

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR HGUAC **DATE TYPED** 3/11/05 **HB** CS/314/aHBIC

SHORT TITLE Counseling and Therapy Licenses and Practices **SB** _____

ANALYST McSherry

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NFI	NFI	NFI	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 Regulations and Licensing Department (RLD)
 Department of Health (DOH)
 Corrections Department (CD)
 NM Health Policy Commission

Synopsis of HBIC Amendment

House Bill 314 as amended by the House Business and Industry Committee introduces specific language describing the requirements for licensure for the associate marriage and family counselor or therapist professional license. Requirements would include: being at least 21, holding at least a master’s degree with a focus in family therapy or counseling, meeting minimum requirements for clinical supervision and passing a board prescribed examination.

Synopsis of HGUAC Substitute

House Government and Urban Affairs Committee Substitute for HB 314 would provide that:

Accredited institutions would not have to be accredited by a regional agency, but rather any accrediting agency of institutions of higher education

Independent social workers with two years mental health and clinical experience could serve as a provider of supervision for relevant clinical experience

An appropriate clinical supervisor for substance abuse associate would have to have education and experience specific to the career track of the potential associate and training in teaching and oversight of clinical work

Art therapy and the practice of art therapy are defined

Counseling related fields be defined by rule and would include degrees in psychology and degrees with an emphasis in art therapy.

“Substance abuse-related fields” would be defined as having a degree in one of several fields and having “appropriate” clinical background and 276 hours of training in alcohol and drug abuse counseling.

The practice of marriage and family therapy is defined

The practice of a substance abuse “trainee” is eliminated and replaced with that of an “associate” who would not be permitted to practice as a private practitioner

The Counseling and Therapy Practice Board has immunity when taking good faith actions and that disciplinary actions should be confidential

Mental health counselors, licensed mental health counselors and licensed associated marriage and family therapists would be required to have a minimum level of graduate credit hours in a mental health clinical curriculum

The requirements for licensure as a professional clinical mental health counselor would be changed to 3 rather than 5 thousand hours or client contact experience, and 1 hundred rather than 2 hundred hours of face to face supervision or 10 thousand hours of client contact experience with 2 hundred hours of face to face supervision

A third permitted option for alcohol and drug abuse counselor education and experience would be an associate degree in counseling or a counseling-related field 276 hours of education and training, three years and three thousand supervised client contract hours and 2 hundred hours of face to face supervision.

The licensure renewal “grace period” would be shortened to thirty days from ninety days.

The use of “mood altering substances” to an extent that is dangerous to the licensee or a client would be included as a reason for denial, suspension and revocation of a license.

Significant Issues

The Department of Health asserts that, to the extent that this bill’s enactment could increase the number of counseling providers, it could improve access for Medicaid patients.

According to RLD, The New Mexico Counseling and Therapy Practice Board worked with New Mexico Counseling Association and the New Mexico Marriage and Family Association to accomplish the proposed amendment.

PERFORMANCE IMPLICATIONS

According to DOH, the proposed HB 314 is in alignment with the Department of Health’s Strategic Plan: Program Area 9, Administration, Strategic Direction: Achieve excellence and accountability in administration and services, Objective 3: Increase the health work force supply in collaboration with other entities in New Mexico.

FISCAL IMPLICATIONS

There would be limited fiscal impact as a result of this bill’s enactment.

ADMINISTRATIVE IMPLICATIONS

The Corrections Department again suggests that this bill may require: the re-training of certain mental health care and addictions staff; the placement of certain unlicensed/un-licensable mental

health care and addictions staff in non-clinical positions, and/or revising personnel hiring policies, procedures, and practices.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 306 proposes to extend the sunset clause for the Counseling and Therapy Practice Board.

House Bill 310 proposes to include language specifying the appropriation of funds for the Counseling and Therapy Practice Board

TECHNICAL ISSUES

HSD suggests that the first full sentence of proposed section 61-9A-3(C)(8) [page 3, line 9] should read “A licensed alcohol and drug abuse counselor must have completed three years of alcohol and drug abuse counseling experience prior to providing supervision.” The agency asserts that as the bill reads now, a licensed alcohol and drug abuse counselor must have completed three years of alcohol and drug abuse experience prior to providing supervision.

OTHER SUBSTANTIVE ISSUES

According to DOH, HB 314 would simplify the language and clarify definitions and roles for professionals applying for licensure s in the state of New Mexico.

DOH reports that the New Mexico Counseling and Therapy Practice Board (NMCTPB) has held several public hearing over the year and worked closely with the public, state and national associations to improve the Counseling and Therapy Practice Act. DOH further asserts that the NMCTPB is working with an interdepartmental workforce development team established as a result of Governor Richardson’s Executive Order creating a “strategy and framework for integrating and enhancing the enquiry, application, processing and other administrative practices and procedures of the NMCTPB, Social Work Board and Psychologist Examiners Board”. The executive order further directs the Boards “have a public process for receiving comments from behavioral healthcare practitioners and organizations employing behavioral healthcare” to provide input into the process of recruitment and retaining of these professionals in the State.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

The current minimal standards including scope of practice and licensure requirements would remain in effect.

EM/yr