

2005

STATE OF NEBRASKA

STATUTES RELATING TO
ALCOHOL AND DRUG COUNSELING

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



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PRACTICE OF ALCOHOL AND DRUG COUNSELING

71-1,351. Terms, defined. For purposes of sections 71-1,351 to 71-1,361 and elsewhere in the Uniform Licensing Law, unless the context otherwise requires:

- (1) Alcohol and drug counseling means providing or performing the core functions of an alcohol and drug counselor for remuneration;
- (2) Alcohol and drug counselor means a person engaged in alcohol and drug counseling;
- (3) Alcohol or drug abuse means the abuse of alcohol or other drugs which have significant mood or perception changing capacities, which are likely to be physiologically or psychologically addictive, and the use of which have negative physical, social, or psychological consequences;
- (4) Alcohol or drug dependence means cognitive, behavioral, and psychological symptoms indicating the continued use of alcohol or other drugs despite significant alcohol or drug-related problems;
- (5) Alcohol or drug disorder means a substance-related disorder as defined by the department in rules and regulations substantially similar with the definitions of the American Psychiatric Association in the Diagnostic and Statistical Manual of Mental Disorders;
- (6) Board means the Board of Alcohol and Drug Counseling; and
- (7) Core functions means the following twelve activities an alcohol and drug counselor performs in the role of counselor: Screening, intake, orientation, assessment, treatment planning, counseling (individual, group, and significant others), case management, crisis intervention, client education, referral, reports and record keeping, and consultation with other professionals in regard to client treatment and services.

Source: Laws 2004, LB 1083, § 115. Operative date July 1, 2004.

71-1,352. Scope of practice. (1) The scope of practice for alcohol and drug counseling is the application of general counseling theories and treatment methods adapted to specific addiction theory and research for the express purpose of treating any alcohol or drug abuse, dependence, or disorder. The practice of alcohol and drug counseling consists of the following performance areas which encompass the twelve core functions: Clinical evaluation; treatment planning; counseling; education; documentation; and professional and ethical standards.

(2) The performance area of clinical evaluation consists of screening and assessment of alcohol and drug problems, screening of other presenting problems for which referral may be necessary, and diagnosis of alcohol and drug disorders. Clinical evaluation does not include mental health assessment or treatment. An alcohol and drug counselor shall refer a person with co-occurring mental disorders unless such person is under the care of, or previously assessed or diagnosed by, an appropriate practitioner within a reasonable amount of time.

(3) The performance area of treatment planning consists of case management, including implementing the treatment plan, consulting, and continuing assessment and treatment planning; referral; and client advocacy.

(4) The performance area of counseling consists of individual counseling, group counseling, and family or significant other counseling.

(5) The performance area of education consists of education for clients, family of clients, and the community.

Source: Laws 2004, LB 1083, § 116. Operative date July 1, 2004.

71-1,353. License required; exceptions. No person shall engage in alcohol and drug counseling or hold himself or herself out as an alcohol and drug counselor unless he or she is licensed for such purpose pursuant to the Uniform Licensing Law, except that this section shall not be construed to prevent:

(1) Qualified members of other professions who are licensed, certified, or registered by this state from practice of any alcohol and drug counseling consistent with the scope of practice of their respective professions;

(2) Teaching or the conduct of research related to alcohol and drug counseling with organizations or institutions if such teaching, research, or consultation does not involve the delivery or supervision of alcohol and drug counseling to individuals or groups of individuals who are themselves, rather than a third party, the intended beneficiaries of such services;

(3) The delivery of alcohol and drug counseling by:

(a) Students, interns, or residents whose activities constitute a part of the course of study for medicine, psychology, nursing, school psychology, social work, clinical social work, counseling, marriage and family therapy, alcohol and drug counseling, compulsive gambling counseling, or other health care or mental health service professions; or

(b) Individuals seeking to fulfill postgraduate requirements for licensure when those individuals are supervised by a licensed professional consistent with the applicable regulations of the appropriate professional board;

(4) Duly recognized members of the clergy from providing alcohol and drug counseling in the course of their ministerial duties and consistent with the codes of ethics of their profession if they do not represent themselves to be alcohol and drug counselors;

(5) The incidental exchange of advice or support by persons who do not represent themselves as engaging in alcohol and drug counseling, including participation in self-help groups when the leaders of such groups receive no compensation for their participation and do not represent themselves as alcohol and drug counselors or their services as alcohol and drug

counseling;

(6) Any person providing emergency crisis intervention or referral services; or

(7) Staff employed in a program designated by an agency of state government to provide rehabilitation and support services to individuals with alcohol or drug disorders from completing a rehabilitation assessment or preparing, implementing, and evaluating an individual rehabilitation plan.

Source: Laws 2004, LB 1083, § 117. Operative date July 1, 2004.

71-1,354. License; application; provisional license; person certified on July 1, 2004; how treated. (1) A person may apply for a license as an alcohol and drug counselor if he or she meets the requirements provided in section 71-1,357.

(2) A person may apply for a license as a provisional alcohol and drug counselor which permits such person to practice and acquire the supervised clinical work experience required for licensure as an alcohol and drug counselor. A license for provisional status shall be eligible for renewal every two calendar years for a maximum of two renewals upon meeting the renewal requirements in section 71-1,360. Provisional status may be granted once and held for a time period not to exceed six years. An individual who is so licensed shall not render services without clinical supervision. An individual who holds provisional licensure shall inform all clients that he or she holds a provisional certification and is practicing under supervision and shall identify the supervisor. An applicant shall meet the requirements provided in section 71-1,355.

(3) Any person certified as an alcohol and drug abuse counselor on July 1, 2004, shall be deemed to be licensed as an alcohol and drug counselor under the Uniform Licensing Law on such date. Any person certified as a provisional alcohol and drug abuse counselor on July 1, 2004, shall be deemed to be licensed as a provisional alcohol and drug counselor under the Uniform Licensing Law on such date. The certificate holder may continue to practice under such certificate as a license until September 1 after the next renewal date for his or her certificate under the rules and regulations governing counselors as provided in section 71-1,361. Renewals issued for such certificates extended to September 1, 2004, or September 1, 2005, shall be valid until September 1, 2006, and shall be issued with fees and continuing competency requirements prorated accordingly. Subsequent renewals shall be for two-year periods expiring September 1 of even-numbered years as provided in section 71-110.

Source: Laws 2004, LB 1083, § 118. Operative date July 1, 2004.

71-1,355. Provisional alcohol and drug counselor; license requirements. To be licensed to practice as a provisional alcohol and drug counselor, an applicant shall:

(1) Have a high school diploma or its equivalent;

(2) Have two hundred seventy hours of education related to the knowledge and skills of alcohol and drug counseling which shall include:

(a) A minimum of forty-five hours in counseling theories and techniques coursework;

(b) A minimum of forty-five hours in group counseling coursework;

(c) A minimum of thirty hours in human growth and development coursework;

(d) A minimum of fifteen hours in professional ethics and issues coursework;

(e) A minimum of thirty hours in alcohol and drug assessment, case planning, and management coursework;

(f) A minimum of thirty hours in multicultural counseling coursework;

(g) A minimum of forty-five hours in medical and psychosocial aspects of alcohol and drug use, abuse, and addiction coursework; and

(h) A minimum of thirty hours in clinical treatment issues in chemical dependency coursework;

(3) Have supervised practical training which shall:

(a) Include performing a minimum of three hundred hours in the counselor core functions in a work setting where alcohol and drug counseling is provided;

(b) Be a formal, systematic process that focuses on skill development and integration of knowledge;

(c) Include training hours documented by performance date and core function performance areas; and

(d) Include the performance of all counselor core functions with no single function performed less than ten hours; and

(4) Have read and agreed to be bound by the standards of professional conduct and code of ethics established in the rules and regulations under section 71-1,361.

Source: Laws 2004, LB 1083, § 119. Operative date July 1, 2004.

71-1,356. Practical training supervisor; requirements; duties. (1)(a) The practical training supervisor for supervised practical training required under section 71-1,355 shall hold one of the following credentials:

(i) Licensure as an alcohol and drug counselor;

(ii) A reciprocity level alcohol and drug counselor credential issued by a member jurisdiction of the International Certification and Reciprocity Consortium, Alcohol and Other Drug Abuse, Inc. or its successor; or

(iii) Licensure as a physician or psychologist under the Uniform Licensing Law, or an equivalent credential from another jurisdiction, and sufficient training as determined by the Board of Medicine and Surgery for physicians or the Board of

Psychologists for psychologists, in consultation with the Board of Alcohol and Drug Counseling, and adopted and promulgated by the department in rules and regulations.

(b) The practical training supervisor shall not be a family member.

(c) The credential requirement of this subsection applies to the work setting supervisor and not to a practicum coordinator or instructor of a postsecondary educational institution.

(2) The practical training supervisor shall assume responsibility for the performance of the individual in training and shall be onsite at the work setting when core function activities are performed by the individual in training. A minimum of one hour of evaluative face-to-face supervision for each ten hours of core function performance shall be documented. Supervisory methods shall include, as a minimum, individual supervisory sessions, formal case staffings, and conjoint, cotherapy sessions. Supervision shall be directed towards teaching the knowledge and skills of professional alcohol and drug counseling.

Source: Laws 2004, LB 1083, §120; Laws 2005, LB 551, §1. Operative date July 1, 2005.

71-1,357. Alcohol and drug counselor; license requirements. (1) To be licensed to practice as an alcohol and drug counselor, an applicant shall meet the requirements for licensure as a provisional alcohol and drug counselor under section 71-1,355, shall receive a passing score on an examination approved by the board, and shall have six thousand hours of supervised clinical work experience providing alcohol and drug counseling services to alcohol and other drug clients for remuneration. The experience shall be polydrug counseling experience.

(2) The experience shall include carrying a client caseload as the primary alcohol and drug counselor performing the core functions of assessment, treatment planning, counseling, case management, referral, reports and record keeping, and consultation with other professionals for those clients. The experience shall also include responsibility for performance of the five remaining core functions although these core functions need not be performed by the applicant with each client in their caseload.

(3) Experience that shall not count towards licensure shall include, but not be limited to:

(a) Providing services to individuals who do not have a diagnosis of alcohol and drug abuse or dependence such as prevention, intervention, and codependency services or other mental health disorder counseling services, except that this shall not exclude counseling services provided to a client's significant others when provided in the context of treatment for the diagnosed alcohol or drug client; and

(b) Providing services when the experience does not include primary case responsibility for alcohol or drug treatment or does not include responsibility for the performance of all of the core functions.

(4) The maximum number of hours of experience that may be accrued are forty hours per week or two thousand hours per year.

(5)(a) A postsecondary educational degree may be substituted for part of the supervised clinical work experience. The degree shall be from a regionally accredited postsecondary educational institution or the educational program shall be accredited by a nationally recognized accreditation agency.

(b) An associate's degree in addictions or chemical dependency may be substituted for one thousand hours of supervised clinical work experience.

(c) A bachelor's degree with a major in counseling, addictions, social work, sociology, or psychology may be substituted for two thousand hours of supervised clinical work experience.

(d) A master's degree or higher in counseling, addictions, social work, sociology, or psychology may be substituted for four thousand hours of supervised clinical work experience.

(e) A substitution shall not be made for more than one degree.

Source: Laws 2004, LB 1083, § 121. Operative date July 1, 2004.

71-1,358. Clinical supervisor; requirements; duties. (1)(a) The clinical supervisor for supervised clinical work experience under section 71-1,357 shall hold one of the following credentials:

(i) Licensure as an alcohol and drug counselor;

(ii) A reciprocity level alcohol and drug counselor credential issued by a member jurisdiction of the International Certification and Reciprocity Consortium, Alcohol and Other Drug Abuse, Inc. or its successor;

(iii) The highest level alcohol and drug counselor credential issued by a jurisdiction that is not a member of the International Certification and Reciprocity Consortium, Alcohol and Other Drug Abuse, Inc. or its successor if the credential is based on education, experience, and examination that is substantially similar to the license issued in this state as determined by the board; or

(iv) Licensure as a physician or psychologist under the Uniform Licensing Law, or an equivalent credential from another jurisdiction, and sufficient training as determined by the Board of Medicine and Surgery for physicians or the Board of Psychologists for psychologists, in consultation with the Board of Alcohol and Drug Counseling, and adopted and promulgated by the department in rules and regulations.

(b) The clinical supervisor shall be formally affiliated with the program or agency in which the work experience is gained.

(c) The clinical supervisor shall not be a family member.

(2) There shall be one hour of evaluative face-to-face clinical supervision for each forty hours of paid alcohol and drug counseling work experience. The format for supervision shall be either one-on-one or small group. Methods of supervision may include case review and discussion or direct observation of a counselor's clinical work.

Source: Laws 2004, LB 1083, §122; Laws 2005, LB 551, §2. Operative date July 1, 2005.

71-1,359. Licensure; substitute requirements. (1) An individual who is licensed as a provisional alcohol and drug counselor at the time of application for licensure as an alcohol and drug counselor is deemed to have met the requirements of a high school diploma or its equivalent, the two hundred seventy hours of education related to alcohol and drug counseling, and the supervised practical training requirement.

(2) An applicant who is licensed as a provisional mental health practitioner or a mental health practitioner at the time of application for licensure is deemed to have met the requirements of subdivisions (2)(a), (b), (c), (d), and (f) of section 71-1,355.

Source: Laws 2004, LB 1083, § 123. Operative date July 1, 2004.

71-1,360. Continuing competency requirements. Each alcohol and drug counselor and each provisional alcohol and drug counselor shall, in the period since his or her license was issued or last renewed, complete continuing competency activities as required by the board pursuant to section 71-161.09 as a prerequisite for renewal.

Source: Laws 2004, LB 1083, § 124. Operative date July 1, 2004.

71-1,361. Rules and regulations. (1) The department, upon the advice of the board, shall adopt and promulgate rules and regulations to administer sections 71-1,351 to 71-1,361, including rules and regulations governing:

(a) Ways of clearly identifying students, interns, and other persons providing alcohol and drug counseling under supervision;

(b) The rights of persons receiving alcohol and drug counseling;

(c) The rights of clients to gain access to their records, except that records relating to substance abuse may be withheld from a client if an alcohol and drug counselor determines, in his or her professional opinion, that release of the records to the client would not be in the best interest of the client or would pose a threat to another person, unless the release of the records is required by court order;

(d) The contents and methods of distribution of disclosure statements to clients of alcohol and drug counselors; and

(e) Standards of professional conduct and a code of ethics.

(2) The rules and regulations governing certified alcohol and drug counselors shall remain in effect to govern licensure until modified under this section, except that if there is any conflict with sections 71-1,351 to 71-1,361, the provisions of such sections shall prevail.

Source: Laws 2004, LB 1083, § 125. Operative date July 1, 2004.