

EFFECTIVE
06-15-2021

NEBRASKA DEPARTMENT OF
HEALTH AND HUMAN SERVICES

172 NAC 15

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 15 ALCOHOL AND DRUG COUNSELORS

001. SCOPE AND AUTHORITY. This chapter govern the licensure of alcohol and drug counselors under the Uniform Credential Act and the Alcohol and Drug Counseling Practice Act Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-301 to 38-321.

002. DEFINITIONS. Definitions set out in the Alcohol and Drug Counseling Practice Act, the Uniform Credentialing Act, and 172 Nebraska Administrative Code (NAC) 10, and the following apply to this chapter.

002.01 CLIENT. A person being assessed for a possible substance use disorder or an individual with a substance use 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 substance use disordered person.

002.02 CLINICAL SUPERVISION. 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.

002.03 CLINICAL SUPERVISOR. The person directly responsible for supervising the 6,000 hours of clinical work experience set out in 172 NAC 15-005.

002.04 HOUR. Applies to education or continuing education as follows:

- (A) One hour equals 60 minutes.
- (B) One semester hour of post-secondary education equals 15 hours.
- (C) One quarter hour of post-secondary education equals 10 hours.
- (D) One trimester hour of academic credit equals 14 hours.

002.05 CORE FUNCTIONS. Core functions are defined in § Neb. Rev. Stat. 38-309. Each core function is defined as follows:

- (A) Screening is the process of determining whether a client is appropriate and eligible for admission to a particular program.
- (B) Intake is the administrative and initial assessment procedure for admission to a program.

- (C) Orientation is the process of 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.
- (D) Assessment is the procedure used by a counselor or program to identify and evaluate an individual's strengths, weaknesses, problems, and needs for the development of the treatment plan.
- (E) Treatment planning is 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.
- (F) Counseling is the utilization of special skills to assist individuals, families, or groups in achieving objectives through exploring a problem and its ramifications, examining attitudes and feelings, considering alternative solutions, and decision making.
- (G) Case management means activities to 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.
- (H) Crisis intervention means providing services which respond to an alcohol or drug user's needs during acute emotional or physical distress, or both.
- (I) Client education means providing information to the client and significant others, either individually or in a group, concerning alcohol and other drug use and available services and resources.
- (J) Consultation with other professionals in regard to client treatment or services, includes relating with professionals from one's own profession and from other professions to assure comprehensive, quality care for the client.
- (K) 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.
- (L) Reports and recordkeeping is charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data.

002.06 FAMILY MEMBER. A spouse, significant other, children, parents, grandparents, grandchildren, brothers, sisters, aunts, uncles, cousins, or persons bearing the same relationship to the spouse.

002.07 PRACTICAL TRAINING SUPERVISOR. The person directly responsible for supervising the 300 hours of practical training or internship or practicum is a practical training supervisor.

002.08 PRACTICAL TRAINING SUPERVISION. Supervision directed towards enhancing and promoting the clinical skills and competencies of persons who are earning the 300 hours of practical training or internship or practicum by providing alcohol and drug counseling.

002.09 SUPERVISED CLINICAL WORK EXPERIENCE. Work activity 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.

003. PROVISIONAL LICENSED ALCOHOL AND DRUG COUNSELOR REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-314, 172 NAC 10, and this chapter. Applicants must submit the following:

003.01 HIGH SCHOOL. A copy of the high school diploma or its equivalent. An official transcript submitted directly from the issuing institution, verifying receipt of a post-secondary degree may be submitted as documentation of having the equivalent of a high school diploma.

003.02 EDUCATION. Documentation of having completed the education set out in Neb. Rev. Stat. § 38-314 through workshops, seminars, institutions, college or university coursework. Applicants must submit:

- (A) An official transcript directly to the Department from the issuing institution for any hours completed through a college or university.
- (B) Certificates of completion for hours earned through workshops or seminars and institutes.
- (C) Official descriptions for each educational area, such as, syllabi, course catalogue, brochure, or a similar document, for the time of attendance and indication of the course name and course number, which documents completion of the following:
 - (i) A minimum of 45 clock hours in counseling theories and techniques, which includes the study and practice of theories, principles, and techniques of counseling and include the study and practice of:
 - (1) At least 4 counseling techniques such as, but not limited to, active listening, reflective feedback, summarizing, self-disclosing, displaying empathy, confronting, establishing rapport, and communicating at the client's comprehension level; and
 - (2) At least 4 counseling theories such as, but not limited to, Adlerian, cognitive behavioral, client-centered, Gestalt, rational emotive, reality, and Postmodern theories.
 - (ii) A minimum of 45 clock hours in group counseling, which includes the study and practice of group theories, processes, dynamics, techniques, methods, and group counseling and facilitation.
 - (iii) A minimum of 30 clock hours in human growth and development, which includes the study of the nature and needs of individuals at all normal developmental levels from conception to death.
 - (iv) A minimum of 15 clock hours in professional ethics and issues, which addresses the standards of conduct and professional behavior expectations for counselors.
 - (v) A minimum of 30 clock hours in alcohol and drug assessment, case planning and management, which includes the process of collecting client data for making decisions regarding substance use disorder diagnosis, level of care placement, and treatment and referral and include:
 - (1) The study of 2 or more alcohol or drug or both assessment instruments; and
 - (2) The practice of record keeping addressing the development of substance use assessments, diagnosis, 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.

- (vi) A minimum of 30 clock hours in multicultural counseling, which includes the adaptation of traditional counseling theories and techniques and consider cultural, social, lifestyle, spiritual, and economic factors relevant to the provision of competent and relevant counseling to varied populations.
 - (vi) A minimum of 45 clock hours in medical and psychosocial aspects of substance use disorders, which includes physiological, psychological, and sociological aspects of substance use disorders and includes:
 - (1) Studying the development of substance use disorders, covering signs, symptoms, and behavior patterns; and
 - (2) The study of drug types and pharmacology.
 - (vii) A minimum of 30 clock hours in clinical treatment issues in substance use disorders, which includes the clinical treatment needs of individuals with substance use disorders taking into consideration the client's individualized needs and includes. This education must include the study of treatment issues specific to substance use such as, but not limited to, family dynamics, relapse, defense mechanisms, co-occurring disorders, spirituality, trauma exposure, and influences of self-help groups.
- (D) Applicants who hold an active license as a provisional mental health practitioner, mental health practitioner, or independent mental health practitioner, meet 5 of the 8 educational areas as specified in Neb. Rev. Stat. § 38-318.

003.03 PRACTICAL TRAINING. Documentation of completion of the supervised training set out in Neb. Rev. Stat. § 38-314. On-line counseling services are not acceptable for the 300 hours of supervised practical training.

004. PRACTICAL TRAINING SUPERVISOR. To be a practical training supervisor, the individual must meet the requirements of Neb. Rev. Stat. § 38-315 and:

- (A) Not have had his or 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, supervisor must terminate the supervision immediately.
- (B) If the supervisor is a physician, the supervisor must meet the following:
 - (i) Hold an American Board of Psychiatry and Neurology subspecialty certification in addiction psychiatry; or
 - (ii) Hold an American Society of Addiction Medicine (ASAM) certification; or
 - (iii) Have significant work in substance abuse treatment, which includes 3 years with at least 20% of time working in the substance use treatment field. These physicians must maintain competency by demonstrating that at least 20% of their continuing medical education (CME) is focused on substance use issues and must incorporate knowledge of the 12 core functions of substance use counseling into the supervisory experience.
- (C) If the supervisor is a psychologist, the supervisor have completed at least 3 hours of training, pre-approved by the Board of Psychology, relating to the 12 core functions.

005. ALCOHOL AND DRUG COUNSELOR LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-316, 172 NAC 10, and this chapter. Applicants must submit the following:

005.01 PROVISIONAL LICENSE. Evidence that the applicant has met the requirements for or holds a provisional license as an alcohol and drug counselor.

005.02 EXAMINATION. Documentation of passing the Alcohol and Drug Counselor written examination by the International Certification & Reciprocity Consortium, or its successor, with a minimum scaled score of 500.

005.03 SUPERVISED CLINICAL WORK EXPERIENCE. Documentation of completion of at least 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 provisional license as an alcohol and drug counselor if gaining work experience hours in Nebraska. Any hours obtained in Nebraska prior to the receipt of the provisional license as an alcohol and drug counselor 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. Face-to-face clinical supervision may include in-person or interactive video conferencing. The format for supervision must be either one-on-one or small group.

005.04 WORK EXPERIENCE SUBSTITUTION. If the applicant seeks a substitution for clinical work experience hours based on a degree, an official transcript, submitted directly from the issuing post-secondary educational institution, verifying completion of one of the degrees set out in Neb. Rev. Stat. § 38-316.

006. CLINICAL SUPERVISOR. To be a clinical supervisor, the individual must meet the requirements of Neb. Rev. Stat. § 38-317 and the requirements of 172 NAC 15-004 (A) through (C).

007. RECIPROCITY ALCOHOL AND DRUG COUNSELOR LICENSE REQUIREMENTS. To obtain a license by reciprocity, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the licensing requirements of Neb. Rev. Stat. § 38-319, 172 NAC 10, and this chapter. Applicants must submit the following:

- (A) Documentation from a member jurisdiction of the International Certification & Reciprocity Consortium, or its successor, that the application holds a valid reciprocal level credential for the license requested; or
- (B) Documentation that the applicant holds a current license or certification in another jurisdiction that authorizes the applicant to provide alcohol and drug counseling, has at least 270 hours of alcohol and drug counseling education, has at least 3 years of full-time alcohol and drug counseling practice following initial licensure or certification in the other jurisdiction, and has passed an alcohol and drug counseling examination.

008. EXAMINATION. To be eligible and approved to take the examination, applicants must meet the following:

- (A) Hold a provisional license as an alcohol and drug counselor; and
- (B) Submit a complete application as provided by the Department.

009. APPROVAL OF INITIAL 270 HOURS OF EDUCATION FOR LICENSURE. The Board may review coursework to determine if it meets the 270 hours of education for initial licensure. Approval is valid for a maximum of 5 years. Education providers desiring to obtain approval for subsequent periods must reapply. To apply for review, an education provider must submit a complete application provided by the Department and provide documentation demonstrating that the applicant meets the following:

009.01 COURSE INFORMATION. The education provider must submit the following:

- (A) The course name and course number under the educational area for which they are seeking approval;
- (B) Official course curricula for each course submitted;
- (C) Number of and type of academic credit hours for post-secondary education or clock hours for non-post-secondary education;
- (D) Course objectives and amount of instructional time based on clock hours, spent in each course objective; and
- (E) Signature, telephone number, and e-mail of an official of the education provider.

009.02 CHANGE IN TITLE, NUMBER, OR CONTENT. 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.

010. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and this chapter. Alcohol and Drug Counseling licenses expire on September 1 of each even-numbered year.

011. CONTINUING EDUCATION. Each licensee must complete 40 hours of continuing education during the 24 months prior to the expiration date. 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.

011.01 MANDATORY HOURS. At least 20 hours of continuing education must be alcohol and drug specific as set out in 172 NAC 15-002.05. All 40 hours of continuing education per biennial renewal period may be alcohol and drug specific. Continuing education hours presented by or approved by one of the following organizations is considered alcohol and drug specific:

- (A) Addiction Technology Transfer Centers (ATTC);
- (B) American Society of Addiction Medicine (ASAM); and
- (C) National Association of Alcohol and Drug Abuse Counselors (NAADAC).

011.02 OTHER HOURS. A licensee may earn up to 20 hours of continuing education in activities that may not be alcohol and drug specific but must be approved by one of the following organizations:

- (A) American Counselors Association (ACA) or its state chapters or National Board for Certified Counselors (NBCC);
- (B) American Medical Association (AMA) or its state chapters;
- (C) The Accreditation Council for Continuing Medical Education (ACCME);
- (D) American Nurses Credentialing Center's Commission on Accreditation;

- (E) American Psychological Association (APA) or its state chapters;
- (F) National Association of Social Workers (NASW) or its state chapters;
- (G) American Association of Marriage and Family Therapists (AAMFT) or its state chapters; or
- (H) Nebraska Nurses Association (NNA).

011.03 TYPES OF CONTINUING EDUCATION AND HOUR CALCULATIONS. Types and hours include:

- (A) Workshops, academic credit, home study, internet, other electronic means;
- (B) Research, which must be a peer review environment by either poster session or publication; and
- (C) Presenter of a continuing education program. The presenter may earn the same number of hours as the attendees; hours will not be granted for repeat presentations within the same biennial.

012. UNPROFESSIONAL CONDUCT OR CODE OF ETHICS. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter.

012.01 COMPETENCE. An alcohol and drug counselor must not provide services for which he or she is not trained or experienced. This includes but is not limited to:

- (A) Committing any act which endangers client safety or welfare.
- (B) Failure to refer or release a client to other professionals or services if that is in the client's best interests.
- (C) Failure to consider a client as an individual and imposing on the client any stereotypes of behavior, values or roles related to race, color, religion, sex, disability, marital status, national origin, age, familial status, and ancestry.
- (D) Failure to respect the rights of the client to make the client's own decisions, to participate in any plans made in his or her interest, and to reject services.
- (E) 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.
- (F) Failure to follow procedures and policies of the agency or employer to ensure safety of the client.

012.02 CONFIDENTIALITY. A licensee must hold in confidence information received from a client or potential client with respect to the service requested, 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 or permitted by law. A person who communicates information unilaterally to a credential holder without a reasonable expectation that the credential holder is willing to form a client-therapist relationship, is not a potential client. Commission of any of the following acts or behavior constitutes unprofessional conduct:

- (A) Violating 42 Code of Federal Requirements (CFR) Part 2 or other federal or state law relating to confidentiality.
- (B) Releasing client information without a signed release except where otherwise allowed by law.
- (C) 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.

012.03 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:

- (A) Exploiting a client for one's own advantage.
- (B) Performing or agreeing to perform alcohol and drug counseling services when the services are known to be contraindicated or unjustified.
- (C) Verbally or physically abusing clients.
- (D) Attempting to provide diagnostic or treatment information to a client that is beyond the licensee's level of education, training, and expertise.
- (E) Assigning to other personnel those client-related services for which the clinical skills and expertise of a licensee are required.
- (F) Failure to safeguard the client's dignity and right to privacy.

012.04 SEXUAL HARASSMENT. A licensee must not under any circumstances engage in sexual harassment of clients. 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.
- (C) Interfering with a client's ability to recover.

012.05 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:

- (A) 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.
- (B) 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 this chapter within the 2-year time period.
- (C) 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.
 - (i) 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.

- (ii) 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, regardless of whether such contact was initiated or consented to by licensee.

012.06 OTHER ACTS. The following acts are considered unprofessional conduct:

- (A) Refusal of an applicant for licensure or a licensee to submit to a physical, mental, or alcohol and drug assessment or 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.
- (B) Rendering services as a provisional alcohol and drug counselor without clinical supervision as set out in this chapter.
- (C) Failure of a provisional alcohol and drug counselor to inform all clients that he or she holds a provisional license and is practicing under supervision and to inform the clients of the name of the clinical supervisor.

013. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

014. FEES. Fees are set out in 172 NAC 2 and this chapter.