

EXCEPTIONS TO LICENSURE AS A MENTAL HEALTH PRACTITIONER



After September 1, 1995, no person shall engage in mental health practice or hold himself or herself out as a mental health practitioner unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law, except that this section shall not be construed to prevent:

- (1) Qualified members of other professions who are licensed, certified, or registered by this state from practice of any mental health activity consistent with the scope of practice of their respective professions;
- (2) Alcohol and drug abuse counselors who are certified by the Division on Alcoholism and Drug Abuse of the Department of Public Institutions from practicing their profession. Such exclusion shall include students training and working under the supervision of a certified alcohol and drug abuse counselor to become certified;
- (3) Any person employed by an agency, bureau, or division of the federal government from discharging his or hers official duties, except that if such person engages in mental health practice in this state outside the scope of such official duty or represents himself or herself as a licensed health practitioner, he or she shall be licensed;
- (4) Teaching or the conduct of research related to mental health services or consultation with organizations or institutions of such teaching, research, or consultation does not involve the delivery or supervision of mental health services to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;
- (5) The delivery of mental health services:
 - (a) Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, or other health care or mental health service professions; or
 - (b) Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;
- (6) Duly recognized members of the clergy from providing mental health services in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be mental health practitioners;
- (7) The incidental exchange of advice or support by persons who do not represent themselves as engaging in mental health practice, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as mental health practitioners or their services as mental health practice;
- (8) Any person employed by an agency or department of the State of Nebraska from discharging official duties within such agency or department during the six years immediately following September 1, 1994, except that no person should represent himself or herself as a licensed mental health practitioner unless he or she holds such a license;
- (9) Any person providing emergency crisis intervention or referral services or limited services supporting a service plan developed by and delivered under the supervision of a licensed mental health practitioner, licensed physician, or a psychologist licensed to engage in the practice of psychology if such persons are not represented as being licensed mental health practitioners or their services are not represented as mental health practice; or
- (10) Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with mental illness from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.