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HOUSE BILL 235

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

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AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING A SECTION OF THE
COUNSELING AND THERAPY PRACTICE ACT TO UPDATE DEFINITIONS
RELATING TO EDUCATION AND EXPERIENCE REQUIREMENTS.

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,

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

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

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

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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 associate and
4 has training in transmitting knowledge, skills and attitudes
5 through a relational process that includes direct oversight of
6 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

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

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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 or counseling psychology; human services; family
10 services; human and family studies; art therapy; ~~[and]~~ or art
11 education with an emphasis in art therapy;

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

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

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

24 "Diagnosis and treatment planning" shall not be construed to
25 permit the performance of any act that counselors or therapists

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1 are not educated, trained and licensed to perform;

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

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

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

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

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

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1 W. "practicum" means a distinctly defined,
2 supervised clinical experience in which the student develops
3 basic counselor or therapist skills and integrates professional
4 knowledge. Practicum is completed prior to or concurrent with
5 an internship;

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

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

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

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

22 BB. "substance abuse-related [~~fields~~] field" means
23 a degree in guidance counseling, mental health-community
24 counseling, agency counseling, psychology, clinical psychology,
25 counseling psychology, human services, family services, human

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1 and family studies, social work, art therapy [~~and~~] or art
2 education with appropriate clinical background and two hundred
3 seventy-six clock hours in education or training in alcohol and
4 drug abuse counseling."

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