



SUMMARY

Independent Mental Health Practitioners, Mental Health Practitioners, Marriage and Family Therapists, Professional Counselors, and Social Workers

Regulations 172 NAC 94

Effective: 7.12.2021

Regulations 172 NAC 94 have been revised and were effective 7.12.2021. Copies of the revised regulations can be found at: <https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx> or posted directly at: https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-094.pdf

The website and the applications are currently being updated to comply with the revised regulations.

These regulations require compliance with the Uniform Credentialing Act, the Mental Health Practice Act, and 172 NAC 10. 172 NAC 10 includes requirements, guidance, and consistency for all individuals who are regulated under the Uniform Credentialing Act and includes standard language relating to: definitions; requirements and documentation for initial credentialing, renewal, re-application; voluntary surrendering a credential; and requirements to withdraw an application.

Statutory language is no longer repeated in the regulations, now you will only see a reference in the regulations to the applicable statute or 172 NAC 10. So when reading the regulations you must also review the identified statute and chapter 10 in order to see all applicable requirements. Copies of all regulations and statutes can be viewed at: <https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

SUMMARY OF CHANGES

The following provides a summary of proposed changes to the regulations:

1. **License Required:** Clarifies that a Nebraska license is required, regardless of how the services are delivered, to clients who are present in Nebraska at the time of the service.
2. **Definitions:** Revises several definitions, such as client or patient, direct client contact versus non-direct client contact, major mental disorder, psychotherapy, qualified physician, and major mental disorders using the current Diagnostic Statistical Manual published by the American Psychiatric Association.
3. **Supervision:** The regulations set out the supervision requirements for individuals who are seeking a license as an independent mental health practitioner, and updates the general supervision requirements for those seeking any license or certificate under chapter 94, along with updating the supervision requirements for marriage and family therapists.

NOTE: The supervisor cannot supervise more than 6 persons at 1 face-to-face supervisory meeting. Face to face supervision may include interactive visual imaging assisted communication which is secure and confidential.

4. Unprofessional Conduct: Revises unprofessional conduct standards including competence, confidentiality, disclosure of confidential information, dual relationships, professional relationships, sexual harassment, sexual intimacy, students and supervisees, and failure to cooperate with investigations. Includes language relating to discrimination, professional records, and referrals.
5. Fees: Removes the fee section. In 2008, all fees for professions under the Uniform Credentialing Act were set out in 172 NAC 2.
6. Continuing Education. Removes the maximum number of hours that are allowed per continuing education program type, and includes additional options for obtaining continuing education, including hours for supervising a provisional credential holder and authoring a peer reviewed publication.

Requires **all licensees** and certificate holders to complete at least 4 hours of CE in ethics each renewal period (on or before 9/1 of even numbered years).

Requires **all LIMHP's** to complete at least 6 hours of CE relating to diagnosis and treatment of major mental disorders each renewal period.

7. Reciprocity: Sets out the requirements to apply by reciprocity, includes language for those applying based on holding a license for 5 years in another state; and removes the requirement of at least 1 year of practice in another state (when not applying under the 5 years).
8. Education: For certification as a professional counselor or marriage and family therapist, if the educational program is not accredited by one of the organizations set out in Neb. Rev. Stat. § 38-2104 , the applicant must provide evidence that the program meets substantially equivalent educational requirements as adopted by the accredited program.

For licensure as a mental health practitioner graduating from a non-accredited program, the regulations require an additional 3 semester hours of graduate education relating to social and cultural diversity; this new requirement is effective 2 years after the effective date of the regulations.

Direction is provided to an applicant who obtains a degree obtained in a foreign country, in order to determine equivalency to a degree issued from an accredited program.

9. Examination: Includes the Commission on Rehabilitation Counselor Examination (CRC) as an acceptable examination for MHP, CPC or LIMHP licensing.

WEB SITE

You can **view a copy of the new revised regulations**, Chapter 10, and all statutes relating to licensing of mental health practitioners and associated certificates at the mental health practice home page:

<https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

or posted directly at:

https://www.nebraska.gov/rules-and-regs/regsearch/Rules/Health_and_Human_Services_System/Title-172/Chapter-094.pdf

CONTACT

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