



## Let Them Grow Act Emergency Regulations FAQ

### **Who helped develop the emergency rules and regulations?**

The Chief Medical Officer (CMO) researched independent medical literature, consulted with external experts in related fields of practice as well as utilized internal expertise within DHHS.

The Department also expects to receive extensive feedback from experts in related fields through the public comment process for the final regulations. The stakeholders, including medical experts and individuals with lived experience, are encouraged to review the regulations once they are released and submit feedback at the in-person public hearing or in writing. Details about submitting written public comments will be included in the notice of public hearing.

### **Why 40 therapeutic hours?**

40 hours was chosen to allow for sufficient therapeutic treatment time and to develop a thorough understanding of a patient's needs and determining appropriateness for treatment.

Nonsurgical pharmaceutical gender-altering treatments may require a lifetime of pharmaceutical treatment. A patient must be aware of this commitment. Patients must also be evaluated to adequately determine if they are able to follow treatments. The 40 therapeutic hours would also allow adequate time to determine any additional co-occurring conditions.

In addition, pharmaceutical treatment could produce life-altering changes to a minor's body. It is important for minors to have ample time to consider these life-changing effects.

### **Why a seven-day wait period?**

Seven days allows for ample time between the completion of the required therapeutic hours and the administration of nonsurgical pharmaceutical gender-altering treatments. This is necessary to allow the patient and the patient's family enough time to weigh the risks and benefits of treatment.

### **Is parental consent necessary?**

Yes. In Nebraska, parental consent is required before an unemancipated minor can take part in medical treatments.

### **Is it anticipated final regulations will be in place by the time emergency regulations expire?**

Emergency regulations remain in effect for 90 calendar days, with the possibility of one extension of an additional 90 days. At this time, it is anticipated that final regulations will be in place before emergency regulations expire.

### **What is a Category 1 Continuing Competency Education?**

These are the American Medical Association's continuing medical education courses.

### **What are the requirements for a therapist to be allowed to do therapy sessions with minors seeking treatment?**

A therapist must meet all state licensing requirements and be able to complete the necessary attestations as required under the emergency regulations.

### **When is the public hearing scheduled?**

The anticipated date for the public hearing is scheduled for November 28 from 7:00 AM to 7:00 PM at the Lancaster County Event Center in Lincoln.

### **What additional responsibilities do pharmacists have related to dispensing prescribed medications to minors pursuant to the Let Them Grow Act and the emergency regulations?**

The additional information pharmacists may need to verify under the emergency regulations is limited to determining: whether the patient is under the age of 19; whether the patient is legally emancipated, if applicable; whether the puberty blocking drugs or cross-sex hormones are being prescribed for the treatment of gender nonconformity or gender dysphoria; whether the treatment using puberty blocking drugs began before October 1, 2023; and whether the treatment using cross-sex hormones began before October 1, 2023.

The additional restriction under the emergency regulations is that prescribed medications picked up at the pharmacy must be picked up by the patient's parent, legal guardian, or the patient if the patient is an emancipated minor. This additional restriction only applies if the patient is under 19 years of age, the puberty blocking drugs or cross-sex hormones are for the treatment of gender nonconformity or gender dysphoria, and the patient began using the puberty blocking drugs or cross-sex hormones on or after October 1, 2023. Pharmacists are not required to verify that the prescribing practitioner has complied with the other requirements of the emergency regulations prior to dispensing puberty blocking drugs or cross-sex hormones for the treatment of gender nonconformity or gender dysphoria.

### **Do the emergency regulations apply to minors who began using cross-sex hormones prior to October 1, 2023?**

The emergency regulations do not apply to a patient who has not reached the age of 19 who began using cross-sex hormones prior to October 1, 2023. A patient who has not reached the age of 19 who began using puberty blocking drugs prior to October 1, 2023, but did not begin using cross-sex hormones prior to October 1, 2023, must comply with the requirements of the regulations prior to receiving cross-sex hormones.

**If a minor has undergone injection teaching with the minor’s parent and they have been administering injectable hormones at home, may they continue to do so?**

The additional restrictions relating to the administration of cross-sex hormones contained in the emergency regulations do not apply to the continuation of cross-hormone treatment when the treatment was commenced before October 1, 2023.

**Are the required gender-identity-focused contact hours of therapeutic treatment limited to behavioral health, psychiatric counseling, or mental health therapy or does this include non-mental health therapeutic treatment such as an initial medical evaluation?**

Non-mental health therapeutic treatment such as an initial medical evaluation does not count towards the required 40 gender-identity-focused contact hours of therapeutic treatment.

The emergency regulations require that the gender-identity-focused therapeutic hours must be clinically neutral and not in a gender affirming or conversion context. Does this mean that a clinic specializing in gender affirming care may not provide the required therapeutic contact hours?

The emergency regulations require that the therapeutic hours must be clinically objective and not in a gender affirming or conversion context. The regulations do not prohibit a provider specializing in gender affirming care from providing the required contact hours if the therapy is provided in a manner that is clinically objective and unbiased.

**Do the emergency regulations prohibit home delivery of puberty blocking drugs and cross-sex hormones?**

The emergency regulations do not prohibit home delivery of prescribed medications that are otherwise lawful to be sent by home delivery. Prescriptions that are lawfully delivered to the home of an unemancipated minor’s parent or legal guardian would satisfy the requirements of the emergency regulations.

**For further comments regarding regulations only please email [DHHS.Regulations@nebraska.gov](mailto:DHHS.Regulations@nebraska.gov).  
For media inquiries, please email [DHHS.PIO@nebraska.gov](mailto:DHHS.PIO@nebraska.gov)**