

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 422

Introduced by Howard, 9.

Read first time January 18, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
2 section 38-167, Reissue Revised Statutes of Nebraska, and sections
3 38-101 and 38-121, Revised Statutes Cumulative Supplement, 2018; to
4 adopt the Art Therapy Practice Act; to create a board; to eliminate
5 obsolete provisions; to harmonize provisions; to provide an
6 operative date; and to repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 38-101 Sections 38-101 to 38-1,142 and the following practice acts
4 shall be known and may be cited as the Uniform Credentialing Act:

5 (1) The Advanced Practice Registered Nurse Practice Act;

6 (2) The Alcohol and Drug Counseling Practice Act;

7 (3) The Art Therapy Practice Act;

8 (4) (3) The Athletic Training Practice Act;

9 (5) (4) The Audiology and Speech-Language Pathology Practice Act;

10 (6) (5) The Certified Nurse Midwifery Practice Act;

11 (7) (6) The Certified Registered Nurse Anesthetist Practice Act;

12 (8) (7) The Chiropractic Practice Act;

13 (9) (8) The Clinical Nurse Specialist Practice Act;

14 (10) (9) The Cosmetology, Electrology, Esthetics, Nail Technology,
15 and Body Art Practice Act;

16 (11) (10) The Dentistry Practice Act;

17 (12) (11) The Dialysis Patient Care Technician Registration Act;

18 (13) (12) The Emergency Medical Services Practice Act;

19 (14) (13) The Environmental Health Specialists Practice Act;

20 (15) (14) The Funeral Directing and Embalming Practice Act;

21 (16) (15) The Genetic Counseling Practice Act;

22 (17) (16) The Hearing Instrument Specialists Practice Act;

23 ~~(17) The Licensed Practical Nurse-Certified Practice Act until
24 November 1, 2017;~~

25 (18) The Massage Therapy Practice Act;

26 (19) The Medical Nutrition Therapy Practice Act;

27 (20) The Medical Radiography Practice Act;

28 (21) The Medicine and Surgery Practice Act;

29 (22) The Mental Health Practice Act;

30 (23) The Nurse Practice Act;

31 (24) The Nurse Practitioner Practice Act;

- 1 (25) The Nursing Home Administrator Practice Act;
- 2 (26) The Occupational Therapy Practice Act;
- 3 (27) The Optometry Practice Act;
- 4 (28) The Perfusion Practice Act;
- 5 (29) The Pharmacy Practice Act;
- 6 (30) The Physical Therapy Practice Act;
- 7 (31) The Podiatry Practice Act;
- 8 (32) The Psychology Practice Act;
- 9 (33) The Respiratory Care Practice Act;
- 10 (34) The Surgical First Assistant Practice Act;
- 11 (35) The Veterinary Medicine and Surgery Practice Act; and
- 12 (36) The Water Well Standards and Contractors' Practice Act.

13 If there is any conflict between any provision of sections 38-101 to
14 38-1,142 and any provision of a practice act, the provision of the
15 practice act shall prevail.

16 The Revisor of Statutes shall assign the Uniform Credentialing Act,
17 including the practice acts enumerated in subdivisions (1) through (35)
18 of this section, to articles within Chapter 38.

19 Sec. 2. Section 38-121, Revised Statutes Cumulative Supplement,
20 2018, is amended to read:

21 38-121 (1) No individual shall engage in the following practices
22 unless such individual has obtained a credential under the Uniform
23 Credentialing Act:

- 24 (a) Acupuncture;
- 25 (b) Advanced practice nursing;
- 26 (c) Alcohol and drug counseling;
- 27 (d) Asbestos abatement, inspection, project design, and training;
- 28 (e) Art therapy;
- 29 (f) {e} Athletic training;
- 30 (g) {f} Audiology;
- 31 (h) {g} Speech-language pathology;

- 1 (i) ~~(h)~~ Body art;
- 2 (j) ~~(i)~~ Chiropractic;
- 3 (k) ~~(j)~~ Cosmetology;
- 4 (l) ~~(k)~~ Dentistry;
- 5 (m) ~~(l)~~ Dental hygiene;
- 6 (n) ~~(m)~~ Electrology;
- 7 (o) ~~(n)~~ Emergency medical services;
- 8 (p) ~~(o)~~ Esthetics;
- 9 (q) ~~(p)~~ Funeral directing and embalming;
- 10 (r) ~~(q)~~ Genetic counseling;
- 11 (s) ~~(r)~~ Hearing instrument dispensing and fitting;
- 12 (t) ~~(s)~~ Lead-based paint abatement, inspection, project design, and
- 13 training;
- 14 ~~(t) Licensed practical nurse certified until November 1, 2017;~~
- 15 (u) Massage therapy;
- 16 (v) Medical nutrition therapy;
- 17 (w) Medical radiography;
- 18 (x) Medicine and surgery;
- 19 (y) Mental health practice;
- 20 (z) Nail technology;
- 21 (aa) Nursing;
- 22 (bb) Nursing home administration;
- 23 (cc) Occupational therapy;
- 24 (dd) Optometry;
- 25 (ee) Osteopathy;
- 26 (ff) Perfusion;
- 27 (gg) Pharmacy;
- 28 (hh) Physical therapy;
- 29 (ii) Podiatry;
- 30 (jj) Psychology;
- 31 (kk) Radon detection, measurement, and mitigation;

- 1 (ll) Respiratory care;
- 2 (mm) Surgical assisting;
- 3 (nn) Veterinary medicine and surgery;
- 4 (oo) Public water system operation; and
- 5 (pp) Constructing or decommissioning water wells and installing
- 6 water well pumps and pumping equipment.

7 (2) No individual shall hold himself or herself out as any of the
8 following until such individual has obtained a credential under the
9 Uniform Credentialing Act for that purpose:

- 10 (a) Registered environmental health specialist;
- 11 (b) Certified marriage and family therapist;
- 12 (c) Certified professional counselor;
- 13 (d) Social worker; or
- 14 (e) Dialysis patient care technician.

15 (3) No business shall operate for the provision of any of the
16 following services unless such business has obtained a credential under
17 the Uniform Credentialing Act:

- 18 (a) Body art;
- 19 (b) Cosmetology;
- 20 (c) Emergency medical services;
- 21 (d) Esthetics;
- 22 (e) Funeral directing and embalming;
- 23 (f) Massage therapy; or
- 24 (g) Nail technology.

25 Sec. 3. Section 38-167, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 38-167 (1) Boards shall be designated as follows:

- 28 (a) Board of Advanced Practice Registered Nurses;
- 29 (b) Board of Alcohol and Drug Counseling;
- 30 (c) Board of Art Therapy;
- 31 (d) ~~(e)~~ Board of Athletic Training;

- 1 ~~(e)~~ Board of Audiology and Speech-Language Pathology;
2 ~~(f)~~ Board of Chiropractic;
3 ~~(g)~~ Board of Cosmetology, Electrology, Esthetics, Nail
4 Technology, and Body Art;
5 ~~(h)~~ Board of Dentistry;
6 ~~(i)~~ Board of Emergency Medical Services;
7 ~~(j)~~ Board of Registered Environmental Health Specialists;
8 ~~(k)~~ Board of Funeral Directing and Embalming;
9 ~~(l)~~ Board of Hearing Instrument Specialists;
10 ~~(m)~~ Board of Massage Therapy;
11 ~~(n)~~ Board of Medical Nutrition Therapy;
12 ~~(o)~~ Board of Medical Radiography;
13 ~~(p)~~ Board of Medicine and Surgery;
14 ~~(q)~~ Board of Mental Health Practice;
15 ~~(r)~~ Board of Nursing;
16 ~~(s)~~ Board of Nursing Home Administration;
17 ~~(t)~~ Board of Occupational Therapy Practice;
18 ~~(u)~~ Board of Optometry;
19 ~~(v)~~ Board of Pharmacy;
20 ~~(w)~~ Board of Physical Therapy;
21 ~~(x)~~ Board of Podiatry;
22 ~~(y)~~ Board of Psychology;
23 ~~(z)~~ Board of Respiratory Care Practice;
24 ~~(aa)~~ Board of Veterinary Medicine and Surgery; and
25 ~~(bb)~~ Water Well Standards and Contractors' Licensing Board.

26 (2) Any change made by the Legislature of the names of boards listed
27 in this section shall not change the membership of such boards or affect
28 the validity of any action taken by or the status of any action pending
29 before any of such boards. Any such board newly named by the Legislature
30 shall be the direct and only successor to the board as previously named.

31 Sec. 4. Sections 4 to 15 of this act shall be known and may be

1 cited as the Art Therapy Practice Act.

2 Sec. 5. For purposes of the Art Therapy Practice Act and elsewhere
3 in the Uniform Credentialing Act, unless the context otherwise requires,
4 the definitions found in sections 6 to 9 of this act apply.

5 Sec. 6. Accredited institution means a university or college
6 accredited by a nationally recognized accrediting agency of institutions
7 of higher education, or an institution or clinical program approved by
8 the American Art Therapy Association.

9 Sec. 7. Board means the Board of Art Therapy.

10 Sec. 8. Licensed professional art therapist means a person who has
11 completed a master's or doctoral degree program in art therapy, or an
12 equivalent course of study, from an accredited educational institution,
13 has completed all of the requirements set out in the Uniform
14 Credentialing Act, and has been issued a license by the board for the
15 independent practice of art therapy.

16 Sec. 9. Practice of professional art therapy means the integrated
17 use of psychotherapeutic principles, visual art media, and the creative
18 process in the assessment, treatment, and remediation of psychosocial,
19 emotional, cognitive, physical, and developmental disorders in children,
20 adolescents, adults, families, and groups.

21 Sec. 10. (1) No person shall use the title licensed professional
22 art therapist or use the abbreviation LPAT or a title or letters that are
23 substantially the same or hold himself or herself out as a licensed
24 professional art therapist unless he or she is licensed by the board.

25 (2) No person shall engage in the practice of art therapy unless he
26 or she is licensed by the board.

27 Sec. 11. An individual who is a graduate student in art therapy and
28 who is practicing under the supervision of a licensed professional art
29 therapist is exempt from the licensure requirements of the Art Therapy
30 Practice Act.

31 Sec. 12. (1) An applicant for licensure as a licensed professional

1 art therapist shall at the time of application provide proof to the
2 department that he or she meets one or more of the following
3 qualifications:

4 (a) Graduation after successful completion of art therapy curriculum
5 requirements of an accredited college or university approved by the
6 board; or

7 (b) Graduation with a four-year degree from an accredited college or
8 university and completion of at least two consecutive years, military
9 duty excepted, as a student art therapist under the supervision of a
10 licensed professional art therapist approved by the board.

11 (2) In order to be licensed as a professional art therapist, an
12 applicant shall, in addition to the requirements of subsection (1) of
13 this section, successfully complete an examination approved by the board.

14 Sec. 13. An applicant for licensure as a professional art therapist
15 who has met the education and examination requirements in section 12 of
16 this act, who passed the examination more than three years prior to the
17 time of application for licensure, and who is not practicing at the time
18 of application for licensure shall present proof satisfactory to the
19 department that he or she has within the three years immediately
20 preceding the application for licensure completed continuing competency
21 requirements approved by the board pursuant to section 38-145.

22 Sec. 14. (1) An applicant for licensure as a professional art
23 therapist who has met the standards set by the board pursuant to section
24 38-126 for a license based on licensure in another jurisdiction but is
25 not practicing at the time of application for licensure shall present
26 proof satisfactory to the department that he or she has within the three
27 years immediately preceding the application for licensure completed
28 continuing competency requirements approved by the board pursuant to
29 section 38-145.

30 (2) An applicant who is a military spouse may apply for a temporary
31 license as provided in section 38-129.01.

1 Sec. 15. The department shall establish and collect fees for
2 initial licensure and renewal under the Art Therapy Practice Act as
3 provided in sections 38-151 to 38-157.

4 Sec. 16. This act becomes operative on January 1, 2020.

5 Sec. 17. Original section 38-167, Reissue Revised Statutes of
6 Nebraska, and sections 38-101 and 38-121, Revised Statutes Cumulative
7 Supplement, 2018, are repealed.