

AMENDMENTS TO LB 6

(Amendments to Final Reading copy)

Introduced by Krist

1 1. Insert the following new sections:

2 Sec. 11. Section 38-2121, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 38-2121 The requirement to be licensed as a mental health
5 practitioner pursuant to the Uniform Credentialing Act in order to
6 engage in mental health practice shall not be construed to prevent:

7 (1) Qualified members of other professions who are
8 licensed, certified, or registered by this state from practice
9 of any mental health activity consistent with the scope of practice
10 of their respective professions;

11 (2) Alcohol and drug counselors who are licensed by the
12 Division of Public Health of the Department of Health and Human
13 Services and problem gambling counselors who are certified by the
14 Department of Health and Human Services prior to July 1, 2013, or
15 by the Nebraska Commission on Problem Gambling beginning on July
16 1, 2013, from practicing their profession. Such exclusion shall
17 include students training and working under the supervision of an
18 individual qualified under section 38-315;

19 (3) Any person employed by an agency, bureau, or division
20 of the federal government from discharging his or her official
21 duties, except that if such person engages in mental health
22 practice in this state outside the scope of such official duty

1 or represents himself or herself as a licensed mental health
2 practitioner, he or she shall be licensed;

3 (4) Teaching or the conduct of research related to mental
4 health services or consultation with organizations or institutions
5 if such teaching, research, or consultation does not involve the
6 delivery or supervision of mental health services to individuals
7 or groups of individuals who are themselves, rather than a third
8 party, the intended beneficiaries of such services;

9 (5) The delivery of mental health services by:

10 (a) Students, interns, or residents whose activities
11 constitute a part of the course of study for medicine, psychology,
12 nursing, school psychology, social work, clinical social work,
13 counseling, marriage and family therapy, or other health care or
14 mental health service professions; or

15 (b) Individuals seeking to fulfill postgraduate
16 requirements for licensure when those individuals are supervised by
17 a licensed professional consistent with the applicable regulations
18 of the appropriate professional board;

19 (6) Duly recognized members of the clergy from providing
20 mental health services in the course of their ministerial duties
21 and consistent with the codes of ethics of their profession if they
22 do not represent themselves to be mental health practitioners;

23 (7) The incidental exchange of advice or support by
24 persons who do not represent themselves as engaging in mental
25 health practice, including participation in self-help groups when
26 the leaders of such groups receive no compensation for their
27 participation and do not represent themselves as mental health

1 practitioners or their services as mental health practice;

2 (8) Any person providing emergency crisis intervention
3 or referral services or limited services supporting a service plan
4 developed by and delivered under the supervision of a licensed
5 mental health practitioner, licensed physician, or a psychologist
6 licensed to engage in the practice of psychology if such persons
7 are not represented as being licensed mental health practitioners
8 or their services are not represented as mental health practice; or

9 (9) Staff employed in a program designated by an agency
10 of state government to provide rehabilitation and support services
11 to individuals with mental illness from completing a rehabilitation
12 assessment or preparing, implementing, and evaluating an individual
13 rehabilitation plan.

14 Sec. 12. Section 71-802, Reissue Revised Statutes of
15 Nebraska, is amended to read:

16 71-802 The purposes of the Nebraska Behavioral Health
17 Services Act are to: (1) Reorganize statutes relating to the
18 provision of publicly funded behavioral health services; (2)
19 provide for the organization and administration of the public
20 behavioral health system within the department; (3) rename mental
21 health regions as behavioral health regions; (4) provide for
22 the naming of regional behavioral health authorities and ongoing
23 activities of regional governing boards; (5) reorganize and rename
24 the State Mental Health Planning and Evaluation Council, and the
25 State Alcoholism and Drug Abuse Advisory Committee; and the
26 ~~Nebraska Advisory Commission on Compulsive Gambling;~~ (6) change
27 and add provisions relating to development of community-based

1 behavioral health services and funding for behavioral health
2 services; and (7) authorize the closure of regional centers.

3 2. On page 1, line 2, after the first comma insert
4 "38-2121, 71-802,".

5 3. On page 3, strike lines 2 through 25 and insert the
6 following:

7 "(a) One member with medical care or mental health
8 expertise;

9 (b) One member with expertise in banking and finance;

10 (c) One member with legal expertise;

11 (d) One member with expertise in the field of education;

12 (e) Two members who are consumers of problem gambling
13 services;

14 (f) One member with data analysis expertise; and

15 (g) Two members who are residents of the state and are
16 representative of the public at large.

17 (3) The terms of the members shall be for three years,
18 except that the Governor shall designate three of the initial
19 appointees to serve initial terms beginning on July 1, 2013, and
20 ending on March 1, 2014, three of the initial appointees to serve
21 initial terms beginning on July 1, 2013, and ending on March 1,
22 2015, and three of the initial appointees to serve initial terms
23 beginning on July 1, 2013, and ending on March 1, 2016."

24 4. On page 4, strike lines 1 through 25.

25 5. On page 5, line 1, strike beginning with "days"
26 through the period; and in line 25 after "shall" insert
27 "electronically".

1 6. On page 6, line 2, after the second comma insert
2 "equipment, effects,"; in line 3 strike "July 1" and insert "June
3 30"; in line 4 strike "such date" and insert "July 1, 2013"; in
4 line 5 strike "by rule and regulation"; and in line 17 after "may"
5 insert "adopt and promulgate rules and regulations and".

6 7. On page 7, line 3, after "of" insert "problem
7 gambling"; and in line 18 after "division" insert "or commission".

8 8. On page 9, line 6, strike "upon thirty days' notice"
9 and insert "according to its terms".

10 9. On page 22, line 1, strike "on July 14, 2006," and
11 show as stricken.

12 10. On page 23, line 21, strike "13, and 14" and insert
13 "12, 13, 15, and 16"; and in line 24 after "9-831," insert
14 "38-2121, 71-802,".

15 11. Renumber the remaining sections accordingly.