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FISCAL IMPACT REPORT

SPONSOR Giannini **ORIGINAL DATE** 02/03/09
LAST UPDATED 02/19/09 **HB** 370/aHBIC
SHORT TITLE Psychologists Licensure & Background Check **SB** _____
ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Attorney General's Office (AGO)

Department of Corrections (DOC)

Commission on Higher Education (CHE)

SUMMARY

Synopsis of HBIC Amendment

The House Business and Industry Committee amendment to HB370 changes two major areas of the bill:

First it removes the word "substantially" to require foreign trained psychology applicants to prove their education is "equivalent" rather than "substantially equivalent" to US approved educational programs.

Second, it strikes the word "new" from the statement mandating background checks for all licenses, not just for new licenses.

Criminal background check for all licensees will help to disqualify some dangerous or otherwise inappropriate licensees who might otherwise continue working and causing harm to clients.

Synopsis of Original Bill

This bill expands the pool of psychologists who could receive reciprocity for existing licenses to include a psychologist from any country as long as their training and education is substantially equivalent to that required by the New Mexico Psychologist Act. The existing law limits reciprocity to those from other states, territories of the U.S., the District of Columbia, Canada and Puerto Rico. The bill also adds an option for fulfilling the educational and training requirements to include PhDs with a pre-doctoral internship not approved by the APA and 1½ years of supervised professional training after receiving the degree. The existing law currently only allows for a pre-doctoral internship approved by the APA and one year of post-doctoral supervised training or for two years of supervised experience with no pre-doctoral training. The bill also includes more detailed background checks for applicants.

FISCAL IMPLICATIONS

None. Costs associated with the background checks will be covered by the \$75 fee.

SIGNIFICANT ISSUES

The requirement of background checks is essentially a public safety concern. Licensees in this profession deal extensively with confidential information and with minors and others who are vulnerable. In the past year, there were approximately 15 complaints heard by this board.

The addition of a clarified section on reciprocity may also help to attract additional psychologists to the State of New Mexico.

PERFORMANCE IMPLICATIONS

Enforcing the mandates of this legislation will require close cooperation between RLD and NMDPS and the FBI. Performance can be evaluated based on the level of compliance RLD receives from applicants for licensure and from the number of “hits” returned after a background check.

TECHNICAL ISSUES

This bill requires background checks only for **new** licensees, rather than for those seeking renewal of their license.

OTHER SUBSTANTIVE ISSUES

Criminal background checks for applicants may help to disqualify some dangerous or otherwise inappropriate applicants that might otherwise become licensed and cause physical or emotional damage to clients.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The pool of psychologists who might come to practice in New Mexico will be more limited because of existing reciprocity and internship/training requirements.