

Effective Date
10/30/04

Nebraska Department of Health and Human Services
Regulation and Licensure

172 NAC 155

TITLE 172

PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 155

PRACTICE OF PSYCHOLOGY

155-001 SCOPE AND AUTHORITY: These regulations apply to licensure of psychologists as defined by Neb. Rev. Stat. §71-1,206.01 to §71-1,206.35 and the Uniform Licensing Law.

155-002 DEFINITIONS

Act means Neb. Rev. Stat. §§ 71-1,206.01 to 71-1,206.35 known as the Practice of Psychology section of the Uniform Licensing Law.

ASPPB means the Association of State and Provincial Psychology Boards.

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

Board means the Board of Psychologists.

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

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

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

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

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

Continuing Competency means activities to ensure:

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

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

Continuing Competency Activities include:

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

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

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

1. Interviewing;
2. Therapy;
3. Case Conferences;
4. Behavioral Observations and Management;
5. Evaluations;
6. Treatment Planning;
7. Testing;
8. Consultations; and
9. Biofeedback.

Examples of Non-Direct Services are:

1. Insurance/Managed Care Reviews Relating to Payment Judgements;
2. Class Room Teaching;
3. Supervising Provisionally Licensed Mental Health Practitioners; and
4. Receiving Supervision.

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

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

Inactive License means the voluntary termination of the right or privilege to practice psychology. The licensee retains the right or privilege to represent himself or herself as having an inactive license.

Institution of Higher Education means a university, professional school, or other institution of higher learning that:

1. In the United States, is regionally accredited by a regional or professional accrediting organization recognized by the United States Department of Education;
2. In Canada, holds a membership in the Association of Universities and Colleges of Canada; or
3. In other countries, is accredited by the respective official organization having such authority.

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

Lapsed License means the voluntary termination of the right or privilege to represent oneself as a licensed person and to practice psychology.

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

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

Major Mental and Emotional Disorders mean:

1. Any mental and emotional disorder in which the following behaviors occur or might reasonably be expected to occur regardless of specific diagnoses or the nature of the presenting complaint:
 - a. Persistent and/or severe suicidal or homicidal thinking and/or behaviors;
 - b. Persistent and/or severe behaviors injurious to self and/or others;
 - c. Psychotic symptoms which include delusions, hallucinations, or formal thought disorders; or
 - d. Physical complaints or signs suggestive of deterioration or anomaly in physiological, psychophysiological, or neuropsychological functioning.
2. The following diagnoses as referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases are major mental disorders:
 - a. Schizophrenia;
 - b. Major depressive disorder;
 - c. Bipolar disorder;
 - d. Delusional disorder;
 - e. Psychotic disorder;
 - f. Panic disorder; and
 - g. Obsessive compulsive disorder.
3. Certain diagnoses which are referenced in the current edition of the Diagnostic and Statistical Manual of Mental Disorders and the International Classification of Diseases, such as dissociative disorders, post traumatic stress disorder, dissociative identity disorder, severe eating disorder, and borderline personality disorder, are more likely than others to demonstrate one or more of the above behavioral criteria, although these diagnoses alone do not constitute a major mental disorder.
4. Persons who have exhibited behaviors consistent with a major mental disorder in the past have an increased probability of exhibiting such behaviors in the future, especially under stress.

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

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

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

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

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

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

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

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

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

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

To use the title Psychologist Associate, the individual must have carried out the duties described above as part of his/her employment in an institution accredited by the Department of Public Institutions, the State Department of Education, or the Department of Correctional

Services for a period of 2 years prior to September 1, 1994, may use the title psychologist associate in the context of their employment in such settings. Use of the title must be restricted to duties described in this subdivision, and the title must be used in its entirety. Partial or abbreviated use of the title and use of the title beyond what is specifically authorized in this subdivision will constitute the unlicensed practice of psychology.

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

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

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

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

1. That the work is done in the context of an employer-employee relationship;
2. That the contract is such that the school district takes legal responsibility for all actions by the school psychologist;
3. That the school system directly pays the school psychologist for all services rendered and extracts withholding under income tax provisions; and
4. That the agreed-upon school psychological services are provided in the context of a comprehensive service delivery system and are not limited to any specific type of service and include opportunities for follow-up and continuing consultation.

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

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

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

Supervising Licensed Psychologist means a Nebraska licensed psychologist (not a special licensed) who holds a full and unrestricted license and provides supervision on a regularly scheduled basis.

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Supervision means:

1. Provisional Psychology License: A professional relationship in which a licensed psychologist assumes full legal and professional responsibility for the work of the supervisee. The purpose of supervision is to provide training to assist the supervisee to achieve full licensure. The supervisor must:
 - a. Hold a current unrestricted Nebraska license as a psychologist;
 - b. Co-sign all clinical documentation; and
 - c. Meet with the provisional licensee at least one continuous hour per week on a regularly scheduled basis. Such meeting may include face-to-face consultation or interactive video, and must ensure confidentiality of the conversation. In the case of geographical or confirmed physical hardship, the Board may consider variance in the frequency of supervision sessions providing that a minimum of 4 hours per month of face-to-face supervision is maintained.

A primary supervisor may supervise up to 4 individuals holding either a provisional psychology license or a provisional mental health practitioner license.
2. Special Psychology License: The supervisor will be responsible for determining the extent and character of supervision, keeping in mind the education and experience of the supervisee. The supervisor assumes full legal and professional responsibility for any work by the supervisee relating to major mental disorders. In all cases the supervisor must be competent to provide the services being supervised. The supervisor must:
 - a. Hold a current unrestricted Nebraska license as a psychologist;
 - b. Co-sign all clinical documentation relating to major mental disorders; and
 - c. Meet with the supervisee at the supervisor's discretion.
3. Provisional Mental Health Practitioner: A professional relationship in which a licensed psychologist has oversight responsibility for the mental health practice of the supervisee. The purpose of supervision is to provide training to assist the supervisee to achieve full licensure as a mental health practitioner. The supervisor must:
 - a. Hold a current unrestricted Nebraska license as a psychologist; and
 - b. Meet with the provisional licensee at least one hour per week. Such meeting must be face-to-face and in accordance with 172 NAC 94, Regulations Governing the Practice of Mental Health Practice.
4. Psychological Assistant or Psychologist Associate: Is a professional relationship in which a licensed psychologist (not an individual who holds a special license to practice psychology) has oversight responsibility for the psychological work of an individual who administers and scores and may develop interpretations of psychological testing under the supervision of the licensed psychologist. Such individuals are deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and must not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision.

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

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

Verified means sworn to before a Notary Public.

155-003 LICENSE REQUIREMENTS : A person may represent him/herself to be a psychologist or engage in the practice of psychology only when s/he is licensed, except individuals who meet the criteria pursuant to Neb. Rev. Stat. § 71-1,206.25. The criteria for issuance of a license and the documentation required by the Department and the Board are set forth below.

155-003.01 INITIAL LICENSURE

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

1. Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002.
 - a. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association.
 - b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association.
 - (1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-003.01A item 1a or 1b must present a certificate of retraining from a program of respecialization that does meet such standards;
2. Have completed two years of supervised professional experience;
 - a. One year must be an internship, which
 - (1) Is accredited by the American Psychological Association; or

- (2) Meets the standards of accreditation adopted by the American Psychological Association, as follows:
 - (a) Is at least 12 months in duration, consisting of at least 1,500 or more hours in not more than 24 months. School psychology internships may be 10 months in duration;
 - (b) The purpose of the internship is to train psychologists for the independent provision of direct psychology services;
 - (c) It is directed by a Licensed Psychologist;
 - (d) It is sequentially organized (progressively increases levels of responsibility and skills);
 - (e) Requires 4 hours of supervision per week, 2 of the 4 hours must be individual face-to-face with 2 or more supervising licensed psychologists on-site;
 - (f) Must include positions for 2 or more psychology interns;
 - (g) The transcript must show completion of practica prior to entering internship; and
 - (h) The psychology staff must include a minimum of 3 on-site supervising licensed psychologists.

- b. One year must be supervised postdoctoral experience. If the postdoctoral experience is to be earned in Nebraska, it must be:
 - (1) Registered with the Department prior to commencement in accordance with 172 NAC 155-003.02;
 - (2) Under the supervision of a licensed psychologist (a special licensed psychologist can not supervise);
 - (3) 1,500 or more hours in total duration, including 1,000 or more hours of direct service hours earned in not more than 24 months;
 - (4) Meets the standards of supervision specified in 172 NAC155-002; and
 - (5) Compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice;

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

 - (1) Under the supervision of a licensed psychologist or similar title in said state;
 - (2) 1,500 or more hours in total duration, including 1,000 or more hours of direct service hours earned in not more than 24 months; and
 - (3) Compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance with professional requirements and relevant to the intended area of practice.

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

- a. Applicants who are Board certified in an area of professional psychology by the American Board of Professional Psychology are not required to take the national standardized examination.
4. Have attained the age of majority and have good moral character.

155-003.01B Application Process: The following must be submitted to the Department:

1. A complete application on Attachment A attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Only applications which are complete will be considered;
2. An official transcript showing proof of a doctoral degree in psychology. The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification;
3. Official documentation of passing the national standardized examination or evidence of certification by the American Board of Professional Psychology and official documentation of passing the Board-developed jurisprudence examination. If the examination was taken in a State other than Nebraska, said documentation of passing the examination must be submitted directly by the Professional Examination Service or current examination vendor/owner as approved by the Board;
4. A complete affidavit of internship on Attachment A4 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Affidavits must be submitted directly by the supervisor/internship Director;
5. A complete affidavit of supervised postdoctoral experience on Attachment A5 attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Affidavits must be submitted directly by the supervisor;
6. Evidence of having attained at least the age of majority, examples are:
 - a. Driver's license;
 - b. Marriage certificate / divorce decree;
 - c. Transcript which contains birth date; or
 - d. Other similar documentation;
7. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
8. If the applicant has been convicted of a felony or misdemeanor:
 - (a) Official Court Record, which includes charges and disposition;
 - (b) Copies of arrest records;
 - (c) A letter from the applicant explaining the nature of the conviction;

- (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;
9. Attestation by the applicant:
- a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
10. The required license fee.

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

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

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

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

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

- 1. Have a doctoral degree from a program of graduate study in professional psychology from an institution of higher education as defined in 172 NAC 155-002.
 - a. The degree must be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association;
 - b. The applicant must provide evidence to demonstrate equivalency if the program is not accredited by the American Psychological Association;
 - (1) Any applicant from a doctoral program in psychology that does not meet 172 NAC 155-003.02A item 1a or 1b must present a certificate of retraining from a program of respecialization that does meet such standards;

2. Have completed a one year internship, which:
 - (a) Is accredited by the American Psychological Association; or
 - (b) Meets the standards of accreditation adopted by the American Psychological Association as follows:
 - (1) Is at least 12 months in duration, consisting of at least 1,500 or more hours in not more than 24 months. School psychology internships may be 10 months in duration;
 - (2) The purpose of the internship is to train psychologists for the independent provision of direct psychology services;
 - (3) It is directed by a Licensed Psychologist;
 - (4) It is sequentially organized (progressively increases levels of responsibility and skills);
 - (5) Requires 4 hours of supervision per week, 2 of the 4 hours must be individual face-to-face with 2 or more supervising licensed psychologists on-site;
 - (6) Must include positions for 2 or more psychology interns;
 - (7) The transcript must show completion of practica prior to entering internship; and
 - (8) The psychology staff must include a minimum of 3 on-site supervising licensed psychologists; and
3. Be of the age of majority and of good moral character.

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

1. A complete application on Attachment B attached to these regulations and incorporated by this reference or an alternate form that contains all the same information. Only applications which are complete will be considered;
2. An official transcript showing proof of a doctoral degree in psychology. The transcript must be submitted directly by the institution of higher education issuing the transcript or ASPPB's credentialing data bank or the National Register. ASPPB and the National Register are sources of primary verification;
3. Evidence of having attained at least the age of majority, examples are:
 - a. Driver's license;
 - b. Marriage certificate / divorce decree;
 - c. Transcript which contains birth date; or
 - d. Other similar documentation;
4. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
5. If the applicant has been convicted of a felony or misdemeanor:

- (a) Official Court Record, which includes charges and disposition;
 - (b) Copies of arrest records;
 - (c) A letter from the applicant explaining the nature of the conviction;
 - (d) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (e) A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation; and
6. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license.
 7. The required provisional license fee.

155-003.02C Compliance with Supervisory Requirements: The supervisor and applicant must comply with the supervisory requirements specified in 172 NAC 155-002.

155-003.02D Re-issuance: The provisional license may be re-issued one time, upon approval by the Board and submission of a new application pursuant to this section.

155-003.02E Termination of Supervision: If a supervisor of a provisional licensee terminates supervision, s/he must immediately notify the Department in writing of the date of termination. The Department will record said termination date in the record.

155-003.02F Change of or Additional Supervisor(s): If a change in or additional supervisor(s) occurs, the provisional licensee must file an application with the Department which reflects said change on Attachment B or an alternate form which contains the same information.

155-003.02G Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

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

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

155-003.03A Requirements: An applicant must:

1. Hold a current license based on a doctoral degree in psychology;

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

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

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

- b. To the actual number of days practiced in Nebraska prior to the application for a license; and
9. The required licensure fee.

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

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

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

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

155-004.01 Reciprocity

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

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

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

1. A complete application on a form provided by the Department, as Attachment A or an alternate form that contains the same information. Only applications which are complete will be considered;
2. Evidence of:
 - a. Holding the ASPPB Certificate of Professional Qualification (CPQ);
 - b. Licensure in a state participating in the ASPPB Reciprocity Agreement;
 - c. A current credential at the doctoral level as a Health Service Provider by the National Register of Health Service Providers; or
 - d. Meeting the requirements for initial licensure as specified in 172 NAC 155-003.01 for initial licensure;
3. Evidence of having attained at least the age of majority, examples are:
 - a. Driver's license;
 - b. Marriage certificate / divorce decree;
 - c. Transcript which contains birth date; or
 - d. Other similar documentation;
4. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
5. If the applicant has been convicted of a felony or misdemeanor:
 - a. Official Court Record, which includes charges and disposition;
 - b. Copies of arrest records;
 - c. A letter from the applicant explaining the nature of the conviction;
 - d. All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - e. A letter from the probation officer addressing the probationary conditions and current status, if the applicant is currently on probation;
6. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license;
7. The required licensure fee; and
8. Documentation that the applicant has been in the active and continuous practice under license or certification in the State, territory, or District of Columbia from which s/he comes for at least one year; and has been actively engaged in the practice under such license or certificate or in an accepted residency or graduate

training program for at least one of the three years immediately preceding the application for licensure.

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

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

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

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

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

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

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

155-004.01H Department Review: The Department will act within 150 days upon all completed applications for license.

155-004.02 Temporary License

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

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

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

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

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

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

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

155-004.03 THIRTY DAYS PRACTICE WITHIN A ONE YEAR PERIOD: A person holding a doctoral degree in psychology from an institution of higher education who is licensed as a psychologist under the laws of another jurisdiction and who provides no more than an aggregate of 30 days of professional services as a psychologist during the 12 month period beginning with the first date of issuance may be issued a letter to practice.

155-004.03A Requirements: The applicant must hold a current license in another jurisdiction.

155-004.03B Application Process: The following must be submitted to the Department:

1. A complete application on Attachment Q attached to these regulations and incorporated by this reference or an alternate form which includes the same information. Only applications which are complete will be considered;
2. Evidence of the nature and location of his/her practice in Nebraska;
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 the probationary conditions and current status, if the applicant is currently on probation;
5. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for a license; or
 - b. To the actual number of days practiced in Nebraska prior to the application for a license; and
6. Have the licensing agency submit Attachment Q1 attached to these regulations and incorporated by this reference or an alternate form which contains the same information. The certification must certify:
 - a. That the applicant is duly licensed, that his/her license has never been suspended or revoked, and that so far as the record of the agency is concerned, the applicant is entitled to its endorsement; and
 - b. Documentation of the requirements for licensure in the other jurisdiction which are currently in effect and which were in effect at the time the license was issued.

155-004.03C Board Review: The Board will review the documents submitted to determine if the applicant's license issued by the other jurisdiction was based upon requirements which are equal to or exceed the requirements for licensure in Nebraska.

155-004.03D Issuance of Letter: Upon determination that the applicant has met the requirements of this section, the Board will issue a letter permitting the practice of psychology for an aggregate of 30 days within the subsequent year. The letter permitting the practice will automatically expire one year from the date of issuance. An individual's permission to practice under this section may be revoked if it is determined by the Department that s/he has engaged in conduct defined as illegal, unprofessional, or unethical under the statutes and rules and regulations governing the practice of psychology in Nebraska.

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

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

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

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

1. Special licensed psychologists who wish to diagnose and treat major mental and emotional disorders; or
2. Psychological Assistants and Psychologist Associates.

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

155-005.03 Procedures for Supervisory Registrations:

1. Special Licensed Psychologists: An applicant must:
 - a. Hold a current Special License as a Psychologist; and
 - b. Submit to the Department:
 - (1) A complete application on Attachment E, or an alternate form which contains the same information;
 - (2) Attestation by the applicant:

- a. That s/he has not practiced in Nebraska prior to the application for registration; or
 - b. To the actual number of days practiced in Nebraska prior to the application for registration, and
- (3) The required supervisory registration fee.

2. Psychological Assistants and Psychologist Associates: An applicant must:

- a. Have a Master's Degree from an approved program as defined in 172 NAC 155-002, in clinical psychology, counseling psychology, or educational psychology or an Educational Specialist Degree in School Psychology; and
- b. Submit to the Department:
 - (1) A complete application on Attachment E, or an alternate form which contains the same information;
 - (2) An official transcript showing proof of a Doctoral degree in psychology. The transcript must be submitted directly by the institution of higher education issuing the transcript;
 - (3) Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska prior to the application for registration; or
 - b. To the actual number of days practiced in Nebraska prior to the application for registration; and
 - (4) The required supervisory registration fee.

155-005.04 Termination of Supervision: If a supervisor or registrant terminates supervision, s/he must notify the Department in writing immediately of the date of termination. The Department will record said termination date in the record.

155-005.05 Change of or Additional Supervisor(s): If a change supervisors occurs or additional supervisors are added, the registrant must file an application with the Department which reflects said change on Attachment E or an alternate form which contains the same information.

155-005.06 Administrative Penalty/Other Action: An individual who practices prior to issuance of a credential, is subject to assessment of an Administrative Penalty pursuant to 172 NAC 155-012, or such other action as provided in the statutes and regulations governing the credential.

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

155-006 EXAMINATION

155-006.01 Eligibility – National Standardized Examination: To be eligible to take the national standardized examination, an applicant must have met all the requirements for licensure that are specified in 172 NAC 155-003.01, 155-003.02, or 155-003.03, with the exception of completion of the post-doctoral experience and passage of the national standardized examination and the Board-developed jurisprudence examination. An applicant for initial licensure must also have been issued a provisional license.

155-006.02 Eligibility – Board-Developed Jurisprudence Examination: To be eligible to take the Board-developed jurisprudence examination, an applicant must have met all the requirements for licensure that are specified in 172 NAC 155-003.01, 155-003.02, or 155-003.03, with the exception of completion of the post-doctoral experience and passage of the Board-developed jurisprudence examination and the national standardized examination. An applicant for initial licensure must also have been issued a provisional license.

155-006.03 Administration: The examinations will be administered as follows:

1. The national standardized examination will be administered by the Association of State and Provincial Psychology Boards (ASPPB);
2. The Board-developed jurisprudence examination will be administered by the Department at least 4 times per year. The applicant will be notified of the date, time, place and other information pertinent to the administration of the examination;
4. The Department will notify the applicant in writing of the national standardized examination and the Board-developed jurisprudence examination results within 6 to 8 weeks following the administration of the examinations;
 4. If the Board-developed jurisprudence examination is failed, the examinee may retake it without charge;
 5. An applicant for a license who withdraws his/her application or whose application is rejected by the Department will be allowed the return of his/her fee, except for an administrative fee of \$25.00 to be retained by the Department; and
 6. An applicant taking the Board-developed jurisprudence examination must submit a complete Board developed examination application on Attachment R attached to these regulations and incorporated by this reference or an alternate form which contains the same information; and
 7. If applicable, the applicant must submit a completed request for special accommodations on Attachment P attached to these regulations and incorporated by this reference or an alternate form that contains all the same information.

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

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

1. Meet the continuing competency requirements as specified in 172 NAC 155-009;
2. Pay the renewal fee as prescribed in 172 NAC 158; and
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 24 hours of continuing competency earned within 24 months of the date of expiration or an application for waiver of continuing competency. Attestation to meeting continuing competency requirements satisfies the submission of the documentation requirement of Neb. Rev. Stat. §71-110;
 - d. If any disciplinary action was taken against the applicant's license by another state, an official copy of the disciplinary action, including charges and disposition;
 - e. If the licensee has been convicted of a felony or misdemeanor:
 - (1) Official Court Record, which includes charges and disposition;
 - (2) Copies of arrest records;
 - (3) A letter from the licensee explaining the nature of the conviction;
 - (4) All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - (5) A letter from the probation officer addressing the probationary conditions and current status, if the licensee is currently on probation.

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

155-007.02A The renewal notice will specify:

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

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

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

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

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

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

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

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

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

1. The renewal notice;
2. The renewal fee and the additional late fee of \$25;
3. The licensee's social security number
4. Attestation by the licensee that:
 - a. That s/he has not practiced in Nebraska since the expiration of his/her license; or
 - b. To the actual number of days practiced in Nebraska since the expiration of his/her license;
5. Attestation of completing 24 hours of continuing competency earned with 24 months of the date of expiration or an application for waiver of the continuing competency; and

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

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

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

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

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

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

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

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

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

155-008 CREDENTIAL REVOCATION FOR FAILURE TO MEET RENEWAL REQUIREMENTS:

The Department may revoke a credential when the licensed psychologist or special licensed psychologist fails to meet the renewal requirements.

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

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

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

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

155-008.02 Revocation for Failure to Meet Continuing Competency Requirements

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

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

1. The credential holder was given a first and second notice of failure to meet the continuing competency requirement and the respective dates of each notice;
2. The credential holder failed to meet continuing competency renewal requirements or to have his/her credential timely placed on inactive or lapsed status;
3. The credential has been revoked for failure to meet continuing competency requirements within thirty days after expiration of the credential and that the revocation will become final unless a request for hearing is filed by the credential holder with the Department within 30 days of date of receipt of the notice; and
4. The credential holder has a right to request reinstatement of the credential after revocation.-

155-009 CONTINUING COMPETENCY REQUIREMENTS

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

155-009.01A Complete 24 hours of professional activities directed at maintaining continuing competency during the preceding 24 month period. Additional hours earned during this period which are above and beyond the required 24 hours cannot be utilized for subsequent renewals.

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

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

1. States s/he has met the continuing competency requirements; and
2. Indicates the number of credits/hours in one or more of the following competency areas:
 - a. Developing and teaching an academic course;
 - b. Satisfactorily completing a graduate level academic course;
 - c. Authoring or editing a psychological practice oriented publication;
 - d. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations; or
 - e. Homestudy or videos.

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

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

1. Developing and teaching an academic course in an institution accredited by a regional accrediting agency. Credit will be granted only for the first time the licensee teaches the course during the renewal period and can not be used for subsequent renewal periods.
 - a. 1 semester hour of graduate academic credit equals 15 hours continuing competency credit.
2. Satisfactorily completing a graduate level course offered by an institution accredited by a regional accrediting agency. Credit will be granted only for the first time it is completed, and it must be completed during the renewal period for which it is submitted.
 - a. 1 semester hour of graduate academic credit equals 15 hours of continuing competency credit.

3. Authoring or editing a peer-reviewed psychological practice oriented publication. Continuing competency credit may be earned only in the year of publication or first distribution.
 - a. Senior/1st author of a peer-reviewed psychological practice oriented professional or scientific book equals 16 hours of competency credit;
 - b. Senior/1st author of a peer-reviewed psychological practice oriented professional or scientific book chapter equals 8 hours of continuing competency credit;
 - c. Senior/1st author of a peer-reviewed psychological practice oriented professional journal article equals 8 hours of continuing competency credit; and
 - d. Editor of a peer-reviewed psychological practice oriented professional or scientific book/journal equals 16 hours of continuing competency credit.

4. Presenting or attending workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations, homestudy, or videos.
 - a. 60 minutes of presentation or attendance equals 1 hour of continuing competency credit.
 - b. Only activities approved by the following organizations are acceptable:
 - (1) The American Psychological Association (APA);
 - (2) The American Medical Association; (AMA) Nebraska Medical Association (NMA)
 - (3) The American Nurses Credentialing Center's Commission on Accreditation;
 - (4) Nebraska Nurses Association (NNA);
 - (5) National Association of Alcohol and Drug Abuse Counselors (NAADAC) or Nebraska Certified Alcohol and Drug Abuse Counselors (NCADAC);
 - (6) National Association of Social Workers (NASW);
 - (7) National Counselors Association (NCA); or
 - (8) National Association of Marriage and Family Therapists (NAMFT).

155-009.02 Audit of Continuing Competency: The Board may select in a random manner a sample of the license renewal applications for audit of continuing competency credits. Each licensee is responsible for maintaining in his/ her personal files such certificates or records of credit from continuing competency activities received from providers. Licensees selected for audit must produce documentation of his/her attendance at those continuing competency activities attested to on his/her renewal application.

1. When selected for audit, the licensee must provide satisfactory documentation of attendance at or participation in approved continuing competency activities attested to on the licensee's renewal. Satisfactory documentation includes, but is not limited to, certificates of attendance, or certified attendance rosters, or letters from sponsors of continuing competency activities, which verify attendance/completion.

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

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

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

1. Hold a Nebraska license but have not engaged in the practice of psychology for the 24 months preceding renewal; or
2. Have been in the service of the regular armed forces of the United States during any part of the period since his/her license was issued or last renewed. If this waiver is granted, the renewal fee is also waived;
 - a. Submit to the Department official documentation stating dates of service; or
3. Be a legal resident of another state, territory, or the District of Columbia and have not practiced as a psychologist in the State of Nebraska since his/her license was issued or last renewed; or
4. Have been suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing competency hours since his/her license was issued or last renewed;
 - a. Submit to the Department a statement from a physician stating that the licensee was injured or ill, the duration of the illness or injury and the recovery period; and that the licensee was unable to attend continuing competency activities during that period; or
5. Have been first licensed within 24 months immediately preceding the license or renewal date.

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

1. When the Department determines to deny an application for waiver of the continuing competency requirements, it will send to the applicant by certified mail to the last name and address of record in the Department a notice setting forth the reasons for the denial determination.
 - a. The applicant has 30 days from the date of receipt of the denial notice to make a written request to the Department for an appeal. The appeal will be conducted in accordance with 184 NAC 1 Rules of Practice and Procedure for the Department.
 - b. At the conclusion of the appeal pursuant to 184 NAC 1, the Department will issue a final order setting forth the results of the appeal.

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

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

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

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

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

1. Fraud, forgery, or misrepresentation of material facts in procuring or attempting to procure a license.
2. Grossly immoral or dishonorable conduct evidencing unfitness or lack of proficiency sufficient to meet the standards required for practice of the profession in this State.
3. Habitual intoxication or dependence or failure to comply with 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 with gross negligence, or
 - e. In a pattern of negligent conduct. Patterns 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 by a person not licensed to do so.
 9. Having had his/her license denied, refused renewal, limited, suspended or revoked, or having had such license disciplined in any other manner in accordance with Neb. Rev. Stat. § 71-155 by another state or jurisdiction to practice psychology, based upon acts by the applicant or licensee similar to acts described in 172 NAC 155-010.
 10. Unprofessional conduct, which term includes all acts specified in Neb. Rev. Stat. § 71-148 or such other acts as are defined in 172 NAC 156 and 172 NAC 157.
 11. Use of untruthful or improbable statements or flamboyant, exaggerated, or extravagant claims concerning such 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 155.
 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. Failure to file a report required by Neb. Rev. Stat. § 71-168.
 17. Practicing the profession of psychology while his or her license is suspended or in contravention of any limitation placed upon his or her license.
 18. Refusal of an applicant for a license or of a licensee to submit to a physical or mental examination request by the Board, pursuant to Neb. Rev. Stat. §§ 71-161.12 to 71-161.16 to determine his/her qualifications to practice or to continue in the practice of the profession or occupation for which application was made or for which s/he is licensed.

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

155-011.01 Eligibility

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

1. Placed on lapsed status;
2. Placed on inactive status;
3. Revoked for failure to meet the renewal requirements;
4. Suspended or limited for disciplinary reasons; or
5. 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.

155-011.01B An individual whose credential has been revoked for disciplinary reasons may apply for reinstatement only after a period of two years has elapsed from the date of revocation.

155-011.01C An individual who practices prior to re-credentialing is subject to:

1. Assessment of an Administrative Penalty pursuant to 172 NAC 155-012; 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.

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

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

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

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

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

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

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

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

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

1. Meet renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee and any other applicable fees; and
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

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

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
 - (b) by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant;
- f. Verification that the continuing competency requirements for renewal have been met;
2. The renewal fee and any other applicable fees; and
 3. Attestation by applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

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

1. Assess an Administrative Penalty pursuant to 172 NAC 155-012;
2. Initiate disciplinary action against the credential;
3. Deny the request to 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.

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

1. Initiate disciplinary action against the credential;
2. Deny the request to move the credential from inactive to active status; or
3. Move the credential to active status and impose limitation(s) or other sanctions on the credential.

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

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

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

1. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and

- b. Paying the renewal fee, the late fee of \$35 and any other applicable fees; and
2. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.

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

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - [a] If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was revoked;
 - [a] If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant.
 - f. Verification that the continuing competency requirements for renewal have been met;
 2. The renewal fee, the late fee of \$35 and any other applicable fees; and

3. Attestation by the applicant:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the applicant has practiced in Nebraska since s/he last held an active credential.
 - (1) If an applicant has practiced after his/her credential was revoked, the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a notice and opportunity for hearing will be sent to the applicant.
 - (2) If an applicant has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 155-011.06B.

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

155-011.06A The Board's recommendation to the Department may be to:

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

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

1. Reinstatement of the credential. An Administrative Penalty may be assessed pursuant to 172 NAC 155-012 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 155-012 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.

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

1. Petition the Board for reinstatement pursuant to Neb. Rev. Stat. § 71-161.05. The

petition for reinstatement must be accompanied by:

- a. Verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was revoked; and
 - b. Verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was revoked.
2. Meet the renewal requirements, including:
 - a. The continuing competency requirements; and
 - b. Paying the renewal fee, the late fee of \$75 and any other applicable fees.
 3. Attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

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

1. A petition for reinstatement:
 - 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; and
 - (4) If the petitioner holds a professional credential in another state, a list of the state(s) and type of credential;
 - (5) A statement describing all:
 - (a) Felony or misdemeanor convictions during the time period since the credential was active;
 - [1] If the petitioner has been convicted of a felony or misdemeanor, provide copies of:
 - [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof

of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained

and/or required; and

- [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
- (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was revoked;
 - [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (c) Disciplinary charges pending against any professional credential held by the petitioner.
- (6) Verification that the continuing competency requirements for renewal have been met;
- 2. The renewal fee, the late fee of \$75 and any other applicable fees; and
- 3. Attestation by the petitioner:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken as provided in 172 NAC 155-011.08E.

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

155-011.09 Requirements to Reinstate a Credential Following Suspension, Limitation, or Revocation for Disciplinary Reasons: An applicant for reinstatement following suspension, limitation, or revocation for disciplinary reasons must meet the following requirements:

1. Petition the Board for reinstatement:
 - a. The petition for reinstatement must be accompanied by verified recommendations from at least two credentialed practitioners of the same profession as the petitioner each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked; and verified recommendations from at least two citizens each having personal knowledge of the activities of the petitioner since the credential was suspended, limited, or revoked;
2. Pay the reinstatement fee of \$75, and other profession-specific requirements if expressly set by law; and
3. If the credential was revoked or suspended, attest:
 - a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.

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

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

- [a] Official Court Record, which includes charges and disposition;
 - [b] Arrest records;
 - [c] A letter from the petitioner explaining the nature of the conviction;
 - [d] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [e] A letter from the probation officer addressing probationary conditions and current status, if the petitioner is currently on probation.
- (b) Revocations, suspensions, or other disciplinary actions against any professional credential held by the petitioner during the time period since the credential was suspended, limited, or revoked;
- [1] If any disciplinary action was taken against the petitioner's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
- (c) Disciplinary charges pending against any professional credential held by the petitioner;
- (6) Any continuing competency activities;
2. The reinstatement fee of \$75; and
3. Attestation by the petitioner, if the credential was revoked or suspended:
- a. That s/he has not practiced in Nebraska since s/he last held an active credential; or
 - b. To the actual number of days practiced if the petitioner has practiced in Nebraska since s/he last held an active credential.
 - (1) If a petitioner has practiced after his/her credential was revoked the Department may assess an Administrative Penalty pursuant to 172 NAC 155-012 in which case a separate notice and opportunity for hearing will be sent to the petitioner.
 - (2) If a petitioner has practiced after his/her credential was revoked, or has committed any other violation of the statutes and regulations governing the credential, other action may be taken pursuant to 172 NAC 155-011.10G.

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

1. Request the Department investigate all activities of the petitioner since the disciplinary action was taken against him/her, including activities prohibited by

Neb. Rev. Stat. §§71-147 and 71-148.

2. Require the petitioner to submit to a complete diagnostic examination by one or more physicians appointed by the Board, the petitioner being free also to consult a physician or physicians of his/her own choice for a complete diagnostic examination and make available a report or reports thereof to the Board;
3. Require the petitioner to pass a written, oral, or practical examination or any combination of such examinations; or
4. Require the petitioner to complete additional education.

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

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

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

155-011.10E Prior to any recommendation by the Board against reinstatement of the credential, an opportunity for a formal public hearing on the petition must be granted by the Board, if formally requested by the petitioner.

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

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

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

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

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

1. The Board will send its recommendation to the petitioner by certified mail along with notification that the petitioner must file an application for reinstatement with the Director.
2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any; and
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse, or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence in view of the entire record; or arbitrary or capricious.
 - a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

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

1. The Board will send its recommendation to the petitioner by certified mail

along with notification that the petitioner must file an application for reinstatement with the Director.

2. The petitioner must submit, to the Department, an application for reinstatement by the Director within 30 days of receipt of the Board's recommendation.
 - a. The application must include:
 - (1) Name of the petitioner; and
 - (2) Signed statement that the petitioner requests the Director to issue the credential in accordance with the Board's recommendation for reinstatement.
3. Upon receipt of the application for reinstatement from the petitioner, the Department will submit the following to the Director:
 - a. The application;
 - b. The written recommendation of the Board, including any finding of fact or order of the Board;
 - c. The petition submitted to the Board;
 - d. The record of hearing, if any; and
 - e. Any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the Board and the petitioner.
4. The Director will issue a decision regarding reinstatement within 150 days of receipt of the petitioner's application for reinstatement. The Director's decision will be based upon a review of the record of the proceedings before the Board. The Director will not hold a second hearing. The Director may affirm, reverse or modify the Board's recommendation. A decision by the Director to reverse or modify the Board's recommendation will be based on finding that the Board's recommendation is: in excess of statutory authority; made upon unlawful procedure; unsupported by competent, material, and substantial evidence in view of the entire record; or arbitrary or capricious.
 - a. When the Director affirms, modifies or reverses the Board's recommendation for reinstatement, the Director will enter an Order setting forth the decision regarding reinstatement of the petitioner's credential. The order will be sent by certified mail to the petitioner;
 - b. If the petitioner does not accept the Director's decision, s/he may appeal such decision to the District Court of Lancaster County pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920.

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

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

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

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

1. A written application which contains the following information about the applicant:
 - a. Name;
 - b. Address;
 - c. Social security number; and
 - d. If the applicant holds a professional credential in another state, a list of the state(s) and type of credential;
 - e. A statement describing all:
 - (1) Felony or misdemeanor convictions during the time period since the credential was active;
 - (a) If the applicant has been convicted of a felony or misdemeanor, provide copies of:
 - [1] Official Court Record, which includes charges and disposition;
 - [2] Arrest records;
 - [3] A letter from the applicant explaining the nature of the conviction;
 - [4] All addiction/mental health evaluations and proof of treatment, if the conviction involved a drug and/or alcohol related offense and if treatment was obtained and/or required; and
 - [5] A letter from the probation officer addressing probationary conditions and current status, if the applicant is currently on probation.
 - (2) Revocations, suspensions, or other disciplinary actions against any professional credential held by the applicant during the time period since the credential was active;
 - (a) If any disciplinary action was taken against the applicant's credential by another state, submit an official copy of the disciplinary action, including charges and disposition; and
 - (3) Disciplinary charges pending against any professional credential held by the applicant;
 - f. Any continuing competency activities; and
 - g. An attestation:
 - (1) That s/he has not practiced in Nebraska prior to the voluntary surrender of his/her credential; or
 - (2) To the actual number of days practiced if the applicant has practiced in Nebraska prior to the voluntary surrender of his/her credential.

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

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

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

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

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

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

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

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

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

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

155-012 ADMINISTRATIVE PENALTY: The Department may assess an administrative penalty when evidence exists that a person or entity practices without a credential. Practice without a credential for the purpose of this regulation means practice:

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

155-0012.01 Evidence of Practice: The Department will consider any of the following conditions as prima facie evidence of practice without a credential:

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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.

155-012.02 Penalty: The Department may assess an administrative penalty in the amount of \$10 per day, not to exceed a total of \$1,000 for practice without a credential. To assess such penalty, the Department will:

1. Provide written notice of the assessment to the person. The notice 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.

155-012.03 Administrative Hearing: When a person contests the administrative penalty and requests a hearing, the Department will hold a hearing pursuant to Neb. Rev. Stat. §§ 84-901 to 84-920 and 184 NAC 1, Rules of Practice and Procedure before the Department.

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

Approved by the Attorney General: September 27, 2004
Approved by the Governor: October 25, 2004
Filed with the Secretary of State: October 25, 2004
EFFECTIVE DATE: October 30, 2004

Effective Date
10/30/04

Department of Health and Human Services
Regulation and Licensure

172 NAC 155

Forms referred to in the body of these regulations are available upon request.