

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1130

Introduced by Raybould, 28; Day, 49; Fredrickson, 20.

Read first time January 10, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the Mental Health Practice Act; to amend
- 2 section 38-2123, Revised Statutes Cumulative Supplement, 2022; to
- 3 provide requirements for a third provisional mental health
- 4 practitioner license; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2123, Revised Statutes Cumulative Supplement,
2 2022, is amended to read:

3 38-2123 (1) A person who needs to obtain the required three thousand
4 hours of supervised experience in mental health practice as specified in
5 section 38-2122 to qualify for a mental health practitioner license shall
6 obtain a provisional mental health practitioner license. To qualify for a
7 provisional mental health practitioner license, such person shall:

8 (a) Have a master's degree, a doctoral degree, or the equivalent of
9 a master's degree, as determined by the board, that consists of course
10 work and training which was primarily therapeutic mental health in
11 content and included a practicum or internship and was from a mental
12 health program as specified in section 38-2122;

13 (b) Apply prior to earning the three thousand hours of supervised
14 experience; and

15 (c) Pay the provisional mental health practitioner license fee.

16 (2) The rules and regulations approved by the board and adopted and
17 promulgated by the department shall not require that the applicant have a
18 supervisor in place at the time of application for a provisional mental
19 health practitioner license.

20 (3) A provisional mental health practitioner license shall expire
21 upon receipt of licensure as a mental health practitioner or five years
22 after the date of issuance, whichever comes first.

23 (4) A person who holds a provisional mental health practitioner
24 license shall inform all clients that he or she holds a provisional
25 license and is practicing mental health under supervision and shall
26 identify the supervisor. Failure to make such disclosure is a ground for
27 discipline as set forth in section 38-2139.

28 (5)(a) An individual who holds a second provisional mental health
29 practitioner license and who has not completed the required three
30 thousand hours of supervised experience in mental health practice
31 pursuant to section 38-2122 may appeal to the board for a third

1 provisional mental health practitioner license for a term of five years.
2 The board may grant a third provisional mental health practitioner
3 license upon demonstration of hardship by the provisional licensee due to
4 ongoing medical issues of the provisional licensee or his or her family,
5 a documented inability to secure adequate supervision, or other barriers
6 that the board deems appropriate. The provisional licensee shall provide
7 to the board the name and contact information for all individuals who
8 have supervised such licensee during the term of the first and second
9 provisional mental health practitioner licenses.

10 (b) The board may adopt additional requirements for granting an
11 appeal pursuant to this subsection.

12 Sec. 2. Original section 38-2123, Revised Statutes Cumulative
13 Supplement, 2022, is repealed.