



Hundredth Legislature - First Session - 2007
Revised Committee Statement
LB 369

Hearing Date: February 22, 2007
Committee On: Health and Human Services

Introducer(s): (Erdman)
Title: Redefine mental health practice for licensure of mental health practitioners

Roll Call Vote – Final Committee Action:

- Advanced to General File
 - X Advanced to General File with Amendments
 - Indefinitely Postponed
-

Vote Results:

7	Yes	Senator(s): Johnson, Erdman, Hansen, Howard, Gay, Pankonin, Stuthman
	No	
	Present, not voting	
	Absent	

Proponents:

Senator Erdman
 Anne Buettner

 Lincoln M. Stanley

 Kevin C. Kaminski
 David D. Hof

Representing:

Introducer
 Nebraska Association for Marriage and Family Therapy
 American Association for Marriage and Family Therapy
 Nebraska Counseling Association
 Nebraska Counseling Association

Opponents:

David Buntain
 James K. Madison
 Terry Werner

 Janet Coleman
 Louise Jacobs

 Julie Luzarraga

Representing:

Nebraska Medical Association
 Self
 National Association of Social Workers, Nebraska Chapter
 Self
 National Association of Social Workers, Nebraska Chapter
 National Association of Social Workers, Nebraska Chapter

Neutral:

Representing:

Summary of purpose and/or changes:

LB 369 is a reintroduction of LB 271 (2005). The bill relates to the scope of practice of licensed mental health practitioners (LMHPs). The bill amends section 71-1,307 and deletes the following which is currently excluded from the scope of practice for LMHPs:

1. “diagnosing major mental illness or disorder except in consultation with a qualified physician or a psychologist licensed to engage in the practice of psychology as provided in section 71-1,206.14”; and
2. “using psychotherapy with individuals suspected of having major mental or emotional disorders except in consultation with a qualified physician or licensed psychologist, or using psychotherapy to treat the concomitants of organic illness except in consultation with a qualified physician or licensed psychologist.”

A “407 Review” related to the scope of practice of LMHPs was completed in December 2005.

Explanation of amendments, if any:

The committee amendment (AM 944) replaces the bill as introduced. The amendment was drafted to implement recommendations of a “407” review under the Nebraska Regulation of Health Professions Act (LB 407, 1985; Neb. Rev. Stat. §§ 71-6201 to 71-6229).

The amendment creates a new licensure category of “independent mental health practice.” Independent mental health practice is defined as “the provision of treatment, assessment, psychotherapy, counseling, or equivalent activities to individuals, couples, families, or groups for behavioral, cognitive, social, mental, or emotional disorders, including interpersonal or personal situations.”

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

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

To be licensed as an independent mental health practitioner (LIMHP), a person must:

- (1) be a licensed mental health practitioner (LMHP) or a provisional mental health practitioner;
- (2) (a) have graduated with a masters’ or doctoral degree from an educational program which is accredited, at the time of graduation or within four years after graduation, by one of three national accrediting bodies (the Council for Accreditation of Counseling and Related Educational Programs, the Commission on Accreditation for Marriage and Family Therapy Education, or the Council on Social Work Education) or from an educational program that is equivalent in didactic content and supervised clinical experience to an accredited program; or
(b) graduated from a non-accredited educational program that is not equivalent to an accredited program; and
- (3) complete specific clinical experience requirements:

(a) graduates of an accredited or equivalent program must complete 3,000 hours of experience in a period of two to five years, supervised by a licensed physician, a licensed psychologist, or a licensed mental health practitioner, one-half of which must be experience with clients diagnosed under the major mental illness or disorder category.

(b) graduates of a non-accredited or non-equivalent program must complete 7,000 hours of experience in a period of not less than ten years, supervised by a licensed physician, a licensed psychologist, or a licensed mental health practitioner, one-half of which must be experience with clients diagnosed under the major mental illness or disorder category.

The above experience requirements must be documented in a reasonable form and manner as prescribed by the Board of Mental Health Practice (board). Such documentation may consist of sworn statements from the applicant and his or her employers and supervisors. The board may not require the applicant to produce individual case records.

Senator Joel Johnson, Chairperson