



Nebraska Department of Health and Human Services

Division of Public Health

Please reply to: Division of Public Health, Licensure Unit
P.O. Box 94986, Lincoln, NE 68509-4986
Phone: 402-471-2117 FAX: 402-471-3577
License verifications at: www.dhhs.ne.gov/lis/lisindex.htm

State of Nebraska

Dave Heineman, Governor

March 22, 2010

Mark H. Hoffman
c/o Executive Peak
2140 Academy CR Suite C
Colorado Springs, CO 80909

Received

MAR 23 2010

Investigations

Re: Order to Cease & Desist
Unlicensed Practice of Psychology

Dear Mr. Hoffman:

The Nebraska Board of Psychology has received complaints that you have been engaging in the unlicensed practice of psychology. The complaints were investigated by the Nebraska Department of Health and Human Services Division of Public Health.

The investigation reflects that you advertise that you are a psychologist and hold yourself out to be a practicing psychologist, specifically in the *Nebraska Lawyer*.

Nebraska Revised Statute § 38-3130 provides that "(1) It shall be a violation of the Psychology Practice Act for any person not licensed in accordance with the act to represent himself or herself as a psychologist. It shall be a violation of the act for any person not licensed in accordance with the act to engage in the practice of psychology. . (2) Any person who represents himself or herself as a psychologist in violation of the act or who engages in the practice of psychology in violation of the act shall be guilty of a Class II misdemeanor."

Nebraska Revised Statute § 38-3110 defines representation as a psychologist to mean "that the person uses any title or description of services which incorporates the words psychology, psychological, or psychologist or which implies that he or she possesses expert qualification in any area of psychology or that the person offers to individuals or to groups of individuals services defined as the practice of psychology." Nebraska Revised Statute § 38-3108 defines the practice of psychology as "the observation, description, evaluation, interpretation, or modification of human behavior by the application of psychological principles, methods, or procedures for the purpose of preventing or eliminating symptomatic, maladaptive, or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health, and mental health...."

Your conduct in holding yourself out as or presenting yourself in any way as a psychologist or as practicing psychology constitutes the unlicensed practice of psychology.

Pursuant to Nebraska Revised Statute § 38-1,124(2), the Nebraska Board of Psychology orders you to cease and desist your activities in advertising yourself as a psychologist and in holding yourself out to be a practicing psychologist until such time as you have a valid license to practice psychology in the State of Nebraska. Failure to obey an order to cease and desist is a Class III Felony, punishable by one to twenty years in prison and up to a \$25,000 fine.

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