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AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; CHANGING  
THE SCOPES OF PRACTICE; REVISING REQUIREMENTS FOR LICENSURE;  
AMENDING AND ENACTING SECTIONS OF THE COUNSELING AND THERAPY  
PRACTICE ACT.

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

Section 1. Section 61-9A-5 NMSA 1978 (being Laws 1993,  
Chapter 49, Section 5, as amended) is amended to read:

"61-9A-5. SCOPES OF PRACTICE.--

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, licensed associate marriage and family therapist,  
alcohol and drug abuse counselor, alcohol abuse counselor,  
drug abuse counselor or substance abuse associate if the  
person advertises, offers 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, alcohol and drug abuse  
counselor, alcohol abuse counselor, drug abuse counselor or

1 substance abuse counselor associate, or holds out to the  
2 public or represents in any manner that the person is  
3 licensed or registered to practice as a counselor or  
4 therapist enumerated in this section in this state.

5 B. "Practice of professional clinical mental  
6 health counseling" means the application of mental health,  
7 psychotherapeutic and human development principles through a  
8 therapeutic relationship to:

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

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

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

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

21 C. "Practice of professional art therapy" means  
22 the licensed practice of counseling or therapy services to  
23 individuals, families or groups, of services that use art  
24 media as a means of expression and communication to:

25 (1) achieve the mental, emotional, physical, SB 494  
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1 social, moral, educational, spiritual or career-related  
2 development and adjustment of the client throughout the  
3 client's life;

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

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

9 (4) plan, implement and evaluate treatment  
10 plans using counseling or therapy treatment interventions and  
11 strategies.

12 D. "Practice of marriage and family therapy" means  
13 the licensed practice of marriage and family therapy services  
14 delivered to persons, couples and families treated singly or  
15 in groups within the context of family systems to:

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

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

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

25 (4) plan, implement and evaluate treatment

1 plans using marriage and family therapy treatment  
2 interventions and strategies.

3 E. "Practice of licensed professional mental  
4 health counselor, licensed mental health counselor,  
5 registered independent counselor and licensed associate  
6 marriage and family therapist under an appropriate clinical  
7 supervisor" consists of rendering counseling services, which  
8 may include evaluation, assessment, consultation, diagnosing,  
9 development of treatment plans, case management counseling  
10 referral, appraisal, crisis intervention education, reporting  
11 and record keeping to individuals, couples, families or  
12 groups as defined by rule.

13 F. The scopes of practice of alcohol and drug  
14 abuse counseling, or both, consists of rendering treatment  
15 and intervention services specific to alcohol and other drug  
16 use disorders to persons, couples, families or groups. The  
17 services may include evaluation, assessment, diagnosis of  
18 chemical abuse and chemical dependency disorders only,  
19 consultation, development of treatment plans, case  
20 management-counseling, referral, appraisal, crisis  
21 intervention, education, reporting and record keeping.

22 Nothing in this scope of practice shall be construed as  
23 preventing licensed alcohol and drug abuse counselors from  
24 providing screening and referrals for mental health  
25 disorders. However, assessment, treatment and diagnosis for

1 such disorders is not within the scope of practice of this  
2 license. The practice of these activities will be limited to  
3 the individual's level of training, education and supervised  
4 experience. The alcohol and drug abuse counselor may provide  
5 therapeutic services that may include treatment of clients  
6 with co-occurring disorders or dual diagnosis in an  
7 integrated behavioral health setting in which a  
8 multidisciplinary team has developed a multidisciplinary  
9 treatment plan that is co-authorized by an independently  
10 licensed counselor or therapist. The treatment of a mental  
11 health disorder must be supervised by an independently  
12 licensed counselor or therapist.

13 G. The scope of practice of a substance abuse  
14 associate under the supervision by an appropriate supervisor  
15 is limited to supervised work in a public or private  
16 institution. The associate may be involved in taking social  
17 histories or conducting home studies. The associate utilizes  
18 the basic problem-solving process of gathering information,  
19 assessing that information at a beginning professional level  
20 and developing an intervention plan. The associate may  
21 implement the plan and conduct follow-ups pertaining  
22 specifically to alcohol and drug abuse counseling. The  
23 associate may provide client education and assist a licensed  
24 counselor-therapist with group or individual counseling  
25 sessions. A substance abuse associate shall not practice

1 independently as a private practitioner."

2 Section 2. Section 61-9A-13 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 13, as amended) is amended to read:

4 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR  
5 LICENSURE.--

6 A. The board shall issue a license as a  
7 professional art therapist to a person who files a completed  
8 application accompanied by the required fees and who submits  
9 satisfactory evidence that the applicant:

10 (1) has reached the age of twenty-one;

11 (2) demonstrates professional competency by  
12 passing an examination as prescribed by the board;

13 (3) holds a master's or doctoral degree in  
14 art therapy, counseling or counseling-related field from an  
15 accredited institution or nationally approved art therapy  
16 program with a total of no less than forty-eight graduate  
17 semester hours or seventy-two quarter hours in the art  
18 therapy core curriculum;

19 (4) meets the art therapy core curriculum as  
20 defined by rule;

21 (5) has completed a minimum of two years  
22 post-graduate professional experience, three thousand client  
23 contact hours and one hundred hours of post-graduate  
24 face-to-face experience under appropriate supervision. Seven  
25 hundred clinical client contact hours may be from the

1 applicant's internship or practicum program beyond the  
2 requirements in Paragraph (3) of this subsection.

3 Supervision shall be under a New Mexico-licensed professional  
4 art therapist or certified board therapist for at least fifty  
5 percent of the working hours; and

6 (6) is of good moral character with conduct  
7 consistent with the code of ethics.

8 B. Effective July 1, 2005, applicants must meet  
9 the art therapy core curriculum, as defined by rule."

10 Section 3. Section 61-9A-14.2 NMSA 1978 (being Laws  
11 1999, Chapter 161, Section 15, as amended) is amended to  
12 read:

13 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--  
14 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the  
15 board shall license as an alcohol and drug abuse counselor a  
16 person who files a completed application accompanied by the  
17 required fees and who submits satisfactory evidence that the  
18 applicant, as defined by rule:

19 A. is of good moral character with conduct  
20 consistent with the code of ethics;

21 B. has reached the age of twenty-one;

22 C. demonstrates professional competency by passing  
23 the required examinations prescribed by the board; and

24 D. has one of the following combinations of  
25 education and experience:

1                   (1) an associate degree in counseling, a  
2 counseling-related field or a substance abuse-related field  
3 from an accredited institution, and education and training  
4 that includes two hundred seventy-six clock hours with ninety  
5 hours in each of the fields of alcohol and drug abuse  
6 counseling, six hours of professional ethics, three years and  
7 three thousand client contract hours under appropriate  
8 supervision of experience in the practice of alcohol and drug  
9 abuse counseling and two hundred hours of face-to-face  
10 supervision;

11                   (2) a baccalaureate degree in counseling, a  
12 counseling-related field or a substance abuse-related field,  
13 as defined by rule, from an accredited institution and  
14 education and training that includes two hundred seventy-six  
15 clock hours with ninety hours in each of the fields of  
16 alcohol and drug abuse counseling and six hours of  
17 professional ethics, two years and two thousand client  
18 contact hours under appropriate supervision of experience in  
19 the practice of alcohol and drug abuse counseling and one  
20 hundred hours of face-to-face supervision; or

21                   (3) a master's degree in counseling, a  
22 counseling-related field or a substance abuse-related field,  
23 as defined by rule, from an accredited institution, and  
24 education and training that includes two hundred seventy-six  
25 clock hours with ninety hours in each of the fields of



1 alcohol and drug abuse counseling and six hours of  
2 professional ethics, one year and one thousand client contact  
3 hours under appropriate supervision of experience in the  
4 practice of alcohol and drug abuse counseling and fifty hours  
5 of face-to-face supervision hours."

6 Section 4. A new Section 61-9A-14.3 NMSA 1978 is  
7 enacted to read:

8 "61-9A-14.3. ALCOHOL AND DRUG ABUSE COUNSELOR--  
9 REQUIREMENTS FOR GRANDFATHERED LICENSURE.--

10 A. Effective July 1, 2007 through July 1, 2010,  
11 the board shall license as an alcohol and drug abuse  
12 counselor a person who holds a current certified alcohol and  
13 drug abuse counselor certification issued between  
14 July 1, 1996 and July 1, 2010 and files a completed  
15 application accompanied by the required fees and submits  
16 satisfactory evidence that the applicant:

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

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

20 (3) has submitted evidence of having  
21 participated in a total of six thousand client contact hours  
22 and three hundred supervised face-to-face hours; and

23 (4) has completed two hundred seventy-six  
24 clock hours of education or training that includes ninety  
25 hours in each area of the fields of alcohol and drug abuse

1 counseling and six hours of training in professional ethics  
2 acquired within two years of receipt of the application.

3 B. An applicant who meets the requirements of  
4 Subsection A of this section will not be required to complete  
5 an examination."

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