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## FISCAL IMPACT REPORT

**SPONSOR** Hochman-Vigil      **ORIGINAL DATE** 01/28/21  
**LAST UPDATED** 03/09/21      **HB** 125/aHSEIC/aSHPAC  
**SHORT TITLE** Behavioral Health Practitioner Changes      **SB** \_\_\_\_\_  
**ANALYST** Chilton

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

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Probably a small positive or negative impact (see fiscal note)			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Human Services Department (HSD)  
 Children, Youth and Families Department (CYFD)  
 Regulation and Licensing Department (RLD)

### SUMMARY

#### Synopsis of SHPAC Amendment

The Senate Health and Public Affairs Committee to House Bill 125 makes changes to the requirements for licensure of counseling professionals in Section 15 of the bill. The amendment removes the requirement for a master’s or doctoral degree for counselors to be licensed by reciprocity from another state, substituting a requirement for a “substantially equivalent degree.” It isn’t clear from the amendment to what reference point the degree would be substantially equivalent.

#### Synopsis of HSEIC Amendment

The House State Government, Elections and Indian Affairs Committee amendment to House Bill 125 changes the requirement that a psychologist be licensed on the basis of previous licensure and experience elsewhere within the United States to two rather than five years of previous licensure. In three locations within the bill, the amendment adds that, in invoking a public health emergency as a reason to make emergency provisions active, the emergency must “directly impact the applicant.”

Synopsis of Original Bill

House Bill 125 makes a number of changes to the Professional Psychology Act (Section 61-9 NMSA 1978), the Counseling and Therapy Act (Section 61-9A) and the Social Work Practice Act (Section 61-31).

A number of clarifying, wording and grammar changes are included throughout these amended statutes. Substantive changes are discussed below. The effect of the changes in the bill includes several principles:

- 1) Licenses are automatically extended throughout a public health emergency and for six months thereafter
- 2) Technology can be used for supervision of trainees in these fields, replacing the requirement for face-to-face supervision.
- 3) A requirement for board licenses in each area has been changed from “being of good moral character” to “observing the code of ethics.”

In Section 1 of this bill, Section 61-9 is modified to include board consideration of the use of technology for supervision of psychology trainees. A similar consideration for the counseling and therapy board is contained in Section 7.

Section 3 of the bill specifies that psychology board licensees with temporary or provisional licenses will have their temporary or provisional licenses extended automatically during a public health emergency and for six months after the emergency is declared over.

Section 6 of the bill amends the requirements for counseling and therapy board members to add the requirement that they remain New Mexico residents throughout their period of appointment. The number of public board members is reduced from four to two. The board’s number of required annual meetings is reduced from two to one, with the proviso that it also meets as necessary.

Section 8 of the bill changes the wording of the requirement that a professional clinical mental health counselor “be of good moral character” to “observe the code of ethics.” Section 9 makes the same change with respect to marriage and family therapists; the same change is made in Section 10 for licensed associate marriage and family therapists and counselors, in Section 11 for art therapists, in Section 12 for licensed mental health counselors, in Section 13 for substance abuse associates, in Section 14 for alcohol and drug abuse counselors. RLD specifies that this change is made to decrease vagueness.

A requirement that art therapists meet the art therapy core curriculum would be removed (Section 11); a requirement for “face-to-face supervision” for alcohol and drug abuse counselors is replaced with a requirement for “appropriate supervision” (Section 14).

Section 15 indicates that the counseling and therapy board shall (rather than “may”) issue a New Mexico license by credential for those who have had licenses to practice in the same field in another state, territory, or another nation for a minimum of two years (previously this had been five years).

Section 16 of the bill amends the requirements for board of social work examiners members to add the requirement that they remain New Mexico residents throughout their period of appointment.

Section 17 automatically extends the licensure of social workers throughout a declared public health emergency for the duration of the emergency and for six months after the emergency is declared over.

Section 18 indicates that the social work board shall (rather than “may”) issue a New Mexico license by credential for those who have had licenses to practice in the same field in another state, territory, or another nation for a minimum of two and one-half years (previously this had been five years). Social work board candidates would now be required to have a bachelor’s or master’s degree from a social work program accredited by the council on social work education (rather than “approved by the board”).

There is no effective date of this bill. It is assumed that the effective date is 90 days following adjournment of the Legislature.

### **FISCAL IMPLICATIONS**

There is no appropriation in this bill.

The boards involved would incur some costs to update their regulations in accordance with the bill’s provisions. On the other hand, RLD points out that “There may be an increase in revenue for through the simplification of the reciprocity process as more applicants may apply for licensure in NM.”

### **SIGNIFICANT ISSUES**

RLD states that the changes made in this bill will modernize and simplify the process for members of each of these professions to become and remain licensed in New Mexico, which might increase the number of valuable members of these professions available to New Mexico residents.

CYFD makes the same point with respect to its employees in these professions: “This bill allows for behavioral health providers to become licensed more quickly upon moving into the state, which could increase the job candidate pool for CYFD positions that require licensed behavioral health professionals; positions that currently have a significant vacancy rate. Both the change in requirements for those moving into the state and the use of technology for supervision could result lead to more licensed behavioral health providers in the state, which would directly benefit the children, youth and families CYFD serves. An increase in qualified providers leads to shorter waiting time for services and allows families to have more choice in their providers. Additionally, the extension of temporary and provisional licenses during federal or state health emergency would allow those provisionally or temporarily licensed to remain in positions within CYFD where being licensed is a requirement despite any issues related to a health emergency, allowing these behavioral health providers to continue to provide services despite obstacles a health emergency may cause, keeping CYFD children, youth, and families in services they are actively involved in without disruption.”

HSD comments that “The bill’s licensure modifications align with HSD’s efforts to reduce barriers to telehealth and to expanding the behavioral health workforce.”