



Jim Pillen, Governor

NOTICE OF MEETING and AGENDA - REVISED BOARD OF MENTAL HEALTH PRACTICE

This meeting will be held in person. The public is welcome to attend any Open Session discussion in the Nebraska State Office Building, Lower Level, Otoe Room. This meeting will also be available to the public by WEBEX using this link:

<https://sonvideo.webex.com/sonvideo/j.php?MTID=md61f2b892e1800b148ea74a8895d0f19>.

Call-in information: 1-408-418-9388; meeting number (access code): 2488 721 0793

PLEASE NOTE: members of the public who wish to join via Webex will need to wait in the lobby while the meeting is in closed session. We recommend that you wait in the lobby until the closed session portion of the meeting has ended and the meeting has been unlocked by the host.

AGENDA	Posted: 1/9/2026
<p>Date: Friday, January 16, 2025 9:00 a.m.</p> <p>Location: NSOB Otoe Room, Lincoln, Nebraska</p> <p>For Information Contact: Jessica Dean 402-471-4918 or Jessica.dean@nebraska.gov</p>	<ol style="list-style-type: none"> ROLL CALL AND CALL MEETING TO ORDER Announcement: There is a current copy of the Open Meetings Act posted on the door to the meeting room and available at the link listed below. ADOPTION OF THE AGENDA APPROVAL OF MINUTES – November 7, 2025 CLOSED SESSION (approx. 9:15 a.m.): Investigative Reports and Confidential Information Purpose: to hear discussions of investigative and confidential nature, and for the prevention of needless injury to individual reputations. Board Hearing – Julia Kercher, LIMHP, LMHP, CPC Hearing Review – CLOSED SESSION Hearing Review – OPEN SESSION OPEN SESSION: (approx. 12:00 p.m.): review, recommendations, and applications UPDATES, NEW BUSINESS, AND REPORTS: <ul style="list-style-type: none"> Legislation Regulations Association and Committee Updates <ul style="list-style-type: none"> AASCB https://aascb.org/ AMFTRB https://amftrb.org/ ASWB https://www.aswb.org/ Licensing Compacts <ul style="list-style-type: none"> Social Work Compact Counseling Compact Reports: disciplinary and non-disciplinary actions, licensure statistics, examination pass/fail report (included with agenda) ANNUAL BUSINESS <ul style="list-style-type: none"> Election of officers, appointment of association representatives, and appointment of investigative consultants By-laws (included with agenda) PUBLIC COMMENT ADJOURN (approx. 1 p.m.)

Nebraska Open Meetings Act: 84-1407 through 84-1414

<https://ago.nebraska.gov/open-meetings>

All items known at the time of distribution of this agenda are listed. A current agenda is available at the Department of Health and Human Services, Division of Public Health, Licensure Unit and at the following website: <https://dhs.ne.gov/Licensure/Pages/Agendas-and-Minutes.aspx> If auxiliary aids or reasonable accommodations are needed for attendance at a meeting, please call Jessica Dean at (402) 471-4918 (voice), or for persons with hearing impairments, please call the Nebraska Relay System, 711 TDD, prior to the meeting date. Advance notice of seven days is needed when requesting an interpreter.

2026 Meeting Dates
1/16/26
3/6/26
5/1/26
TBD

Agenda Item 3

These minutes have not been approved by the Board

MINUTES OF THE MEETING
Board of Mental Health Practice
November 7, 2025

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by Rebecca Czaja-Stevens, Chair. The meeting began at 9:03 a.m. and was located in the Otoe Room of the Nebraska State Office Building, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx>, and posted in the lobby of the Nebraska State Office Building on October 29, 2025.

Czaja-Stevens stated that there is a current copy of the Open Meetings Act posted on the door to the meeting room and available at the link listed on the agenda.

The following members answered roll call:

Members Present, (9)

Rebecca Czaja-Stevens, Chair
Paul Davies, Secretary
Tammy Erickson
Renea Gernant
Adrian Martin
Jen McNally
Susan Meyerle
Amanda Milander-Mace
Scott Stocking

Members Absent (1):

Sara Batter, Vice Chair

Others Present:

Maiya Baumann, Program Manager, Licensure Unit
Jessica Dean, Health Licensing Coordinator, Licensure Unit
Abigail Hoy Nissen, Assistant Attorney General
Katherine Amyot, DHHS Department Attorney
Trevor Klaasen and Mark Meyerson, DHHS Investigators
Anna Harrison, Compliance Monitor, Licensure Unit
Jeanette Peterson, Program Manager, Licensure Unit

A quorum was present, and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Meyerle moved, seconded by Batter, to adopt the agenda. A voice vote was taken. Voting yes: Czaja-Stevens, Davies, Erickson, Gernant, Martin, Meyerle, Milander-Mace, and Stocking. Voting no: none (0). Absent: one (1). Abstain: none (0). Motion carried.

3. ADOPTION OF MINUTES – SEPTEMBER 5, 2025

MOTION: Meyerle moved, seconded by Martin, to adopt the minutes. A voice vote was taken. Voting yes: Czaja-Stevens, Davies, Erickson, Gernant, Martin, Meyerle, Milander-Mace, and Stocking. Voting no: none (0). Absent: one (1). Abstain: none (0). Motion carried.

4. CLOSED SESSION - CONFIDENTIAL INFORMATION

MOTION: Meyerle moved, seconded by Martin, to enter into closed session at 9:05 a.m. to hear discussions of a confidential nature, and for the prevention of needless injury to individual reputations. A voice vote was taken. Voting yes: Czaja-Stevens, Davies, Erickson, Gernant, Martin, Meyerle, Milander-Mace, and Stocking. Voting no: none (0). Absent: one (1). Motion carried.

10:57 a.m. - break

12:01 p.m. - verbal agreement from all board members to enter open session.

12:06 p.m. – McNally exited the meeting.

5. OPEN SESSION – APPLICATION REVIEW AND RECOMMENDATIONS

Julia Kercher – Application for Reinstatement After Suspension

MOTION: Meyerle moved, seconded by Stocking, to recommend denial of the application based on insufficient evidence of a change in circumstances. Voting yes: Czaja-Stevens, Davies, Erickson, Gernant, Martin, McNally, Meyerle, Milander-Mace, and Stocking. Motion carried.

Krista Lierz – Provisional Mental Health Practitioner Application

MOTION: Meyerle moved, seconded by Gernant, to recommend issuing a probationary license with a three year probation term and the standard terms and conditions along with a practice limitation of no in-home settings or facilities where medications are dispensed. Voting yes: Davies, Erickson, Gernant, Martin, McNally, Meyerle, Milander-Mace, and Stocking. Abstained: Czaja-Stevens. Motion carried.

Randall Vонk – Preliminary Conviction Review

MOTION: Davies moved, seconded by McNally, to recommend that the convictions listed on the application would not disqualify the applicant from obtaining a Provisional Mental Health Practitioner license. Voting yes: Czaja-Stevens, Davies, Erickson, Gernant, McNally, Meyerle, Milander-Mace, Stocking. Motion carried.

6. UPDATES AND REPORTS

a. Legislation

No new updates.

b. The meeting dates for the first three meetings of 2026 were set for January 16, March 6, and May 1, 2026. The Board will wait schedule further dates for the year until more details are available about the details of the merger between the Boards of Alcohol and Drug Counseling and Mental Health Practice, which will occur in July 2026 per LB 346, which was passed during the 2025 legislative session and signed into law by the Governor effective May 30, 2025. Meyerle suggested that an invitation be extended to any Alcohol and Drug Counseling board members who wish to attend any open session meeting of the Board of Mental Health prior to the merging of the two boards.

c. Regulations Updates

Baumann reported that the updates to the regulations pertaining to Art Therapy have been sent to the Attorney General's office and Governor's office for final review prior to signature. There was a discussion of the process for updating or improving regulations and how the process works when regulations are opened up for revision.

d. Association and Committee Updates

1. American Association of State Counseling Boards (AASCB) <http://www.aascb.org>

Meyerle reported that there is an open meeting scheduled for November 21st which any state board members may attend.

2. Association of Marital & Family Therapy Regulatory Boards (AMFTRB) <http://www.amftrb.org>

Erickson and Martin attended the annual meeting of the Association of Marital & Family Therapy Regulatory Boards (AMFTRB), which took place between September 14 and September 16th, 2025, at the Hyatt Regency McCormick Place in Chicago, IL. Martin reported there were thirty-four (34) attendees at the conference representing seventeen (17) states. Topics discussed at the conference included regulatory trends; reporting on a research project on post-degree supervised experience for marriage and family clinicians, a presentation on the pending Supreme Court Chiles v Salazer case which could have a significant impact on the practice of therapy; proposed rule language for psychedelic assisted therapy; and extensive discussion of regulatory guidelines for the use of artificial intelligence (AI).

3. Association of Social Work Boards (ASWB) <http://www.aswb.org>

No new updates.

e. Social Work compact

Per Baumann, a vendor for the Social Work Compact has been proposed which would be similar to the vendor being used for other compacts. States are continuing to join the compact.

f. Counseling Compact <https://counselingcompact.org/>

Baumann said that she spoke with the Executive Director of the compact and learned that in the two states, Arizona and Minnesota, which have gone live and begun issuing credentials under the Counseling Compact and that a significant number of credentials have been issued. Nebraska is currently working on data requirements and other factors in preparation for going live with compact licensure. She reported on the results of an email ballot which was sent to board members in September regarding proposed fees for counseling compact licenses in Nebraska. Meyerle discussed the variation of proposed fees by different states and how higher fees can impact the number of compact licenses issued.

g. Reports: email ballots, disciplinary and non-disciplinary actions, licensure statistics, and examination pass/fail reports.

1. On September 23, 2025, an email ballot was sent to the board members with a proposal to approve the proposed fee for counseling compact licenses. DHHS recommended a \$125 counseling compact fee, which, added to the compact license processing fee of \$30, would bring the total cost of a counseling compact license in Nebraska to \$155. Seven of ten board members voted in favor of the proposed fee and the motion carried.
2. Reports on disciplinary and non-disciplinary actions, licensure statistics, and examination pass/fail reports were included with the agenda for the meeting.

7. ADJOURNMENT

Czaja-Stevens declared the meeting adjourned at 12:48 p.m.; the next meeting is scheduled for January 16, 2025.

Agenda Item 9

NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF PUBLIC HEALTH, LICENSURE UNIT



SUMMARY COUNT OF LICENSES BY LICENSE STATUS

Mental Health Practice

	Active	Active-Military	Application Closed	Closed	Deleted	Denied	Denied Renewal	Expired	Expired Credential	Expired Military	Inactive	Lapsed
EO 20-27 Prov Independent MHP 0	0	0	0	0	0	0	0	0	0	0	0	0
EO 20-27 Prov Mental Health Pra 0	0	0	0	0	0	0	2	0	0	0	0	0
Independent Mental Health Pract 3,679	7	298	3	89	17	0	472	0	0	175	0	0
Marriage & Family Therapist	141	0	25	2	3	0	75	0	0	36	1	16
Master Social Worker	1,467	0	90	0	9	4	1	416	0	1	426	43
Master Social Worker - CMSW	68	0	20	0	10	1	0	39	0	0	24	0
Mental Health Practitioner	2,287	2	241	3	155	19	1	2,427	0	4	1,127	70
Non-License (Exam applicant onl 23	0	0	42	0	0	0	0	0	0	0	0	0
Preliminary Conviction Review	2	0	0	0	0	0	0	0	0	0	0	0
Professional Counselor	1,229	1	116	0	21	7	0	910	0	0	542	65
Provisional Master Social Worker	542	0	31	1	4	1	0	72	232	0	11	0
Provisional Mental Health Practiti 1,629	0	0	159	8	25	21	0	500	1,344	0	53	1
Social Worker	605	1	77	0	49	9	0	1,063	0	0	777	205
Supervised Marriage & Family Th 0	0	0	5	0	0	0	0	16	0	0	0	0
Temporary Cert Marriage Family 0	0	0	0	0	0	0	0	0	0	0	1	0
Temporary Mental Health Practiti 0	0	0	0	0	0	0	0	0	0	0	0	0
Total	11,672	11	1,104	16	364	82	2	5,992	1,576	5	3,173	385
												1,799

	NonDisc Revocation	Null and Void	Pending	Reinstatement Pending	Revocation	Suspension	Voluntary Surrender	Withdrawn	Total
EO 20-27 Prov Independent MHP	1	0	0	0	0	0	0	1	
EO 20-27 Prov Mental Health Pra	0	0	0	0	0	0	0	2	
Independent Mental Health Pract	10	59	1	17	6	14	93	4,940	
Marriage & Family Therapist	1	3	0	0	0	1	16	321	
Master Social Worker	25	14	2	9	1	4	31	2,736	
Master Social Worker - CMSW	15	1	0	0	0	0	11	201	
Mental Health Practitioner	55	12	4	34	5	36	124	6,946	
Non-License (Exam applicant onl	0	5	0	0	0	0	1	71	
Preliminary Conviction Review	0	3	0	0	0	0	0	5	
Professional Counselor	46	20	2	19	5	20	62	3,327	
Provisional Master Social Worker	1,327	19	0	2	0	1	12	2,255	
Provisional Mental Health Practiti	5,349	43	0	19	7	9	64	9,231	
Social Worker	25	12	3	4	1	1	36	3,844	
Supervised Marriage & Family Th	51	0	0	0	1	0	2	75	
Temporary Cert Marriage Family 0	0	0	0	0	0	0	0	1	
Temporary Mental Health Practiti 0	0	0	0	0	0	0	0	1	
Total	6,905	191	12	104	26	86	452	33,957	

Compliance Listing Report

Sort Name	License No	License Type	License Status	Sanction	Sanction Start	Sanction End
Hoyt, Erika Jacqueline	3450	Independent Mental Health Practitioner	Active	Civil Penalty	05/01/2025	05/01/2026
Hoyt, Erika Jacqueline	5518	Mental Health Practitioner	Expired	Civil Penalty	05/01/2025	05/01/2026
Bratt, Bryon Kenneth	1276	Independent Mental Health Practitioner	Revocation	Civil Penalty	05/07/2025	05/07/2026
Bratt, Bryon Kenneth	4166	Mental Health Practitioner	Revocation	Civil Penalty	05/07/2025	05/07/2026
Bratt, Bryon Kenneth	2046	Professional Counselor	Revocation	Civil Penalty	05/07/2025	05/07/2026
Franczak, Marc Anthony	3481	Independent Mental Health Practitioner	Active	Civil Penalty	06/18/2025	06/18/2026
Locken, Abbie Marie	2885	Independent Mental Health Practitioner	Active	Civil Penalty	06/21/2024	06/21/2026
Locken, Abbie Marie	1855	Master Social Worker	Active	Civil Penalty	06/21/2024	06/21/2026
Locken, Abbie Marie	5073	Mental Health Practitioner	Expired	Civil Penalty	06/21/2024	06/21/2026
Schrad, Ashley Kay	2468	Independent Mental Health Practitioner	Active	Civil Penalty	08/18/2025	08/18/2026
Schrad, Ashley Kay	5116	Mental Health Practitioner	Expired	Civil Penalty	08/18/2025	08/18/2026
Andersh, Karie Marie	2131	Independent Mental Health Practitioner	Suspension	Civil Penalty	11/19/2025	11/19/2026
Andersh, Karie Marie	2503	Professional Counselor	Suspension	Civil Penalty	11/19/2025	11/19/2026
Evans, Leontyne Lynnette	13016	Provisional Mental Health Practitioner	Suspension	Civil Penalty	11/26/2025	12/26/2026
Bhatti, Saira Imran	7738	Provisional Master Social Worker	Revocation	Civil Penalty	01/02/2025	01/02/2027
Bhatti, Saira Imran	13034	Provisional Mental Health Practitioner	Revocation	Civil Penalty	01/02/2025	01/02/2027
O'Brien, Leah K	2418	Independent Mental Health Practitioner	Active	Civil Penalty	06/12/2024	06/12/2027
O'Brien, Leah K	2595	Professional Counselor	Active	Civil Penalty	06/12/2024	06/12/2027

Frerichs, Brandon J.	1567	Independent Mental Health Practitioner	Active	Civil Penalty	10/22/2025	10/22/2027
Frerichs, Brandon J.	2442	Professional Counselor	Expired	Civil Penalty	10/22/2025	10/22/2027
Conrad, Roy Carl	5944	Mental Health Practitioner	Revocation	Civil Penalty	12/31/2025	12/31/2027
Kercher, Julia Diane	1079	Independent Mental Health Practitioner	Suspension	Civil Penalty	05/01/2025	05/01/2028
Kercher, Julia Diane	2245	Mental Health Practitioner	Suspension	Civil Penalty	05/01/2025	05/01/2028
Kercher, Julia Diane	1253	Professional Counselor	Suspension	Civil Penalty	05/01/2025	05/01/2028
Lierz, Krista Lee	8307	Provisional Master Social Worker	Active	Probation	12/09/2025	12/09/2028
Lierz, Krista Lee	14704	Provisional Mental Health Practitioner	Active	Probation	12/09/2025	12/09/2028

EXAMINATION STATISTICS SUMMARY REPORT

Profession: Mental Health Practice

Date Range: 01/01/2025 to 12/31/2025

Exam Battery	Exam Name	Result	Number of Candidates
AMFTRB	AMFTRB	Pass	3
		AMFTRB total:	3
ASWB-Clinical	ASWB-Clinical (formerly AASSWB)	Pass	85
		Fail	23
		ASWB-Clinical total:	108
ASWB-Masters Exam	ASWB Master's Exam	Pass	1
		Fail	1
		ASWB-Masters Exam total:	2
Jurisprudence Exam	Jurisprudence	Pass	89
		Fail	2
		Jurisprudence Exam total:	91
NBCC-NCE	NCE (NBCC)	Pass	95
		Fail	31
		NBCC-NCE total:	126
NBCC-NCMHCE	NBCC-NCMHCE	Pass	27
		Fail	10
		NBCC-NCMHCE total:	37
			Report total: 367

Agenda Item 10

BY-LAWS

BOARD OF MENTAL HEALTH PRACTICE

ARTICLE I
NAME:

Board of Mental Health Practice.

ARTICLE II OBJECTIVES:	<p>(1) To provide an orderly transaction of business relative to the function of the Board.</p> <p>(2) To provide a forum for members of the profession and consumers to present information and concerns pertaining to the practice of Mental Health in the State of Nebraska.</p>			
ARTICLE III MEMBERSHIP:	<p>Membership in the Board of Mental Health Practice is set in statute 38-2120.</p>			
ARTICLE IV	<p>Officers will be elected annually at the first meeting after December 1.</p>			
OFFICERS AND ELECTIONS:	<p>Officers shall be:</p> <table style="margin-left: 100px;"> <tr><td>Chairperson</td></tr> <tr><td>Vice-Chairperson</td></tr> <tr><td>Secretary</td></tr> </table> <p>No member shall hold more than 2 consecutive terms in the same officer position and a conscience effort should be made to rotate offices among the professions and public represented</p>	Chairperson	Vice-Chairperson	Secretary
Chairperson				
Vice-Chairperson				
Secretary				
ARTICLE V DUTIES OF OFFICERS:	<p><u>Chair</u>: Facilitates meeting, reviews agenda prior to mailing, and represents the Board to outside parties.</p> <p><u>Vice Chair</u>: In absence of chair, performs duties as assigned to chair.</p> <p><u>Secretary</u>: In absence of chair and vice-chair, facilitates meeting and Signs Minutes.</p>			
ARTICLE VI COMPLAINT SCREENER & INVESTIGATIVE CONSULTANT	<p>The investigative consultant for a given case shall not participate in the Board's recommendation.</p>			
ARTICLE VII PER DIEM AND EXPENSES:	<p>Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Board members per diems shall be \$50 per day (38-171). Actually engaged includes:</p> <ul style="list-style-type: none"> • 1 day of preparation time for each meeting, • Attending the Board meeting (in person or by conference call), • Each day the member is representing the board at a national meeting of state licensing boards, and • Each day of travel where overnight arrangements have been made (board meeting or national meeting). <p>Expenses shall be reimbursed according to the Uniform Credentialing Act and the Department of Health and Human Services policy(s).</p>			
ARTICLE VIII MEETINGS:	<p>Board Meetings will be scheduled as necessary for the transaction of business; and will be held at least quarterly.</p>			
ARTICLE IX NOTICE OF	<p>Notice of meetings and agendas are to be distributed in accordance with the Nebraska Public Meetings Law and Licensure Unit policy, including posting on DHHS website and bulletin board in the Licensure Unit Lobby.</p>			

MEETINGS:	
ARTICLE X	6 members of the Board shall constitute a quorum for conducting business.
QUORUM:	Board members should notify the Licensure Unit as soon as possible if they are unable to attend a meeting.
	The Chairperson may cancel or reschedule a meeting if a quorum is not present.
ARTICLE XI	
PARLIMENTARY AUTHORITY:	The rules of parliamentary practice comprised in <u>Robert's Rules of Order, Newly Revised</u> ; shall govern all proceedings of the board, subject to such special rules as have been or may be adopted.
ARTICLE XII	
MOTIONS:	Motions will be made in accordance with parliamentary procedure, except the Chairperson may request that the motion be put in writing and submitted to him/her to be read prior to an official vote.
ARTICLE XIII	All meetings shall be open to the public, except closed sessions, and comply with provisions of the Public Meetings Law.
PUBLIC PARTICIPATION AT MEETINGS:	Individuals attending board meetings will be afforded an opportunity to speak, when appropriate, subject to the following guidelines:
	<ol style="list-style-type: none"> 1. By contacting the Chairperson prior to the meeting, relative to a specific issue and asking to be placed on the agenda. This contact must be made no later than 10 days prior to the meeting. 2. The Chairperson may ask at a meeting if members of the public have input they wish to present to the board relative to a specific agenda item. 3. Members of the public speaking at board meetings will identify themselves and indicate if they are appearing on their own behalf or representing a group or organization as their spokesperson. This shall be recorded in the minutes of the meeting. 4. The Chairperson may limit the time available for public input to facilitate accomplishment of business on the board's agenda. 5. Pursuant to Neb. Rev. Stat. 84-1412, Public Meeting Law, the Chairperson may restrict in terms of time, scope and number of individuals speaking at a public meeting. The Chairperson will announce allotted time prior to an individual speaking or may direct during the presentation the time will be limited. 6. The Board may invite persons with special expertise to speak on specific issues.
ARTICLE XIV	
MINUTES:	Minutes of Board Meetings shall be maintained on file and available for public viewing, in the office of the Licensure Unit. A draft of the minutes shall be available within 10 days following the board meeting date.
ARTICLE XVI	
AMENDMENTS:	Amendments to these by-laws may be proposed by any member of the Board. Proposed amendments shall require a majority vote of the Board Members.
	Statutory changes that dictate modification of these by-laws will not require amendment by the Board. If there is a conflict between state law and Board by-laws, state law will take precedence.

Statutes Relating to Boards

38-126. Rules and regulations; board and department; adopt.

To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health services, health-related services, and environmental services:

(1)(a) The appropriate board may adopt rules and regulations to:

(i) Specify minimum standards required for a credential, including education, experience, and eligibility for taking the credentialing examination, specify methods to meet the minimum standards through military service as provided in section 38-1,141, and on or before December 15, 2017, specify standards and procedures for issuance of temporary credentials for military spouses as provided in section 38-129.01;

(ii) Designate credentialing examinations, specify the passing score on credentialing examinations, and specify standards, if any, for accepting examination results from other jurisdictions;

(iii) Set continuing competency requirements in conformance with section 38-145;

(iv) Set standards for waiver of continuing competency requirements in conformance with section 38-146;

(v) Set standards for courses of study; and

(vi) Specify acts in addition to those set out in section 38-179 that constitute unprofessional conduct; and

(b) The department shall promulgate and enforce such rules and regulations;

(2) For professions or businesses that do not have a board created by statute:

(a) The department may adopt, promulgate, and enforce such rules and regulations; and

(b) The department shall carry out any statutory powers and duties of the board;

(3) The department, with the recommendation of the appropriate board, if any, may adopt, promulgate, and enforce rules and regulations for the respective profession, other than those specified in subdivision (1) of this section, to carry out the Uniform Credentialing Act; and

(4) The department may adopt, promulgate, and enforce rules and regulations with general applicability to carry out the Uniform Credentialing Act.

Source: Laws 1927, c. 167, § 68, p. 472; C.S.1929, § 71-902; R.S.1943, § 71-169; Laws 1996, LB 1044, § 401; R.S.1943, (2003), § 71-169; Laws 2007, LB296, § 321; Laws 2007, LB463, § 26; Laws 2015, LB264, § 2; Laws 2017, LB88, § 32.

38-145. Continuing competency requirements; board; duties.

(1) The appropriate board shall establish continuing competency requirements for persons seeking renewal of a credential.

(2) The purposes of continuing competency requirements are to ensure (a) the maintenance by a credential holder of knowledge and skills necessary to competently practice his or her profession, (b) the utilization of new techniques based on scientific and clinical advances, and (c) the promotion of research to assure expansive and comprehensive services to the public.

(3) Each board shall consult with the department and the appropriate professional academies, professional societies, and professional associations in the development of such requirements.

(4)(a) For a profession for which there are no continuing education requirements on December 31, 2002, the requirements may include, but not be limited to, any one or a combination of the continuing competency activities listed in subsection (5) of this section.

(b) For a profession for which there are continuing education requirements on December 31, 2002, continuing education is sufficient to meet continuing competency requirements. The requirements may also include, but not be limited to, any one or a combination of the continuing competency activities listed in subdivisions (5)(b) through (5)(p) of this section which a credential holder may select as an alternative to continuing education.

(5) Continuing competency activities may include, but not be limited to, any one or a combination of the following:

(a) Continuing education;

(b) Clinical privileging in an ambulatory surgical center or hospital as defined in section 71-405 or 71-419;

(c) Board certification in a clinical specialty area;

(d) Professional certification;

(e) Self-assessment;

(f) Peer review or evaluation;

(g) Professional portfolio;

(h) Practical demonstration;

(i) Audit;

(j) Exit interviews with consumers;

(k) Outcome documentation;

(l) Testing;

(m) Refresher courses;

(n) Inservice training;

(o) Practice requirement; or

(p) Any other similar modalities.

(6) Beginning with the first license renewal period which begins on or after October 1, 2018, the continuing competency requirements for a nurse midwife, dentist, physician, physician assistant, nurse practitioner, podiatrist, and veterinarian who prescribes controlled substances shall include at least three hours of continuing education biennially regarding prescribing opiates as defined in section 28-401. The continuing education may include, but is not limited to, education regarding prescribing and administering opiates,

the risks and indicators regarding development of addiction to opiates, and emergency opiate situations. One-half hour of the three hours of continuing education shall cover the prescription drug monitoring program described in sections 71-2454 to 71-2456. This subsection terminates on January 1, 2029.

Source: Laws 1976, LB 877, § 14; Laws 1984, LB 481, § 21; Laws 1985, LB 250, § 4; Laws 1986, LB 286, § 62; Laws 1986, LB 579, § 54; Laws 1992, LB 1019, § 38; Laws 1994, LB 1210, § 41; Laws 1999, LB 828, § 47; Laws 2002, LB 1021, § 12; R.S.1943, (2003), § 71-161.09; Laws 2007, LB463, § 45; Laws 2018, LB731, § 2.

38-160. Board; member; removal; procedure; grounds.

(1) The State Board of Health shall have power to remove from office at any time any member of a board for which it appoints the membership, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for not maintaining the qualifications established in sections 38-164 and 38-165, for any cause for which a credential in the profession or business involved may be suspended or revoked under section 38-178 or 38-179, or for a lack of a credential in the profession or business involved.

(2) The State Board of Health shall have full access to such complaints or investigational records as necessary and appropriate in the discharge of its duties under subsection (1) of this section and section 38-158.

Source: Laws 1927, c. 167, § 18, p. 458; C.S.1929, § 71-308; R.S.1943, § 71-118; Laws 1979, LB 427, § 9; Laws 1986, LB 286, § 35; Laws 1986, LB 579, § 27; Laws 1987, LB 473, § 12; Laws 1993, LB 187, § 6; Laws 1994, LB 1210, § 20; Laws 1999, LB 828, § 22; R.S.1943, (2003), § 71-118; Laws 2007, LB463, § 60.

Cross References

- Administrative Procedure Act, see section 84-920.

38-161. Boards; purpose; duties; advisory committees or bodies authorized.

(1) The purpose of each board is to protect the health, safety, and welfare of the public as prescribed in the Uniform Credentialing Act.

(2) The duties of each board include, but are not limited to, (a) setting the minimum standards of proficiency and competency in accordance with section 38-126, (b) providing recommendations in accordance with section 38-149, (c) providing recommendations related to the issuance or denial of credentials, disciplinary action, and changes in legislation, and (d) providing the department with recommendations on regulations to carry out the Uniform Credentialing Act in accordance with section 38-126.

(3) Each board may appoint advisory committees or other advisory bodies as necessary for specific purposes. At least one board member shall serve on each advisory committee or body, and other members may be appointed from outside the board.

Source: Laws 1982, LB 448, § 3; Laws 1987, LB 473, § 7; Laws 1999, LB 828, § 16; R.S.1943, (2003), § 71-112.03; Laws 2007, LB463, § 61.

38-164 Professional Members/Public Members. Professional members shall have been actively engaged in practice of his/her profession in the State of Nebraska, under a license issued in this state, for a period of 5 years just preceding his/her appointment and shall maintain such credential and practice while serving as a board member. For purposes of this section, active practice means devoting a substantial portion of time to rendering professional services. Each professional member of a board shall have been a resident of Nebraska for one year and shall remain a resident of Nebraska while serving as a board member

Public Members at the time of appointment and while serving as a board member, a public member appointed to a board on or after December 1, 2008, shall:

- (1) Have been a resident of this state for one year;
- (2) Remain a resident of Nebraska while serving as a board member;
- (3) Have attained the age of nineteen years;
- (4) Represent the interests and viewpoints of the public;
- (5) Not hold an active credential in any profession or business which is subject to the Uniform Credentialing Act, issued in Nebraska or in any other jurisdiction, at any time during the five years prior to appointment;
- (6) Not be eligible for appointment to a board which regulates a profession or business in which that person has ever held a credential;
- (7) Not be or not have been, at any time during the year prior to appointment, an employee of a member of a profession credentialed by the department, of a facility credentialed pursuant to the Health Care Facility Licensure Act, or of a business credentialed pursuant to the Uniform Credentialing Act;
- (8) Not be the parent, child, spouse, or household member of any person presently regulated by the board to which the appointment is being made;
- (9) Have no material financial interest in the profession or business regulated by such board; and
- (10) Not be a member or employee of the legislative or judicial branch of state government. (38-165)

38-126. Rules and regulations; board and department; adopt. To protect the health, safety, and welfare of the public and to insure to the greatest extent possible the efficient, adequate, and safe practice of health services, health-related services, and environmental services:

- (1)(a) The appropriate board may adopt rules and regulations to:

- (i) Specify minimum standards required for a credential, including education, experience, and eligibility for taking the credentialing examination;
- (ii) Designate credentialing examinations, specify the passing score on credentialing examinations, and specify standards, if any, for accepting examination results from other jurisdictions;
- (iii) Set continuing competency requirements in conformance with section 38-145;
- (iv) Set standards for waiver of continuing competency requirements in conformance with section 38-146;
- (v) Set standards for courses of study; and
- (vi) Specify acts in addition to those set out in section 38-179 that constitute unprofessional conduct; and

(b) The department shall promulgate and enforce such rules and regulations;

(2) For professions or businesses that do not have a board created by statute:

- (a) The department may adopt, promulgate, and enforce such rules and regulations; and
- (b) The department shall carry out any statutory powers and duties of the board;

(3) The department, with the recommendation of the appropriate board, if any, may adopt, promulgate, and enforce rules and regulations for the respective profession, other than those specified in subdivision (1) of this section, to carry out the Uniform Credentialing Act; and

(4) The department may adopt, promulgate, and enforce rules and regulations with general applicability to carry out the Uniform Credentialing Act.

38-145. Continuing competency requirements; board; duties. (1) The appropriate board shall establish continuing competency requirements for persons seeking renewal of a credential.

38-160. Board; member; removal; procedure; grounds. (1) The State Board of Health shall have power to remove from office at any time any member of a board for which it appoints the membership, after a public hearing pursuant to the Administrative Procedure Act, for physical or mental incapacity to carry out the duties of a board member, for continued neglect of duty, for incompetency, for acting beyond the individual member's scope of authority, for malfeasance in office, for not maintaining the qualifications established in sections 38-164 and 38-165, for any cause for which a credential in the profession or business involved may be suspended or revoked under section 38-178 or 38-179, or for a lack of a credential in the profession or business involved.

(2) The State Board of Health shall have full access to such complaints or investigational records as necessary and appropriate in the discharge of its duties under subsection (1) of this section and section 38-158.

38-161. Boards; purpose; duties; advisory committees or bodies authorized.

(1) The purpose of each board is to protect the health, safety, and welfare of the public as prescribed in the Uniform Credentialing Act.

(2) The duties of each board include, but are not limited to, (a) setting the minimum standards of proficiency and competency in accordance with section 38-126, (b) providing recommendations in accordance with section 38-149, (c) providing recommendations related to the issuance or denial of credentials, disciplinary action, and changes in legislation, and (d) providing the department with recommendations on regulations to carry out the Uniform Credentialing Act in accordance with section 38-126.

(3) Each board may appoint advisory committees or other advisory bodies as necessary for specific purposes. At least one board member shall serve on each advisory committee or body, and other members may be appointed from outside the board.

38-168. Boards; conflict of interest. The department may establish definitions of conflicts of interest for members of the boards and may establish procedures in the case such a conflict arises. For purposes of this section, conflict of interest includes financial, professional, or personal obligations that may compromise or present the appearance of compromising the judgment of a member in the performance of his or her duties.

38-169. Board; organization. Each board shall organize annually at its first meeting subsequent to December 1 and shall select a chairperson, a vice-chairperson, and a secretary from its own membership.

38-170. Board; business; how transacted. The department shall, as far as practicable, provide for the conducting of the business of the boards by mail and may hold meetings by teleconference or videoconference subject to the Open Meetings Act. Any official action or vote of the members of a board taken by mail shall be preserved in the records of the department and shall be recorded in the board's minutes by the department.

38-171. Board; advisory committee or body; compensation; limitation; expenses. Each member of a board shall, in addition to necessary traveling and lodging expenses, receive a per diem for each day actually engaged in the discharge of his or her duties, including compensation for the time spent in traveling to and from the place of conducting business. Traveling and lodging expenses shall be on the same basis as provided in sections 81-1174 to 81-1177. The compensation per day shall not exceed fifty dollars and shall be determined by each board with the approval of the department. Persons serving on an advisory committee or body under section 38-161 shall receive remuneration of expenses as provided in sections 81-1174 to 81-1177, including compensation for time spent in traveling to and from the place of conducting business, and a per diem of fifty dollars.

38-172. Board; national organization or related meetings; attendance. Each board may select one or more of its members to attend the annual meeting of the national organization of state boards of such profession or other related meetings. Any member so

selected shall receive his or her necessary traveling and lodging expenses in attending such meetings on the same basis as provided in sections 81-1174 to 81-1177.

38-173. Board; liability; exemption; when. No member of a board, no expert retained by the department, and no member of a profession who provides consultation to or testimony for the department shall be liable in damages to any person for slander, libel, defamation of character, breach of any privileged communication, or otherwise for any action taken or recommendation made within the scope of the functions of such board or expert or the consultation or testimony given by such person, if such board member, expert, or person acts without malice and in the reasonable belief that such action, recommendation, consultation, or testimony is warranted by the facts known to him or her after a reasonable effort is made to obtain the facts on which such action is taken, recommendation is made, or consultation or testimony is provided.