

SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
SENATE BILL 407

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

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING PROVISIONS  
RELATING TO SUBSTANCE ABUSE ASSOCIATE SCOPE OF PRACTICE.

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

SECTION 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,  
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and  
Therapy Practice Act:

A. "accredited institution" means a university or  
college accredited by an accrediting agency of institutions of  
higher education;

B. "appraisal" means selecting, administering,  
scoring and interpreting instruments designed to assess a  
person's aptitudes, attitudes, abilities, achievements,  
interests, personal characteristics and current emotional or

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underscored material = new  
[bracketed material] = delete

1 mental state by appropriately educated, trained and experienced  
2 clinicians and the use of nonstandardized methods and  
3 techniques for understanding human behavior in relation to  
4 coping with, adapting to or changing life situations of a  
5 physical, mental or emotional nature; "appraisal" shall not be  
6 construed to permit the performance of any act that a counselor  
7 or a therapist is not educated, trained and licensed to  
8 perform;

9 C. "appropriate clinical supervision" means as  
10 defined by rule, supervision provided by a licensed:

- 11 (1) professional clinical mental health  
12 counselor;
- 13 (2) marriage and family therapist;
- 14 (3) professional art therapist;
- 15 (4) psychiatrist;
- 16 (5) clinical psychologist;
- 17 (6) clinical nurse specialist in psychiatry;
- 18 (7) independent social worker with two years  
19 of mental health and supervised clinical experience; or
- 20 (8) alcohol and drug abuse counselor [~~A~~  
21 ~~licenced alcohol and drug abuse counselor must have~~] who has  
22 completed a minimum of three years [~~of alcohol and drug abuse~~  
23 ~~experience prior to providing supervision~~] as a licensed  
24 alcohol and drug abuse counselor in the field of alcohol and  
25 drug abuse counseling;

1           D. "appropriate clinical supervisor for substance  
2 abuse associate" means a person who has education and  
3 experience specific to the career track of the substance abuse  
4 associate and has training in transmitting knowledge, skills  
5 and attitudes [~~through a relational process that includes~~  
6 ~~direct oversight of the clinical work~~];

7           E. "approved clinical supervisor" means a person  
8 who is a licensed professional clinical mental health  
9 counselor, licensed marriage and family therapist, licensed  
10 professional art therapist, licensed psychiatrist, licensed  
11 clinical psychologist, clinical nurse specialist in psychiatry  
12 or licensed independent social worker and provides supervision  
13 to a licensed mental health counselor or therapist;

14           F. "art therapy" means the rendering of art therapy  
15 principles whereby communication is facilitated through  
16 therapeutic counseling and art media. This involves the  
17 application of the principles of human development and  
18 psychological theories, which are implemented in the full  
19 spectrum of models of assessment and treatment, including  
20 psychodynamics and cognitive, interpersonal and other  
21 therapeutic means to individuals, couples, families, groups and  
22 communities for the promotion of optimal mental health;

23           G. "board" means the counseling and therapy  
24 practice board;

25           H. "client contact hours" means the face-to-face

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1 time spent with a client to appraise, assess, evaluate,  
2 diagnose, treat psychopathology and provide counseling  
3 services;

4 I. "clinical counseling" means the rendering of  
5 counseling services involving the application of principles of  
6 psychotherapy, human development, learning theory, diagnosis,  
7 treatment and the etiology of mental illness and dysfunctional  
8 behavior to individuals, couples, families or groups for the  
9 purpose of assessing and treating psychopathology and promoting  
10 optimal mental health;

11 J. "consultation" means the voluntary,  
12 nonsupervisory relationship between professionals or other  
13 pertinent persons, in application of scientific counseling,  
14 guidance and human development principles and procedures to  
15 provide assistance in understanding and resolving a current or  
16 potential problem that the consultee may have in relation to a  
17 third party, be it an individual, group, family or  
18 organization;

19 K. "counselor training and education" means a  
20 process that prepares counselors and therapists in both  
21 didactic and clinical aspects of counseling;

22 L. "course" means an integrated, organized course  
23 of study, which encompasses a minimum of one school semester or  
24 equivalent hours;

25 M. "counseling" means the application of scientific

1 principles and procedures in therapeutic counseling, guidance  
2 and human development to provide assistance in understanding  
3 and solving a mental, emotional, physical, social, moral,  
4 educational, spiritual or career development and adjustment  
5 problem that a client may have;

6 N. "counseling-related field" as defined by rule,  
7 means a degree in guidance counseling, mental health-community  
8 counseling or agency counseling; psychology, clinical  
9 psychology, counseling psychology; human and family studies;  
10 art therapy; and art education with an emphasis in art therapy;

11 O. "defined by rule" means rules and regulations  
12 published by the board to establish criteria, standards and  
13 procedures relevant to application, licensing, administration  
14 and enforcement of the Counseling and Therapy Practice Act;

15 P. "department" means the regulation and licensing  
16 department or the division of the department designated to  
17 administer the counseling and therapy practice board;

18 Q. "diagnosis and treatment planning" means  
19 assessing, analyzing and providing diagnostic descriptions of  
20 mental, emotional or behavioral conditions; exploring possible  
21 solutions; and developing and implementing a treatment plan for  
22 mental, emotional and psychosocial adjustment or development.

23 "Diagnosis and treatment planning" shall not be construed to  
24 permit the performance of any act that counselors or therapists  
25 are not educated, trained and licensed to perform;

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1           R. "evaluation" means the act of making informed  
2 decisions based on the use and analysis of pertinent data;

3           S. "internship" means a distinctly defined, pre-  
4 graduate, supervised clinical experience in which the student  
5 refines, enhances and integrates professional knowledge with  
6 basic counselor or therapist skills appropriate to the  
7 student's program and preparation for postgraduate professional  
8 placement;

9           T. "licensure" means the process by which a state  
10 agency or government grants permission to an individual to  
11 engage in a given profession and to use the designated title of  
12 that profession after the applicant has attained the minimal  
13 degree of competency necessary to ensure that the public  
14 health, safety and welfare are reasonably well protected;

15           U. "marriage and family therapy" means the  
16 assessment, diagnosis and treatment of nervous and mental  
17 disorders, whether cognitive, affective or behavioral, within  
18 the context of marriage and family systems;

19           V. "mental disorder" means any of several  
20 conditions or disorders that meet the diagnostic criteria  
21 contained in the diagnostic and statistical manual of the  
22 American psychiatric association or the world health  
23 organization's international classification of mental  
24 disorders;

25           W. "practicum" means a distinctly defined,

1 supervised clinical experience in which the student develops  
2 basic counselor or therapist skills and integrates professional  
3 knowledge. Practicum is completed prior to or concurrent with  
4 an internship;

5 X. "program" means a structured sequence of  
6 curricular and clinical experiences housed within an academic  
7 unit;

8 Y. "referral" means evaluating and identifying the  
9 needs of a client to determine the advisability of referrals to  
10 other specialists, advising the client of such judgments and  
11 communicating as requested or deemed appropriate to such  
12 referral sources;

13 Z. "research" means a systematic effort to collect,  
14 analyze and interpret quantitative or qualitative data that  
15 describe how social characteristics, behavior, emotions,  
16 cognition, disabilities, mental disorders and interpersonal  
17 transactions among individuals, couples, families and  
18 organizations interact;

19 AA. "standard" means a minimal criterion that must  
20 be met; and

21 BB. "substance abuse-related fields" means a degree  
22 in guidance counseling, mental health-community counseling,  
23 agency counseling, psychology, clinical psychology, counseling  
24 psychology, human and family studies, social work, art therapy  
25 and art education with appropriate clinical background and two

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1 hundred seventy-six clock hours in education or training in  
2 alcohol and drug abuse counseling."

3 SECTION 2. Section 61-9A-5 NMSA 1978 (being Laws 1993,  
4 Chapter 49, Section 5, as amended) is amended to read:

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

6 A. For the purpose of the Counseling and Therapy  
7 Practice Act, a person is practicing as a professional mental  
8 health counselor, professional clinical mental health  
9 counselor, marriage and family therapist, professional art  
10 therapist, registered independent mental health counselor,  
11 registered mental health counselor, licensed mental health  
12 counselor, licensed associate marriage and family therapist,  
13 alcohol and drug abuse counselor, alcohol abuse counselor, drug  
14 abuse counselor or substance abuse associate if the person  
15 advertises, offers to practice, is employed in a position  
16 described as professional mental health counselor, professional  
17 clinical mental health counselor, marriage and family  
18 therapist, professional art therapist, registered independent  
19 mental health counselor, alcohol and drug abuse counselor,  
20 alcohol abuse counselor, drug abuse counselor or substance  
21 abuse counselor associate, or holds out to the public or  
22 represents in any manner that the person is licensed or  
23 registered to practice as a counselor or therapist enumerated  
24 in this section in this state.

25 B. "Practice of professional clinical mental health



1 counseling" means the application of mental health,  
2 psychotherapeutic and human development principles through a  
3 therapeutic relationship to:

4 (1) achieve the mental, emotional, physical,  
5 social, moral, educational, spiritual or career-related  
6 development and adjustment of the client throughout the  
7 client's life;

8 (2) diagnose, evaluate, prevent and treat  
9 mental, emotional or behavioral disorders and associated  
10 distresses that interfere with mental health;

11 (3) conduct appraisal, assessments and  
12 evaluations to establish treatment goals and objectives; and

13 (4) plan, implement and evaluate treatment  
14 plans using counseling treatment interventions and strategies.

15 C. "Practice of professional art therapy" means the  
16 licensed practice of counseling or therapy services to  
17 individuals, families or groups, of services that use art media  
18 as a means of expression and communication to:

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

23 (2) diagnose, evaluate, prevent and treat  
24 mental, emotional or behavioral disorders and associate  
25 distresses that interfere with mental health;

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1 (3) conduct appraisal, assessments and  
2 evaluations to establish treatment goals and objectives; and

3 (4) plan, implement and evaluate treatment  
4 plans using counseling or therapy treatment interventions and  
5 strategies.

6 D. "Practice of marriage and family therapy" means  
7 the licensed practice of marriage and family therapy services  
8 delivered to persons, couples and families treated singly or in  
9 groups within the context of family systems to:

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

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

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

19 (4) plan, implement and evaluate treatment  
20 plans using marriage and family therapy treatment interventions  
21 and strategies.

22 E. "Practice of licensed professional mental health  
23 counselor, licensed mental health counselor, registered  
24 independent counselor and licensed associate marriage and  
25 family therapist under an appropriate clinical supervisor"

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1 consists of rendering counseling services, which may include  
2 evaluation, assessment, consultation, diagnosing, development  
3 of treatment plans, case management counseling referral,  
4 appraisal, crisis intervention education, reporting and record  
5 keeping to individuals, couples, families or groups as defined  
6 by rule.

7 F. The scopes of practice of alcohol and drug abuse  
8 counseling, or both, consists of rendering treatment and  
9 intervention services specific to alcohol and other drug use  
10 disorders to persons, couples, families or groups. The  
11 services may include evaluation, assessment, diagnosis of  
12 chemical abuse and chemical dependency disorders only,  
13 consultation, development of treatment plans, case management-  
14 counseling, referral, appraisal, crisis intervention,  
15 education, reporting and record keeping. Nothing in this scope  
16 of practice shall be construed as preventing licensed alcohol  
17 and drug abuse counselors from providing screening and  
18 referrals for mental health disorders. However, assessment,  
19 treatment and diagnosis for such disorders is not within the  
20 scope of practice of this license. The practice of these  
21 activities will be limited to the individual's level of  
22 training, education and supervised experience. The alcohol and  
23 drug abuse counselor may provide therapeutic services that may  
24 include treatment of clients with co-occurring disorders or  
25 dual diagnosis in an integrated behavioral health setting in

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1 which a multidisciplinary team has developed a  
2 multidisciplinary treatment plan that is co-authorized by an  
3 independently licensed counselor or therapist. The treatment  
4 of a mental health disorder shall be supervised by an  
5 independently licensed counselor or therapist.

6 G. The scope of practice of a substance abuse  
7 associate under the supervision by an appropriate clinical  
8 supervisor for a substance abuse associate is limited to  
9 supervised work in a public or private institution, which shall  
10 include a combination of administrative, clinical and  
11 supportive supervision. The associate may be involved in  
12 taking social histories or conducting home studies. The  
13 associate utilizes the basic problem-solving process of  
14 gathering information, assessing that information at a  
15 beginning professional level and developing an intervention  
16 plan. The associate may implement the plan and conduct follow-  
17 ups pertaining specifically to alcohol and drug abuse  
18 counseling. The associate may provide client education and  
19 assist a licensed counselor-therapist with group or individual  
20 counseling sessions. A substance abuse associate shall not  
21 practice independently as a private practitioner."