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## FISCAL IMPACT REPORT



SPONSOR: Marquardt DATE TYPED: 01/24/02 HB 168

SHORT TITLE: Mental Health Counselors' Scope of Practice SB \_\_\_\_\_

ANALYST: Trujillo

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	NFI			NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in The General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received

Public Defender Department

#### No Response

Department of Health (DOH)

Corrections Department (CD)

### SUMMARY

#### Synopsis of Bill

House Bill 168 amends Section 61-9A-5 NMSA 1978, which (1) adds a provision regulating the scope of practice of mental health counselors who counsel persons with a dual diagnosis of mental problems and drug and alcohol and alcohol and drug abuse counseling by promulgated rule; (2) exempts from the Counseling and Therapy Practice Act peer counselors in a corrections department provided that that person is certified by a recognized forensic accreditation program and acts under appropriate supervision; and (3) changes the requirement that a substance abuse intern hold an associate degree in counseling to only a requirement that he or she has a total of ninety clock hours of education and training in the fields of alcohol and drug abuse.

### Significant Issues

The Public Defender provided the following questions:

- (1) What agency is going to promulgate the rules for the mental health counselors for dual diagnosis clients and mental counselor, i.e., DOH or a professional organization?
- (2) What organizations are considered "recognized forensic accreditation programs"?
- (3) Why are there no educational requirements for "peer counselors"?

PD reports if there are peer counselors for persons that have dual diagnosis (people with mental health as well as drug problems) there needs to be some specific educational requirements such as a bachelor's degree; there needs to be specific educational and experience requirements for supervisors of peer counselors such as a Master Degree in Social Work or a Ph.D. in psychology.

Issues under three above include the removal of the requirement of a high school education for substance abuse interns; instead of replacing that requirement with a requirement of an associate degree (which is appropriate), the bill removes all requirements of any kind of degree, drug counselors should meet minimum educational requirements.

### **ADMINISTRATIVE IMPLICATIONS**

An agency such as Regulation and Licensing may need to promulgate rules and supervise their implementation.

### **TECHNICAL ISSUES**

The PD reports, the educational requirements for peer counselors and interns needs to be reviewed. Dual diagnosis counselors need extensive education and training. Substance abuse counselors should have a minimum of an associate degree and ninety hours of training.

### **OTHER SUBSTANTIVE ISSUES**

According to the PD, substance abuse counselors should meet minimum standards promulgated by an appropriate agency such as the Department of Health. These should include standards for education, training, experience and supervision of unlicensed peer counselors and interns.

LAT/ar