

AMENDMENTS TO LB325

Introduced by Health and Human Services.

1           1. Strike the original sections and insert the following new  
2 sections:

3           Section 1. Section 38-121, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5           38-121 (1) No individual shall engage in the following practices  
6 unless such individual has obtained a credential under the Uniform  
7 Credentialing Act:

- 8           (a) Acupuncture;
- 9           (b) Advanced practice nursing;
- 10          (c) Alcohol and drug counseling;
- 11          (d) Asbestos abatement, inspection, project design, and training;
- 12          (e) Athletic training;
- 13          (f) Audiology;
- 14          (g) Speech-language pathology;
- 15          (h) Body art;
- 16          (i) Chiropractic;
- 17          (j) Cosmetology;
- 18          (k) Dentistry;
- 19          (l) Dental hygiene;
- 20          (m) Electrology;
- 21          (n) Emergency medical services;
- 22          (o) Esthetics;
- 23          (p) Funeral directing and embalming;
- 24          (q) Genetic counseling;
- 25          (r) Hearing instrument dispensing and fitting;
- 26          (s) Lead-based paint abatement, inspection, project design, and  
27 training;

- 1 (t) Licensed practical nurse-certified until November 1, 2017;
- 2 (u) Massage therapy;
- 3 (v) Medical nutrition therapy;
- 4 (w) Medical radiography;
- 5 (x) Medicine and surgery;
- 6 (y) Mental health practice;
- 7 (z) Nail technology;
- 8 (aa) Nursing;
- 9 (bb) Nursing home administration;
- 10 (cc) Occupational therapy;
- 11 (dd) Optometry;
- 12 (ee) Osteopathy;
- 13 (ff) Perfusion;
- 14 (gg) Pharmacy;
- 15 (hh) Physical therapy;
- 16 (ii) Podiatry;
- 17 (jj) Psychology;
- 18 (kk) Radon detection, measurement, and mitigation;
- 19 (ll) Respiratory care;
- 20 (mm) Surgical assisting;
- 21 (nn) Veterinary medicine and surgery;
- 22 (oo) Public water system operation; and
- 23 (pp) Constructing or decommissioning water wells and installing
- 24 water well pumps and pumping equipment.

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

- 28 (a) Registered environmental health specialist;
- 29 (b) Certified marriage and family therapist;
- 30 (c) Certified professional counselor;
- 31 (d) Certified art therapist;

1           (e) ~~(d)~~ Social worker; or

2           (f) ~~(e)~~ Dialysis patient care technician.

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

6           (a) Body art;

7           (b) Cosmetology;

8           (c) Emergency medical services;

9           (d) Esthetics;

10          (e) Funeral directing and embalming;

11          (f) Massage therapy; or

12          (g) Nail technology.

13          Sec. 2. Section 38-2101, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15           38-2101 Sections 38-2101 to 38-2139 and sections 6 to 8 and 16 to 22  
16 of this act shall be known and may be cited as the Mental Health Practice  
17 Act.

18          Sec. 3. Section 38-2102, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           38-2102 The Legislature finds that, because many mental health  
21 practitioners are not regulated in this state, anyone may offer mental  
22 health services by using an unrestricted title and that there is no means  
23 for identifying qualified practitioners, for enforcing professional  
24 standards, or for holding such practitioners accountable for their  
25 actions. As a result, ~~Therefore~~ the Legislature determines that, in the  
26 interest of consumer protection and for the protection of public health,  
27 safety, and welfare, individuals should be provided a means by which they  
28 can be assured that their selection of a mental health practitioner is  
29 based on sound criteria and that the activities of those persons who by  
30 any title may offer or deliver therapeutic mental health services should  
31 be regulated.

1           The purpose of licensing mental health practitioners is to provide  
2 for an omnibus title for such persons and to provide for associated  
3 certification of social workers, master social workers, professional  
4 counselors, ~~and marriage and family therapists,~~ and art therapists.

5           Sec. 4. Section 38-2103, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7           38-2103 For purposes of the Mental Health Practice Act and elsewhere  
8 in the Uniform Credentialing Act, unless the context otherwise requires,  
9 the definitions found in sections 38-2104 to 38-2119 and sections 6 to 8  
10 of this act apply.

11          Sec. 5. Section 38-2104, Revised Statutes Cumulative Supplement,  
12 2020, is amended to read:

13          38-2104 (1) Approved educational program means a program of  
14 education and training accredited by an agency listed in subsection (2)  
15 of this section or approved by the board. Such approval may be based on  
16 the program's accreditation by an accrediting agency with requirements  
17 similar to an agency listed in subsection (2) of this section or on  
18 standards established by the board in the manner and form provided in  
19 section 38-133.

20          (2) Approved educational program includes a program of education and  
21 training accredited by:

22          (a) The Commission on Accreditation for Marriage and Family Therapy  
23 Education;

24          (b) The Council for Accreditation of Counseling and Related  
25 Educational Programs;

26          (c) The Council on Rehabilitation Education;

27          (d) The Council on Social Work Education; ~~or~~

28          (e) The American Psychological Association for a doctoral degree  
29 program enrolled in by a person who has a master's degree or its  
30 equivalent in psychology; or -

31          (f) The American Art Therapy Association or the Commission on

1 Accreditation of Allied Health Education Programs for a master's degree  
2 program in art therapy.

3 Sec. 6. Art media means the materials used by an individual to  
4 create tangible representations of private experiences, thoughts, and  
5 emotions. Art media includes, but is not limited to, traditional art  
6 making materials such as paint, clay, drawing implements, photography,  
7 and collage, as well as, crafts, founds objects, and nontraditional  
8 materials that can be utilized to make personal art.

9 Sec. 7. (1) Art therapy means the integrative application of  
10 psychotherapeutic principles and methods with specialized training in  
11 strategic use of art media, the neurobiological implications of art-  
12 making, and art-based assessment models in the evaluation, assessment,  
13 and treatment of normal and abnormal cognitive, developmental, emotional,  
14 and behavioral disorders and conditions in individuals, families, and  
15 groups.

16 (2) Subject to subsection (3) of this section, art therapy includes,  
17 but is not limited to:

18 (a) Appraisal activities involving selecting, administering, and  
19 interpreting art-based appraisal tools and standard diagnostic  
20 instruments designed to assess levels of functioning, aptitudes,  
21 abilities, and personal characteristics to determine treatment plans and  
22 appropriate art-based interventions;

23 (b) Use of art media and the creative process to assess a client's  
24 inner fears, conflicts, and core issues with the goal of improving  
25 physical, cognitive, and emotional functioning and increasing self-  
26 awareness and self-esteem;

27 (c) Strategic application of therapeutic interventions in individual  
28 and group sessions to facilitate visual, nonverbal, and verbal receptive  
29 and expressive communication and engagement;

30 (d) Use of art-making and the verbal processing of produced imagery  
31 to help clients improve cognitive and sensory-motor functions and reduce

1 symptoms of depression, anxiety, post-traumatic stress, and attachment  
2 disorders;

3 (e) Implementation of treatment plans to help clients resolve  
4 conflicts and distress, manage anger, cope with traumatic experience and  
5 grief, develop interpersonal skills, and improve educational performance,  
6 vocational performance, and social functioning;

7 (f) Adjustment of appraisal and evaluation techniques and treatments  
8 to address multicultural and diversity issues;

9 (g) Referral activities which evaluate data to identify clients or  
10 groups that may be better served by other specialists; and

11 (h) Provision of consultation, crisis intervention, client advocacy,  
12 and education services to clients.

13 (3) Nothing in this section shall be construed to authorize a  
14 certified art therapist to engage in the practice of clinical psychology  
15 as provided in section 38-3111.

16 Sec. 8. Certified art therapist means a person who is certified to  
17 practice art therapy pursuant to the Uniform Credentialing Act and who  
18 holds a current certificate issued by the department.

19 Sec. 9. Section 38-2116, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 38-2116 (1) Mental health practitioner means a person who holds  
22 himself or herself out as a person qualified to engage in mental health  
23 practice or a person who offers or renders mental health practice  
24 services. Independent mental health practitioner means a person who holds  
25 himself or herself out as a person qualified to engage in independent  
26 mental health practice or a person who offers or renders independent  
27 mental health practice services.

28 (2) A person who is licensed as a mental health practitioner and  
29 certified as a master social worker may use the title licensed clinical  
30 social worker. A person who is licensed as a mental health practitioner  
31 and certified as a professional counselor may use the title licensed

1 professional counselor. A person who is licensed as a mental health  
2 practitioner and certified as a marriage and family therapist may use the  
3 title licensed marriage and family therapist. A person who is licensed as  
4 a mental health practitioner and certified as an art therapist may use  
5 the title licensed art therapist. No person shall use the title licensed  
6 clinical social worker, licensed professional counselor, ~~or~~ licensed  
7 marriage and family therapist, or licensed art therapist unless such  
8 person ~~he or she~~ is licensed and certified as provided in this  
9 subsection.

10 (3) A person who is licensed as an independent mental health  
11 practitioner and certified as a master social worker may use the title  
12 licensed independent clinical social worker. A person who is licensed as  
13 an independent mental health practitioner and certified as a professional  
14 counselor may use the title licensed independent professional counselor.  
15 A person who is licensed as an independent mental health practitioner and  
16 certified as a marriage and family therapist may use the title licensed  
17 independent marriage and family therapist. A person who is licensed as an  
18 independent mental health practitioner and certified as an art therapist  
19 may use the title licensed independent art therapist. No person shall use  
20 the title licensed independent clinical social worker, licensed  
21 independent professional counselor, ~~or~~ licensed independent marriage and  
22 family therapist, or licensed independent art therapist unless such  
23 person ~~he or she~~ is licensed and certified as provided in this  
24 subsection.

25 (4) A mental health practitioner shall not represent himself or  
26 herself as a physician or psychologist and shall not represent his or her  
27 services as being medical or psychological in nature. An independent  
28 mental health practitioner shall not represent himself or herself as a  
29 physician or psychologist.

30 Sec. 10. Section 38-2117, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1           38-2117 Mental health program means an approved educational program  
2 in a field such as, but not limited to, social work, professional  
3 counseling, marriage and family therapy, human development, psychology,  
4 ~~or family relations, or art therapy,~~ the content of which contains an  
5 emphasis on therapeutic mental health and course work in psychotherapy  
6 and the assessment of mental disorders.

7           Sec. 11. Section 38-2120, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9           38-2120 The board shall consist of nine ~~eight~~ professional members  
10 and two public members appointed pursuant to section 38-158. The members  
11 shall meet the requirements of sections 38-164 and 38-165. Two  
12 professional members shall be certified master social workers, two  
13 professional members shall be certified professional counselors, two  
14 professional members shall be certified marriage and family therapists,  
15 one professional member shall be a certified art therapist, and two  
16 professional members shall be licensed mental health practitioners that  
17 do not hold an associated certification.

18           Sec. 12. Section 38-2121, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20           38-2121 The requirement to be licensed as a mental health  
21 practitioner pursuant to the Uniform Credentialing Act in order to engage  
22 in mental health practice shall not be construed to prevent:

23           (1) Qualified members of other professions who are licensed,  
24 certified, or registered by this state from practice of any mental health  
25 activity consistent with the scope of practice of their respective  
26 professions;

27           (2) Alcohol and drug counselors who are licensed by the Division of  
28 Public Health of the Department of Health and Human Services and problem  
29 gambling counselors who are certified by the Department of Health and  
30 Human Services prior to July 1, 2013, or by the Nebraska Commission on  
31 Problem Gambling beginning on July 1, 2013, from practicing their



1 profession. Such exclusion shall include students training and working  
2 under the supervision of an individual qualified under section 38-315;

3 (3) Any person employed by an agency, bureau, or division of the  
4 federal government from discharging his or her official duties, except  
5 that if such person engages in mental health practice in this state  
6 outside the scope of such official duty or represents himself or herself  
7 as a licensed mental health practitioner, he or she shall be licensed;

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

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

15 (a) Students, interns, or residents whose activities constitute a  
16 part of the course of study for medicine, psychology, nursing, school  
17 psychology, social work, clinical social work, counseling, marriage and  
18 family therapy, art therapy, or other health care or mental health  
19 service professions; or

20 (b) Individuals seeking to fulfill postgraduate requirements for  
21 licensure when those individuals are supervised by a licensed  
22 professional consistent with the applicable regulations of the  
23 appropriate professional board;

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

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

1 as mental health practitioners or their services as mental health  
2 practice;

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

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

15 Sec. 13. Section 38-2122, Revised Statutes Cumulative Supplement,  
16 2020, is amended to read:

17 38-2122 A person shall be qualified to be a licensed mental health  
18 practitioner if such person ~~he or she~~:

19 (1) Has received a master's degree, a doctoral degree, or the  
20 equivalent of a master's degree, as determined by the board, that  
21 consists of course work and training which was primarily therapeutic  
22 mental health in content and included a practicum or internship and was  
23 from an approved educational program. Practicums or internships completed  
24 after September 1, 1995, must include a minimum of three hundred clock  
25 hours of direct client contact under the supervision of a qualified  
26 physician, a licensed psychologist, or a licensed mental health  
27 practitioner;

28 (2) Has successfully completed three thousand hours of supervised  
29 experience in mental health practice of which fifteen hundred hours were  
30 in direct client contact in a setting where mental health services were  
31 being offered and the remaining fifteen hundred hours included, but were

1 not limited to, review of client records, case conferences, direct  
2 observation, and video observation. For purposes of this subdivision,  
3 supervised means monitored by a qualified physician, a licensed clinical  
4 psychologist, or a certified master social worker, certified professional  
5 counselor, or marriage and family therapist qualified for certification  
6 on September 1, 1994, for any hours completed before such date or by a  
7 qualified physician, a psychologist licensed to engage in the practice of  
8 psychology, or a licensed mental health practitioner for any hours  
9 completed after such date, including evaluative face-to-face contact for  
10 a minimum of one hour per week. Such three thousand hours shall be  
11 accumulated after completion of the master's degree, doctoral degree, or  
12 equivalent of the master's degree; and

13 (3) Has satisfactorily passed an examination approved by the board.  
14 An individual who by reason of educational background is eligible for  
15 certification as a certified master social worker, a certified  
16 professional counselor, ~~or~~ a certified marriage and family therapist, or  
17 a certified art therapist shall take and pass a certification examination  
18 approved by the board before becoming licensed as a mental health  
19 practitioner.

20 Sec. 14. Section 38-2124, Revised Statutes Cumulative Supplement,  
21 2020, is amended to read:

22 38-2124 (1) No person shall hold himself or herself out as an  
23 independent mental health practitioner unless he or she is licensed as  
24 such by the department. A person shall be qualified to be a licensed  
25 independent mental health practitioner if he or she:

26 (a)(i)(A) Graduated with a master's or doctoral degree from an  
27 educational program which is accredited, at the time of graduation or  
28 within four years after graduation, by the Council for Accreditation of  
29 Counseling and Related Educational Programs, the Commission on  
30 Accreditation for Marriage and Family Therapy Education, or the Council  
31 on Social Work Education, (B) graduated with a master's or doctoral

1 degree which was either approved by the American Art Therapy Association  
2 or accredited by the Commission on Accreditation of Allied Health  
3 Education Programs at the time of graduation, or (C) ~~(B)~~ graduated with a  
4 master's or doctoral degree from an educational program deemed by the  
5 board to be equivalent in didactic content and supervised clinical  
6 experience to an accredited program;

7 (ii)(A) Is licensed as a licensed mental health practitioner or (B)  
8 is licensed as a provisional mental health practitioner and has  
9 satisfactorily passed an examination approved by the board pursuant to  
10 subdivision (3) of section 38-2122; and

11 (iii) Has three thousand hours of experience supervised by a  
12 licensed physician, a licensed psychologist, or a licensed independent  
13 mental health practitioner, one-half of which is comprised of experience  
14 with clients diagnosed under the major mental illness or disorder  
15 category; or

16 (b)(i) Graduated from an educational program which does not meet the  
17 requirements of subdivision (a)(i) of this subsection;

18 (ii)(A) Is licensed as a licensed mental health practitioner or (B)  
19 is licensed as a provisional mental health practitioner and has  
20 satisfactorily passed an examination approved by the board pursuant to  
21 subdivision (3) of section 38-2122; and

22 (iii) Has seven thousand hours of experience obtained in a period of  
23 not less than ten years and supervised by a licensed physician, a  
24 licensed psychologist, or a licensed independent mental health  
25 practitioner, one-half of which is comprised of experience with clients  
26 diagnosed under the major mental illness or disorder category.

27 (2) The experience required under this section shall be documented  
28 in a reasonable form and manner as prescribed by the board, which may  
29 consist of sworn statements from the applicant and his or her employers  
30 and supervisors. The board shall not in any case require the applicant to  
31 produce individual case records.

1 (3) The application for an independent mental health practitioner  
2 license shall include the applicant's social security number.

3 Sec. 15. Section 38-2130, Revised Statutes Cumulative Supplement,  
4 2020, is amended to read:

5 38-2130 The department, with the recommendation of the board, may  
6 issue a certificate based on licensure in another jurisdiction to  
7 represent oneself as a certified marriage and family therapist, a  
8 certified professional counselor, ~~or a social worker,~~ or a certified art  
9 therapist to an individual who meets the requirements of the Mental  
10 Health Practice Act relating to marriage and family therapy, professional  
11 counseling, ~~or social work,~~ or art therapy, as appropriate, or  
12 substantially equivalent requirements as determined by the department,  
13 with the recommendation of the board. An applicant for a certificate who  
14 is a military spouse may apply for a temporary certificate as provided in  
15 section 38-129.01.

16 Sec. 16. (1) A person who applies to the department for  
17 certification as an art therapist shall be qualified for such  
18 certification if such person:

19 (a) Provides evidence to the department that such person has a  
20 master's or doctoral degree in art therapy from an approved educational  
21 program or a master's degree in a related mental health field and  
22 graduate-level course work determined by the board to be equivalent in  
23 didactic content and supervised clinical experience to an approved  
24 educational program in art therapy;

25 (b) Provides evidence to the department that such person has had at  
26 least three thousand hours of experience in art therapy under a qualified  
27 supervisor following receipt of the graduate degree. The three thousand  
28 hours shall include at least one thousand five hundred hours of direct  
29 client contact. During the course of completing the client-contact hours,  
30 there shall be at least one hundred hours of supervisor-supervisee-  
31 contact hours with a qualified supervisor and supervision shall be

1 provided at least one hour per week or two hours every two weeks; and  
2 (c) Completes an application and passes an examination approved by  
3 the board.

4 (2) For purposes of this section, qualified supervisor means a  
5 qualified physician, a psychologist licensed to engage in the practice of  
6 psychology, a licensed mental health practitioner, a licensed independent  
7 mental health practitioner, or a certified art therapist who has met  
8 standards for supervision specified in rules and regulations approved by  
9 the board and adopted and promulgated by the department. Not less than  
10 one-half of the three thousand hours of experience in art therapy, not  
11 less than one-half of the one thousand five hundred client-contact hours,  
12 and not less than one-half of the supervisor-supervisee-contact hours  
13 must be completed under the supervision of a qualified certified art  
14 therapist, as approved by the board.

15 (3) An applicant for certification as a certified art therapist who  
16 has completed all or part of such applicant's qualifying experience in  
17 art therapy in another state or jurisdiction shall have completed not  
18 less than one-half of the required three thousand hours of experience and  
19 not less than one-half of the client-contact hours and supervisor-  
20 supervisee-contact hours under the supervision of a qualified certified  
21 art therapist or a person holding a credential as a Board Certified Art  
22 Therapist from the Art Therapy Credentials Board, Inc., as determined by  
23 the Board of Mental Health Practice.

24 Sec. 17. (1) The department, with the recommendation of the board,  
25 may issue a credential under the Mental Health Practice Act as a  
26 certified art therapist based on licensure in another state or  
27 jurisdiction to an individual who meets the requirements of section 16 of  
28 this act or substantially equivalent requirements as determined by the  
29 department, with the recommendation of the board.

30 (2) A person practicing art therapy in Nebraska before January 1,  
31 2022, may apply for certification as an art therapist under the Mental

1 Health Practice Act if such person completes an application and provides  
2 satisfactory evidence to the department that such person:

3 (a) Holds a credential in good standing as a Board Certified Art  
4 Therapist from the Art Therapy Credentials Board, Inc.;

5 (b) Has engaged in the practice of art therapy during at least three  
6 of the five years preceding submission of the application; and

7 (c) Has met any additional requirements as determined by the  
8 department, with the recommendation of the board.

9 Sec. 18. (1) A person who needs to obtain the required three  
10 thousand hours of supervised experience in art therapy as specified in  
11 section 16 of this act to qualify for certification as an art therapist  
12 shall obtain a provisional certification as an art therapist. To qualify  
13 for a provisional certification as an art therapist, such person shall:

14 (a) Have a minimum of a master's degree in art therapy from an  
15 approved educational program; and

16 (b) Apply prior to earning the three thousand hours of supervised  
17 experience.

18 (2) A provisional art therapist certification shall expire upon  
19 receipt of certification as a certified art therapist or five years after  
20 the date of issuance, whichever comes first.

21 (3) A person who holds a provisional certification as an art  
22 therapist shall inform all clients that such person holds a provisional  
23 certification and is practicing art therapy under supervision and shall  
24 identify the supervisor. Failure to make such disclosure is a ground for  
25 discipline as set forth in section 38-2139.

26 Sec. 19. Nothing in the Mental Health Practice Act shall be  
27 construed to prevent or restrict any person who has obtained a credential  
28 under the Uniform Credentialing Act from engaging in any activity or  
29 practice, including use of art and art materials, that is consistent with  
30 such person's licensed scope of practice and professional training, as  
31 long as such person does not use the title licensed art therapist or

1 certified art therapist.

2 Sec. 20. Except as otherwise provided in section 38-2136, a  
3 certified art therapist shall not disclose any information, including,  
4 but not limited to, client records, artwork, verbal or artistic  
5 expressions, assessment results, or assessment interpretations, that such  
6 certified art therapist may have acquired from any person consulting such  
7 certified art therapist in a professional capacity.

8 Sec. 21. (1) The board may appoint an art therapist advisory  
9 committee, as provided in section 38-161, to assist the board in carrying  
10 out its duties under the Mental Health Practice Act.

11 (2) An advisory committee appointed pursuant to this section shall  
12 develop recommendations for adoption by the board and promulgation by the  
13 department on topics determined by the board as necessary to carry out  
14 its duties under the Mental Health Practice Act, including, but not  
15 limited to:

16 (a) Standards of competency and procedures for qualifying art  
17 therapists as licensed mental health practitioners and certified art  
18 therapists and for certification as provisional art therapists;

19 (b) Education standards for determining if an applicant's academic  
20 training and supervised clinical experience are substantially equivalent  
21 to an approved educational program in art therapy;

22 (c) Standards pertaining to the supervised practice of art therapy  
23 by certified provisional art therapists and requirements for approved  
24 supervisors;

25 (d) A code of ethics for the practice of art therapy for approval by  
26 the board pursuant to section 38-2138; and

27 (e) Standards for continuing competency and procedures for  
28 compliance with the continuing education requirements and approval of  
29 providers of continuing education.

30 Sec. 22. Nothing in the Mental Health Practice Act shall be  
31 construed to require the State of Nebraska, any agency of the State of



1 Nebraska, or any of the entities which operate under rules and  
2 regulations of a state agency, which employ or contract for the services  
3 of art therapists, to employ or contract with only persons certified  
4 pursuant to the act for the performance of any of the professional  
5 activities enumerated in section 7 of this act.

6       Sec. 23. Section 38-2139, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8       38-2139 In addition to the grounds for disciplinary action found in  
9 sections 38-178 and 38-179, a credential subject to the Mental Health  
10 Practice Act may be denied, refused renewal, limited, revoked, or  
11 suspended or have other disciplinary measures taken against it in  
12 accordance with section 38-196 when the applicant or licensee fails to  
13 disclose the information required by section 38-2123 or 38-2129 or  
14 section 18 of this act.

15       Sec. 24. This act becomes operative on January 1, 2022.

16       Sec. 25. Original sections 38-2101, 38-2102, 38-2103, 38-2116,  
17 38-2120, 38-2121, and 38-2139, Reissue Revised Statutes of Nebraska, and  
18 sections 38-121, 38-2104, 38-2117, 38-2122, 38-2124, and 38-2130, Revised  
19 Statutes Cumulative Supplement, 2020, are repealed.