

1 HOUSE BILL 574

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Sharon Clahchischilliage

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10 AN ACT

11 RELATING TO PROFESSIONAL LICENSING; AMENDING SECTIONS OF THE
12 COUNSELING AND THERAPY PRACTICE ACT TO REQUIRE CRIMINAL
13 BACKGROUND CHECKS FOR LICENSEES.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 61-9A-11 NMSA 1978 (being Laws 1993,
17 Chapter 49, Section 11, as amended) is amended to read:

18 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH
19 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
20 license as a professional clinical mental health counselor to
21 any person who files a completed application accompanied by the
22 required fees and who submits satisfactory evidence that the
23 applicant:

- 24 A. has reached the age of twenty-one;
25 B. holds a master's or doctoral degree in a

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1 counseling or counseling-related field, as defined by rule,
2 from an accredited institution. The applicant must have a
3 master's degree and a total of no less than forty-eight
4 graduate semester hours or seventy-two quarter hours in the
5 mental health clinical core curriculum;

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

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

14 E. is of good moral character with conduct
15 consistent with the code of ethics; and

16 F. has undergone a criminal background check, at
17 cost to the applicant, in accordance with board rules."

18 SECTION 2. Section 61-9A-11.1 NMSA 1978 (being Laws 1999,
19 Chapter 161, Section 10, as amended) is amended to read:

20 "61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH
21 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a
22 license as a professional clinical mental health counselor to
23 any person who files a completed application accompanied by the
24 required fees within the July 1, 2005 through July 1, 2007
25 period and who submits satisfactory evidence that the

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1 applicant:

2 A. has reached the age of twenty-one;

3 B. holds a current professional mental health
4 counselor license;

5 C. holds a master's or doctoral degree from an
6 accredited institution;

7 D. demonstrates professional competency by
8 satisfactorily passing the required examinations as prescribed
9 by the board;

10 E. has a minimum of three thousand hours of client
11 contact experience, including at least one hundred hours of
12 face-to-face supervision or a minimum of ten thousand hours of
13 client contact experience, including at least two hundred hours
14 of face-to-face supervision; ~~and~~

15 F. is of good moral character with conduct
16 consistent with the code of ethics; and

17 G. has undergone a criminal background check, at
18 cost to the applicant, in accordance with board rules."

19 SECTION 3. Section 61-9A-12 NMSA 1978 (being Laws 1993,
20 Chapter 49, Section 12, as amended) is amended to read:

21 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
22 FOR LICENSURE.--The board shall issue a license as a marriage
23 and family therapist to a person who files a completed
24 application accompanied by the required fees and who submits
25 satisfactory evidence that the applicant:

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- 1 A. has reached the age of twenty-one;
- 2 B. holds a master's or doctoral degree with a focus
- 3 in marriage and family therapy and meets the requirements of
- 4 the marriage and family therapy core curriculum, as defined by
- 5 rule, in marriage and family therapy from an accredited
- 6 institution;
- 7 C. demonstrates professional competency by passing
- 8 the examinations as prescribed by the board;
- 9 D. has a minimum of two years of postgraduate
- 10 marriage and family therapy experience consisting of one
- 11 thousand client contact hours and two hundred hours of
- 12 appropriate clinical supervision, of which one hundred hours of
- 13 such supervision was on an individual basis; ~~[and]~~
- 14 E. is of good moral character with conduct
- 15 consistent with the code of ethics; and
- 16 F. has undergone a criminal background check, at
- 17 cost to the applicant, in accordance with board rules."

18 SECTION 4. Section 61-9A-12.1 NMSA 1978 (being Laws 2005,

19 Chapter 210, Section 11) is amended to read:

20 "61-9A-12.1. LICENSED ASSOCIATE MARRIAGE AND FAMILY

21 THERAPIST OR COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board

22 shall issue a license as an associate marriage and family

23 therapist or counselor to a person who files a completed

24 application accompanied by the required fees and who submits

25 satisfactory evidence that the applicant:

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- 1 A. has reached the age of twenty-one;
- 2 B. holds a master's or doctoral degree with a focus
3 in marriage and family therapy or counselor from an accredited
4 institution and meets the requirements of the marriage and
5 family therapy or counselor core curriculum, as defined by
6 rule;
- 7 C. has arranged for appropriate clinical
8 supervision, as defined by rule, to meet the requirements for a
9 licensed associate marriage and family therapist;
- 10 D. demonstrates professional competence by passing
11 an examination within the applicant's discipline as prescribed
12 by the board; [~~and~~]
- 13 E. is of good moral character with conduct
14 consistent with the code of ethics; and
- 15 F. has undergone a criminal background check, at
16 cost to the applicant, in accordance with board rules."

17 SECTION 5. Section 61-9A-13 NMSA 1978 (being Laws 1993,
18 Chapter 49, Section 13, as amended) is amended to read:

19 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
20 LICENSURE.--

21 A. The board shall issue a license as a
22 professional art therapist to a person who files a completed
23 application accompanied by the required fees and who submits
24 satisfactory evidence that the applicant:

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

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

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

9 (4) meets the art therapy core curriculum as
10 defined by rule;

11 (5) has completed a minimum of two years post-
12 graduate professional experience, three thousand client contact
13 hours and one hundred hours of post-graduate face-to-face
14 experience under appropriate supervision. Seven hundred
15 clinical client contact hours may be from the applicant's
16 internship or practicum program beyond the requirements in
17 Paragraph (3) of this subsection. Supervision shall be under a
18 New Mexico-licensed professional art therapist or certified
19 board therapist for at least fifty percent of the working
20 hours; ~~and~~

21 (6) is of good moral character with conduct
22 consistent with the code of ethics; and

23 (7) has undergone a criminal background check,
24 at cost to the applicant, in accordance with board rules.

25 B. Effective July 1, 2005, applicants must meet the

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1 art therapy core curriculum, as defined by rule."

2 SECTION 6. Section 61-9A-14 NMSA 1978 (being Laws 1993,
3 Chapter 49, Section 14, as amended) is amended to read:

4 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH
5 COUNSELOR.--The board shall issue a license as a mental health
6 associate to any person who files a completed application
7 accompanied by the required fees and who submits satisfactory
8 evidence that the applicant:

9 A. has reached the age of twenty-one;

10 B. holds either a master's or doctoral degree from
11 an accredited institution in a counseling or counseling-related
12 field, as defined by rule and a total of no less than forty-
13 eight graduate semester hours or seventy-two quarter hours in
14 the core curriculum;

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

18 (1) professional art therapist;

19 (2) professional mental health counselor; or

20 (3) professional clinical mental health
21 counselor;

22 D. demonstrates professional competence by passing
23 an examination within the applicant's discipline as prescribed
24 by the board; [~~and~~]

25 E. is of good moral character with conduct

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1 consistent with the code of ethics; and

2 F. has undergone a criminal background check, at
3 cost to the applicant, in accordance with board rules."

4 SECTION 7. Section 61-9A-14.1 NMSA 1978 (being Laws 1996,
5 Chapter 61, Section 8, as amended) is amended to read:

6 "61-9A-14.1. SUBSTANCE ABUSE ASSOCIATE--REQUIREMENTS FOR
7 LICENSURE.--

8 A. Effective July 1, 2005, the board shall license
9 as a substance abuse associate any person who files a completed
10 application accompanied by the required fees and who submits
11 satisfactory evidence that the applicant as defined by rule:

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

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

15 (3) holds an associate degree in a counseling,
16 counseling-related field or substance abuse-related field from
17 an accredited institution and has a total of ninety clock hours
18 of education and training in the fields of alcohol and drug
19 abuse counseling; ~~and~~

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

23 (5) has undergone a criminal background check,
24 at cost to the applicant, in accordance with board rules.

25 B. The applicant shall also provide two letters

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1 of recommendation."

2 SECTION 8. Section 61-9A-14.2 NMSA 1978 (being Laws 1999,
3 Chapter 161, Section 15, as amended) is amended to read:

4 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
5 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the board
6 shall license as an alcohol and drug abuse counselor a person
7 who files a completed application accompanied by the required
8 fees and who submits satisfactory evidence that the applicant,
9 as defined by rule:

10 A. is of good moral character with conduct
11 consistent with the code of ethics;

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

13 C. demonstrates professional competency by passing
14 the required examinations prescribed by the board; [~~and~~]

15 D. has one of the following combinations of
16 education and experience:

17 (1) an associate degree in counseling, a
18 counseling-related field or a substance abuse-related field
19 from an accredited institution, and education and training that
20 includes two hundred seventy-six clock hours with ninety hours
21 in each of the fields of alcohol and drug abuse counseling, six
22 hours of professional ethics, three years and three thousand
23 client [~~contract~~] contact hours under appropriate supervision
24 of experience in the practice of alcohol and drug abuse
25 counseling and two hundred hours of face-to-face supervision;

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

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

21 E. has undergone a criminal background check, at
22 cost to the applicant, in accordance with board rules."