

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 836

Introduced by Howard, 9.

Read first time January 04, 2018

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend
- 2 sections 38-2001, 38-2101, and 38-3101, Reissue Revised Statutes of
- 3 Nebraska; to provide for minors' consent to certain mental health
- 4 services as prescribed; to harmonize provisions; and to repeal the
- 5 original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-2001, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-2001 Sections 38-2001 to 38-2062 and section 2 of this act shall
4 be known and may be cited as the Medicine and Surgery Practice Act.

5 Sec. 2. A psychiatrist licensed under the Medicine and Surgery
6 Practice Act may provide diagnostic testing, evaluation, and treatment
7 for outpatient mental health, alcohol addiction, and drug addiction
8 services to a minor without the consent or notification of a parent or
9 guardian at the request of the minor if the psychiatrist determines that
10 the minor is knowingly and voluntarily seeking the services and provision
11 of the services is clinically indicated for the minor's well-being and
12 documented in the clinical record. The treatment may only continue for
13 six sessions without parental consent or notification, unless the
14 requirement of parental consent or notification would be seriously
15 detrimental to the minor's well-being as documented in the minor's
16 record. This section does not authorize a minor to receive convulsive
17 therapy, psychosurgery, surgery, or, except as otherwise provided in this
18 section, psychotropic drugs without the consent of the minor's parent or
19 guardian. A minor sixteen years of age or older may consent to the
20 administration of psychotropic medications, without the consent of a
21 parent or guardian or the authorization of the court, only when the
22 minor's parent or guardian is not reasonably available, when requiring
23 the consent would have a detrimental effect on the minor, or when the
24 parent or guardian refuses consent. In each of these situations
25 medication may be administered only where clinically indicated.

26 Sec. 3. Section 38-2101, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 38-2101 Sections 38-2101 to 38-2139 and section 4 of this act shall
29 be known and may be cited as the Mental Health Practice Act.

30 Sec. 4. A mental health practitioner licensed under the Mental
31 Health Practice Act may provide diagnostic testing, evaluation, and

1 treatment for outpatient mental health, alcohol addiction, and drug
2 addiction services to a minor without the consent or notification of a
3 parent or guardian at the request of the minor if the mental health
4 practitioner determines that the minor is knowingly and voluntarily
5 seeking the services and provision of the services is clinically
6 indicated for the minor's well-being and documented in the clinical
7 record. The treatment may only continue for six sessions without parental
8 consent or notification, unless the requirement of parental consent or
9 notification would be seriously detrimental to the minor's well-being as
10 documented in the minor's record. This section does not authorize a minor
11 to receive convulsive therapy, psychosurgery, surgery, or, except as
12 otherwise provided in this section, psychotropic drugs without the
13 consent of the minor's parent or guardian. A minor sixteen years of age
14 or older may consent to the administration of psychotropic medications,
15 without the consent of a parent or guardian or the authorization of the
16 court, only when the minor's parent or guardian is not reasonably
17 available, when requiring the consent would have a detrimental effect on
18 the minor, or when the parent or guardian refuses consent. In each of
19 these situations medication may be administered only where clinically
20 indicated.

21 Sec. 5. Section 38-3101, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 38-3101 Sections 38-3101 to 38-3132 and section 6 of this act shall
24 be known and may be cited as the Psychology Practice Act.

25 Sec. 6. A psychologist licensed under the Psychology Practice Act
26 may provide diagnostic testing, evaluation, and treatment for outpatient
27 mental health, alcohol addiction, and drug addiction services to a minor
28 without the consent or notification of a parent or guardian at the
29 request of the minor if the psychologist determines that the minor is
30 knowingly and voluntarily seeking the services and provision of the
31 services is clinically indicated for the minor's well-being and

1 documented in the clinical record. The treatment may only continue for
2 six sessions without parental consent or notification, unless the
3 requirement of parental consent or notification would be seriously
4 detrimental to the minor's well-being as documented in the minor's
5 record. This section does not authorize a minor to receive convulsive
6 therapy, psychosurgery, surgery, or, except as otherwise provided in this
7 section, psychotropic drugs without the consent of the minor's parent or
8 guardian. A minor sixteen years of age or older may consent to the
9 administration of psychotropic medications, without the consent of a
10 parent or guardian or the authorization of the court, only when the
11 minor's parent or guardian is not reasonably available, when requiring
12 the consent would have a detrimental effect on the minor, or when the
13 parent or guardian refuses consent. In each of these situations
14 medication may be administered only where clinically indicated.

15 Sec. 7. Original sections 38-2001, 38-2101, and 38-3101, Reissue
16 Revised Statutes of Nebraska, are repealed.