

## LEGISLATIVE BILL 481

Approved by the Governor February 24, 1984

Introduced by Warner, 25; Marsh, 29; Goodrich, 20;  
L. Johnson, 15; Kilgarin, 7; H. Peterson,  
35; Morehead, 30; Kahle, 37

AN ACT relating to public health and welfare; to change the name of the State Board of Examiners of Psychologists; to change provisions relating to such board; to define and redefine terms; to state intent; to provide procedures for handling complaints; to provide for defining conflicts of interest; to provide duties for the Director of Health; to provide for biennial license renewal; to change membership on certain examining boards; to change provisions relating to examinations; to change provisions relating to certain licenses; to change provisions relating to the practice of psychology; to change provisions relating to the authorization of certain activities by unlicensed persons; to harmonize provisions; to change fees; to change provisions relating to clinical psychologists; to eliminate a provision which terminated the State Board of Examiners of Psychologists; to amend sections 71-101, 71-102, 71-109, 71-110, 71-112, 71-114, 71-122, 71-139, 71-139.01, 71-149, 71-155, 71-161.09, 71-3801, 71-3802, 71-3806, 71-3807, 71-3808, 71-3810, 71-3811, 71-3813, 71-3814, 71-3817, 71-3818, 71-3819, 71-3825, 71-3827, 71-3828, 71-3829, and 71-3832 to 71-3836, Reissue Revised Statutes of Nebraska, 1943, sections 71-133 and 71-162, Revised Statutes Supplement, 1982, and sections 71-113, 71-116, 71-131, 71-140, and 81-197, Revised Statutes Supplement, 1983; to repeal the original sections, and also sections 71-3803, 71-3804, 71-3805, 71-3809, 71-3812, 71-3816, 71-3820 to 71-3822, 71-3824, and 71-3831, Reissue Revised Statutes of Nebraska, 1943, and section 71-3823, Revised Statutes Supplement, 1983; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. It is the intent of the Legislature to provide, through the provisions of Chapter 71, article 1, and sections 1 to 4 and 23 to 43 of this act for the health, safety, and welfare of the citizens of this state and to insure that health care personnel serving the public

meet minimum standards of proficiency and competency.

Sec. 2. The Bureau of Examining Boards shall provide the Attorney General with a copy of all complaints it receives and investigations it makes which involve any possible statutory violation by the licensee. The Attorney General shall then determine which, if any, statutes the licensee has violated and the appropriate legal action to take.

Sec. 3. The Department of Health shall adopt and promulgate rules and regulations which establish definitions of conflicts of interest for members of the boards designated in sections 71-112 and 71-1,132.07 and which establish procedures in case such a conflict arises.

Sec. 4. The Director of Health shall not reduce any penalty imposed or reinstate any license revoked or suspended pursuant to Chapter 71, article 1, and sections 1 to 4 and 23 to 43 of this act without first issuing a written public explanation for such action.

Sec. 5. That section 71-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-101. For the purpose of this act: (1) Board of examiners shall mean one of the boards appointed by the Department of Health to give examinations to applicants for licenses; (2) licensed, when applied to any licensee in any of the professions named in section 71-102, shall mean a person licensed under this act; (3) profession shall mean and refer to any of the several groups named in section 71-102; (4) department shall mean the Department of Health of the State of Nebraska; (5) wherever the masculine gender is used, it shall be construed to include the feminine; and the singular number shall include the plural when consistent with the intent of this act; and (6) this act shall mean and refer to sections 71-101 to 71-1,167 and sections 1 to 4 and 23 to 43 of this act, which for convenience shall be known as the Uniform Licensing Law.

Sec. 6. That section 71-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-102. No person shall engage in the practice of medicine and surgery, osteopathy, chiropractic, dentistry, dental hygiene, pharmacy, podiatry, optometry, physical therapy, audiology, speech pathology, embalming, funeral directing, psychology, or veterinary medicine and surgery, as defined in this act, unless such person shall have obtained from the Department of Health a license for that purpose.

Sec. 7. That section 71-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-109. Every person holding a certificate under the laws of this state authorizing such person to practice medicine and surgery, osteopathy, chiropractic, dentistry, dental hygiene, podiatry, optometry, physical therapy, audiology, ~~or~~ speech pathology, psychology, or veterinary medicine and surgery, whether practicing now or

hereafter licensed to practice, shall have it registered in the office of the county clerk of the county where such person is practicing, proposes to practice, or maintains his or her principal place of business. Registration shall be made in a register kept by the county clerk for such purpose. The register shall be alphabetically arranged and show the following information in regard to the certificate and the person to whom the certificate is issued: (1) Name; (2) residence; (3) form of certificate issued; (4) scope of practice permitted thereunder, as prescribed on the certificate so registered; (5) number and date of the certificate; and (6) the date of registration of the certificate. Any person engaging in such practice without having registered such license, as herein required, shall be guilty of practicing without a license and subject to the penalties of this act. The county clerk shall keep, in a book provided for that purpose and furnished by the Department of Health, a complete list of the certificates so recorded, with the date of the record. Such book shall be open to public inspection during office hours. The county clerk shall, within twenty-four hours after recording of a license, forward an official notice of such recording to the department; PROVIDED, that any practitioner, having lost an original certificate, may present a copy of the record of such certificate or his or her annual renewal card in lieu of the original certificate. Such records may be maintained by the county clerk by means of microfilming.

Sec. 8. That section 71-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-110. (1) The different licenses to practice a profession shall be renewed ~~annually or biennially~~ upon request of the licensee without examination. ~~The department through appropriate notification of license renewal procedures shall have the authority by regulation to determine whether such licenses shall be renewed annually or biennially. If such renewal period is determined by regulation to be for two years, then all annual renewal fees established pursuant to section 71-162 shall be automatically doubled. The biennial license renewals provided for in this section shall be accomplished in such manner as the department, with the approval of the board, shall establish by rule and regulation. The annual or biennial expiration date in the different professions shall be as follows: January, pharmacy and psychology; February, embalming and funeral directing; March, dentistry and dental hygiene; April, podiatry and veterinary medicine and surgery; August, chiropractic and optometry; September, osteopathy; October, medicine and surgery; November, physical therapy; and December, audiology and speech pathology. The request for renewal need not be in any particular form, and shall be accompanied by the legal fee. Such fee shall be paid not~~

later than the date of the expiration of such license; PROVIDED, that while actively engaged in the military service of the United States, as defined in the Soldiers' and Sailors' Civil Relief Act of 1940 as amended, persons licensed to practice the professions above named shall not be required to pay the ~~annual or biennial~~ renewal license fee.

(2) At least thirty days before the expiration of a license, as set forth in subsection (1) of this section, the Department of Health shall notify each licensee by a letter addressed to him or her at his or her last place of residence as noted upon its records. Any licensee, who fails to pay the renewal fee, on or before the date of expiration of his or her license, shall be given a second notice in the same manner advising him or her (a) of the failure to pay, (b) that the license on that account has expired, (c) that the department will suspend action for thirty days following the date of expiration, (d) that upon the receipt of the ~~annual or biennial~~ renewal fee, together with an additional fee of five dollars, within that time, no order of revocation will be entered, and (e) that upon the failure to receive the amount then due and five dollars in addition to the regular renewal fee, as provided by subsection (1) of this section, an order of revocation will be entered.

(3) Any licensee who allows a license to lapse by failing to renew the same, as provided in subsections (1) and (2) of this section, may be reinstated upon the recommendation of the board of examiners for his or her profession and the payment of the regular and additional renewal fees then due.

Sec. 9. That section 71-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-112. The boards of examiners provided in section 71-111 shall be designated as follows: For medicine and surgery and osteopathy, Examiners in Medicine and Surgery; for chiropractic, Examiners in Chiropractic; for dentistry and dental hygiene, Examiners in Dentistry; for optometry, Examiners in Optometry; for physical therapy, Examiners in Physical Therapy; for pharmacy, Examiners in Pharmacy; for audiology and speech pathology, Examiners in Audiology and Speech Pathology; for embalming and funeral directing, Examiners in Embalming and Funeral Directing; for podiatry, Examiners in Podiatry; ~~for psychology, Examiners of Psychologists;~~ and for veterinary medicine and surgery, Examiners in Veterinary Medicine.

Sec. 10. That section 71-113, Revised Statutes Supplement, 1983, be amended to read as follows:

71-113. (1) Each board of examiners shall consist of four ~~three~~ members, including one lay person, except that (a) in audiology and speech pathology the board shall consist of five ~~four~~ members, including one lay person, (b) in dentistry the board shall consist of eight

seven members, including one lay person, (c) in medicine and surgery the board shall consist of seven six members, including one lay person, (d) in embalming and funeral directing the board shall consist of four members, including one lay person appointed by the Department of Health, and (e) in pharmacy the board shall consist of five members including one lay member; and (f) in psychology the board shall consist of six members, including one lay person. Notwithstanding any other provision of law, the Department State Board of Health shall may appoint one additional member, who shall be a lay member; to each any board of examiners set forth in this subsection in accordance with the provisions of section 71-114.

(2) Membership on the Board of Examiners in Audiology and Speech Pathology shall consist of two members who are audiologists, and two members who are speech pathologists, and one lay person. All professional members shall be qualified to be licensed in accordance with the provisions of this act. The professional members appointed to the initial board shall be licensed not later than six months after being appointed to the board. If for any reason a professional member cannot be licensed within such time period, a new professional member shall be appointed.

Sec. 11. That section 71-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-114. (1) Every Except as provided in subsection (4) of this section, every professional examiner shall be and have been actively engaged in the practice of his or her profession in the State of Nebraska, under a license issued in this state, for a period of five years just preceding his or her appointment, except for the members of boards of examiners for professions coming within the scope of sections 71-101 to 71-1,152, for the first time and for a period of five years thereafter. Examiners appointed during such period shall be required to meet the minimum qualifications for licensure in the profession in this state and shall, insofar as possible, meet the requirements as to years of practice in this state otherwise provided by this section.

(2) A lay member of a board of examiners shall be of the age of legal majority and shall have been a resident of the State of Nebraska for at least five years immediately prior to appointment to the board. Such a lay member shall never serve in a capacity to judge professional competence and should be a representative of consumer viewpoints.

(3) Each member of the Board of Examiners in Audiology and Speech Pathology shall have been a resident of the State of Nebraska for at least one year immediately prior to appointment, and shall also have been engaged in rendering services to the public in audiology or speech pathology for at least three years immediately prior to

appointment.

(4) The requirement of five years experience shall apply to members of the Board of Examiners of Psychologists, except that up to two of the five years may have been served in teaching or research.

Sec. 12. That section 71-116, Revised Statutes Supplement, 1983, be amended to read as follows:

71-116. (1) The members of each board of examiners shall be appointed for a term of ~~three years, except that on or after November 1, 1979, the members of each board of examiners shall be appointed for a term of~~ five years and no member shall be appointed for or serve for more than two consecutive full five-year terms.

(2) The members of the Board of Examiners in Dentistry shall be appointed as follows: As of December 1, 1971, one member shall be appointed for a term of five years and one member shall be appointed for a term of three years; as of December 1, 1972, one member shall be appointed for a term of three years; as of December 1, 1973, one member shall be appointed for a term of three years; ~~and~~ as of December 1 of each year thereafter, two members shall be appointed for a term of five years; ~~and~~ as of December 1, 1979, one member, who is a duly licensed dental hygienist and complies with the provisions of sections 71-114 and 71-115 shall be appointed for a term of five years; ~~and~~ as of December 1, 1984, one lay member shall be appointed for a term of five years. The dental hygienist member shall have full voting rights, except in matters pertaining to the initial or continuing licensure or competency of a duly licensed practitioner of dentistry. Thereafter successors with like qualifications shall be appointed for five-year terms. No member shall be appointed for or serve for more than two consecutive full five-year terms.

(3) The members of the Board of Examiners in Medicine and Surgery shall be appointed as follows: Within thirty days after May 25, 1943, five members shall be appointed, one of whom shall hold office until December 1, 1944, one until December 1, 1945, one until December 1, 1946, one until December 1, 1947, and one until December 1, 1948; upon the expiration of ~~such said several~~ terms, successors shall be appointed for terms of five years each. Within thirty days after October 19, 1963, a sixth member, who shall be a person eligible for appointment to the Board of Examiners in Osteopathy who also has a license to practice medicine and surgery in the State of Nebraska, shall be appointed for a term expiring on December 1, 1968. As of December 1, 1984, one lay member shall be appointed for a term of five years. Thereafter successors with like qualifications shall be appointed for five-year terms. Upon the expiration of the five-year term of such sixth member of the board after August 30, 1981, his or her eligible successor shall be a person who has a license to

practice medicine and surgery and a license to practice osteopathy in the State of Nebraska.

(4) The members of the Board of Examiners in Audiology and Speech Pathology shall consist of two audiologists, and two speech pathologists, and one lay member and shall be appointed as follows: Within sixty days after July 22, 1978, four members shall be appointed, two of whom shall hold office until December 1, 1979, and two until December 1, 1980. As of December 1, 1984, one lay member shall be appointed for a term of five years. Upon the expiration of such terms the successors shall be appointed for terms of five years each. No member shall be appointed for or serve for more than two consecutive five-year terms.

(5) As of December 1, 1983, the Board of Examiners in Pharmacy shall be composed of five members, including four actively practicing pharmacists, one of whom practices within the confines of a hospital, and a lay member who is interested in the health of the people of Nebraska and is of the age of majority. The members of the Board of Examiners in Pharmacy shall be appointed as follows: As of December 1, 1983, the hospital pharmacist member shall be appointed for a term of five years and the lay member shall be appointed for a term of three years. Upon the expiration of such terms and the terms of existing members, all successors shall be appointed for terms of five years each.

(6) The members of the Board of Examiners of Psychologists appointed as successors to the members serving on the effective date of this act shall be appointed for terms of five years. The terms of members serving on the effective date of this act are hereby extended to December 1 of the year in which they would otherwise expire.

~~(6)~~ (7) The term of each examiner provided for herein shall commence on the first day of December, following the expiration of the term of the member whom such person succeeds, and shall be rotated in such a manner that no more than one examiner shall retire during any year in which a term expires unless the number of members on a board makes it impractical to do so.

~~(7)~~ The (8) Except as otherwise specifically provided, the members of boards for professions, coming under the scope of sections 71-101 to 71-1,196, for the first time shall be appointed within thirty days after the effective date of the act providing for licensing of the profession, the terms of the initial board members to be as follows: One member shall hold office until December 1 of the third year, one until December 1 of the fourth year, and two, including the lay member, one until December 1 of the fifth year following the year in which the act providing for licensing of the profession became effective.

Sec. 13. That section 71-122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-122. Each member of a board of examiners, except members of the Board of Examiners in Medicine and Surgery, the Board of Examiners of Psychologists, and the Board of Examiners in Dentistry, shall, in addition to necessary traveling and hotel 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 the examination, and, with the exception of board members who are lay persons, for a reasonable number of days for the preparation of examination questions and the reading of the answer papers, in addition to the time actually spent in conducting the examination; PROVIDED, that traveling and hotel expenses shall be on the same basis as provided in sections 84-306.01 to 84-306.05 for state employees. The compensation per day in the several professions shall be as follows: (1) In chiropractic, embalming and funeral directing, and pharmacy, fifteen dollars; (2) in podiatry and physical therapy, ten dollars; (3) in audiology and speech pathology, twenty dollars; and (4) in optometry, thirty dollars; PROVIDED, there shall not be paid for examiners' compensation and expenses a greater sum than is received in fees from the applicants taking the examination in any particular profession.

Sec. 14. That section 71-131, Revised Statutes Supplement, 1983, be amended to read as follows:

71-131. (1) In the absence of any specific requirement or provision relating to any particular profession:

(a) The Department of Health may adopt and promulgate rules and regulations pertaining to the grading of examination papers;

(b) An examinee must obtain an average grade of seventy-five per cent;

(c) An examinee must obtain a grade of sixty per cent in each subject in which examined; and

(d) An examinee who fails to comply with subdivisions (b) and (c) of this subsection may take the entire examination over without charge at any time within fourteen months, except that in the case in which a national standardized examination is utilized by any examining board, which requires the payment of a fee to purchase such examination, the Department of Health shall require the applicant to pay the appropriate examination fee.

(2) In pharmacy all applicants shall be required to attain an average grade of seventy-five per cent, and not to fall below a grade of sixty per cent in any one subject, except the examination in practical pharmacy, in which a grade of seventy-five per cent must be attained. When an applicant falls below sixty per cent in any two



subjects, except the examination in practical pharmacy, the applicant may take those two over without charge at any time within fourteen months at any regular session of such board held for the purpose of giving examinations; or at the first regular session of the board held for the purpose of giving examinations thereafter; if not held within that time. If an applicant falls below sixty per cent in more than two subjects, except the examination in practical pharmacy, or if the applicant fails to attain an average grade of seventy-five per cent in all subjects and a grade of seventy-five per cent in the examination in practical pharmacy, the applicant shall take the entire examination over, and may do this without charge at any time within fourteen months at any regular session of the board held for the purpose of giving examinations; or at the first regular session of the board held for the purpose of giving examinations thereafter if not held within that time. Notwithstanding any provision of this section, whenever the Board of Examiners in Pharmacy utilizes a national standardized examination, which requires the payment of a fee to purchase such examination, the Department of Health shall require the applicant to pay the appropriate examination fee.

(3) In medicine and surgery the passing grade shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery. Fees for reexamination shall be determined by the department upon recommendation of the Board of Examiners in Medicine and Surgery.

(4) In psychology the passing grade shall be determined by the department upon recommendation of the Board of Examiners of Psychologists. Fees for reexamination shall be the same as the fee for the initial examination.

Sec. 15. That section 71-133, Revised Statutes Supplement, 1982, be amended to read as follows:

71-133. The Except in dentistry, the oral or practical work, required in connection with portion of any examination regulated under this act, shall be given by at least one-third a majority of the members of the board giving such examination. 7 except for medicine and surgery, optometry, or pediatry, in which at least a majority of the board members shall be present at such examination. The members of the board need not be present at the examination given to applicants for licensure when a national standardized examination or any other written examination is utilized. Such board may delegate the administration of such examination to the Department of Health.

In dentistry, the final practical examination in operative and prosthetic dentistry may be given at the infirmary of each of the dental colleges, schools, or departments, legally conducted in the State of Nebraska of

which the applicant is a graduate. Regional practical examinations may be used to meet the requirement of a final practical examination in operative and prosthetic dentistry upon the recommendation of the Board of Examiners in Dentistry and the subsequent approval of the department.

Sec. 16. That section 71-139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-139. The Department of Health, without examination, except when a practical examination is required, may issue a license to practice any profession except pharmacy, podiatry, dentistry, medicine and surgery, osteopathic medicine and surgery, osteopathic medicine, and osteopathy, and audiology and speech pathology, to a person who has been in the active practice of that profession in some other state, territory, or the District of Columbia, upon the certificate of the proper licensing authority of the state, territory, or the District of Columbia, certifying that the applicant is duly licensed, that his or her license has never been suspended or revoked, and that, so far as the records of such authority are concerned, the applicant is entitled to its endorsement. The applicant shall also present proof of the following things: (1) That the state, territory, or the District of Columbia from which the applicant comes shall have and maintain standards regulating his or her profession equal to those maintained in that profession by Nebraska; (2) that his or her license there was based upon a written examination and the grades given at such examination; (3) the date of his or her license; (4) that such licensee has been actively engaged in the practice under such license ~~since it was issued, if not, he or she shall fix the time when he or she was out of practice or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity~~; (5) the affidavit of at least two practitioners in that state, territory, or the District of Columbia, testifying to the applicant being of good moral character and standing in his or her profession; and (6) that the applicant has been in the active and continuous practice under license by examination in the state, territory, or the District of Columbia from whence he or she comes for at least one year. An applicant for reciprocal registration coming from any state may be licensed by reciprocity; PROVIDED, his or her individual qualifications meet the Nebraska legal requirements. Persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Osteopathy since January 1, 1963, and prior to May 23, 1981, and after May 23, 1981, persons who graduate from colleges of osteopathy accredited by the Department of Health on recommendation of the Board of Examiners in Medicine and

Surgery who meet the requirements of this section and who have passed a written examination which is equivalent to that required in section 71-1,104 as determined by the Board of Examiners in Medicine and Surgery and who meet the requirements of section 71-1,137 for the practice of osteopathic medicine and surgery as evidenced by a certificate of the Board of Examiners in Medicine and Surgery may be granted a license to practice osteopathic medicine and surgery as defined in section 71-1,137 if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. Graduates of an accredited school of osteopathy since January 1, 1963, who meet the requirements of this section and who meet the applicable requirements of section 71-1,139.01 as certified by the Board of Examiners in Medicine and Surgery may be granted a special license as doctor of osteopathic medicine and surgery.

The Board of Examiners in Dentistry may approve without examination any person who has been duly licensed to practice dentistry in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice dentistry if such person has been actively engaged in the practice under such license or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for license by reciprocity. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall submit a certificate of the proper licensing authority of the state, territory, or the District of Columbia where he or she is licensed to practice such profession, that he or she is duly licensed, that his or her license has not been suspended or revoked, and that so far as the records of such authority are concerned he or she is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and is qualified to be licensed to practice the profession of dentistry in the State of Nebraska, the board shall certify such fact to the Department of Health, and the department upon receipt of such certification shall issue a license to practice dentistry in the State of Nebraska to such applicant.

Sec. 17. That section 71-139.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-139.01. The Board of Examiners in Medicine

and Surgery may approve without examination: (1) Any person who after examination has been duly licensed to practice medicine and surgery in some other state or territory of the United States of America or in the District of Columbia under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice medicine and surgery; (2) any person who is a graduate of an accredited college or school of medicine and surgery located in the Canadian provinces and who has satisfactorily completed the Licentiate of the Medical Council of Canada examination and has been duly licensed to practice medicine and surgery in Canada under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice medicine and surgery; or (3) any person who is a foreign medical graduate and who has not graduated from an accredited school or college of medicine of the United States or Canada but who has satisfactorily completed the Licentiate of the Medical Council of Canada examination and who possesses a certificate issued by the Educational Commission on Foreign Medical Graduates, or its equivalent as provided for in section 71-1,104, and has been duly licensed to practice in Canada under conditions and circumstances which the board shall find to be comparable to the requirements of the State of Nebraska for obtaining a license to practice medicine and surgery. The applicant shall produce evidence satisfactory to the board that he or she has had the required secondary and professional education and training and is possessed of good character and morals as required by the laws of the State of Nebraska. The applicant shall also produce evidence satisfactory to the board that he or she has been in the active practice of the profession of medicine and surgery in some other state, territory, the District of Columbia, or Canada for a period of one year, or has had one year or more of residency or graduate training in an accredited hospital within the three years immediately preceding the application for licensure, and shall submit a certificate of the proper licensing authority of the state, territory, the District of Columbia, or Canada where he or she is licensed to practice such profession, that the applicant is duly licensed, that his or her license has not been suspended or revoked and that so far as the records of such authority are concerned, the applicant is entitled to its endorsement. If the applicant is found by the board to meet the requirements provided in this section and qualified to be licensed to practice the profession of medicine and surgery in the State of Nebraska, the board shall certify such fact to the Department of Health and the department upon receipt of such certification shall issue a license to practice medicine and surgery in the State of

Nebraska to such applicant.

Sec. 18. That section 71-140, Revised Statutes Supplement, 1983, be amended to read as follows:

71-140. The Board of Examiners in Pharmacy may recommend to the Department of Health the registration as a pharmacist, without examination, of any person who is duly so registered by examination in some other state in which, under like conditions, reciprocal registration as a pharmacist, without examination, is granted to pharmacists duly registered by examination in this state. The applicant shall produce evidence satisfactory to the board of having had the required secondary and professional education and training, of having been actively engaged in the practice under such registration or in an accepted residency or graduate training program for at least one of the three years immediately preceding the application for reciprocal registration, and of being possessed of good character and morals, as demanded of applicants for registration under the provisions of the Nebraska Pharmacy Law. Persons of good character who have become registered as pharmacists by examination in other states prior to September 1, 1939, shall be required to meet only the requirements which existed in this state at the time when they became registered in such other state.

Sec. 19. That section 71-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-149. The Director of Health shall have jurisdiction of proceedings to deny the application of an applicant; or refuse renewal of, limit, revoke, suspend or, in accordance with section 71-155, take other disciplinary measures against the license of any licensee practicing under this act. When any licensee shall fail to pay ~~annual~~ renewal fees, as provided in section 71-110, within thirty days after they become due, as provided in said section, the license of such person shall be automatically revoked at the expiration of thirty days after the same became due, without further notice or hearing, and the director shall make proper record of such revocation. For any other cause than the nonpayment of renewal fees, a petition for the refusal of renewal, limitation, revocation, or suspension of or, in accordance with section 71-155, the taking of other disciplinary measures against a license may be filed (1) by the Attorney General in all cases; (2) by the county attorney of the county in which the licensee resides or has practiced; or (3) in medicine and surgery, by the Commission on Medical Qualifications or any similar commission with reference to other professions as defined in section 71-102. Said petition shall be filed in the office of the Director of the Bureau of Examining Boards of the department, or with some other person designated by its director.

Sec. 20. That section 71-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-155. The proceeding shall be summary in its nature, and triable as an equity action. Affidavits may be received in evidence in the discretion of the Director of Health. The Department of Health shall have the power to administer oaths, to subpoena witnesses and compel their attendance, and to issue subpoenas duces tecum and require the production of books, accounts, and documents in the same manner and to the same extent as the district courts of the state. Depositions may be used by either party. Upon the completion of any hearing held hereunder, the director shall have the authority through entry of an order to exercise in his or her discretion any or all of the following powers, irrespective of the petition:

- (1) Issue a censure or reprimand against the licensee;
- (2) Suspend judgment;
- (3) Place the licensee on probation;
- (4) Place a limitation or limitations on the license and upon the right of the licensee to practice the profession to such extent, scope, or type of practice, for such time, and under such conditions as is found necessary and proper. The director shall consult with the appropriate board of examiners in all instances prior to issuing an order of limitation;
- (5) Enter an order of suspension of the license of the licensee;
- (6) Enter an order of revocation of the license of the licensee; and
- (7) Dismiss the action.

The licensee shall not engage in the practice of any profession after a license to practice the same is revoked, or during the time for which it is suspended. If a license is suspended, the suspension shall be for a definite period of time to be fixed by the director, and such license shall be automatically reinstated upon the expiration of such period if all ~~annual~~ renewal fees have been paid. If such license is revoked, such revocation shall be for all times; PROVIDED, that, at any time after the expiration of two years, application may be made for reinstatement of any licensee whose license shall have been revoked. Such application shall be addressed to the director, but may not be received or filed by him or her unless accompanied by a written recommendation of reinstatement by the board of examiners in the profession of the petitioner. The department may promulgate such rules and regulations, concerning notice and hearing of such application, as are deemed necessary.

Sec. 21. That section 71-161.09, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.09. The board of examiners for any profession or occupation licensed by the Department of Health pursuant to the provisions of Chapter 71, with the

approval of the Department of Health, may promulgate, by rules and regulations, standards of relicensure for each Nebraska licensed practitioner of such profession or occupation in active practice within the State of Nebraska, which may include the requirement to attend a prescribed number of hours, annually, of such approved scientific schools, clinics, forums, lectures, courses of study or educational seminars, relating to the practice of such profession or occupation, and shall require, as may be set forth by such rules and regulations for the profession or occupation concerned, and approved by the department, such standards as a prerequisite for the licensee's next subsequent ~~annual~~ license renewal. The board of examiners and the Department of Health shall consult with the appropriate professional academies, professional societies, and professional associations in the development of such standards. The purpose of any such action by such board shall be to the end that the utilization and application of new techniques, scientific and clinical advances, and the achievements of research will assure expansive and comprehensive service to the public. The number of hours that may be required shall be prescribed by the board in such rules and regulations for any calendar year. Attendance must be at a scientific school, clinic, forum, lecture, course of study, or educational seminar approved by the board which may be held either within or outside the state. In no instance may the board require a greater number of hours of approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars than are available at approved scientific schools, clinics, forums, lectures, courses of study, or educational seminars held within the State of Nebraska.

Sec. 22. That section 71-162, Revised Statutes Supplement, 1982, be amended to read as follows:

71-162. (1) The following fees shall be collected by the Department of Health and turned in to the state treasury as is now provided by law:

(1) ~~For a license to practice dental hygiene issued upon the basis of an examination given by the board of examiners, twenty-five dollars;~~

(a) Not less than fifty dollars nor more than three hundred dollars for a license issued on the basis of an examination given by the appropriate state or national board of examiners or on the basis of a license granted by another state or territory to practice dental hygiene, embalming, physical therapy, dentistry, podiatry, optometry, pharmacy, chiropractic, audiology, speech pathology, or funeral directing and for a license to practice psychology on the basis of such an examination or foreign license, one hundred dollars plus actual costs incurred in issuing the license, as determined by the department, except that the total fee shall not exceed four

hundred dollars;

(b) Not less than twenty dollars nor more than one hundred dollars for the biennial renewal of a license to practice medicine and surgery, osteopathy, or any of the professions enumerated in subdivision (a) of this subsection except psychology, for which the renewal fee shall equal the actual costs incurred for such renewal by the department or one hundred dollars, whichever is less;

(2) (c) For a license to practice medicine and surgery and osteopathy issued upon the basis of an examination given by the board of examiners, one three hundred fifty dollars and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(3) For a license to practice embalming issued upon the basis of an examination given by the board of examiners, fifty dollars;

(4) For a license to practice physical therapy issued upon the basis of an examination given by the board of examiners, thirty-five dollars;

(5) For a license to practice dentistry issued upon the basis of an examination given by the board of examiners, fifty dollars;

(6) For a license to practice pharmacy issued upon the basis of an examination given by the board of examiners, one hundred dollars;

(7) For a license to practice chiropractic issued upon the basis of an examination given by the board of examiners, seventy-five dollars;

(8) For a license to practice any of the professions enumerated in subdivisions (1), (3), (4), (5), (7), and (16) of this section, except dental hygiene, issued without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(9) For a license issued to practice dentistry without examination upon a license granted in another state, territory, or the District of Columbia, fifty dollars;

(10) For a license issued to practice podiatry issued with an examination given by the Board of Examiners in Podiatry, an amount to be determined by such board between twenty-five and one hundred dollars;

(11) For a license to practice audiology or speech pathology issued upon the basis of an examination given by the board of examiners, seventy-five dollars;

(12) For a license to practice podiatry issued without an examination based upon a license granted in another state, territory, or the District of Columbia, an amount to be determined by such board between fifty and one hundred and fifty dollars;

(13) For a license to practice pharmacy issued



without an examination upon a license granted in another state, territory, or the District of Columbia, one hundred dollars;

(14) For a license to practice dental hygiene issued without examination upon a license granted in another state, territory, or the District of Columbia, twenty-five dollars;

(15) For a license to practice audiology or speech pathology issued without examination upon a license granted in another state, territory, or the District of Columbia, or when examination is waived or a national examination is used, seventy-five dollars;

(16) For a license to practice funeral directing issued upon the basis of an examination given by the board of examiners, fifty dollars;

(17) (d) For a license to practice medicine and surgery and osteopathy issued without examination based on a license granted in another state, territory, or the District of Columbia, one two hundred dollars and this may be adjusted by the Department of Health upon recommendation of the Board of Examiners in Medicine and Surgery to cover necessary expenses;

(18) For a license to practice optometry, issued with or without an examination given by the board of examiners, an amount to be determined by such board between twenty-five and one hundred dollars;

(19) For the annual renewal of a license to practice dental hygiene, physical therapy, funeral directing, embalming, optometry, audiology, speech pathology, chiropractic, pharmacy, and dentistry, the board of examiners for each such profession shall establish such fee which shall be in an amount between ten and fifty dollars and shall be based on the administrative costs of renewal. The Board of Examiners in Medicine and Surgery shall establish the fee for the annual renewal of a license to practice medicine and surgery and osteopathy which shall be in an amount between ten and fifty dollars and shall be based on the administration costs of renewal. The Board of Examiners of Pediatrics shall establish the fee for the annual renewal of a license to practice pediatrics which shall be in an amount between ten and fifty dollars and shall be based on the administration costs of renewal. The Board of Examiners in Optometry shall establish the annual renewal fee for optometry which shall be in an amount between ten and fifty dollars and based upon the administration costs of renewal. All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees;

(20) (e) For a certified statement that a licensee is licensed in this state, five dollars; and

(21) (f) For a duplicate original license, five dollars, except that for a duplicate license to practice psychology the fee shall be ten dollars.

All money paid as license and renewal fees shall be kept in a separate fund to be used for the benefit of the profession so paying such fees.

(2) The Department of Health, upon the recommendation of the appropriate examining board, shall determine the exact fee to be charged for a license or license renewal in each profession enumerated in subdivisions (1)(a) and (b) of this section based on the administrative costs incurred by the board. Such board may provide differing rates for licenses issued on the basis of an examination and licenses issued on the basis of a license from another state or territory.

Sec. 23. That section 71-3801, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows: ~~71-3801-~~ As used in sections ~~71-3801 to 71-3803~~ 23 to 38 of this act, unless the context otherwise requires:

(1) Board shall mean the State Board of Examiners of Psychologists;

(2) Practice of psychology shall mean the application of established principles of learning, motivation, perception, thinking, and personality development to problems and acts of personnel evaluation, group relations, and behavior adjustment or adaptation. The application of such principles includes, but is not restricted to, counseling with individuals or groups with adjustment or behavior problems in the areas of work, family, school, and personal relationships; measuring and testing of personality, intelligence, aptitudes, emotions, public opinion, attitudes, and skills; and the use of psychological remedial measures with persons or groups. The practice of psychology shall not include prescribing drugs, electroconvulsive therapy, or ~~any other nonpsychological therapeutic technique.~~ A psychologist shall not for a fee or compensation treat disease, injury, or deformity of persons by drugs or surgery, or by any manual or mechanical treatment whatsoever; the treatment of disease, injury, or deformity of persons by drugs or surgery and shall not include the practice of psychotherapy to treat organic diseases or major psychiatric diseases, except when practiced in association with and at the direction of a licensed physician;

(3) Department shall mean the Department of Health;

(4) Director shall mean the Director of Health; and

(5) A person represents himself or herself to be a psychologist when he or she holds himself or herself out to the public by any title or description of services incorporating the words psychologist, psychological, psychologic, or psychology and offers to render or renders such psychological services defined in ~~subsection~~ subdivision (2) of this section to individuals, groups,

corporations, or the public, for compensation or fee, or offers to render such services.

Sec. 24. That section 71-3802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3802-~~ After January 1, 1968, no person may represent himself or herself to be a psychologist or engage in the practice of psychology unless he or she is licensed under sections ~~71-3801 to 71-3803~~ 71-101 to 71-1,197 and sections 23 to 38 of this act, except nothing in sections ~~71-3801 to 71-3803~~ 23 to 38 of this act shall be construed to prevent:

(1) Qualified members of other professions such as, but not limited to, physicians, social workers, or pastoral counselors, from doing work of a psychological nature consistent with their training and consistent with the codes of ethics of their respective professions if they do not hold themselves out to the public by any title or description incorporating the words psychologist or psychology;

(2) The activities, services, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency, or of other political subdivisions, or a duly chartered educational or charitable institution insofar as such activities and services are a part of the duties of his or her office or position with such agency or institution;

(3) The activities and services of a student, intern, or resident in psychology, pursuing a course of study at an accredited university or college, or working in a generally recognized training center, if these activities and services constitute a part of his or her supervised course of study;

(4) The activities and services of a person who is not a resident of this state and who has not established offices in this state, in rendering consulting psychological services when these activities and services are rendered for a period which does not exceed in the aggregate more than sixty days during any year if the person is authorized under the laws of the state or country of his or her residence to perform these activities and services; PROVIDED, that such person shall report to the board the nature and extent of their practices in this state if they exceed twenty days within any calendar year;

(5) The activities and services of a person for up to six months who has recently become a resident of the state and has had his or her application for licensing with or without examination accepted by the board, pending disposition of his the application, if the person was authorized by the laws of the state or country, acceptable to the board, of his or her former residence to perform such activities and services;

(6)(a) Any individual certified as a school psychologist by the State Board of Education from using the

title of school psychologist and offering the services of such under the regulatory authority of the State Board of Education. For purposes of this section, school psychologist shall mean a specialist certified by the State Board of Education who is authorized to provide the following services as an employee of any public school district or private, denominational, or parochial school or cooperative of such schools, any educational service unit, or any other school operated by the State of Nebraska:

(i) Consultation with school personnel, parents, students, and other specialists with regard to individual student needs or school program considerations;

(ii) Assessment of student learning and behavior;

(iii) Selection, administration, and interpretation of educational and psychological tests and test results;

(iv) Identification and verification of handicapped and gifted students; and

(v) Recommendation of student placement.

(b) Nothing in subdivision (6) of this section shall be construed to permit the employment of an unlicensed school psychologist other than by a public school district or a private, denominational, or parochial school or cooperative of such schools, any educational service unit, or any other school operated by the State of Nebraska; or

(6) The use of the term social psychologist by any person who (a) has been graduated with a doctoral degree in sociology or social psychology from an institution whose credits in sociology or social psychology are acceptable by a recognized educational institution and who (b) has passed comprehensive examination in the field of social psychology as part of the requirement for the doctoral degree or has had equivalent specialized training in social psychology and who (c) has filed with the board a statement of facts demonstrating his compliance with this subdivision; or

(7) A person engaged in psychological practice who is exempted from licensing requirements by virtue of his or her employment from offering lecture services for a fee.

Sec. 25. That section 71-3806, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3806: The board shall hold a regular annual meeting at which it shall select from its membership a chairman and a vice-chairman. Other regular meetings shall be held at such times as the rules of the board may provide. 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. Three members of the board shall constitute a quorum and all actions taken by the board shall require agreement among a majority of the members of the board. When the lay person is authorized to vote, four members shall constitute a quorum. When the lay person 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. The board may employ such other persons and may rent or purchase such office space and office equipment as it deems necessary or desirable to carry out the provisions of sections 71-3801 to 71-3831. The department may enter into agreements with any state agency for the use of such agency's services, personnel, facilities, or equipment when such agreements are deemed necessary or advisable to carry out the provisions of Chapter 71, article 38.

Sec. 26. That section 71-3807, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3807.~~ In addition to the powers and duties granted the board by other provisions of sections 71-3801 to 71-3831 23 to 38 of this act, the board, with the approval of the department, shall make all rules, not inconsistent with the Constitution and the laws of this state, that are reasonably necessary for the proper performance of its duties and regulation of proceedings before it. The board, after consultation with the approval of the department, shall formulate a code of professional conduct for the practice of psychology. Such rules and code shall be adopted in conformance with Chapter 84, article 9. Those provisions of the code of professional 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.

Sec. 27. That section 71-3808, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3808.~~ The department shall receive and account for all money derived under sections 71-3801 to 71-3831 23 to 38 of this act. The department shall pay the money monthly to the State Treasurer who shall keep it in a separate fund to be known as the Psychologists Licensing Fund, which is hereby created. All money received in such fund shall be used by the department or the board with the department's approval for the administration of sections 71-3801 to 71-3831. The secretary of the board shall be bonded under the blanket surety bond required by section 11-201. The premium for this bond shall be paid out of the Psychologists Licensing Fund. The board may make expenditures from this fund for any purpose that is

reasonably necessary to carry out its duties under the provisions of sections 71-3801 to 71-3831; Provided, that ~~all~~ All reimbursement for expenses shall be paid only from the Psychologists Licensing Fund. No money shall be paid from the General Fund for the administration of sections 71-3801 to 71-3831 and any expenses or liabilities incurred by the board and such expenses or liabilities shall not constitute a charge on any state funds other than the Psychologists Licensing Fund. Any money in the Psychologists Licensing Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to ~~72-1259~~ 72-1269.

Sec. 28. That section 71-3810, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3810-~~ The board shall administer examinations to qualified applicants at least once a year. The board may administer examinations limited to specific fields of psychology and grant to successful applicants licenses limited to practice in such specific fields. An applicant who fails his or her examination may be reexamined at a subsequent examination, upon payment of another licensing fee. The examination shall be prescribed and conducted by the State Board of Examiners of Psychologists, and approved by the Department of Health, and shall be elementary and practical in character, but sufficiently thorough to test the fitness of the candidate to practice psychology. Such examinations shall include questions on principles of learning, motivation, perception, thinking, personality development, behavior problems, measuring and testing of personality, psychological remedial and intervention techniques, and such other subjects as the board of examiners shall prescribe.

Sec. 29. That section 71-3811, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3811-~~ (1) An applicant is qualified to take the examination to be licensed as a psychologist if:

(a) He or she has received a doctoral degree in psychology from an accredited institution of higher education;

(b) He or she is at least twenty-one years of age; and

(c) He or she is of good moral character.

(2) An accredited institution of higher education for the purpose of sections ~~71-3801 to 71-3831~~ 71-101 to 71-1,197 and sections 23 to 38 of this act, shall be one approved by the Department of Health upon the recommendation of the State Board of Examiners of Psychologists pursuant to section 71-128, and shall further be defined as and have the following requirements and standards: (a) Its equipment and facilities for instruction in psychology shall be adequate and modern and shall be kept up to date; (b) it shall maintain an adequate

library consisting of up-to-date text books and periodicals dealing with subjects and questions in the field of psychology; (c) it shall have an adequate faculty teaching psychology and its associated branches; (d) it shall offer instruction in basic branches of psychology including principles of learning, motivation, perception, thinking, personality development, behavior problems, measuring and testing of personality, and psychological remedial and intervention techniques; and (e) it shall show evidence of modern methods of instruction in the field of psychology as those methods now, or as they develop in the future, are or become, recognized generally by teachers and practitioners in the profession of psychology.

Sec. 30. That section 71-3813, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3813-~~ In determining the acceptability of the applicant's professional experience and education, the department may require such documentary evidence of the quality, scope, and nature of the applicant's experience and education as it deems necessary.

Sec. 31. That section 71-3814, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3814-~~ A qualified applicant for licensing who has successfully passed the examination prescribed by the board and has paid the fee shall be licensed by the department as a psychologist.

Sec. 32. That section 71-3817, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3817-~~ The department shall issue a license to each person whom it registers as a psychologist. The license shall show the full name and address of the psychologist and shall bear a serial number. The license shall be signed by the director. Licenses shall expire on December 31 following their issuance or renewal and are invalid thereafter unless renewed. The department shall notify every person licensed under sections 71-3801 to 71-3831 of the date of expiration and the amount of the renewal fee. This notice shall be mailed at least one month before the expiration of the license. Renewal may be made at any time during the months of November or December upon application therefor by payment of the renewal fee. Failure on the part of any person licensed to pay his or her renewal fee before January 1 shall not deprive him or her of his or her right to renew his or her license, but the fee to be paid for renewal after December shall be increased ten per cent for each month or fraction thereof that the payment of the renewal fee is delayed; Provided, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. A psychologist who wishes to place his or her license upon an inactive status may do so upon application by payment of a fee of three dollars. Such a psychologist shall not accrue any penalty for late payment

of the renewal fee.

Sec. 33. That section 71-3818, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3818-~~ The ~~licensing fee and~~ certification fee, and the ~~annual~~ biennial renewal fee for ~~each~~ such certification, shall be an amount fixed by the department. The department shall fix the amount of the fee so that the total fees collected for licenses and certifications will be sufficient to meet the appropriate expenses of administering sections 71-3801 to 71-3831 the board and the department and so that unnecessary surpluses in the Psychologists Licensing Fund are avoided. The department ~~may not~~ shall fix a license fee or certification fee equal to the actual costs incurred in issuing such certification plus one hundred dollars, except that the fee shall not be in excess of one four hundred dollars. or a renewal fee The certification renewal fee shall equal the costs of issuance but shall not be in excess of fifty one hundred dollars. The fee for the issuance of a license or certificate issued to replace one which was lost, destroyed, mutilated, or revoked shall be ten dollars. The fee shall accompany the application for replacement.

Sec. 34. That section 71-3819, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3819-~~ During the month of April of each year, the department shall publish a list of all psychologists licensed under sections ~~71-3801 to 71-3831~~ 71-101 to 71-1,197 and sections 23 to 38 of this act. The list shall contain the name and address of each psychologist and such other information that the department deems desirable. The list shall be arranged both alphabetically and geographically. The department ~~shall mail a copy of this list to each person licensed under sections 71-3801 to 71-3831,~~ shall place a copy on file with the Secretary of State, and shall furnish copies to the public upon request. The department may charge a fee for the list equal to the cost of production.

Sec. 35. That section 71-3825, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3825-~~ A license under sections ~~71-3801 to 71-3831~~ to practice psychology shall not authorize the psychologist to engage in any manner in the practice of medicine as defined by the laws of this state.

Sec. 36. That section 71-3827, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3827-~~ Nothing in sections ~~71-3801 to 71-3831~~ 71-101 to 71-1,197 and sections 23 to 38 of this act or in the administration of such sections ~~71-3801 to 71-3831~~ shall require the registration of departments of psychology or of doctoral programs in psychology of colleges or universities.

Sec. 37. That section 71-3828, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:



~~71-3828-~~ 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 ~~71-3801 to 71-3831~~ 23 to 38 of this act 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 sections ~~71-3801 to 71-3831~~ 71-101 to 71-1,197 and sections 23 to 38 of this act.

Sec. 38. That section 71-3829, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3829-~~ Any person who, after January 1, 1968, represents himself or herself to be a psychologist or engages in the practice of psychology within this state without being licensed or exempted in accordance with the provisions of sections ~~71-3801 to 71-3831~~ 71-101 to 71-1,197 and sections 23 to 38 of this act, or after July 1, 1979, represents himself or herself as qualified to practice clinical psychology without being certified, shall be guilty of a Class II misdemeanor. Each day of violation shall be a separate offense.

Sec. 39. That section 71-3832, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3832-~~ As used in sections 39 to 43 of this act, unless the context otherwise requires:

(1) Clinical psychology shall mean that branch of psychology concerned with the assessment, diagnosis, and treatment of mental, emotional, and behavioral disorders;

(2) Clinical psychologist shall mean a licensed psychologist who is certified by the Department of Health as qualified to practice clinical psychology;

(3) Clinical experience shall mean experience in assessment, diagnostic, and treatment skills, compatible with current standards accepted by the profession, in populations in which individuals are suffering from mental, emotional, and behavioral disorders;

(4) Application to the department shall mean applying to the department on forms provided by the department, submitting materials to support credentials, and attaching certification fees to the application;

(5) Department shall mean the Department of Health; and

(6) Director shall mean the Director of Health.

Sec. 40. That section 71-3833, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3833-~~ (1) The department shall certify as qualified to practice clinical psychology, by review of credentials and without examination, any person (a) who

holds a doctoral degree from an accredited institution of higher education, as defined in section ~~71-3831~~ 71-128, in a program of training in clinical psychology approved by the Department of Health upon recommendation of the State Board of Examiners of Psychologists, and (b) who has completed at least one year of postdoctoral clinical experience.

(2) Such training program shall include an internship in a setting in which a portion of the clients served are suffering from mental, emotional, and behavioral disorders and shall provide students with (a) training in assessment and intervention techniques and combine theory and practice throughout such training, (b) values of professional and scientific responsibility, integrity, and identification with the profession, (c) research training and experience, and (d) familiarity with the related fields of anthropology, biology, education, genetics, neurology, psychiatry, and sociology.

Sec. 41. That section 71-3834, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3834.~~ (1) Any person holding a doctoral degree in psychology who does not meet the requirements provided in section ~~71-3833~~ 40 of this act shall qualify for certification without examination if such person (a) has completed a clinical internship approved by the Department of Health upon the recommendation of the board, and (b) has completed the equivalent of at least two additional years of clinical experience.

(2) For purposes of this section, approved internship shall mean an internship in which (a) a psychologist with experience in professional training as well as professional practice is responsible for the integrity and quality of the training program, (b) interaction of interns with other professions is encouraged, (c) the internship provides a range of supervised experience in assessment, intervention, and research into the applications of psychology, (d) adequate facilities and training staff ~~are~~ is provided, and (e) the internship comprises at least one year of full-time experience or two years of half-time experience.

Sec. 42. That section 71-3835, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3835.~~ Any licensed psychologist with training or experience in clinical psychology ~~which~~ who does not meet the requirements of section ~~71-3833~~ or 71-3834 40 or 41 of this act shall, upon application to the department, be examined by three licensed psychologists who have been certified as qualified to practice clinical psychology and have been appointed by the department to determine the candidate's qualification. Such examination shall be approved by the department and shall include evaluation of work samples and oral and written questions to determine the candidate's familiarity with and judgment

in using a broad range of clinical skills. A psychologist failing such examination may appeal to the director for a hearing and review of the examination. After such hearing and review, the director may grant certification, appoint another examination committee, or affirm the judgment of the original examiners. A psychologist shall be certified by the department upon recommendation of at least two of the examiners. A psychologist failing such examination may, after one year, be reexamined upon application to the department and payment of another certification fee.

Sec. 43. That section 71-3836, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~71-3836-~~ After July 1, 1979, no licensed psychologist shall represent himself or herself as qualified to practice clinical psychology unless such psychologist has been certified by the department as so qualified. Any licensed psychologist who was engaged in the full-time practice of clinical psychology as of December 1, 1976, and who has had two years of full-time clinical experience may apply not later than July 1, 1979, for certification without examination on the basis of his or her previous experience and licensure.

Sec. 44. That section 81-197, Revised Statutes Supplement, 1983, be amended to read as follows:

81-197. The Board of Examiners in Dentistry, created by sections 71-111 and 71-112, following agencies, boards, or commissions shall terminate on July 1, 1984. -  
 (1) Board of Examiners in Dentistry, created by sections 71-111 and 71-112; and  
 (2) State Board of Examiners of Psychologists, created by section 71-3803.

Sec. 45. That original sections 71-101, 71-102, 71-109, 71-110, 71-112, 71-114, 71-122, 71-139, 71-139.01, 71-149, 71-155, 71-161.09, 71-3801, 71-3802, 71-3806, 71-3807, 71-3808, 71-3810, 71-3811, 71-3813, 71-3814, 71-3817, 71-3818, 71-3819, 71-3825, 71-3827, 71-3828, 71-3829, and 71-3832 to 71-3836, Reissue Revised Statutes of Nebraska, 1943, sections 71-133 and 71-162, Revised Statutes Supplement, 1982, and sections 71-113, 71-116, 71-131, 71-140, and 81-197, Revised Statutes Supplement, 1983, and also sections 71-3803, 71-3804, 71-3805, 71-3809, 71-3812, 71-3816, 71-3820 to 71-3822, 71-3824, and 71-3831, Reissue Revised Statutes of Nebraska, 1943, and section 71-3823, Revised Statutes Supplement, 1983, are repealed.

Sec. 46. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.