

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1014

Introduced by Walz, 15.

Read first time January 05, 2024

Committee: Education

- 1 A BILL FOR AN ACT relating to the Psychology Practice Act; to amend
- 2 section 38-3113, Reissue Revised Statutes of Nebraska; to change
- 3 requirements relating to school psychologists; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-3113, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-3113 Nothing in the Psychology Practice Act shall be construed to
4 prevent:

5 (1) The teaching of psychology, the conduct of psychological
6 research, or the provision of psychological services or consultation to
7 organizations or institutions if such teaching, research, or service does
8 not involve the delivery or supervision of direct psychological services
9 to individuals or groups of individuals who are themselves, rather than a
10 third party, the intended beneficiaries of such services, without regard
11 to the source or extent of payment for services rendered. Nothing in the
12 act shall prevent the provision of expert testimony by psychologists who
13 are otherwise exempted by the act. Persons holding a doctoral degree in
14 psychology from an institution of higher education may use the title
15 psychologist in conjunction with the activities permitted by this
16 subdivision;

17 (2) Members of other recognized professions that are licensed,
18 certified, or regulated under the laws of this state from rendering
19 services consistent with their professional training and code of ethics
20 and within the scope of practice as set out in the statutes regulating
21 their professional practice if they do not represent themselves to be
22 psychologists;

23 (3) Duly recognized members of the clergy from functioning in their
24 ministerial capacity if they do not represent themselves to be
25 psychologists or their services as psychological;

26 (4) Persons who are certified as school psychologists by the State
27 Board of Education from using the title school psychologist and
28 practicing psychology as defined in the Psychology Practice Act if (a)
29 such practice is restricted to regular employment within a setting under
30 the jurisdiction of the State Board of Education. Such individuals shall
31 be employees of the educational setting and not independent contractors

1 providing psychological services to educational settings, or (b)
2 employed through a service agency with special education programs and
3 rates approved by the State Department of Education; or

4 (5) Any of the following persons from engaging in activities defined
5 as the practice of psychology if they do not represent themselves by the
6 title psychologist, if they do not use terms other than psychological
7 trainee, psychological intern, psychological resident, or psychological
8 assistant to refer to themselves, and if they perform their activities
9 under the supervision and responsibility of a psychologist in accordance
10 with the rules and regulations adopted and promulgated under the
11 Psychology Practice Act:

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

15 (b) An individual pursuing postdoctoral training or experience in
16 psychology, including persons seeking to fulfill the requirements for
17 licensure under the act; or

18 (c) An individual with a master's degree in clinical, counseling, or
19 educational psychology or an educational specialist degree in school
20 psychology who administers and scores and may develop interpretations of
21 psychological testing under the supervision of a psychologist. Such
22 individuals shall be deemed to be conducting their duties as an extension
23 of the legal and professional authority of the supervising psychologist
24 and shall not independently provide interpretive information or treatment
25 recommendations to clients or other health care professionals prior to
26 obtaining appropriate supervision. The department, with the
27 recommendation of the board, may adopt and promulgate rules and
28 regulations governing the conduct and supervision of persons referred to
29 in this subdivision, including the number of such persons that may be
30 supervised by a licensed psychologist. Persons who have carried out the
31 duties described in this subdivision as part of their employment in

1 institutions accredited by the Department of Health and Human Services,
2 the State Department of Education, or the Department of Correctional
3 Services for a period of two years prior to September 1, 1994, may use
4 the title psychologist associate in the context of their employment in
5 such settings. Use of the title shall be restricted to duties described
6 in this subdivision, and the title shall be used in its entirety. Partial
7 or abbreviated use of the title and use of the title beyond what is
8 specifically authorized in this subdivision shall constitute the
9 unlicensed practice of psychology.

10 Sec. 2. Original section 38-3113, Reissue Revised Statutes of
11 Nebraska, is repealed.