

AN ACT  
RELATING TO LICENSING; REVISING THE COUNSELING AND THERAPY PRACTICE  
ACT.

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993, Chapter 49,  
Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and Therapy Practice Act:

A. "accredited institution" means a university or college accredited by a  
regional accrediting agency of institutions of higher education;

B. "alcohol abuse counselor" means a person who engages in the  
practice of alcohol abuse counseling;

C. "alcohol and drug abuse counselor" means a person who engages  
in the practice of alcohol and drug abuse counseling;

D. "appraisal" means selecting, administering, scoring and interpreting  
instruments designed to assess an individual's aptitudes, attitudes, abilities,  
achievements, interests, personal characteristics and current emotional or mental state  
by appropriately educated, trained and experienced clinicians and the use of  
nonstandardized methods and techniques for understanding human behavior in  
relation to coping with, adapting to or changing life situations of a physical, mental or  
emotional nature; "appraisal" shall not be construed to permit the performance of any  
act that counselors or therapists are not educated, trained and licensed to perform;

E. "appropriate supervision" means supervision as defined by rule,  
provided by a licensed professional clinical mental health counselor, licensed

professional mental health counselor, licensed marriage and family therapist, licensed professional art therapist, licensed psychiatrist, licensed clinical psychologist, licensed alcohol and drug abuse counselor with three years of alcohol and drug abuse experience acquired after licensure, clinical nurse specialist in psychiatry or licensed independent social worker with two years of mental health and supervised clinical experience;

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F. "appropriate clinical supervision" means supervision provided to licensed mental health counselors or therapists by a licensed professional clinical mental health counselor, licensed marriage and family therapist, licensed professional art therapist, licensed psychiatrist, licensed clinical psychologist, clinical nurse specialist in psychiatry or licensed independent social worker;

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G. "board" means the counseling and therapy practice board;

H. "client contact hours" means the face-to-face time spent with a client to appraise, assess, evaluate, diagnose, treat psychopathology and provide counseling services;

I. "clinical counseling" means the rendering of counseling services involving the application of principles of psychotherapy, human development, learning theory, diagnosis, treatment and the etiology of mental illness and dysfunctional behavior to individuals, couples, families or groups for the purpose of assessing and treating psychopathology and promoting optimal mental health;

J. "consulting" and "consultation" means the voluntary, nonsupervisory relationship between professionals or other pertinent persons, in application of scientific counseling, guidance and human development principles and procedures to provide assistance in understanding and resolving a current or potential problem that

the consultee may have in relation to a third party be it an individual, group, family or organization;

K. "counselor training and education" means a process that prepares counselors in both didactic and clinical aspects of counseling;

L. "course" means an integrated, organized course of study, which encompasses a minimum of one school semester or equivalent hours;

M. "counseling" means the application of scientific principles and procedures in therapeutic counseling, guidance and human development to provide assistance in understanding and solving a mental, emotional, physical, social, moral, educational, spiritual or career development and adjustment problem that a client may have;

N. "counseling-related field" means to include those fields in which training includes coursework in the diagnosis and treatment of mental disorders; guidance counseling, mental health-community counseling or agency counseling; clinical psychology, counseling psychology; human and family studies; art therapy and art education with appropriate clinical background to meet the clinical core curriculum;

O. "counseling and therapy practice" means the licensed or registered practice of professional art therapy, professional clinical mental health counseling, professional mental health counseling, independent mental health counseling, marriage and family therapy, alcohol abuse counseling, drug abuse counseling and alcohol and drug abuse counseling;

P. "counselor and therapist practitioner" means a professional art therapist, professional clinical mental health counselor, professional mental health counselor, licensed mental health counselor, marriage and family therapist, registered

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mental health counselor, registered independent mental health counselor, licensed substance abuse trainee, alcohol abuse counselor, drug abuse counselor and alcohol and drug abuse counselor;

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Q. "department" means the regulation and licensing department or the division of the department designated to administer the counseling and therapy practice board;

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R. "diagnosis and treatment planning" means assessing, analyzing and providing diagnostic descriptions of mental, emotional or behavioral conditions; exploring possible solutions; and developing and implementing a treatment plan for mental, emotional and psychosocial adjustment or development. "Diagnosis and treatment planning" shall not be construed to permit the performance of any act that counselors are not educated, trained and licensed to perform;

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S. "drug abuse counselor" means a person who engages in the practice of drug abuse counseling;

T. "evaluation" means the act of making informed decisions based on the use and analysis of pertinent data;

U. "internship" means a distinctly defined, pre-graduate, supervised, capstone clinical experience in which the student refines and enhances basic counseling or student development knowledge and skills; integrates and authenticates professional knowledge and skills appropriate to the student's program and preparation for postgraduate professional placement;

V. "licensed mental health counselor" means a person who is licensed by the board and is authorized by the board to engage in the practice of mental health counseling under appropriate supervision;

W. "licensure" means the process by which a state agency or government grants permission to an individual to engage in a given profession and to use the designated title of that profession after the applicant has attained the minimal degree of competency necessary to ensure that the public health, safety and welfare are reasonably well protected;

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X. "marriage and family therapy" means the assessment, diagnosis and treatment of nervous and mental disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems;

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Y. "marriage and family therapist" means a person who is licensed for independent practice of marriage and family therapy without supervision;

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Z. "mental disorder" means any of several conditions or disorders that meet the diagnostic criteria contained in the diagnostic and statistical manual of the American psychiatric association or the world health organization's international classification of diseases manual;

AA. "peer counselor" means a non-licensed service provider;

BB. "practice of alcohol or drug abuse counseling" means the licensed practice of counseling services, as defined by rule of the board, to individuals, couples, families or groups. The services may include screening, assessment, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention, education, reporting and recordkeeping;

CC. "practice of art therapy" means the licensed practice of counseling services to individuals, families or groups of services that use art media as a means of expression and communication to promote perceptive, intuitive, affective and expressive experiences that alleviate distress, reduce physical, emotional, behavioral

and social impairment and lead to growth or reintegration of one's personality. Art therapy services include diagnostic evaluation, development and implementation of patient treatment plans, goals and objectives, case management services and therapeutic treatment as defined by rule of the board;

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DD. "practice of marriage and family therapy" means the licensed practice of marriage and family therapy services delivered to individuals, couples and families treated singly or in groups, for a cognitive behavioral, emotional or relationally disruptive issue or a diagnosed mental or physical disorder in at least one member of the couple or family being treated. The "practice of marriage and family therapy" involves the professional application of psychotherapeutic, human development and family systems theories and techniques in a therapeutic relationship to bring about change, and includes the services of diagnostic evaluation, development and implementation of patient treatment plans, goals and objectives, case management services, therapeutic treatment, research, appraisal, consulting and referral as defined by rule of the board;

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EE. "practice of professional clinical mental health counseling" means the licensed practice of mental health clinical counseling to individuals, couples, families or groups and the diagnosis and treatment of mental and emotional disorders as defined by the diagnostic and statistical manual of mental disorders of the world health organization. "Practice of professional clinical mental health counseling" includes diagnostic evaluation, development and implementation of patient treatment plans, goals and objectives, case management services, therapeutic treatment, research and clinical mental health appraisal, consulting, counseling and referral as defined by rule of the board;

FF. "practice of professional mental health counseling" means the licensed practice of a therapeutic, non-clinical counseling service that integrates a wellness and multicultural model of human behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by rule of the board;

GG. "practice of registered mental health counseling" or "practice of licensed mental health counseling" means the registered or licensed practice, under appropriate supervision, of a therapeutic counseling service that integrates a wellness and multicultural model of human behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by rule of the board;

HH. "practice of registered independent mental health counseling" means the registered independent practice of a therapeutic counseling service that integrates a wellness and multicultural model of human behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by rule of the board;

II. "practicum" means a distinctly defined, supervised clinical experience in which the student develops basic counseling skills and integrates professional knowledge. Practicum is completed prior to internship;

JJ. "program" means a structured sequence of curricular and clinical experiences housed within an academic unit;

KK. "professional art therapist" means a licensed person who engages in the practice of art therapy without supervision;

LL. "professional clinical mental health counselor" means a licensed

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person who engages in the independent practice of professional clinical mental health counseling without supervision;

MM. "professional mental health counselor" means a licensed person who engages in the practice of professional mental health counseling without supervision; however, professional mental health counselors may diagnose and treat under appropriate supervision;

NN. "referral" means evaluating and identifying the needs of a client to determine the advisability of referrals to other specialists, advising the counselee of such judgements and communicating as requested or deemed appropriate to such referral sources;

OO. "research" means a systematic effort to collect, analyze and interpret quantitative or qualitative data that describe how social characteristics, behavior, emotions, cognition, disabilities, mental disorders and interpersonal transactions among individuals, couples, families and organizations interact;

PP. "registered independent mental health counselor" means a person who is registered with the board and is authorized by the board to engage in the practice of mental health counseling without supervision;

QQ. "standard" means a minimal criterion that must be met;

RR. "substance abuse counselor" means a person who is licensed to practice alcohol and drug abuse counseling;

SS. "substance abuse trainee" means a person who is licensed to practice under appropriate supervision defined by rule; and

TT. "supervision" means a tutorial and mentoring form of instruction in which a supervisor monitors the student's activities in practicum and internship, or

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licensees in other clinical situations and facilitates the learning and skill development experiences associated with practicum, internship or other clinical situations. The supervisor monitors and evaluates the clinical work of the student or licensee while monitoring the quality of services offered to clients."

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Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993, Chapter 49, Section 4, as amended) is amended to read:

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"61-9A-4. LICENSE OR REGISTRATION REQUIRED.--

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A. Unless licensed or registered to practice under the Counseling and Therapy Practice Act, no person shall engage in:

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(1) the practice of professional mental health counseling;  
(2) the practice of professional clinical mental health counseling;

(3) marriage and family therapy;  
(4) professional art therapy;  
(5) counseling as a licensed mental health counselor;  
(6) counseling as a registered independent mental health counselor; or

(7) counseling as a registered mental health counselor.

B. Unless licensed to practice under the Counseling and Therapy Practice Act, no person shall engage in:

(1) the practice of alcohol and drug abuse counseling;  
(2) the practice of alcohol abuse counseling;  
(3) the practice of drug abuse counseling; or  
(4) substance abuse counseling as a substance abuse

trainee."

Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993, Chapter 49, Section 5, as amended) is amended to read:

"61-9A-5. DESCRIPTION OF PRACTICING.--

A. For the purpose of the Counseling and Therapy Practice Act, a person is practicing as a professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor, registered mental health counselor, licensed mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse trainee if he advertises; offers himself to practice; is employed in a position described as professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor, registered mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse counselor trainee; or holds out to the public or represents in any manner that he is licensed or registered to practice as a counselor or therapist enumerated in this section in this state.

B. "Practice of professional clinical mental health counseling, professional art therapist or marriage and family therapist" means the application of mental health, psychotherapeutic and human development principles through a therapeutic relationship to:

(1) achieve the mental, emotional, physical, social, moral, educational, spiritual or career-related development and adjustment of the client throughout the client's life;

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(2) diagnose, evaluate, prevent and treat mental, emotional or behavioral disorders and associated distresses that interfere with mental health;

(3) conduct appraisal, assessments and evaluations to establish treatment goals and objectives; and

(4) plan, implement and evaluate treatment plans using counseling treatment interventions and strategies.

C. "Practice of licensed mental health counselor and registered mental health counselor under appropriate supervision" consists of rendering counseling services, which may include evaluation, assessment, consultation, diagnosing under supervision, development of treatment plans, case management counseling referral, appraisal, crisis intervention education, reporting and recordkeeping to individuals, couples, families or groups as defined by regulation.

D. "Practice of licensed professional mental health counselor" consists of rendering counseling services, which may include evaluation, assessment, diagnoses, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention education, reporting and recordkeeping to individuals, couples, families or groups as defined by regulation.

E. The scope of practice of alcohol or drug abuse counseling, or both, consists of rendering treatment and intervention services specific to alcohol and other drug use disorders to individuals, couples, families or groups. The services may include evaluation, assessment, diagnosis of chemical abuse and chemical dependency disorders only, consultation, development of treatment plans, case management-counseling, referral, appraisal, crisis intervention, education, reporting and recordkeeping. Nothing in this scope of practice shall be construed as preventing

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licensed alcohol abuse counselors, drug abuse counselors and alcohol and drug abuse counselors from providing screening and referrals for mental health disorders. However, assessment, treatment and diagnosis for such disorders is not within the scope of practice of this license. The practice of these activities will be limited to the individual's level of training, education and supervised experience.

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F. The scope of practice of a substance abuse trainee under the supervision by an appropriate supervisor is limited to supervised work in a public or private institution. The trainee may be involved in taking social histories or conducting home studies. The trainee utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level and developing an intervention plan. The trainee may implement the plan and conduct follow-ups pertaining specifically to alcohol and drug abuse counseling. The trainee may provide client education and assist licensed counselor-therapist with group or individual counseling sessions."

Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993, Chapter 49, Section 6, as amended) is amended to read:

"61-9A-6. EXEMPTIONS.--

A. Nothing in the Counseling and Therapy Practice Act prohibits:

(1) a person who is licensed, certified or regulated under the laws of this state from engaging in activities consistent with the standards and ethics of his profession or practice; or

(2) an alternative, metaphysical or holistic practitioner from engaging in nonclinical activities consistent with the standards and codes of ethics of that practice.

- B. Specifically exempted from the Counseling and Therapy Practice Act
- are:
- (1) elementary and secondary school counselors acting on behalf of their employer who are not licensed pursuant to the Counseling and Therapy Practice Act;
  - (2) peer counselors of domestic violence or independent-living peer counselors;
  - (3) duly ordained, commissioned or licensed ministers of a church or lay pastoral-care assistants providing pastoral services on behalf of a church;
  - (4) a person who is enrolled in an internship or practicum under appropriate supervision and is in the internship or practicum for the sole purpose of acquiring an advanced degree in mental health counseling, marriage and family therapy or art therapy or a degree in substance abuse counseling; and
  - (5) practitioners of Native American healing arts."

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Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993, Chapter 49, Section 7, as amended) is amended to read:

"61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--COMPENSATION.--

A. There is created the "counseling and therapy practice board". The board is administratively attached to the department.

B. The board consists of nine members who are United States citizens and have been New Mexico residents for at least five years prior to their appointment.

Of the nine members:

(1) five members shall be professional members, who shall be a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist and an alcohol and drug abuse counselor, licensed under the Counseling and Therapy Practice Act and shall have engaged in a counselor and therapist practice for at least five years. The professional mental health counselor shall also represent the registered independent and licensed mental health counselors; and

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(2) four members shall represent the public. The public members shall not have been licensed or have practiced as counselor or therapist practitioners or in any other regulated mental health profession, nor have any significant financial interest, either direct or indirect, in the professions regulated.

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C. Members of the board shall be appointed by the governor for staggered terms of four years. A member shall hold office until his successor is appointed. Vacancies shall be filled in the same manner as original appointments. No appointee shall serve more than two terms.

D. The governor may appoint professional board members from a list of nominees submitted by qualified individuals and organizations, including the New Mexico counseling association, the New Mexico association for marriage and family therapy, the New Mexico art therapy association and the alcohol and drug directors association.

E. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. The board shall elect annually from its membership a chairman and

a secretary and other officers as necessary to carry out its duties.

G. The board shall meet at least twice a year and at other times deemed necessary. Other meetings may be called by the chairman upon the written request of three members of the board. A simple majority of the board members shall constitute a quorum of the board.

H. Any member failing to attend three meetings after proper notice shall be automatically recommended for removal as a board member, unless excused by the board chair for one of the following reasons:

- (1) extenuating circumstances beyond his control, including illness;
- (2) prearranged activities out of town; or
- (3) other severe circumstances that do not allow a member to attend."

Section 6. Section 61-9A-8 NMSA 1978 (being Laws 1993, Chapter 49, Section 8, as amended) is amended to read:

"61-9A-8. DEPARTMENT DUTIES.--The department, with the consultation of the board, shall:

- A. process applications and conduct and review the required examinations;
- B. issue licenses and certificates of registration to applicants who meet the requirements of the Counseling and Therapy Practice Act;
- C. administer, coordinate and enforce the provisions of the Counseling and Therapy Practice Act and investigate persons engaging in practices that may violate the provisions of that act;

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- D. approve the selection of primary staff assigned to the board;
- E. maintain records, including financial records; and
- F. maintain a current register of licensees and registrants as a matter of public record."

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Section 7. Section 61-9A-9 NMSA 1978 (being Laws 1993, Chapter 49, Section 9, as amended) is amended to read:

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"61-9A-9. BOARD--POWERS AND DUTIES.--

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A. The board may:

(1) adopt in accordance with the Uniform Licensing Act and file in accordance with the State Rules Act rules necessary to carry out the provisions of the Counseling and Therapy Practice Act;

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(2) select and provide for the administration of, at least, semiannual examinations for licensure;

(3) establish the passing scores for examinations;

(4) take any disciplinary action allowed by and in accordance with the Uniform Licensing Act;

(5) censure, reprimand or place a licensee or registrant on probation;

(6) require and establish criteria for continuing education;

(7) establish by rule procedures for receiving, investigating and resolving complaints;

(8) approve appropriate supervision and post-graduate experience for persons seeking licensure or registration;

(9) provide for the issuance of licenses;



registration;

(11) set fees for administrative services, licenses and registration, as authorized by the Counseling and Therapy Practice Act, and authorize all disbursements necessary to carry out the provisions of that act;

(12) establish criteria for supervision and supervisory requirements;

(13) establish a code of ethics; and

(14) establish committees.

B. The board may establish a standards committee for each licensed profession. The members of each standards committee shall be appointed by the board with the consent of the department and shall include at least one board member from the licensed profession and at least one public board member. The board member representing each respective profession shall chair its standards committee and the committee shall:

(1) recommend and periodically review a code of ethics;

(2) review license applications and recommend approval or disapproval;

(3) develop criteria for supervision; and

(4) recommend rules.

C. Members of the standards committees or other committees may be reimbursed as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance."

Section 8. Section 61-9A-10 NMSA 1978 (being Laws 1993, Chapter 49,

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Section 10, as amended) is amended to read:

"61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR--  
REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional  
mental health counselor to any person who files a completed application accompanied  
by the required fees and who submits satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;
- B. holds a master's or doctoral degree in counseling or a counseling-  
related field, as defined by rule, from an accredited institution;
- C. demonstrates professional competency by passing the required  
examinations prescribed by the board;
- D. has completed one thousand client contact hours of postgraduate  
professional counseling experience under appropriate supervision consisting of at  
least one hundred supervision hours; and
- E. is of good moral character with conduct consistent with the code of  
ethics."

Section 9. Section 61-9A-11 NMSA 1978 (being Laws 1993, Chapter 49,  
Section 11, as amended) is amended to read:

"61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH  
COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as  
a professional clinical mental health counselor to any person who files a completed  
application accompanied by the required fees and who submits satisfactory evidence  
that the applicant:

- A. has reached the age of twenty-one;
- B. holds a master's or doctoral degree in a counseling-related field, as

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defined by rule, from a regionally accredited institution. Effective July 1, 2003, the applicant must have a master's degree and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the mental health clinical core curriculum;

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C. demonstrates professional competency by passing the required examination as prescribed by the board;

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D. has a minimum of two years of professional clinical counseling experience, including at least three thousand clinical contact hours and at least one hundred hours of face-to-face supervision. One thousand client clinical contact hours may be submitted from the applicant's internship or practicum; and

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E. is of good moral character with conduct consistent with the code of ethics."

Section 10. Section 61-9A-11.1 NMSA 1978 (being Laws 1999, Chapter 161, Section 10) is amended to read:

"61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR-- REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional clinical mental health counselor to any person who files a completed application accompanied by the required fees within the July 1, 2000 through July 1, 2004 period and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a grandfathered professional mental health counselor license that was applied for prior to July 1, 1994;

C. holds a master's or doctoral degree and a total of forty-eight graduate semester hours or more or seventy-two quarter hours from a regionally

accredited institution;

D. demonstrates professional competency by satisfactorily passing the required examinations as prescribed by the board, or documentation of ten thousand hours of client contact experience, including at least three hundred hours of face-to-face supervision of which at least one hundred hours are individual;

E. has a minimum of five thousand hours of client contact experience, including at least two hundred hours of face-to-face supervision of which one hundred hours are individual; and

F. is of good moral character with conduct consistent with the code of ethics."

Section 11. A new section of the Counseling and Therapy Practice Act, Section 61-9A-11.2 NMSA 1978, is enacted to read:

"61-9A-11.2. PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR-- REQUIREMENTS FOR LICENSING.--The board shall issue a license as a professional clinical mental health counselor to any person who files a completed application accompanied by the required fees within the July 1, 2003 through July 1, 2004 period and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a professional mental health counselor license that was applied for between July 1, 1994 through July 1, 1998;

C. holds a master's or doctoral degree and a total of forty-eight graduate semester hours or seventy-two quarter hours from a regionally accredited institution;

D. demonstrates professional competency by satisfactorily passing the

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required examinations as prescribed by the board and documents five thousand hours of supervised client contact experience, including at least two hundred hours of face-to-face supervision of which one hundred hours are individual; and

E. is of good moral character with conduct consistent with the code of ethics."

Section 12. Section 61-9A-12 NMSA 1978 (being Laws 1993, Chapter 49, Section 12, as amended) is amended to read:

"61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a marriage and family therapist to a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a master's or doctoral degree with a focus in marriage and family therapy and meets the requirements of the core curriculum, as defined by rule, in marriage and family therapy from an accredited institution;

C. demonstrates professional competency by passing the examinations as prescribed by the board;

D. has a minimum of two years of postgraduate marriage and family therapy experience consisting of one thousand client contact hours and two hundred hours of appropriate supervision, of which one hundred hours of such supervision was on an individual basis; and

E. is of good moral character with conduct consistent with the code of ethics."

Section 13. Section 61-9A-13 NMSA 1978 (being Laws 1993, Chapter 49,

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Section 13, as amended) is amended to read:

"61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional art therapist to any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. demonstrates professional competency by passing an examination as prescribed by the board;

C. holds either:

(1) a master's or doctoral degree from a regionally accredited institution or nationally approved art therapy program in art therapy that includes seven hundred hours of supervised internship experience from an accredited institution;

(2) a master's degree in a counseling-related field, as defined by rule, has a minimum of twenty-four semester hours of sequential course work in the history, theory and practice of art therapy and has completed seven hundred hours of supervised internship experience from an accredited institution. The board may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from non-accredited institutions; or

(3) a master's degree in a counseling-related field, as defined by rule, and completed a minimum of twenty-four semester hours in an art therapy certificated program from a regionally accredited institution or an nationally approved American art therapy association program;

D. has completed one thousand client contact hours of postgraduate

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face-to-face experience under appropriate supervision beyond the requirements in Paragraphs (1), (2) and (3) of Subsection C of this section. Supervision shall be under a New Mexico licensed professional art therapist or certified board art therapist for at least fifty percent of the working hours; and

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E. is of good moral character with conduct consistent with the code of ethics."

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Section 14. Section 61-9A-14 NMSA 1978 (being Laws 1993, Chapter 49, Section 14, as amended) is amended to read:

"61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH

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COUNSELOR.--The board shall issue a license as a mental health counselor to any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds either a master's or doctoral degree from an accredited institution in a counseling-related field, as defined by rule;

C. has arranged for an appropriate supervision plan and a postgraduate experience plan, as defined by rule, to meet the licensing requirements for a:

(1) marriage and family therapist;

(2) professional art therapist;

(3) professional mental health counselor; or

(4) professional clinical mental health counselor;

D. demonstrates professional competence by passing an examination within the applicant's discipline as prescribed by the board; and

E. is of good moral character with conduct consistent with the code of ethics."

Section 15. Section 61-9A-14.1 NMSA 1978 (being Laws 1996, Chapter 61, Section 8, as amended) is amended to read:

"61-9A-14.1. SUBSTANCE ABUSE TRAINEE--REQUIREMENTS FOR LICENSURE.--

A. The board shall license as a substance abuse trainee any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

(1) is of good moral character with conduct consistent with the code of ethics;

(2) has reached the age of twenty-one;

(3) possesses a high school diploma or its equivalent;

(4) has arranged for an appropriate supervision plan, as defined by rule, to meet the requirements for licensure as a substance abuse counselor;

(5) has a total of ninety clock hours of education and training in the fields of alcohol and drug abuse; and

(6) provides three letters of recommendation as established by rule.

B. Effective July 1, 2005, the board shall license as a substance abuse trainee any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

(1) is of good moral character, with conduct consistent with the

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code of ethics;

(2) has reached the age of twenty-one;

(3) holds an associate degree in a counseling-related field, as defined by rule, from a regionally accredited institution and has a total of ninety clock hours of education and training in the fields of alcohol and drug abuse;

(4) has arranged for an appropriate supervision plan, as defined by rule, to meet the requirements for licensure as a substance abuse trainee; and

(5) provides two letters of recommendation: one letter from a current supervisor and one letter from a current employer or one letter from a professional substance abuse colleague."

Section 16. Section 61-9A-14.2 NMSA 1978 (being Laws 1999, Chapter 161, Section 15) is amended to read:

"61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--REQUIREMENTS FOR LICENSURE.--

A. The board shall license as an alcohol and drug abuse counselor a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

(1) is of good moral character with conduct consistent with the code of ethics;

(2) has reached the age of twenty-one;

(3) demonstrates professional competency by passing the required examination prescribed by the board; and

(4) has one of the following combinations of education and

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experience:

(a) an associate degree, including two hundred seventy-six clock hours of education and training with at least ninety hours in each of the fields of alcohol, drug and counseling and six hours of training in professional ethics, four years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision and three hundred hours of approved practicum;

(b) a baccalaureate degree in a counseling-related field, as defined by rule, from a regionally accredited institution and education or training that includes two hundred seventy-six clock hours of specific training that may be a part of the degree program and that includes at least ninety hours in each of the fields of alcohol, drug and counseling and six hours of training in professional ethics and three years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision; or

(c) a master's degree in a counseling-related field, as defined by rule, from a regionally accredited institution, two hundred seventy-six clock hours of specific training that may be part of the degree program and that includes at least ninety hours in each of the fields of alcohol, drug and counseling and six hours of training in professional ethics and two years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision.

B. Effective July 1, 2005, the board shall license as an alcohol and drug abuse counselor a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

(1) is of good moral character with conduct consistent with the code of ethics;

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- (2) has reached the age of twenty-one;
- (3) demonstrates professional competency by passing the required examinations prescribed by the board;
- (4) provides three letters of recommendation: one letter from a current supervisor, one letter from a current employer and one letter from a professional substance abuse colleague; and
- (5) has one of the following combinations of education and experience:
  - (a) a baccalaureate degree in a counseling-related field, as defined by rule, from a regionally accredited institution and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol, drug and counseling and six hours of professional ethics, two years and two thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and one hundred hours of face-to-face supervision; or
  - (b) a master's degree in counseling or a counseling-related field, as defined by rule, from a regionally accredited institution, and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol, drug and counseling and six hours of professional ethics, one year and one thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and fifty hours of face-to-face supervision hours."

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Section 17. Section 61-9A-15 NMSA 1978 (being Laws 1993, Chapter 49, Section 15, as amended) is amended to read:

"61-9A-15. EXAMINATIONS.--

A. Applicants who have met the requirements for licensure shall be scheduled for the next appropriate examinations following the approval of the application. The board shall establish the board-approved examinations application deadline and the requirements for reexamination if the applicant has failed the examinations.

B. The examinations shall cover subjects appropriate to the scope of practice as a licensed mental health counselor, a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist or a substance abuse counselor."

Section 18. Section 61-9A-16 NMSA 1978 (being Laws 1993, Chapter 49, Section 16) is amended to read:

"61-9A-16. TEMPORARY LICENSURE.--Prior to examination, an applicant for licensure may obtain a temporary license to engage in any counselor and therapist practice if the person meets all of the requirements, except examination, provided for in Section 61-9A-10, 61-9A-11, 61-9A-12, 61-9A-13 or 61-9A-14 NMSA 1978. The temporary license shall be valid no more than sixty days after the results of the next examination become available. If the individual should fail to take or pass those examinations, the temporary license shall automatically expire and the applicant will not be reissued a temporary license."

Section 19. Section 61-9A-22 NMSA 1978 (being Laws 1993, Chapter 49, Section 22, as amended) is amended to read:

"61-9A-22. LICENSURE BY CREDENTIALS.--The board may issue a license to a person who files a completed application accompanied by the required fees and who

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submits satisfactory evidence that the applicant holds a current license issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation and is:

- A. a national certified counselor as determined by the national board of certified counselors; or
- B. a certified clinical mental health counselor as determined by the national board of certified counselors; or
- C. a clinical member of the American association for marriage and family therapy; or
- D. a registered art therapist, board certified (ATR-BC) by the art therapy credential board; or
- E. an alcohol and drug abuse counselor and has taken and passed the required examination prescribed by the board.

Applicants who do not meet the licensure by credential must meet the current licensure requirements."

Section 20. Section 61-9A-23 NMSA 1978 (being Laws 1993, Chapter 49, Section 23, as amended) is amended to read:

"61-9A-23. LICENSE AND REGISTRATION RENEWAL.--

A. Each licensee or registrant shall renew his license or registration biennially by submitting a renewal application on a form provided by the board and complying with all renewal requirements. The board may establish a method to provide for staggered biennial terms. The board may authorize license renewal for one year to establish this renewal cycle and charge the proportionate license fee for that period.

B. If a license is not renewed by the expiration date, the licensee or

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registrant will be considered expired and will refrain from practicing. The licensee or registrant may renew within a ninety-day grace period by submitting payment of the renewal fee, late fee and compliance with all renewal requirements. Upon receipt of payment and ceu requirements, the licensee and registrant may resume practice.

Failure to receive renewal notice and application for renewal of license from the board does not excuse a licensed professional counselor from the requirements for renewal.

C. If continuing education units requirements are not completed within the licensing period and by the expiration date, the license or registrant will be considered expired and will refrain from practicing.

D. A license or registration granted by the board shall be automatically suspended if the holder fails to apply for the renewal license or registration provided for in this section within a period of ninety days after the renewal deadline; provided that any license or registration so suspended may be restored by the board upon payment of a reinstatement fee not to exceed one hundred dollars (\$100) in addition to unpaid renewal or late fees. Failure to renew a license or registration within ninety days from the date of suspension as provided in this section shall cause the license or registration to automatically expire. Reinstatement of an expired license or registration will require the licensee to reapply and meet all current standards for licensure or registration.

E. A person licensed or registered under the Counseling and Therapy Practice Act who wishes to retire from practice shall notify the board in writing before the expiration of his current license or registration. If, within a period of five years from the year of retirement, the licensee or registrant wishes to resume practice, he shall so notify the board in writing, and upon giving proof of completing such continuing

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education as prescribed by rule of the board and the payment of a renewal license fee and reinstatement fee, his license or registration shall be restored to him in full effect."

Section 21. Section 61-9A-24 NMSA 1978 (being Laws 1993, Chapter 49, Section 24, as amended) is amended to read:

"61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for licensure or registration shall pay biennial fees set by the board in an amount not to exceed:

A. for application for initial licensure or registration, seventy-five dollars (\$75.00), which is not refundable;

B. for licensure or renewal as a professional mental health counselor or registered independent mental health counselor, three hundred dollars (\$300);

C. for licensure or renewal as a clinical professional mental health counselor, marriage and family therapist or professional art therapist, four hundred twenty dollars (\$420);

D. for registration or renewal as a registered mental health counselor, licensed mental health counselor or registered independent mental health counselor, two hundred forty dollars (\$240);

E. for all examinations, seventy-five dollars (\$75.00) or, if a national examination is used, an amount that shall not exceed the national examination costs by more than twenty-five percent;

F. for a duplicate or replacement license or registration, twenty-five dollars (\$25.00);

G. for failure to renew a license or registration within the allotted grace period, a late penalty fee not to exceed one hundred dollars (\$100);

H. reasonable administrative fees; and

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I. for licensure, registration or renewal as an alcohol and drug abuse counselor, an alcohol abuse counselor, a drug abuse counselor or a substance abuse intern, two hundred dollars (\$200)."