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FISCAL IMPACT REPORT

SPONSOR Clahchischilliage **ORIGINAL DATE** 2/9/15
LAST UPDATED 3/17/15 **HB** 169/aSfI#1

SHORT TITLE Social Work Practice Act Changes **SB** _____

ANALYST Elkins

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB256
 Relates to HB134

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 Children, Youth, and Families Department (CYFD)

SUMMARY

Synopsis of Senate Floor Amendment #1

Senate Floor Amendment #1 to House Bill 169 makes the following changes:

- Requires the board to request an individual voluntarily cease and desist from holding out as a social worker, practicing social work without a license, or otherwise violating the Social Work Practice Act;
- Allowing the board to apply for an injunction in district court if the board’s efforts to gain cooperation from an individual are unsuccessful or if the board deems the situation an emergency; and
- Repeals Section 61-31-2 NMS 1978, the purpose of Social Work Practice Act, and Section 61-31-23 NMSA 1978, which allows the board to apply for an injunction.

Synopsis of Original Bill

House Bill 169 amends the Social Work Practice Act in the following ways:

- Prohibits the practice of social work by unqualified persons;

- Defines client, consultation, continuing education, and supervision;
- Clarifies only licensed clinical social workers or licensed independent social worker can provide supervision for those social workers who are seeking supervision in order to become licensed as a licensed clinical social worker or a licensed independent social worker;
- Allows individuals interested in serving on the board to submit their resumes to the governor;
- Allows for electronic participation in board meetings;
- Adds language which allows the governor to remove any member of the board for social work code of ethics or professional standards of practice violations in addition to the reasons previously listed;
- Gives the board authority to issue a cease and desist order to an individual who is not a licensed social worker New Mexico but who is acting in a social work role or who is practicing social work;
- Broadens the board's authority to define what appropriate supervision for a person seeking independent or clinical licensure;
- Allows the board to determine the appropriate application of technology to social work practice;
- Allows applicants with a bachelor's or master's degree in social work to obtain a provisional license for up to one year;
- Extends the sunset date for the board to July 1, 2025;
- Adds a section outlining the requirements to be licensed as an independent social worker. A licensed independent social worker shall be at least 18 years of age, possess at least a master's degree in social work, have completed the number of hours required of postgraduate social work experience under appropriate supervision, have completed training in New Mexico cultures as specified by the board, have completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' advanced generalist examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a clinical social worker. A licensed clinical social worker shall be at least 18 years of age, possess at least a master's degree in social work, have completed the number of hours required of postgraduate social work experience under appropriate supervision, have completed training in New Mexico cultures as specified by the board, have completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' clinical examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a master of social work. A licensed master of social work shall be at least 18 years of age, possess at least a master's degree in social work, have completed training in New Mexico cultures as specified by the board, have completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' master's examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a bachelor of social work. A licensed bachelor of social work shall be at least 18 years of age, possess at least a baccalaureate degree in social work, have completed training in New Mexico cultures as specified by the board, have completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' bachelor's of social work examination or other examination approved by the board;

- Repeals Section 61-31-9 NMSA 1978, which outlines the requirements for each level of licensure;
- Repeals Section 61-31-12 NMSA 1978, which allows licensure without written examinations if an applicant meets certain requirements; and
- Repeals Section 61-31-13.1 NMSA 1978, which allows temporary licensure for a period of 6 months or the amount of time necessary for the board to ensure the applicant has met the licensure requirements.

FISCAL IMPLICATIONS

There are no identified fiscal implications.

SIGNIFICANT ISSUES

Giving the board authority to issue a cease and desist order to an individual who is not a licensed social worker New Mexico but who is acting in a social work role or who is practicing social work will help the board protect the public from unlicensed practice.

Allowing board members to attend meetings telephonically will ensure the board has a quorum to conduct business at scheduled board meetings.

CE/bb/je