SENATE BILL 121

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Jacob R. Candelaria and G. Andres Romero

AN ACT

RELATING TO PROFESSIONAL SERVICES; ENACTING A NEW SECTION OF
THE UNFAIR PRACTICES ACT TO DECLARE CONVERSION THERAPY TO BE
UNLAWFUL WITHIN THE MEANING OF THE UNFAIR PRACTICES ACT;
ENACTING NEW SECTIONS OF THE NURSING PRACTICE ACT, THE MEDICAL
PRACTICE ACT, THE PROFESSIONAL PSYCHOLOGIST ACT, THE
OSTEOPATHIC MEDICINE ACT, THE COUNSELING AND THERAPY PRACTICE
ACT AND THE SOCIAL WORK PRACTICE ACT TO LIST CONVERSION THERAPY
AS GROUNDS FOR DISCIPLINARY ACTION.

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

SECTION 1. A new section of the Unfair Practices Act is
enacted to read:

"[NEW MATERIAL] CONVERSION THERAPY--UNFAIR PRACTICE.--

A. It is unlawful within the meaning of the Unfair
Practices Act to:

.204638.2
(1) provide conversion therapy to any person under eighteen years of age in exchange for monetary compensation for the conversion therapy; or

(2) advertise for the provision of conversion therapy where the advertising claims:

(a) to be capable of changing a person's sexual orientation or gender identity;

(b) to eliminate in a person, who is the subject of conversion therapy, sexual or romantic attraction or feelings toward persons of the same gender; or

(c) that conversion therapy is harmless or without risk to persons subject to conversion therapy.

B. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex.

"Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual
orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth; and

(3) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 2. Section 61-3-28 NMSA 1978 (being Laws 1968, Chapter 44, Section 24, as amended) is amended to read:

"61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--

A. In accordance with the procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend any license held or applied for under the Nursing Practice Act, reprimand or place a licensee on probation or deny, limit or revoke the multistate licensure privilege of a nurse desiring to practice or practicing professional registered nursing or licensed practical nursing as provided in the Nurse Licensure Compact upon grounds that the licensee,
applicant or nurse:

(1) is guilty of fraud or deceit in procuring
or attempting to procure a license or certificate of
registration;

(2) is convicted of a felony;

(3) is unfit or incompetent;

(4) is intemperate or is addicted to the use
of habit-forming drugs;

(5) is mentally incompetent;

(6) is guilty of unprofessional conduct as
defined by the rules and regulations adopted by the board
pursuant to the Nursing Practice Act;

(7) has willfully or repeatedly violated any
provisions of the Nursing Practice Act, including any rule or
regulation adopted by the board pursuant to that act; [e=]

(8) was licensed to practice nursing in any
jurisdiction, territory or possession of the United States or
another country and was the subject of disciplinary action as a
licensee for acts similar to acts described in this subsection.
A certified copy of the record of the jurisdiction, territory
or possession of the United States or another country taking
the disciplinary action is conclusive evidence of the action;
or

(9) uses conversion therapy on a minor.

B. Disciplinary proceedings may be instituted by
any person, shall be by complaint and shall conform with the provisions of the Uniform Licensing Act. Any party to the hearing may obtain a copy of the hearing record upon payment of costs for the copy.

C. Any person filing a complaint shall be immune from liability arising out of civil action if the complaint is filed in good faith and without actual malice.

D. The board shall not initiate a disciplinary action more than two years after the date that it receives a complaint.

E. The time limitation contained in Subsection D of this section shall not be tolled by any civil or criminal litigation in which the licensee or applicant is a party, arising substantially from the same facts, conduct, transactions or occurrences that would be the basis for the board's disciplinary action.

F. The board may recover the costs associated with the investigation and disposition of a disciplinary proceeding from the nurse who is the subject of the proceeding if the nurse is practicing professional registered nursing or licensed practical nursing pursuant to a multistate licensure privilege as provided in the Nurse Licensure Compact.

G. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or
gender identity, including any effort to change behaviors or
gender expressions or to eliminate or reduce sexual or romantic
attractions or feelings toward persons of the same sex.
"Conversion therapy" does not mean:

(a) counseling or mental health services
that provide acceptance, support and understanding of a person
without seeking to change gender identity or sexual
orientation; or

(b) mental health services that
facilitate a person's coping, social support, sexual
orientation or gender identity exploration and development,
including an intervention to prevent or address unlawful
conduct or unsafe sexual practices, without seeking to change
gender identity or sexual orientation;

(2) "gender identity" means a person's
self-perception, or perception of that person by another, of
the person's identity as a male or female based upon the
person's appearance, behavior or physical characteristics that
are in accord or opposed to the person's physical anatomy,
chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen
years of age; and

(4) "sexual orientation" means
heterosexuality, homosexuality or bisexuality, whether actual
or perceived."
SECTION 3. Section 61-6-15 NMSA 1978 (being Laws 1969, Chapter 46, Section 6, as amended by Laws 2008, Chapter 53, Section 12 and by Laws 2008, Chapter 54, Section 13) is amended to read:

"61-6-15. LICENSE MAY BE REFUSED, REVOKED OR SUSPENDED--LICENSEE MAY BE FINED, CENSURED OR REPRIMANDED--PROCEDURE--PRACTICE AFTER SUSPENSION OR REVOCATION-- PENALTY--UNPROFESSIONAL AND DISHONORABLE CONDUCT DEFINED--FEES AND EXPENSES.--

A. The board may refuse to license and may revoke or suspend a license that has been issued by the board or a previous board and may fine, censure or reprimand a licensee upon satisfactory proof being made to the board that the applicant for or holder of the license has been guilty of unprofessional or dishonorable conduct. The board may also refuse to license an applicant who is unable to practice medicine, practice as a physician assistant or an anesthesiologist assistant, [or] practice genetic counseling or engage in the practice of polysomnography, pursuant to Section 61-7-3 NMSA 1978. All proceedings shall be as required by the Uniform Licensing Act or the Impaired Health Care Provider Act.

B. The board may, in its discretion and for good cause shown, place the licensee on probation on the terms and conditions it deems proper for protection of the public, for the purpose of rehabilitation of the probationer or both. Upon
expiration of the term of probation, if a term is set, further
proceedings may be abated by the board if the holder of the
license furnishes the board with evidence that the licensee is
competent to practice, is of good moral character and has
complied with the terms of probation.

C. If evidence fails to establish to the
satisfaction of the board that the licensee is competent and is
of good moral character or if evidence shows that the licensee
has not complied with the terms of probation, the board may
revoke or suspend the license. If a license to practice in
this state is suspended, the holder of the license may not
practice during the term of suspension. A person whose license
has been revoked or suspended by the board and who thereafter
practices or attempts or offers to practice in New Mexico,
unless the period of suspension has expired or been modified by
the board or the license reinstated, is guilty of a felony and
shall be punished as provided in Section 61-6-20 NMSA 1978.

D. "Unprofessional or dishonorable conduct", as
used in this section, means, but is not limited to because of
enumeration, conduct of a licensee that includes the following:

(1) procuring, aiding or abetting a criminal
abortion;

(2) employing a person to solicit patients for
the licensee;

(3) representing to a patient that a
manifestly incurable condition of sickness, disease or injury can be cured;

(4) obtaining a fee by fraud or misrepresentation;

(5) willfully or negligently divulging a professional confidence;

(6) conviction of an offense punishable by incarceration in a state penitentiary or federal prison or conviction of a misdemeanor associated with the practice of the licensee. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence;

(7) habitual or excessive use of intoxicants or drugs;

(8) fraud or misrepresentation in applying for or procuring a license to practice in this state or in connection with applying for or procuring renewal, including cheating on or attempting to subvert the licensing examinations;

(9) making false or misleading statements regarding the skill of the licensee or the efficacy or value of the medicine, treatment or remedy prescribed or administered by the licensee or at the direction of the licensee in the treatment of a disease or other condition of the human body or mind;
(10) impersonating another licensee, permitting or allowing a person to use the license of the licensee or practicing as a licensee under a false or assumed name;

(11) aiding or abetting the practice of a person not licensed by the board;

(12) gross negligence in the practice of a licensee;

(13) manifest incapacity or incompetence to practice as a licensee;

(14) discipline imposed on a licensee by another state, including denial, probation, suspension or revocation, based upon acts by the licensee similar to acts described in this section. A certified copy of the record of suspension or revocation of the state making the suspension or revocation is conclusive evidence;

(15) the use of a false, fraudulent or deceptive statement in a document connected with the practice of a licensee;

(16) fee splitting;

(17) the prescribing, administering or dispensing of narcotic, stimulant or hypnotic drugs for other than accepted therapeutic purposes;

(18) conduct likely to deceive, defraud or harm the public;
(19) repeated similar negligent acts;
(20) employing abusive billing practices;
(21) failure to report to the board any adverse action taken against the licensee by:
    (a) another licensing jurisdiction;
    (b) a peer review body;
    (c) a health care entity;
    (d) a professional or medical society or association;
    (e) a governmental agency;
    (f) a law enforcement agency; or
    (g) a court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;
(22) failure to report to the board surrender of a license or other authorization to practice in another state or jurisdiction or surrender of membership on any medical staff or in any medical or professional association or society following, in lieu of and while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;
(23) failure to furnish the board, its investigators or representatives with information requested by the board;

.204638.2
(24) abandonment of patients;
(25) being found mentally incompetent or insane by a court of competent jurisdiction;
(26) injudicious prescribing, administering or dispensing of a drug or medicine;
(27) failure to adequately supervise, as provided by board rule, a medical or surgical assistant or technician or professional licensee who renders health care;
(28) sexual contact with a patient or person who has authority to make medical decisions for a patient, other than the spouse of the licensee;
(29) conduct unbecoming in a person licensed to practice or detrimental to the best interests of the public;
(30) the surrender of a license or withdrawal of an application for a license before another state licensing board while an investigation or disciplinary action is pending before that board for acts or conduct similar to acts or conduct that would constitute grounds for action pursuant to this section;
(31) sexual contact with a former mental health patient of the licensee, other than the spouse of the licensee, within one year from the end of treatment;
(32) sexual contact with a patient when the licensee uses or exploits treatment, knowledge, emotions or influence derived from the previous professional relationship;
(33) improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records;

(34) failure to provide pertinent and necessary medical records to a physician or patient of the physician in a timely manner when legally requested to do so by the patient or by a legally designated representative of the patient;

(35) undertreatment of pain as provided by board rule;

(36) interaction with physicians, hospital personnel, patients, family members or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered to a patient;

(37) soliciting or receiving compensation by a physician assistant or anesthesiologist assistant from a person who is not an employer of the assistant; [or]

(38) willfully or negligently divulging privileged information or a professional secret; or

(39) the use of conversion therapy on a minor.

E. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic .204638.2
attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "fee splitting" includes offering, delivering, receiving or accepting any unearned rebate, refunds, commission preference, patronage dividend, discount or other unearned consideration, whether in the form of money or otherwise, as compensation or inducement for referring patients, clients or customers to a person, irrespective of any membership, proprietary interest or co-ownership in or with a person to whom the patients, clients or customers are referred;

(3) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy,
chromosomal sex or sex at birth;

(4) "minor" means a person under eighteen years of age; and

(5) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

F. Licensees whose licenses are in a probationary status shall pay reasonable expenses for maintaining probationary status, including laboratory costs when laboratory testing of biological fluids are included as a condition of probation."

SECTION 4. Section 61-9-13 NMSA 1978 (being Laws 1963, Chapter 92, Section 12, as amended) is amended to read:

"61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE.--

A. The board, by an affirmative vote of at least five of its eight members, shall withhold, deny, revoke or suspend a psychologist or psychologist associate license issued or applied for in accordance with the provisions of the Professional Psychologist Act or otherwise discipline a licensed psychologist or psychologist associate upon proof that the applicant, licensed psychologist or psychologist associate:

(1) has been convicted of a felony or an offense involving moral turpitude, the record of conviction being conclusive evidence thereof;

(2) is using a drug, substance or alcoholic
beverage to an extent or in a manner dangerous to the
psychologist or psychologist associate, any other person or the
public or to an extent that the use impairs the psychologist's
or psychologist associate's ability to perform the work of a
professional psychologist or psychologist associate with safety
to the public;

(3) has impersonated another person holding a
psychologist or psychologist associate license or allowed
another person to use the psychologist's or psychologist
associate's license;

(4) has used fraud or deception in applying
for a license or in taking an examination provided for in the
Professional Psychologist Act;

(5) has accepted commissions or rebates or
other forms of remuneration for referring clients to other
professional persons;

(6) has allowed the psychologist's or
psychologist associate's name or license issued under the
Professional Psychologist Act to be used in connection with a
person who performs psychological services outside of the area
of that person's training, experience or competence;

(7) is legally adjudicated insane or mentally
incompetent, the record of such adjudication being conclusive
evidence thereof;

(8) has willfully or negligently violated the
provisions of the Professional Psychologist Act;

(9) has violated any code of conduct adopted by the board;

(10) has been disciplined by another state for acts similar to acts described in this subsection, and a certified copy of the record of discipline of the state imposing the discipline is conclusive evidence;

(11) is incompetent to practice psychology;

(12) has failed to furnish to the board or its representative information requested by the board;

(13) has abandoned patients or clients;

(14) has failed to report to the board adverse action taken against the licensee by:

(a) another licensing jurisdiction;

(b) a professional psychologist association of which the psychologist or psychologist associate is or has been a member;

(c) a government agency; or

(d) a court for actions or conduct similar to acts or conduct that would constitute grounds for action as described in this subsection;

(15) has failed to report to the board surrender of a license or other authorization to practice psychology in another jurisdiction or surrender of membership on a health care staff or in a professional association.

.204638.2

- 17 -
following a disciplinary investigation, or in lieu of or while under a disciplinary investigation, by any of those authorities for acts or conduct that would constitute grounds for action as defined in this subsection;

(16) has failed to adequately supervise a psychologist associate;

(17) has employed abusive billing practices;

(18) has aided or abetted the practice of psychology by a person not licensed by the board; or

(19) uses conversion therapy on a minor.

B. A person who has been refused a license or whose license has been restricted or suspended under the provisions of this section may reapply for licensure after more than two years have elapsed from the date the restriction or suspension is terminated.

C. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex.

"Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person
1 without seeking to change gender identity or sexual
2 orientation; or
3
4 (b) mental health services that
5 facilitate a person's coping, social support, sexual
6 orientation or gender identity exploration and development,
7 including an intervention to prevent or address unlawful
8 conduct or unsafe sexual practices, without seeking to change
9 gender identity or sexual orientation;
10
11 (2) "gender identity" means a person's
12 self-perception, or perception of that person by another, of
13 the person's identity as a male or female based upon the
14 person's appearance, behavior or physical characteristics that
15 are in accord with or opposed to the person's physical anatomy,
16 chromosomal sex or sex at birth;
17
18 (3) "minor" means a person under eighteen
19 years of age; and
20
21 (4) "sexual orientation" means
22 heterosexual, homosexuality or bisexuality, whether actual
23 or perceived."
24
25 SECTION 5. Section 61-9A-26 NMSA 1978 (being Laws 1993,
26 Chapter 49, Section 26, as amended) is amended to read:
27
28 "61-9A-26. LICENSE AND REGISTRATION--DENIAL, SUSPENSION
29 AND REVOCATION.--
30
31 A. In accordance with the procedures established by
32 the Uniform Licensing Act, the board may deny, suspend or
revoke any license or registration held or applied for under
the Counseling and Therapy Practice Act, or take any other
action provided for in the Uniform Licensing Act, upon grounds
that the licensee, registrant or applicant:

   (1) is guilty of fraud, deceit or
misrepresentation in procuring or attempting to procure any
license or registration provided for in the Counseling and
Therapy Practice Act;

   (2) is adjudicated mentally incompetent by
regularly constituted authorities;

   (3) is found guilty of a felony or misdemeanor
involving moral turpitude;

   (4) is found guilty of unprofessional or
unethical conduct;

   (5) has illicitly been using any controlled
substances, as defined in the Controlled Substances Act, or
using a mood-altering substance or alcoholic beverage to an
extent or in a manner dangerous to [himself] the licensee,
registrant or applicant or any other person or the public or to
an extent that the use impairs [his] the licensee's,
registrant's or applicant's ability to perform the work of a
counselor or therapist practitioner;

   (6) has violated any provision of the
Counseling and Therapy Practice Act or regulations adopted by
the board;
(7) is grossly negligent in practice as a professional counselor or therapist practitioner;
(8) willfully or negligently divulges a professional confidence;
(9) demonstrates marked incompetence in practice as a professional counselor or therapist practitioner;
(10) has had a license or registration to practice as a counselor, therapist or other mental health practitioner revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee or registrant similar to acts described in this subsection; [or]
(11) knowingly and willfully practices beyond the scope of practice, as defined by the board; or
(12) uses conversion therapy on a minor.

B. A certified copy of the record of conviction shall be conclusive evidence of such conviction.

C. Disciplinary proceedings may be instituted by the sworn complaint of any person, including members of the board, and shall conform to the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of costs for such copy.

D. A person who violates any provision of the Counseling and Therapy Practice Act is guilty of a misdemeanor and upon conviction shall be punished as provided in Section 204638.2.
E. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex.

"Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen
years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."

SECTION 6. Section 61-10-15.1 NMSA 1978 (being Laws 2016, Chapter 90, Section 20) is amended to read:

"61-10-15.1. LICENSURE--SUMMARY SUSPENSION--SUMMARY RESTRICTION--GROUNDS.--

A. The board may suspend or restrict a license to practice osteopathic medicine in New Mexico issued by the board without a hearing, simultaneously or at any time after the initiation of proceedings for a hearing provided pursuant to the Uniform Licensing Act, if the board finds that evidence in its possession indicates that the licensee:

(1) poses a clear and immediate danger to the public health and safety if the licensee continues to practice;

(2) has been adjudged mentally incompetent by a final order or adjudication by a court of competent jurisdiction; [or]

(3) has pled guilty to or has been found guilty of any offense relating to the practice of osteopathic medicine or any violent criminal offense in this state or a substantially equivalent criminal offense in another jurisdiction; or

(4) uses conversion therapy on a minor.
B. A licensee shall not be required to comply with a summary suspension or restriction of a license until notice has been served in accordance with procedures established in board rules or the licensee has actual knowledge of an order of suspension or restriction, whichever occurs first.

C. A licensee whose license is suspended or restricted pursuant to this section shall be entitled to a hearing before the board pursuant to the Uniform Licensing Act within fifteen days from the date the licensee requests a hearing.

D. As used in this section:

   (1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

      (a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

      (b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful
conduct or unsafe sexual practices, without seeking to change
gender identity or sexual orientation;

(2) "gender identity" means a person's
self-perception, or perception of that person by another, of
the person's identity as a male or female based upon the
person's appearance, behavior or physical characteristics that
are in accord with or opposed to the person's physical anatomy,
chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen
years of age; and

(4) "sexual orientation" means
heterosexuality, homosexuality or bisexuality, whether actual
or perceived."

SECTION 7. Section 61-31-17 NMSA 1978 (being Laws 1989,
Chapter 51, Section 17) is amended to read:

"61-31-17. LICENSE DENIAL, SUSPENSION OR REVOCATION.--

A. In accordance with procedures contained in the
Uniform Licensing Act, the board may deny, revoke or suspend
any license held or applied for under the Social Work Practice
Act, upon grounds that the licensee or applicant:

(1) is guilty of fraud, deceit or
misrepresentation in procuring or attempting to procure any
license or certification provided for in the Social Work
Practice Act;

(2) has been adjudicated as mentally
incompetent by regularly constituted authorities;

(3) has been convicted of a felony;

(4) is guilty of unprofessional or unethical conduct;

(5) is habitually or excessively using controlled substances or alcohol;

(6) has repeatedly and persistently violated any of the provisions of the Social Work Practice Act or regulations of New Mexico or any other state or territory and has been convicted thereof;

(7) has been convicted of the commission of any illegal operation;

(8) is grossly negligent or incompetent in the practice of social work; [or]

(9) has had a license to practice social work revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this subsection. A certified copy of the record of the jurisdiction, territory or possession of the United States or another country making such revocation, suspension or denial shall be conclusive evidence thereof; or

(10) uses conversion therapy on a minor.

B. Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the board,
and shall conform with the provisions of the Uniform Licensing Act. Any party to a hearing may obtain a copy of the hearing record upon payment of costs for [such] the copy.

C. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy,
chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived."