

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; CHANGING DEFINITIONS; EXPANDING BOARD DUTIES; PROVIDING FOR RECIPROCITY; ALLOWING FOR TEMPORARY LICENSURE; AMENDING AND ENACTING SECTIONS OF THE SOCIAL WORK PRACTICE ACT.

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

Section 1. Section 61-31-1 NMSA 1978 (being Laws 1989, Chapter 51, Section 1) is amended to read:

"61-31-1. SHORT TITLE.--Chapter 61, Article 31 NMSA 1978 may be cited as the "Social Work Practice Act"."

Section 2. Section 61-31-3 NMSA 1978 (being Laws 1989, Chapter 51, Section 3) is amended to read:

"61-31-3. DEFINITIONS.--As used in the Social Work Practice Act:

A. "advisory committee" means an evaluation advisory committee;

B. "appropriate supervision" means supervision by an independent social worker or a master social worker with two years of supervised social work practice experience or other supervision which is deemed by the board to be equivalent to supervision by a master social worker;

C. "baccalaureate social worker" means a person who uses the title of social worker and has a bachelor's degree in social work from a program accredited by the council

on social work education;

D. "board" means the board of social work examiners;

E. "department" means the regulation and licensing department;

F. "executive agency" means any agency within the executive branch of government;

G. "independent social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education and who has had two years of postgraduate social work practice under appropriate supervision;

H. "master social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education; and

I. "professional code of ethics" means a code of ethics and rules adopted by the board, designed to protect the public and to regulate the professional conduct of social workers."

Section 3. Section 61-31-7 NMSA 1978 (being Laws 1989, Chapter 51, Section 7, as amended) is amended to read:

"61-31-7. BOARD CREATED.--

A. There is created the "board of social work

examiners".

B. The board shall be administratively attached to the department.

C. The board shall consist of seven members who are representative of the geographic and ethnic groups within New Mexico, who are United States citizens and who have been New Mexico residents for at least five years prior to their appointment. Of the seven members:

(1) four members shall have been engaged in social work practice for at least five years; at least two of the four shall hold a master's degree in social work; and at least two shall hold a bachelor's degree in social work from schools of social work that are accredited by the council on social work education. At least one of these members shall be engaged primarily in clinical social work practice; one member shall be engaged primarily in education; one member shall be engaged primarily in administration or research in social work practice; and at least one member shall be engaged primarily in community organization, planning and development. These members shall not hold office in any professional organization of social workers during their tenure on the board; and

(2) three members shall represent the public. The public members shall not have been licensed or have practiced as social workers. Public members shall not have any significant financial interest, whether direct or

indirect, in social work practice.

D. Members of the board shall be appointed by the governor for staggered terms of three years. Each member shall hold office until a successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

E. Except for the representatives of the public on the board, the governor shall appoint board members from a list of nominees submitted by social work organizations and individual social work professionals.

F. 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.

G. The board shall elect a chair and other officers as deemed necessary to administer its duties.

H. A simple majority of the board members currently serving shall constitute a quorum of the board.

I. The board shall meet at least once a year and at such other times as it deems necessary. Other meetings may be called by the chair upon the written request of a quorum of the board.

J. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board rule or for any reason that would justify the

suspension or revocation of that member's license to practice social work.

K. A board member shall not serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board regulations.

L. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor and the board of the vacancy and the reason for its occurrence to expedite the appointment of a new board member within a six-month period."

Section 4. Section 61-31-8 NMSA 1978 (being Laws 1989, Chapter 51, Section 8, as amended) is amended to read:

"61-31-8. BOARD'S AUTHORITY.--In addition to any authority provided by law, the board shall have the authority to:

A. adopt and file, in accordance with the State Rules Act, rules necessary to carry out the provisions of the Social Work Practice Act, in accordance with the provisions of the Uniform Licensing Act, including the procedures for an appeal of an examination failure;

B. select, prepare and administer, at least annually, written examinations for licensure;

C. adopt a professional code of ethics;

D. appoint advisory committees pursuant to Section 61-31-19 NMSA 1978;

E. conduct hearings on an appeal of a denial of a license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to the Uniform Licensing Act;

F. require and establish criteria for continuing education;

G. issue subpoenas, statements of charges, statements of intent to deny licenses and orders and delegate in writing to a designee the authority to issue subpoenas, statements of charges and statements of intent to deny licenses and establish procedures for receiving, investigating and conducting hearings on complaints;

H. approve appropriate supervision for those persons seeking licensure as independent social workers;

I. issue provisional licenses, temporary licenses and licenses based on credentials to persons meeting the requirements set forth in the Social Work Practice Act;

J. determine qualifications for licensure, including the requirement to demonstrate an awareness and knowledge of New Mexico cultures;

K. set fees for licenses as authorized by the Social Work Practice Act and authorize all disbursements necessary to carry out the provisions of the Social Work

Practice Act; and

L. keep a record of all proceedings and shall make an annual report to the governor."

Section 5. Section 61-31-9 NMSA 1978 (being Laws 1989, Chapter 51, Section 9) is amended to read:

"61-31-9. REQUIREMENTS FOR LICENSURE.--

A. The board shall issue a license as a baccalaureate social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has at least a bachelor's degree in social work from a program accredited by the council on social work education; and

(3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

B. The board shall issue a license as a master social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education; and

(3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

C. The board shall issue a license as an independent social worker to any person who files a completed application, accompanied by the required fees, and who submits satisfactory evidence that the applicant:

(1) has reached the age of majority;

(2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education;

(3) has two years of postgraduate social work practice under appropriate supervision; and

(4) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

D. Notwithstanding the provisions of this section, the board may grant a license on a case-by-case basis to those employees of an executive agency who are currently practicing social work as defined in Section 61-31-6 NMSA 1978 and have been so employed for at least ten years prior to the effective date of the Social Work Practice Act."

Section 6. Section 61-31-13 NMSA 1978 (being Laws 1989, Chapter 51, Section 13) is amended to read:

"61-31-13. LICENSURE BY CREDENTIALS--RECIPROCITY.--



A. The board may license an applicant for the licensure level sought, provided the applicant:

(1) possesses and has held for a minimum of five years a valid social worker license issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation;

(2) is in good standing with no disciplinary action pending or brought against the applicant within the past five years;

(3) possesses a bachelor's or master's degree in social work from a program of social work approved by the board;

(4) verifies that the applicant has taken and passed the national examination as defined by rule; and

(5) demonstrates an awareness and knowledge of New Mexico cultures as determined by the board.

B. The applicant will not have to further verify the applicant's experience, schooling or degrees if the criteria pursuant to Subsection A of this section are met."

Section 7. Section 61-31-14 NMSA 1978 (being Laws 1989, Chapter 51, Section 14, as amended) is amended to read:

"61-31-14. LICENSE RENEWAL.--

A. Each licensee shall renew the licensee's license biennially by submitting a renewal application on a

form provided by the board. At the time of license renewal, the board shall require a licensee to produce evidence of continuing education, as prescribed by the board. The board may establish a method to provide for staggered biennial terms of licensure. The board may authorize license renewal for one year to establish the renewal cycle.

B. A thirty-day grace period shall be allowed each licensee after each annual licensing period, during which time licenses may be renewed upon payment of the renewal fee and providing evidence of continuing education as prescribed by the board.

C. Any licensee who allows the licensee's license to lapse for longer than three months shall have the license automatically revoked and may be required to take a written examination.

D. A late penalty fee shall be assessed after the thirty-day grace period has expired for anyone attempting to renew a license to practice social work."

Section 8. A new section of the Social Work Practice Act is enacted to read:

"TEMPORARY LICENSURE.--An applicant for licensure pursuant to the Social Work Practice Act may be issued a temporary license for a period not to exceed six months or for a period of time necessary for the board to ensure that the applicant has met the licensure requirements set out in that

act."

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