 Other:

1. 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 licensee.
2. Falsification or unauthorized destruction of client records.
3. Failure to keep and maintain adequate records of counseling and treatment services.
4. Division of fees or agreeing to split or divide fees received for professional services with any person for bringing or referring a client.
5. Obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third party claim documents.
6. Cheating on or attempting to subvert the licensure examinations.
7. The use of any letters, words or terms, either as a prefix, affix, or suffix, on stationery, in advertisements or otherwise, indicating that such person is entitled to practice a system or mode of healing for which s/he is not licensed.
8. Making use of any advertising statements of a character tending to deceive or mislead the public.
9. Advertising or professing professional superiority or the performance of professional services in a superior manner.
10. Violating an assurance of compliance entered into under Neb. Rev. Stat. §71-171.02.
11. The commission of any act of sexual abuse, misconduct, or exploitation related to the practice of alcohol and drug counseling.

12. Using undue influence to entice clients to commit actions that are emotionally, physically, or financially detrimental.
13. The use of any sexual conduct which clearly demonstrates an intent to entice clients to commit actions that may cause present or future emotional or financial harm to the client.
14. Knowingly assisting another in procuring or attempting to procure licensure or licensure renewal using fraud, forgery, or falsification or misrepresentation of material facts.
15. Refusal of an applicant for licensure or a licensee to submit to a physical, mental, or alcohol and drug assessment/evaluation requested by the Department to determine qualifications to practice or to continue to practice alcohol and drug counseling and to provide the results to the Department.
16. Failure to maintain a minimum level of competence in the practice of alcohol and drug counseling.
17. Failure to adhere to the standards of acceptable and prevailing practice in alcohol and drug counseling.
18. Practicing alcohol and drug counseling while an individual's license is revoked, suspended, or in violation of any limitation placed upon the license.
19. Practicing alcohol and drug counseling while an individual's license is on inactive status.
20. Rendering services as a Provisional Alcohol and Drug Counselor without clinical supervision as set out in 172 NAC 15-003.03 and 172 NAC 15-004.01, items 3e and 3f.
21. Failure of a Provisional Alcohol and Drug Counselor to inform all clients that s/he holds a provisional license and is practicing under supervision and to inform the clients of the name of the clinical supervisor.
22. Failure to refrain from any activity, including the misuse and/or abuse of legal or illegal mood-altering chemicals and/or alcohol, where personal or professional conduct is likely to compromise the fulfillment of professional responsibilities, denigrate the professional in general, or negatively affect a licensee's responsibility to provide a positive role model.
23. Using alcohol or other drugs to the point where there is interference with the performance of or credibility of professional services provided.

15-017 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person practiced without a license. Practice without a license for the purpose of this regulation means practice:

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

15-017.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a license:

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

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

15-017.02 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 license. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice must specify:
  - a. The total amount of the administrative penalty;
  - b. The evidence on which the administrative penalty is based;
  - c. That the person may request, in writing, a hearing to contest the assessment of an administrative penalty;
  - d. That the Department will within 30 days following receipt of payment of the administrative penalty transmit the penalty to the State Treasurer for credit to the Permanent School Fund; and
  - e. That an unpaid administrative penalty constitutes a debt to the State of Nebraska which may be collected in the manner of a lien foreclosure or sued for and recovered in a proper form of action in the name of the state in the District Court of the county in which the violator resides or owns property; and
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.

