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STATE OF NEBRASKA

STATUTES RELATING TO PSYCHOLOGY

Nebraska Department of Health and Human Services

Department of Health and Human Services
Division of Public Health
Licensure Unit

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PRACTICE OF PSYCHOLOGY

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STATUTES PERTAINING TO THE PRACTICE OF PSYCHOLOGY

71-1,206. Repealed. Laws 1994, LB 1210, §192.

71-1,206.01. Definitions, where found. For purposes of sections 71-1,206.01 to 71-1,206.35, the definitions found in sections 71-1,206.02 to 71-1,206.10 shall be used.
Source: Laws 1994, LB 1210, § 63; Laws 1999, LB 366, § 10. Effective date August 28, 1999.

71-1,206.02. Board, defined. Board shall mean the Board of Psychologists.
Source: Laws 1994, LB 1210, § 64; Laws 1999, LB 828, § 136. Effective date August 28, 1999.

71-1,206.03. Client or patient, defined. Client or patient shall mean a recipient of psychological services within the context of a professional relationship. In the case of individuals with legal guardians, including minors and incompetent adults, the legal guardian shall also be considered a client or patient for decisionmaking purposes.
Source: Laws 1994, LB 1210, §65. Operative date September 1, 1994.

71-1,206.04. Code of conduct, defined. Code of conduct shall mean that set of regulatory rules of professional conduct which has been adopted by the board pursuant to section 71-1,206.12 to protect the public welfare by providing rules that govern a professional's behavior in the professional relationship.
Source: Laws 1994, LB 1210, §66. Operative date September 1, 1994.

71-1,206.05. Department, defined. Department shall mean the Division of Public Health of the Department of Health and Human Services.
Source: Laws 1994, LB 1210, § 67; Laws 1996, LB 1044, § 473; Laws 2007, LB296, § 357; Laws 2007, LB463, § 1319. Operative date July 1, 2007.

71-1,206.06. Institution of higher education, defined. Institution of higher education shall mean a university, professional school, or other institution of higher learning that:
(1) In the United States, is regionally accredited by a regional or professional accrediting organization recognized by the United States Department of Education;
(2) In Canada, holds a membership in the Association of Universities and Colleges of Canada; or
(3) In other countries, is accredited by the respective official organization having such authority.
Source: Laws 1994, LB 1210, §68. Operative date September 1, 1994.

71-1,206.07. Mental and emotional disorder, defined. Mental and emotional disorder shall mean a clinically significant behavioral or psychological syndrome or pattern that occurs in a person and is associated with present distress or disability or with significantly increased risk of suffering death, pain, disability, or an important loss of freedom. Such disorders may take many forms and have varying causes but must be considered a manifestation of behavioral, psychological, or biological dysfunction in the person. Reasonable descriptions of the kinds and degrees of mental and emotional disorders may be found in the revisions of accepted nosologies such as the International Classification of Diseases and the Diagnostic and Statistical Manual of Mental Disorders.
Source: Laws 1994, LB 1210, §69. Operative date September 1, 1994.

71-1,206.08. Practice of psychology, defined. Practice of psychology shall mean the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health. The practice of psychology shall include, but not be limited to, psychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and psychophysiological and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy; diagnosis and treatment of mental and emotional disorders, alcoholism and substance abuse, disorders of habit or conduct, and the psychological aspects of physical illness, accident, injury, or disability; psychoeducational evaluation, therapy, remediation, and consultation; and supervision of qualified individuals performing services specified in this section. Psychological services may be rendered to individuals, families, groups, organizations, institutions, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered.
Source: Laws 1994, LB 1210, §70. Operative date September 1, 1994.

71-1,206.09. Psychologist, defined. Psychologist shall mean a person licensed to engage in the practice of psychology in this or another jurisdiction. The terms certified, registered, chartered, or any other term chosen by a jurisdiction to authorize the autonomous practice of psychology shall be considered equivalent terms.

Source: Laws 1994, LB 1210, §71. Operative date September 1, 1994.

71-1,206.10. Representation as a psychologist, defined. Representation as a psychologist shall mean that the person uses any title or description of services which incorporates the words psychology, psychological, or psychologist or which implies that he or she possesses expert qualification in any area of psychology or that the person offers to individuals or to groups of individuals services defined as the practice of psychology.

Source: Laws 1994, LB 1210, §72. Operative date September 1, 1994.

71-1,206.11. Board; meetings; quorum; secretary. Special meetings of the board may be held at such times as may be deemed necessary or advisable by the board or a majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the rules of the board. When the public member is authorized to vote, four members shall constitute a quorum. When the public member is not authorized to vote, three members shall constitute a quorum. All actions taken by the board shall require agreement among a majority of those members authorized to vote. The secretary of the board shall be selected by the board and shall hold office at the pleasure of the board. The secretary may or may not be a member of the board.

Source: Laws 1967, c. 429, § 6, p. 1310; Laws 1976, LB 65, § 1; Laws 1980, LB 958, § 4; R.S.1943, (1981), § 71-3806; Laws 1984, LB 481, § 25; R.S.1943, (1990), § 71-1,208; Laws 1994, LB 1210, § 73; Laws 1999, LB 828, § 137. Effective date August 28, 1999.

71-1,206.12. Board; powers; duties. In addition to the powers and duties granted the board, the board, with the approval of the department, shall adopt and promulgate all rules and regulations, not inconsistent with the Constitution of Nebraska and the laws of Nebraska, that are reasonably necessary for the proper performance of its duties and regulation of proceedings before it. The board, with the approval of the department, shall adopt and promulgate rules and regulations regarding conduct for the practice of psychology. Such rules and regulations shall be adopted in conformance with the Administrative Procedure Act. The rules and regulations regarding conduct which are sufficient grounds for revocation or suspension of a license or other disciplinary measures shall be adopted by the board and approved by the department as constituting unprofessional conduct under subdivision (10) of section 71-147.

Source: Laws 1967, c. 429, §7, p. 1310; Laws 1980, LB 958, §5; R.S. 1943, (1981), §71-3807; Laws 1984, LB 481, §26; Laws 1991, LB 456, §32; R.S. Supp., 1992, §71-1,209; Laws 1994, LB 1210, §74. Operative date September 1, 1994.

71-1,206.13. Repealed. Laws 2003, LB 242, s. 154.

71-1,206.14. Psychology; references; how construed. Unless otherwise expressly stated, references to licensed psychologists in the Nebraska Mental Health Commitment Act, in the Sex Offender Commitment Act, in sections 71-1,206.01 to 71-1,206.35, and in section 44-513 shall mean only psychologists licensed under section 71-1,206.15 or 71-1,206.17 or subdivisions (2) and (3) of section 71-1,206.18 and shall not mean persons holding a special license under subdivision (1) of section 71-1,206.18 or under section 71-1,206.19 or holding a provisional license under sections 71-1,206.32 to 71-1,206.35.

Any reference to a person certified to practice clinical psychology under the law in effect immediately prior to September 1, 1994, and any equivalent reference under the law of another jurisdiction, including, but not limited to, certified clinical psychologist, health care practitioner in psychology, or certified health care provider, shall be construed to refer to a psychologist licensed under the Uniform Licensing Law except for persons licensed under subdivision (1) of section 71-1,206.18 or under section 71-1,206.19 or holding a provisional license under sections 71-1,206.32 to 71-1,206.35.

Source: Laws 1994, LB 1210, § 76; Laws 1999, LB 366, § 12; Laws 2006, LB 1199, § 32. Effective date July 14, 2006.

71-1,206.15. Applicant for license; qualifications. An applicant for licensure as a psychologist shall:

(1) Possess a doctoral degree from a program of graduate study in professional psychology from an institution of higher education. The degree shall be obtained from a program of graduate study in psychology that meets the standards of accreditation adopted by the American Psychological Association. Any applicant from a doctoral program in psychology that does not meet such standards shall present a certificate of retraining from a program of respecialization that does meet such standards;

(2) Prior to taking the examination, demonstrate that he or she has completed two years of supervised professional experience. One year of such experience shall be an internship meeting the standards of accreditation adopted by the American Psychological Association, and one year shall be supervised postdoctoral experience. The criteria for appropriate supervision shall be in accordance with rules and regulations adopted and promulgated by the board. Postdoctoral experience shall be compatible with the knowledge and skills acquired during formal doctoral or postdoctoral education in accordance

with professional requirements and relevant to the intended area of practice; and

(3) Pass an examination. The board shall approve and the department shall administer examinations to qualified applicants on at least an annual basis. The board shall determine the subject matter and scope of the examination and shall require a written, and may require an oral, examination of each candidate for licensure. The board may adopt and approve a national standardized examination and any examination developed by the board.

Source: Laws 1994, LB 1210, §77. Operative date September 1, 1994.

71-1,206.16. Waiver of examination; when. The board may waive all or portions of the examination required by section 71-1,206.15 (1) if a psychologist has been licensed in another jurisdiction and if the requirements for licensure in that jurisdiction are equal to or exceed the requirements for licensure in Nebraska, (2) for psychologists meeting the requirements of section 71-1,206.20, or (3) for an applicant who is board-certified in an area of professional psychology by the American Board of Professional Psychology.

Source: Laws 1994, LB 1210, §78. Operative date September 1, 1994.

71-1,206.17. Person licensed under prior law and certified as a clinical psychologist; renewal. A person who is licensed as a psychologist and certified as a clinical psychologist under the law in effect immediately prior to September 1, 1994, shall be deemed to have met all requirements for licensure under section 71-1,206.15 and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law.

Source: Laws 1994, LB 1210, §79. Operative date September 1, 1994.

71-1,206.18. Person licensed under prior law but not certified in clinical psychology; licensure; conditions. Except as provided in this section, a person licensed as a psychologist under the law in effect immediately prior to September 1, 1994, but not certified in clinical psychology:

(1) Shall be issued a special license to practice psychology that continues existing requirements for supervision. Any psychological practice that involves the diagnosis and treatment of major mental and emotional disorders by a person holding a special license shall be done under the supervision of a licensed psychologist approved by the board in accordance with regulations developed by the board. A psychologist licensed under this subdivision shall not supervise mental health practitioners or independently evaluate persons under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act. Supervisory relationships shall be registered with the board by a notarized letter signed by both the supervisor and supervisee. The letter shall contain:

(a) A general description of the supervisee's practice and the plan of supervision;

(b) A statement by the supervisor that he or she has the necessary experience and training to supervise this area of practice; and

(c) A statement by the supervisor that he or she accepts the legal and professional responsibility for the supervisee's practice with individuals having major mental and emotional disorders.

Psychologists practicing with special licenses may continue to use the title licensed psychologist but shall disclose supervisory relationships to clients or patients for whom supervision is required and to third-party payors when relevant. Psychologists who wish to continue supervisory relationships existing immediately prior to September 1, 1994, with qualified physicians may do so if a letter as described in this subdivision is received by the board within three months after such date;

(2) May apply for licensure before December 1, 1995, by demonstrating that he or she has rendered psychological diagnostic and treatment services as the major element of his or her employment in an educational, correctional, or health care setting for at least four years after licensure. A psychologist demonstrating such experience shall be deemed to have met equivalent requirements for licensure to those required by section 71-1,206.15 and shall be eligible for renewal of licensure in accordance with the Uniform Licensing Law. For purposes of this subdivision:

(a) Educational settings shall be those which are part of a university or state college and those regulated by the State Department of Education;

(b) Correctional settings shall be those under the jurisdiction of the Department of Correctional Services; and

(c) Health care settings shall be hospitals, skilled nursing facilities, clinics, and mental health centers licensed by the Division of Public Health of the Department of Health and Human Services and accredited by the Joint Commission on Hospital Accreditation, by the Commission on Accreditation of Rehabilitation Facilities, by the Department of Health and Human Services, or by a similar or an equivalent accrediting body as determined by the board.

The four-year period shall be continuous and represent four years of full-time employment or a combination of half-time and full-time employment that totals four years. For purposes of this subdivision, year shall mean a calendar year except for educational settings that may define the employment year in nine-month increments. In no case shall an applicant receive four years of credit for experience accrued in less than four calendar years; or

(3) May apply for licensure within three months of September 1, 1994, by demonstrating that he or she has been employed as full-time faculty in a program of graduate education in psychology approved by the American Psychological Association for a period not less than five years after licensure. A person demonstrating such employment shall be deemed to have met equivalent requirements for licensure under section 71-1,206.15 and shall be eligible for renewal of licensure in

accordance with the Uniform Licensing Law.

A person licensed but not certified to practice clinical psychology under the law in effect immediately prior to September 1, 1994, who has failed the examination for clinical certification shall not be eligible to apply under subdivisions (2) and (3) of this section. The board may deny an application under such subdivisions if the applicant has had any action taken against him or her for violations of the laws licensing psychologists by the board or the boards of other jurisdictions. Such person shall be granted a special license under subdivision (1) of this section.

Source: Laws 1994, LB 1210, § 80; Laws 1995, LB 406, § 19; Laws 1996, LB 1044, § 474; Laws 2006, LB 1199, § 33; Laws 2007, LB296, § 358; Laws 2007, LB463, § 1050. Operative date July 1, 2007.

71-1,206.19. Matriculated in an educational program; special license to practice psychology; issuance. A person who, as of September 1, 1994, has matriculated in an educational program and who, within three years after such date, demonstrates to the board that he or she meets the requirements for licensure as a psychologist which were in effect immediately prior to such date shall be issued a special license to practice psychology which shall be subject to the same conditions specified in subdivision (1) of section 71-1,206.18.

Source: Laws 1994, LB 1210, §81. Operative date September 1, 1994.

71-1,206.20. Twenty years of licensure; issuance of license; conditions. Notwithstanding section 71-1,206.15, the board shall license an applicant who:

(1) Has at least twenty years of licensure to practice psychology in a United States or Canadian jurisdiction when the license was based on a doctoral degree;

(2) Has had no disciplinary sanction during the entire period of licensure; and

(3) Has passed the Nebraska board-developed examination.

Source: Laws 1994, LB 1210, §82. Operative date September 1, 1994.

71-1,206.21. Reciprocal license; conditions. Notwithstanding section 71-1,206.15, the board may issue a license as a psychologist to any individual who qualifies for such a license pursuant to an agreement of reciprocity entered into by the board with the board or boards of another jurisdiction or multiple jurisdictions.

Source: Laws 1994, LB 1210, §83. Operative date September 1, 1994.

71-1,206.22. Thirty day temporary practice permitted; when. Nothing in sections 71-1,206.15 to 71-1,206.21 shall be construed to prohibit the practice of psychology in this state by a person holding a doctoral degree in psychology from an institution of higher education who is licensed as a psychologist under the laws of another jurisdiction if the requirements for a license in the other jurisdiction are equal to or exceed the requirements for licensure in Nebraska and if the person provides no more than an aggregate of thirty days of professional services as a psychologist per year as defined in the rules and regulations of the board. Psychologists practicing under this section shall notify the board of the nature and location of their practice and provide evidence of their licensure in another jurisdiction.

Upon determination that the applicant has met the requirements of this section, the board shall issue a letter permitting the practice. An individual's permission to practice under this section may be revoked if it is determined by the department that he or she has engaged in conduct defined as illegal, unprofessional, or unethical under the statutes, rules, or regulations governing the practice of psychology in Nebraska.

Source: Laws 1994, LB 1210, §84. Operative date September 1, 1994.

71-1,206.23. Temporary practice pending licensure permitted; when. A psychologist licensed under the laws of another jurisdiction may be authorized by the board to practice psychology for a maximum of one year if the psychologist has made application to the board for licensure and has met the educational and experience requirements for licensure in Nebraska, if the requirements for licensure in the former jurisdiction are equal to or exceed the requirements for licensure in Nebraska, and if the psychologist is not the subject of a past or pending disciplinary action in another jurisdiction. Denial of licensure shall terminate this authorization.

Source: Laws 1994, LB 1210, §85. Operative date September 1, 1994.

71-1,206.24. Limitation of practice; board; duties. The board shall ensure through rules and regulations and enforcement that psychologists limit their practice to demonstrated areas of competence as documented by relevant professional education, training, and experience.

Source: Laws 1994, LB 1210, §86. Operative date September 1, 1994.

71-1,206.25. Other practices and activities; sections, how construed. (1) Nothing in sections 71-1,206.01 to 71-1,206.35 shall be construed to prevent the teaching of psychology, the conduct of psychological research, or the provision of psychological services or consultation to organizations or institutions if such teaching, research, or service does not involve the delivery or supervision of direct psychological services to individuals or groups of individuals who are themselves, rather

than a third party, the intended beneficiaries of such services, without regard to the source or extent of payment for services rendered. Nothing in such sections shall prevent the provision of expert testimony by psychologists who are otherwise exempted by such sections. Persons holding a doctoral degree in psychology from an institution of higher education may use the title psychologist in conjunction with the activities permitted by this subsection.

(2) Nothing in sections 71-1,206.01 to 71-1,206.35 shall be construed to prevent members of other recognized professions that are licensed, certified, or regulated under the laws of this state from rendering services consistent with their professional training and code of ethics and within the scope of practice as set out in the statutes regulating their professional practice if they do not represent themselves to be psychologists.

(3) Nothing in sections 71-1,206.01 to 71-1,206.35 shall be construed to prevent duly recognized members of the clergy from functioning in their ministerial capacity if they do not represent themselves to be psychologists or their services as psychological.

(4) Nothing in sections 71-1,206.01 to 71-1,206.35 shall be construed to prevent persons who are certified as school psychologists by the State Board of Education from using the title school psychologist and practicing psychology as defined in such sections if such practice is restricted to regular employment within a setting under the jurisdiction of the State Board of Education. Such individuals shall be employees of the educational setting and not independent contractors providing psychological services to educational settings.

(5) Nothing in sections 71-1,206.01 to 71-1,206.35 shall be construed to prevent any of the following persons from engaging in activities defined as the practice of psychology if they do not represent themselves by the title psychologist, if they do not use terms other than psychological trainee, psychological intern, psychological resident, or psychological assistant to refer to themselves, and if they perform their activities under the supervision and responsibility of a psychologist in accordance with the rules and regulations of the board:

(a) A matriculated graduate student in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education;

(b) An individual pursuing postdoctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure under sections 71-1,206.01 to 71-1,206.35; or

(c) An individual with a master's degree in clinical, counseling, or educational psychology or an educational specialist degree in school psychology who administers and scores and may develop interpretations of psychological testing under the supervision of a psychologist. Such individuals shall be deemed to be conducting their duties as an extension of the legal and professional authority of the supervising psychologist and shall not independently provide interpretive information or treatment recommendations to clients or other health care professionals prior to obtaining appropriate supervision. The board may adopt and promulgate rules and regulations governing the conduct and supervision of persons referred to in this subdivision, including the number of such persons that may be supervised by a licensed psychologist. Persons who have carried out the duties described in this subdivision as part of their employment in institutions accredited by the Department of Health and Human Services, the State Department of Education, or the Department of Correctional Services for a period of two years prior to September 1, 1994, may use the title psychologist associate in the context of their employment in such settings. Use of the title shall be restricted to duties described in this subdivision, and the title shall be used in its entirety. Partial or abbreviated use of the title and use of the title beyond what is specifically authorized in this subdivision shall constitute the unlicensed practice of psychology.

Source: Laws 1994, LB 1210, § 87; Laws 1996, LB 1044, § 475; Laws 1999, LB 366, § 13. Effective date August 28, 1999.

71-1,206.26. Code of conduct; violations; cost of investigation and prosecution. A psychologist and anyone under his or her supervision shall conduct his or her professional activities in conformity with the code of conduct. Any person found guilty of or entering a plea of no contest to any of the acts or offenses specified in section 71-147 or 71-148 or violations of the code of conduct shall pay the cost of all expenses of investigation and prosecution of his or her case to the board.

Source: Laws 1994, LB 1210, §88. Operative date September 1, 1994.

71-1,206.27. Representation as a psychologist; unlawful practice; violation; penalty. It shall be a violation of sections 71-1,206.01 to 71-1,206.35 for any person not licensed in accordance with such sections to represent himself or herself as a psychologist. It shall be a violation of such sections for any person not licensed in accordance with such sections to engage in the practice of psychology whether practicing as an individual, firm, partnership, limited liability company, corporation, agency, or other entity.

Any person who represents himself or herself as a psychologist in violation of such sections or who engages in the practice of psychology in violation of such sections shall be guilty of a Class II misdemeanor. Each day of violation shall constitute a separate offense. Any person filing or attempting to file, as his or her own, a diploma or license of another or a forged affidavit of identification shall be guilty of a Class IV felony.

It shall be unlawful for a person whose license to practice psychology has been suspended or revoked to practice psychology in this state. The board may issue, with or without reexamination, a new license to such a person whenever it deems such course safe and just.

Source: Laws 1994, LB 1210, § 89; Laws 1999, LB 366, § 14. Effective date August 28, 1999.

71-1,206.28. Violation; restraining order; Attorney General or county attorney; duties. The Attorney General, acting on behalf of the department, or the local county attorney may apply to the district court in the county in which a violation of sections 71-1,206.01 to 71-1,206.35 is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts complained of. The court may grant such temporary or permanent injunction or restraining order, without bond, as it deems just and proper. The remedy provided by this section shall be in addition to, and independent of, any other remedies available for the enforcement of the Uniform Licensing Law.

Source: Laws 1967, c. 429, § 28, p. 1316; Laws 1980, LB 958, § 19; R.S.1943, (1981), § 71-3828; Laws 1984, LB 481, § 37; R.S.1943, (1990), § 71-1,220; Laws 1994, LB 1210, § 90; Laws 1999, LB 366, § 15. Effective date August 28, 1999.

71-1,206.29. Confidentiality; privilege; exceptions. The confidential relations and communications between psychologists and their clients and patients shall be on the same basis as those between physicians and their clients and patients as provided in section 27-504.

In judicial proceedings, whether civil, criminal, or juvenile, in legislative and administrative proceedings, and in proceedings preliminary and ancillary thereto, a client or patient, or his or her legal guardian or personal representative, may refuse to disclose or may prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist, or to a person reasonably believed by the client or patient to be a psychologist, or the psychologist's or person's agents, for the purpose of diagnosis, evaluation, or treatment of any mental and emotional disorder. In the absence of evidence to the contrary, the psychologist shall be presumed to be authorized to claim the privilege on the client's or patient's behalf.

This privilege may not be claimed by the client or patient, or on his or her behalf by authorized persons, in the following circumstances:

(1) When abuse or harmful neglect of children, the elderly, or disabled or incompetent individuals is known or reasonably suspected;

(2) When the validity of a will of a former client or patient of the psychologist is contested;

(3) When such information is necessary for the psychologist to defend against a malpractice action brought by the client or patient;

(4) When an immediate threat of physical violence against a readily identifiable victim is disclosed to the psychologist;

(5) When an immediate threat of self-inflicted injury is disclosed to the psychologist;

(6) When the client or patient, by alleging mental or emotional damages in litigation, puts his or her mental state in issue;

(7) When the client or patient is examined pursuant to court order;

(8) When the purpose of the proceeding is to substantiate and collect on a claim for mental or emotional health services rendered to the client or patient or any other cause of action arising out of the professional relationship; or

(9) In the context of investigations and hearings brought by the client or patient and conducted by the board, when violations of sections 71-1,206.01 to 71-1,206.35 are at issue.

Source: Laws 1994, LB 1210, § 91; Laws 1999, LB 366, § 16. Effective date August 28, 1999.

71-1,206.30. Duty to warn; limitation; immunity. (1)No monetary liability and no cause of action shall arise against any psychologist for failing to warn of and protect from a client’s or patient’s threatened violent behavior or failing to predict and warn of and protect from a client’s or patient’s violent behavior except when the client or patient has communicated to the psychologist a serious threat of physical violence against a reasonably identifiable victim or victims.

(2) The duty to warn of or to take reasonable precautions to provide protection from violent behavior shall arise only under the limited circumstances specified in subsection (1) of this section. The duty shall be discharged by the psychologist if reasonable efforts are made to communicate the threat to the victim or victims and to a law enforcement agency.

(3) No monetary liability and no cause of action shall arise against any person who is a psychologist for a confidence disclosed to third parties in an effort to discharge a duty arising under subsection (1) of this section in accordance with subsection (2) of this section.

Source: Laws 1994, LB 1210, §92. Operative date September 1, 1994.

71-1,206.31. Psychology; license; renewal; continuing competency requirements. Each Nebraska-licensed psychologist in active practice within the State of Nebraska shall, in the period since his or her license was issued or last renewed, complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for the licensee's next subsequent license renewal.

Source: Laws 1994, LB 1210, § 93; Laws 2002, LB 1021, § 28. Operative date January 1, 2003.

71-1,206.32. Provisional license; requirements. A person who needs to obtain the required one year of supervised postdoctoral experience in psychology pursuant to subdivision (2) of section 71-1,206.15 shall obtain a provisional license to practice psychology. An applicant for a provisional license to practice psychology shall:

(1) Have a doctoral degree from an institution of higher education in a program of graduate study in professional psychology that meets the standards of accreditation adopted by the American Psychological Association or its equivalent. If the program is not accredited by the American Psychological Association, it is the responsibility of the applicant to provide evidence of equivalence. Any applicant from a program that does not meet such standards shall present a certificate of retraining from a program of respecialization that does meet such standards;

(2) Have completed one year of supervised professional experience in an internship as provided in subdivision (2) of section 71-1,206.15;

(3) (a) Apply within sixty days after August 28, 1999, if the applicant is then in the year of registered supervised postdoctoral experience on such date; or

(b) Apply at any time after August 28, 1999, but prior to beginning the year of registered supervised postdoctoral experience if the applicant is not in such year on such date;

(4) Be of good moral character; and

(5) Submit to the department:

(a) A verified complete application on a form provided by the department;

(b) An official transcript showing proof of a doctoral degree in psychology from an institution of higher education;

(c) A certified copy of the applicant's birth certificate or other evidence of having attained the age of majority;

(d) A registration of supervisory relationship pursuant to subdivision (1) of section 71-1,206.18; and

(e) The required provisional license fee as established by the department.

Source: Laws 1999, LB 366, § 1. Effective date August 28, 1999.

71-1,206.33. Provisional license; approve or deny application. The department shall approve or deny a complete application for a provisional license to practice psychology within one hundred fifty days after receipt of the application.

Source: Laws 1999, LB 366, § 2. Effective date August 28, 1999.

71-1,206.34. Provisional license; title; duties. A psychologist practicing with a provisional license shall use the title Provisionally Licensed Psychologist. A provisionally licensed psychologist shall disclose supervisory relationships to clients or patients for whom supervision is required and to third parties when relevant. A provisionally licensed psychologist shall not supervise other mental health professionals or independently evaluate persons under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act.

Source: Laws 1999, LB 366, § 3; Laws 2006, LB 1199, § 34. Effective date July 14, 2006.

71-1,206.35. Provisional license; expiration. A provisional license to practice psychology expires upon receipt of a license to practice psychology or two years after the date of issuance, whichever occurs first.

Source: Laws 1999, LB 366, § 4. Effective date August 28, 1999.

71-1,207. Repealed. Laws 1994, LB 1210, §192.

71-1,208 to 71-1,210. Transferred to sections 71-1,206.11 to 71-1,206.13.

71-1,211 to 71-1,214. Repealed. Laws 1994, LB 1210, §192.

71-1,215 to 71-1,217. Repealed. Laws 1988, LB 1100, §185.

71-1,218 and 71-1,219. Repealed. Laws 1994, LB 1210, §192.

71-1,220. Transferred to section 71-1,206.28.

71-1,221 to 71-1,226. Repealed. Laws 1994, LB 1210, §192.