

HOUSE BILL 125

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LICENSING; MODIFYING LICENSING REQUIREMENTS FOR CERTAIN BEHAVIORAL HEALTH PRACTITIONERS; AMENDING THE PROFESSIONAL PSYCHOLOGIST ACT AND THE COUNSELING AND THERAPY PRACTICE ACT TO ALLOW THE APPLICATION OF TECHNOLOGY TO SUPERVISION; CHANGING THE COMPOSITION OF THE COUNSELING AND THERAPY PRACTICE BOARD; ADDING STATE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE COUNSELING AND THERAPY PRACTICE BOARD AND THE BOARD OF SOCIAL WORK EXAMINERS.

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

SECTION 1. Section 61-9-6 NMSA 1978 (being Laws 1963, Chapter 92, Section 5, as amended) is amended to read:

"61-9-6. BOARD--MEETING--POWERS.--

A. The board shall, annually in the month of July, hold a meeting and elect from its membership a ~~[chairman]~~ chair, vice ~~[chairman]~~ chair and secretary-treasurer. The board shall meet at other times as it deems necessary or advisable or as deemed necessary and advisable by the ~~[chairman]~~ chair or a majority of its members or the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board constitutes a quorum at a meeting or hearing.

B. The board is authorized to:

(1) adopt and from time to time revise such rules ~~[and regulations]~~ not inconsistent with the law as may be necessary to carry into effect the provisions of the Professional Psychologist Act. The rules ~~[and regulations]~~ shall include a code of conduct for psychologists and psychologist associates in the state;

(2) adopt a seal, and the administrator shall have the care and custody of the seal;

(3) examine for, approve, deny, revoke, suspend and renew the licensure of psychologist and psychologist associate applicants as provided in the

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Professional Psychologist Act;

(4) conduct hearings upon complaints concerning the disciplining of a psychologist or psychologist associate; and

(5) cause the prosecution and enjoinder of persons violating the Professional Psychologist Act and incur related necessary expenses [~~therefor~~].

C. Within sixty days after the close of each fiscal year, the board shall submit a written report, reviewed and signed by the board members, to the governor concerning the work of the board during the preceding fiscal year. The report shall include the names of psychologists and psychologist associates to whom licenses have been granted; cases heard and decisions rendered in relation to the work of the board; the recommendations of the board as to future policies, including the appropriate application of technology for supervision; and an account of all money received and expended by the board."

SECTION 2. Section 61-9-10 NMSA 1978 (being Laws 1963, Chapter 92, Section 9, as amended) is amended to read:

"61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER AREAS [RECIPROCITY].--Subject to the provisions of Section 61-9-10.1 NMSA 1978, upon application accompanied by a fee as required by the Professional Psychologist Act, the board [~~may~~] shall, without written or oral examination, issue a license to a person who furnishes, upon a form and in such manner as the

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board prescribes, evidence [~~satisfactory~~] to the board that the person has been licensed or certified as a psychologist or prescribing psychologist by another state, a territorial possession of the United States, the District of Columbia or another country for [~~a minimum of~~] HSEIC→**five**←HSEIC HSEIC→**two**←HSEIC years. An applicant seeking [~~reciprocity~~] a license shall demonstrate to [~~the satisfaction of~~] the board that the training and education received by the applicant is equivalent to the requirements for a doctoral degree in psychology as provided in the Professional Psychologist Act."

SECTION 3. Section 61-9-10.1 NMSA 1978 (being Laws 2006, Chapter 6, Section 5) is amended to read:

"61-9-10.1. PROVISIONAL AND TEMPORARY LICENSURE.--

A. A temporary license may be issued to an applicant previously licensed in another jurisdiction and in good standing whose out-of-state license meets current licensing criteria for New Mexico. A temporary license shall be valid for six months and is not subject to extension or renewal, unless a federal or state public health emergency is declared pursuant to the Public Health Emergency Response Act HSEIC→**and directly impacts the applicant**←HSEIC ; in which case, an applicant's temporary license shall be automatically extended for the duration of the public health emergency and for an additional six months, beginning on the day that the public health emergency ends.

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B. The granting of a temporary license to the applicant does not include issuance of a conditional prescription certificate unless the board finds the applicant meets the requirements of Section 61-9-17.1 NMSA 1978.

[B-] C. A provisional license may be issued to an applicant never previously licensed and who does not meet New Mexico's experience requirements for psychology licensure, but who otherwise meets criteria for education and training. A provisionally licensed psychologist must practice under the supervision of a New Mexico licensed psychologist until fully licensed. A provisional license shall be valid for eighteen months and is not subject to extension or renewal, unless a federal or state public health emergency is declared pursuant to the Public Health Emergency Response Act HSEIC and directly impacts the applicant HSEIC ; in which case, an applicant's provisional license shall be automatically extended for the duration of the public health emergency and for an additional six months, beginning on the day that the public health emergency ends."

SECTION 4. Section 61-9-11 NMSA 1978 (being Laws 1963, Chapter 92, Section 10, as amended) is amended to read:

"61-9-11. LICENSURE--EXAMINATION.--

A. The board shall issue a license as a psychologist to an applicant who files an application upon a form and in such manner as the board prescribes and, except as

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provided in Section 61-1-34 NMSA 1978, pays any fee required by the Professional Psychologist Act, and who furnishes evidence [~~satisfactory~~] to the board that the applicant:

(1) has reached the age of majority;

~~[(2) is of good moral character;~~

~~(3)]~~ (2) is not in violation of any of the provisions of the Professional Psychologist Act and the rules adopted pursuant to that act;

~~[(4)]~~ (3) is a graduate of:

(a) a doctoral program that is designated as a doctoral program in psychology by a nationally recognized designation system or that is accredited by a nationally recognized accreditation body and holds a degree with a major in clinical, counseling or school psychology from a university offering a full-time course of study in psychology; or

(b) a doctoral program outside the United States or Canada that is equivalent to a program in Subparagraph (a) of this paragraph and holds a degree with a major in clinical, counseling or school psychology from a university offering a full-time course of study in psychology; the board shall promulgate by rule a list of board-approved credential inspection and verification services to appraise foreign degree programs;

~~[(5)]~~ (4) has had at least two years of

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supervised experience in psychological work [~~of a type~~
~~satisfactory to the board~~]; provided that:

(a) up to one year of the supervised experience may be obtained in predoctoral practicum hours overseen by a graduate training program and consistent with the guidelines on practicum experience for licensure promulgated by the association of state and provincial psychology boards;

(b) up to one year of the supervised experience may be obtained in a predoctoral internship approved by the American psychological association;

(c) up to one-half year of the supervised experience may be obtained in a predoctoral internship that is not approved by the American psychological association; and

(d) any portion of the required supervised experience not satisfied pursuant to Subparagraphs (a), (b) and (c) of this paragraph shall be obtained in postdoctoral psychological work;

~~(6)~~ (5) demonstrates professional competence by passing the examination for professional practice in psychology promulgated by the association of state and provincial psychology boards with a total raw score of 140 (seventy percent), before January 1, 1993 or, if after January 1, 1993, a score equal to or greater than the passing score recommended by the association of state and provincial

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psychology boards;

[~~(7)~~] (6) demonstrates an awareness and knowledge of New Mexico cultures [~~as determined by~~] to the board; and

[~~(8)~~] (7) passes such jurisprudence examination as may be given by the board through an online testing and scoring mechanism.

B. Upon investigation of the application and other evidence submitted, including a criminal background check, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure are satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

C. The place of examination shall be designated in advance by the board, and examinations shall be given at such time and place and under such supervision as the board may determine.

D. In the event an applicant fails to receive a passing grade, the applicant may apply for reexamination and shall be allowed to take a subsequent examination upon payment of the fee required by the Professional Psychologist Act.

E. The board shall keep a record of all examinations, and the grade assigned to each, as part of its records for at least two years subsequent to the date of

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examination."

SECTION 5. Section 61-9-11.1 NMSA 1978 (being Laws 1983, Chapter 334, Section 4, as amended) is amended to read:

"61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--
EXAMINATION.--

A. The board shall issue a license as a psychologist associate to each applicant who files an application upon a form and in such manner as the board prescribes and, except as provided in Section 61-1-34 NMSA 1978, accompanied by the fee required by the Professional Psychologist Act, and who furnishes evidence satisfactory to the board that the applicant:

(1) has reached the age of majority [~~is of good moral character~~] and is not in violation of any of the provisions of the Professional Psychologist Act and the rules and regulations adopted pursuant to that act;

(2) holds a master's degree in psychology from a department of psychology of a school or college;

(3) demonstrates professional competence by passing the examination for professional practice in psychology promulgated by the association of state and provincial psychology boards with a score equivalent to or greater than the statistical mean as reported by the association of state and provincial psychology boards for all master's-level candidates taking the examination on that occasion;

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(4) demonstrates awareness and knowledge of New Mexico cultures [~~as determined by~~] to the board; and

(5) passes such jurisprudence examination as may be given by the board through an online testing and scoring mechanism.

B. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted or unsatisfactory and rejected. If rejected, the notice shall state the reasons for rejection.

C. The place of examination shall be designated in advance by the board, and examinations shall be given at such time and place and under such supervision as the board may determine.

D. In the event an applicant fails to receive a passing grade, the applicant may apply for reexamination and shall be allowed to take a subsequent examination upon payment of the fee required by the Professional Psychologist Act.

E. The board shall keep a record of all examinations, and the grade assigned to each, as part of its records for at least two years subsequent to the date of examination.

F. The board may adopt reasonable rules and regulations classifying areas and conditions of practice

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permissible for psychologist associates."

SECTION 6. Section 61-9A-7 NMSA 1978 (being Laws 1993, Chapter 49, Section 7, as amended) is amended to read:

"61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--COMPENSATION.--

A. There is created the "counseling and therapy practice board". The board is administratively attached to the department.

B. The board consists of [~~nine~~] seven members who are United States citizens [~~and~~], have been New Mexico residents for at least five years prior to their appointment and maintain New Mexico residency during their appointment. Of the [~~nine~~] seven members:

(1) five members shall be professional members, who shall be a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist and an alcohol and drug abuse counselor, licensed under the Counseling and Therapy Practice Act and shall have engaged in a counselor and therapist practice for at least five years. The professional mental health counselor shall also represent the registered independent and licensed mental health counselors; and

(2) [~~four~~] two members shall represent the public. The public members shall not have been licensed or have practiced as counselor or therapist practitioners or in

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any other regulated mental health profession, nor have any significant financial interest, either direct or indirect, in the professions regulated.

C. Members of the board shall be appointed by the governor for staggered terms of four years. A member shall hold office until [~~his~~] a successor is appointed. Vacancies shall be filled in the same manner as original appointments. No appointee shall serve more than two terms.

D. The governor may appoint professional board members from a list of nominees submitted by qualified individuals and organizations, including the New Mexico counseling association, the New Mexico association for marriage and family therapy, the New Mexico art therapy association and the alcohol and drug directors association.

E. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

F. The board shall elect annually from its membership a [~~chairman~~] chair and a secretary and other officers as necessary to carry out its duties.

G. The board shall meet [~~at least twice~~] once a year and at other times deemed necessary. Other meetings may be called by the [~~chairman~~] chair upon the written request of three members of the board. A simple majority of the board members shall constitute a quorum of the board.

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H. Any member failing to attend three meetings after proper notice shall be automatically recommended for removal as a board member, unless excused by the board chair for one of the following reasons:

(1) extenuating circumstances beyond ~~[his]~~ the member's control, including illness;

(2) prearranged activities out of town; or

(3) other severe circumstances that do not allow a member to attend."

SECTION 7. Section 61-9A-9 NMSA 1978 (being Laws 1993, Chapter 49, Section 9, as amended) is amended to read:

"61-9A-9. BOARD--POWERS AND DUTIES.--

A. The board may:

(1) adopt ~~[in accordance with the Uniform Licensing Act]~~ and file in accordance with the State Rules Act rules necessary to carry out the provisions of the Counseling and Therapy Practice Act;

(2) select and provide for the administration of, at least, semiannual examinations for licensure;

(3) establish the passing scores for examinations;

(4) take any disciplinary action allowed by and in accordance with the Uniform Licensing Act and necessary to carry out the provisions of the Counseling and Therapy Practice Act;

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(5) censure, reprimand or place a licensee or registrant on probation;

(6) require and establish criteria for continuing education;

(7) establish by rule procedures for receiving, investigating and resolving complaints;

(8) approve appropriate supervision, and postgraduate experience for persons seeking licensure or registration;

(9) provide for the issuance of licenses;

(10) determine eligibility of individuals for licensure or registration;

(11) set fees for administrative services and registration, as authorized by the Counseling and Therapy Practice Act, and authorize all disbursements necessary to carry out the provisions of that act;

(12) except as provided in Section 61-1-34 NMSA 1978, set fees for licenses, as authorized by the Counseling and Therapy Practice Act, and authorize all disbursements necessary to carry out the provisions of that act;

(13) establish criteria for supervision and supervisory requirements, including the appropriate application of technology;

(14) establish a code of ethics; and

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(15) establish committees.

B. The board may establish a standards committee for each licensed profession. The members of each standards committee shall be appointed by the board with the consent of the department and shall include at least one board member from the licensed profession and at least one public board member. The board member representing each respective profession shall chair its standards committee and the committee shall:

- (1) recommend and periodically review a code of ethics;
- (2) review license applications and recommend approval or disapproval;
- (3) develop criteria for supervision, including the appropriate application of technology; and
- (4) recommend rules.

C. Members of the standards committees or other committees may be reimbursed as provided in the Per Diem and Mileage Act, but shall receive no other compensation, perquisite or allowance."

SECTION 8. Section 61-9A-11 NMSA 1978 (being Laws 1993, Chapter 49, Section 11, as amended) is amended to read:

"61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional clinical mental health counselor to [any] a person who files a completed application and, except as

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provided in Section 61-1-34 NMSA 1978, pays any required fees and who submits satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;
- B. holds a master's or doctoral degree in a counseling or counseling-related field, as defined by rule, from an accredited institution. The applicant shall have a master's degree and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the mental health clinical core curriculum;
- C. demonstrates professional competency by passing the required examination as prescribed by the board;
- D. has a minimum of two years of professional clinical counseling experience, including at least three thousand clinical contact hours and at least one hundred hours of [~~face-to-face~~] appropriate supervision. One thousand client clinical contact hours may be submitted from the applicant's internship or practicum; and
- E. [~~is of good moral character with conduct consistent with~~] observes the code of ethics."

SECTION 9. Section 61-9A-12 NMSA 1978 (being Laws 1993, Chapter 49, Section 12, as amended) is amended to read:

"61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a marriage and family therapist to a person who files a completed application accompanied by the required fees and who submits

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satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;
- B. holds a master's or doctoral degree with a focus in marriage and family therapy and meets the requirements of the marriage and family therapy core curriculum, as defined by rule, in marriage and family therapy from an accredited institution;
- C. demonstrates professional competency by passing the examinations as prescribed by the board;
- D. has a minimum of two years of postgraduate marriage and family therapy experience consisting of one thousand client contact hours and two hundred hours of appropriate clinical supervision, of which one hundred hours of such supervision was on an individual basis; and
- E. ~~[is of good moral character with conduct consistent with]~~ observes the code of ethics."

SECTION 10. Section 61-9A-12.1 NMSA 1978 (being Laws 2005, Chapter 210, Section 11) is amended to read:

"61-9A-12.1. LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST OR COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as an associate marriage and family therapist or counselor to a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;

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B. holds a master's or doctoral degree with a focus in marriage and family therapy or counselor from an accredited institution and meets the requirements of the marriage and family therapy or counselor core curriculum, as defined by rule;

C. has arranged for appropriate clinical supervision, as defined by rule, to meet the requirements for a licensed associate marriage and family therapist;

D. demonstrates professional competence by passing an examination within the applicant's discipline as prescribed by the board; and

E. ~~[is of good moral character with conduct consistent with]~~ observes the code of ethics."

SECTION 11. Section 61-9A-13 NMSA 1978 (being Laws 1993, Chapter 49, Section 13, as amended) is amended to read:

"61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR LICENSURE.--~~[A.]~~ The board shall issue a license as a professional art therapist to a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

~~[1]~~ A. has reached the age of twenty-one;

~~[2]~~ B. demonstrates professional competency by passing an examination as prescribed by the board;

~~[3]~~ C. holds a master's or doctoral degree in art therapy, counseling or counseling-related field from an

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accredited institution or nationally approved art therapy program with a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the art therapy core curriculum;

~~[(4)]~~ D. meets the art therapy core curriculum as defined by rule;

~~[(5)]~~ E. has completed a minimum of two years post-graduate professional experience, three thousand client contact hours and one hundred hours of post-graduate ~~[face-to-face]~~ experience under appropriate supervision. Seven hundred clinical client contact hours may be from the applicant's internship or practicum program beyond the requirements in ~~[Paragraph (3)]~~ Subsection C of this subsection. Supervision shall be under a New Mexico-licensed professional art therapist or certified board therapist for at least fifty percent of the working hours; and

~~[(6) is of good moral character with conduct consistent with]~~ F. observes the code of ethics.

~~[B. Effective July 1, 2005, applicants must meet the art therapy core curriculum, as defined by rule.]"~~

SECTION 12. Section 61-9A-14 NMSA 1978 (being Laws 1993, Chapter 49, Section 14, as amended) is amended to read:

"61-9A-14. **REQUIREMENTS FOR LICENSED MENTAL HEALTH COUNSELOR.**--The board shall issue a license as a mental health associate to any person who files a completed application

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accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds either a master's or doctoral degree from an accredited institution in a counseling or counseling-related field, as defined by rule and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the core curriculum;

C. has arranged for an appropriate clinical supervision plan and a postgraduate experience plan, as defined by rule, to meet the licensing requirements for a:

- (1) professional art therapist;
- (2) professional mental health counselor; or
- (3) professional clinical mental health

counselor;

D. demonstrates professional competence by passing an examination within the applicant's discipline as prescribed by the board; and

E. ~~[is of good moral character with conduct consistent with]~~ observes the code of ethics."

SECTION 13. Section 61-9A-14.1 NMSA 1978 (being Laws 1996, Chapter 61, Section 8, as amended) is amended to read:

"61-9A-14.1. SUBSTANCE ABUSE ASSOCIATE--REQUIREMENTS FOR LICENSURE.--

A. Effective July 1, 2005, the board shall license

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as a substance abuse associate any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant as defined by rule:

- (1) ~~[is of good moral character, with conduct consistent with]~~ observes the code of ethics;
- (2) has reached the age of twenty-one;
- (3) holds an associate degree in a counseling, counseling-related field or substance abuse-related field from an accredited institution and has a total of ninety clock hours of education and training in the fields of alcohol and drug abuse counseling; and
- (4) has arranged for an appropriate supervision plan, as defined by rule, to meet the requirements for licensure as a substance abuse associate.

B. The applicant shall also provide two letters of recommendation."

SECTION 14. Section 61-9A-14.2 NMSA 1978 (being Laws 1999, Chapter 161, Section 15, as amended) is amended to read:

"61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR-- REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the board shall license as an alcohol and drug abuse counselor a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant, as defined by rule:

- A. ~~[is of good moral character with conduct~~

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~~consistent with~~] observes the code of ethics;

B. has reached the age of twenty-one;

C. demonstrates professional competency by passing the required examinations prescribed by the board; and

D. has one of the following combinations of education and experience:

(1) an associate degree in counseling, a counseling-related field or a substance abuse-related field from an accredited institution, and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling, six hours of professional ethics, three years and three thousand client ~~[contract]~~ contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and two hundred hours of ~~[face-to-face]~~ appropriate supervision;

(2) a baccalaureate degree in counseling, a counseling-related field or a substance abuse-related field, as defined by rule, from an accredited institution and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling and six hours of professional ethics, two years and two thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and one hundred hours of ~~[face-to-face]~~

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appropriate supervision; or

(3) a master's degree in counseling, a counseling-related field or a substance abuse-related field, as defined by rule, from an accredited institution, and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling and six hours of professional ethics, one year and one thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and fifty hours of [~~face-to-face~~] appropriate supervision hours."

SECTION 15. Section 61-9A-22 NMSA 1978 (being Laws 1993, Chapter 49, Section 22, as amended) is amended to read:

"61-9A-22. LICENSURE BY CREDENTIALS [~~RECIPROCITY~~].--

A. The board [~~may~~] shall issue a license in the same licensure level to a person who:

(1) files a completed application accompanied by the required fees;

(2) submits [~~satisfactory~~] evidence that the applicant holds and has held for a minimum of [~~five~~] two years a current license issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation;

(3) is in good standing with no disciplinary action pending or brought against the applicant within the past

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[five] two years; and

(4) possesses a ~~Sfll~~→~~SHPAC~~→~~master's or~~
~~doctoral~~←~~SHPAC~~→~~SHPAC~~→~~substantially equivalent~~←~~SHPAC~~←~~Sfll~~
~~Sfll~~→~~master's or doctoral~~←~~Sfll~~ degree ~~Sfll~~→~~SHPAC~~→~~in~~
~~counseling or a counseling-related field~~←~~SHPAC~~←~~Sfll~~ ~~Sfll~~→~~in~~
~~counseling or a counseling-related field~~←~~Sfll~~ from an
accredited institution.

B. Applicants who do not meet the licensure by
credential must meet the current licensure requirements."

SECTION 16. Section 61-31-7 NMSA 1978 (being Laws 1989,
Chapter 51, Section 7, as amended) is amended to read:

"61-31-7. BOARD CREATED.--

A. There is created the "board of social work
examiners".

B. The board shall be administratively attached to
the department.

C. The board shall consist of seven members who are
representative of the geographic and ethnic groups within New
Mexico [~~and~~], who have been New Mexico residents prior to their
appointment and maintain New Mexico residency during their
appointment. Of the seven members:

(1) four members shall have been engaged in
social work practice for at least five years; at least two of
the four shall hold a master's degree in social work; and at
least two shall hold a bachelor's degree in social work from

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schools of social work that are accredited by the council on social work education. At least one of these members shall be engaged primarily in clinical social work practice; one member shall be engaged primarily in education; one member shall be engaged primarily in administration or research in social work practice; and at least one member shall be engaged primarily in community organization, planning and development. These members may join professional organizations and associations organized exclusively to promote the improvement of the practice of social work for the protection of the health and welfare of the public or whose activities assist and facilitate the work of the board; and

(2) three members shall represent the public. The public members shall not have been licensed or have practiced as social workers. Public members shall not have any significant financial interest, whether direct or indirect, in social work practice.

D. Members of the board shall be appointed by the governor for staggered terms of three years. Each member shall hold office until a successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.

E. Except for the representatives of the public on the board, the governor shall appoint board members from a list of nominees submitted by social work organizations and

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individual social work professionals or from a pool of resumes submitted to the governor by individuals applying for membership.

F. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

G. The board shall elect a chair and other officers as deemed necessary to administer its duties.

H. A simple majority of the board members currently serving shall constitute a quorum of the board.

I. The board shall meet at least once a year and at such other times as it deems necessary. Other meetings may be called by the chair upon the written request of a quorum of the board. The board may permit electronic participation in board meetings in accordance with the Open Meetings Act and board rules.

J. The governor may remove any member from the board for:

- (1) the neglect of any duty required by law;
- (2) incompetence;
- (3) improper or unprofessional conduct as defined by board rule;
- (4) violation of the current professional code of ethics or professional standards promulgated by a national organization of social work professionals that provides

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guidance, research, advocacy and other services to social workers; or

(5) any reason that would justify the suspension or revocation of that member's license to practice social work.

K. A board member shall not serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board rules.

L. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor and the board of the vacancy and the reason for its occurrence to expedite the appointment of a new board member within a six-month period."

SECTION 17. Section 61-31-11 NMSA 1978 (being Laws 1989, Chapter 51, Section 11, as amended) is amended to read:

"61-31-11. PROVISIONAL LICENSURE.--Prior to examination, an applicant for licensure who holds a bachelor's degree or master's degree in social work may obtain a provisional license to engage in social work practice as long as the applicant meets all the requirements, except examination, pursuant to the Social Work Practice Act for the level of license sought. The provisional license is valid for a period not to exceed one year, unless a federal or state public health emergency is

declared pursuant to the Public Health Emergency Response Act
HSEIC→**and directly impacts the applicant**←HSEIC ; in which
case, an applicant's provisional license shall be automatically
extended for the duration of the public health emergency and
for an additional six months, beginning on the day that the
public health emergency ends."

SECTION 18. Section 61-31-13 NMSA 1978 (being Laws 1989,
Chapter 51, Section 13, as amended) is amended to read:

"61-31-13. LICENSURE BY CREDENTIALS [RECIPROCITY].--

A. The board [~~may~~] shall license an applicant for
the licensure level sought, provided the applicant:

(1) possesses and has held for a minimum of
[~~five~~] two and one-half years a valid social worker license
issued by the appropriate examining board under the laws of any
other state or territory of the United States, the District of
Columbia or any foreign nation;

(2) is in good standing with no disciplinary
action pending or brought against the applicant within the past
[~~five~~] two and one-half years;

(3) possesses a bachelor's or master's degree
in social work from a program of social work [~~approved by the~~
~~board~~] accredited by the council on social work education;

(4) verifies that the applicant has taken and
passed the national examination as defined by rule; and

(5) demonstrates an awareness and knowledge of

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New Mexico cultures [~~as determined by~~] to the board.

B. The applicant will not have to further verify the applicant's experience, schooling or degrees if the criteria pursuant to Subsection A of this section are met."

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