

# PRESS RELEASE

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Pursuant to the Administrative Procedures Act, the above petitioners are demanding the Department of Health and Human Services advance the Rules and Regulations approved by their respective governing boards to final approval within 60 days. Our Associations represent a majority of the mental health practitioners in the state and support the Rules and Regulations advanced by the Board of Mental Health Practice and the Board of Psychology. Please see the attached petition for details.

## **Brief History**

In 2007 the Nebraska Legislature passed LB 369, creating the category of Licensed Independent Mental Health Practitioner (LIMHP). This allowed Licensed Mental Health Practitioners with certain qualifications to diagnose and treat major mental illnesses.

Subsequent to the enactment of the LB 369, the Mental Health Practice Board updated and revised their rules and regulations which govern the professions, and held the necessary public hearings. Their proposed regulations have been ready since May 6, 2010, for a final public hearing at the Board of Health, which needs to be approved by the Director of Division of Public Health. The Psychology Board revised their regulations and the proposed regulations were approved by the Board of Health on June 21, 2010, and are still at the desk of the Director of Division of Public Health. Both sets of proposed regulations have not been advanced by the Administration, and ultimately to the Governor for signature.

The proposed regulations contain clauses pertaining to unprofessional conduct. Our associations represent nearly the entire population of licensed mental health professionals in the State of Nebraska, and we unanimously support the proposed regulations. Those opposing the regulations have a concern over the prohibition of discrimination based on sexual orientation. In the Board of Mental Health Practice proposed Regulations, it can be found under NAC 94-015.02, Number 15. In the Board of Psychology proposed regulations, it can be found under NAC 155-014.62 Number 16. Those opposed believe that providing a referral for people of alternative sexual orientation violates their religious beliefs. All of our

professional codes of ethics require practitioners to practice within their scope and training and, at minimum, to provide professional assistance such as an appropriate referral.

Terry Werner, Executive Director of the National Association of Social Worker states, *"The National Association of Social Workers code of ethics agrees that if a practitioner has a moral or religious conflict to providing services to a client then they may refuse to serve that client. In fact, if the practitioner does not have a competency in an area, such as working with gay and lesbian couples or transgendered clients, then they must not provide service to that client. However, it is total violation of our professions' code of ethics to not provide a referral. It is wrong for the Boards to enact policy that violates a professions' code of ethics. We are grateful for the work of the Boards in advancing regulations that honor the profession's ethical standards."*

Dr. Will Spaulding, President of Nebraska Psychological Association, states, *"Imagine finding out that your doctor checked your political party affiliation before deciding what to tell you about your treatment options. Psychologists and other health professionals are strictly forbidden from withholding information from their patients based on personal beliefs. Our licensing regulations are being held hostage until we agree to make an exception to this universal ethical principle. Nebraska would be the only state in the nation to allow such an exception. Nobody is being forced to treat anybody in violation of anybody's ethical or religious beliefs. This is about discriminatory withholding of information."*

Anne Buettner, Legislative Chair for the Nebraska Association for Marriage and Family Therapy, states, *"The Mental Health Independent Practice bill was passed in 2007 and the first public hearing of the proposed regulations was held in July of 2008. The Psychology proposed regulations public hearing was in July, 2009. Regulations are to protect the health and safety of Nebraskans. More than three years pending are too long. Nebraskans deserve better. These regulations must be advanced."*

The defendants will have 60 days to file a response.