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## FISCAL IMPACT REPORT

**SPONSOR** Gallegos, DY/Ortiz y Pino      **ORIGINAL DATE** 2/20/19  
**LAST UPDATED** 3/1/19      **HB** 539/aHHHC

**SHORT TITLE** Social Work Licensure & Provision Changes      **SB** \_\_\_\_\_

**ANALYST** Chilton

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

|              | FY19                   | FY20 | FY21 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------------------------|------|------|-------------------|---------------------------|---------------|
| <b>Total</b> | No Fiscal Implications |      |      |                   |                           |               |

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of HHC Amendment

The House Health and Human Services Committee amendment to House Bill 539 makes two changes with one effect: to state that a professional code of ethics for social workers must be based on a code adopted by a national organization of social workers providing “guidance, research, advocacy, and other services to social workers.”

The new language is placed both in the definitions section of the bill, and also in the list of duties of the Board of Social Work Examiners.

#### Synopsis of Original Bill

House Bill 539 makes several changes to the Social Work Practice Act (Section 61-31 NMSA 1978). Among the changes, spelled out in greater depth in the table in “Significant Implications”, below, the legislation would adopt up-to-date nomenclature for categories of social worker; provide more definition of how supervision of social workers would be done, including, for the first time, by electronic means; allow social work board members to participate in national and local organizations “organized exclusively to promote the improvement of the practice of social work”; and allow candidates for licensure to take their examinations online. The Sunset Act’s scheduled termination of the Board of Social Work Examiners is extended from July 1, 2021, to July 1, 2031.

**FISCAL IMPLICATIONS**

No fiscal impact is apparent.

**SIGNIFICANT ISSUES**

The bill makes the following provisions and changes to provisions:

| Section of HB 539 | Section of statute | Provision or change   |
|-------------------|--------------------|---|
| 1                 | 61-3-3             | Definitions changes include <ul style="list-style-type: none"> <li>• Replacing outdated terms with new definitions for new terms, “licensed bachelor of social work,” “licensed clinical social worker,” “licensed independent social worker,” and “licensed master of social work.”</li> <li>• “Recognized association” defined as being national in scope, nonprofit, and recognized as an accrediting agency.</li> <li>• “Supervision” as including providing evaluation and direction (including regarding continuing education) to another social worker.</li> </ul> |
| 2                 | 61-3-4             | Inserts the titles given in the first bullet above into the licensure requirements.   |
| 3                 | 61-3-5             | Reserves practice of social work and use of the term “social worker” and related terms to those licensed according to the act.  |
| 4                 | 61-3-7             | Amends the statute creating the Board of Social Work to allow board members to participate in professional organizations organized “exclusively to promote the improvement of the practice of social work” Board members may attend meetings electronically. The governor may remove members of the board for cause, now to include violations of ethics or professional standards promulgated by national social work organizations.   |
| 5                 | 61-31-8            | The board is no longer charged with developing a professional code of ethics but must request that practitioners violating the Social Work Practice Act stop doing so or meet with the board. The board must develop criteria for adequate supervision of licensees.  |
| 6                 | 61-31-10           | Removes the requirement of written licensure, allowing examinations to be taken electronically.   |
| 7                 | 61-31-11           | Adds the newly defined titles of social workers to the section on provisional licensure.  |
| 8                 | 61-31-14           | No changes are made regarding license renewal, except to allow for electronic examination when an examination is required.  |
| 9                 | 61-31-15           | Regarding fees: new titles for types of social worker inserted removal of term “written examination” to allow for electronic examination.   |
| 10                | 61-31-25           | Extending the life of the Board of Social Work Practice from 2021 to 2031.  |
| 11-13             | New                | Regarding licensed independent social workers (Section 11), licensed clinical social workers (Section 12), and licensed master  |

|    |        |   |
|----|--------|---|
|    |        | of social work (Section 13), all must be at least 18 years of age, possess a master’s degree in social work from an accredited institution, be trained in New Mexico cultures, and pass an examination approved by the board and a jurisprudence exam.  |
| 14 | New    | Regarding licensed bachelor of social work, the same requirements would apply as in the sections above, except that a bachelor’s degree in social work would be required instead of a master’s degree.  |
| 15 | New    | Requires compliance with board-determined rules regarding supervision.  |
| 16 | Repeal | The following sections would be repealed, with their titles: <ul style="list-style-type: none"> <li>• 61-31-2 Purpose [of the Social Work Practice Act]</li> <li>• 61-31-9 Requirements for licensure</li> <li>• 61-31-12 Licensure without written examination</li> <li>• 61-31-13.1 Temporary licensure</li> <li>• 61-31-23 Injunctive proceedings</li> </ul> |

As noted by RLD, “The bill makes it possible for noncommercial associations to partner with other regulatory and educational nonprofits in support of regulatory boards’ mission of practice excellence and public protection. The Board may have discretion as to whether such associations present any commercial conflicts of interests.”

**TECHNICAL ISSUES**

Professional organizations usually have multiple purposes, including, but not exclusively including, the purposes listed in the bill’s subsection 4 B-1. For example, many professional organizations may spend a large or small part of their time advocating for the well-being of their members. The language in this section might be altered to remove or qualify the word “exclusively.” (Page 7, line 22)

RLD notes the following recommended changes:

- The bill makes it possible for noncommercial associations to partner with other regulatory and educational nonprofits in support of regulatory boards mission of practice excellence and public protection. The board may have discretion as to whether such associations present any commercial conflicts of interests.
- “Telehealth” should be struck from the document and replaced with “Electronic SW Practice.” Electronic social work practice is different from Telehealth which is a broader context.
- The proposal in Section 10 to extend the sunset date by ten years, from July 1, 2021 to July 1, 2031, delays the LFC review of information required in Section 12-9A-5 NMSA 1978, to determine the need for the existence of the separate, administratively attached board.
- Language will need to be added to rules in order to safeguard confidentiality and security while practicing social work via “telesupervision”.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Social Work Practice Act would be left with outdated terminology and provisions regarding board conflict of interest, and the Board of Social Work’s mandate would expire in 2021.

LAC/sb/gb/al