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HOUSE BILL 183

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

JEANNETTE WALLACE

AN ACT

RELATING TO STATE AGENCIES; PROVIDING SUNSETTING PROVISIONS FOR CERTAIN ACTS AND BOARDS OF VARIOUS TRADES AND PROFESSIONS; AMENDING AND REPEALING VARIOUS SECTIONS OF THE NMSA 1978 THAT RELATE TO REGULATION AND LICENSURE.

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

Section 1. Section 61-7A-5 NMSA 1978 (being Laws 1989, Chapter 387, Section 5) is amended to read:

"61-7A-5. BOARD CREATED. --

A. There is created the "nutrition and dietetics practice board", administratively attached to the regulation and licensing department. The board shall consist of ~~[seven]~~ five members who are New Mexico residents and who are appointed by the governor for staggered three-year terms. Three members shall be licensed dietitians ~~[and]~~ or nutritionists with at

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1 least three years of nutrition or dietetics practice in New
2 Mexico and ~~[four]~~ two members shall represent the public. ~~[The~~
3 ~~initial three professional members appointed shall meet the~~
4 ~~requirements for licensure and be licensed by the deadline~~
5 ~~specified for licensure in the Nutrition and Dietetics Practice~~
6 ~~Act]~~ There shall be at least one dietitian and at least one
7 nutritionist on the board at all times. The public members
8 shall not have been licensed as a dietitian or nutritionist or
9 have any financial interest, direct or indirect, in the
10 professions regulated.

11 ~~[B. Initial appointments to the board shall be made~~
12 ~~in such a manner that two members shall be appointed to a one-~~
13 ~~year term expiring June 30, 1990; three members shall be~~
14 ~~appointed for one-year terms expiring June 30, 1991; and two~~
15 ~~members shall be appointed for three-year terms expiring June~~
16 ~~30, 1992. Thereafter, the members of the board shall be~~
17 ~~appointed for three-year terms.~~

18 ~~C.]~~ B. Each member shall hold office until the
19 expiration of the term for which appointed or until a successor
20 has been appointed. Vacancies shall be filled for the balance
21 of the unexpired term within ninety days of the vacancy by
22 appointment ~~[of]~~ by the governor.

23 ~~[D.]~~ C. No board member shall serve more than two
24 full terms ~~[consecutively]~~.

25 ~~[E.]~~ D. The board shall elect annually a chairman

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1 and such other officers as it deems necessary. The board shall
2 meet as often as necessary for the conduct of business, but no
3 less than twice a year. Meetings shall be called by the
4 chairman or upon the written request of [~~three~~] two or more
5 members of the board. [~~Four~~] Three members, at least two of
6 whom are professional members and at least [~~two~~] one of whom
7 [~~are~~] is a public [~~members~~] member, shall constitute a quorum
8 Any member failing to attend, after proper notice, three
9 consecutive meetings shall automatically be removed as a board
10 member.

11 [~~F.-~~] E. The members of the board shall be reimbursed
12 as provided for nonsalaried public officers in the Per Diem and
13 Mileage Act and shall receive no other compensation, perquisite
14 or allowance. "

15 Section 2. Section 61-7A-6 NMSA 1978 (being Laws 1989,
16 Chapter 387, Section 6) is amended to read:

17 "61-7A-6. BOARD--DUTIES. --

18 A. The board shall:

19 (1) develop and administer an appropriate
20 examination for qualified applicants;

21 [~~(1)~~] (2) evaluate the qualifications of
22 applicants for licensure under the Nutrition and Dietetics
23 Practice Act;

24 [~~(2)~~] (3) issue licenses to applicants who meet
25 the requirements of the Nutrition and Dietetics Practice Act;

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1 [~~(3)~~] (4) investigate persons engaging in
2 practices that may violate the provisions of the Nutrition and
3 Dietetics Practice Act;

4 [~~(4)~~] (5) revoke, suspend or deny a license in
5 accordance with the provisions of the Uniform Licensing Act;

6 [~~(5)~~] (6) adopt an annual budget;

7 [~~(6)~~] (7) adopt a code of ethics; and

8 [~~(7)~~] (8) adopt in accordance with the Uniform
9 Licensing Act and file in accordance with the State Rules Act
10 rules and regulations necessary to carry out the provisions of
11 the Nutrition and Dietetics Practice Act; provided, no rule or
12 regulation may be adopted, amended or repealed except by a vote
13 of [~~two-thirds~~] three-fifths of the board members.

14 B. The board may contract with the regulation and
15 licensing department for office space and administrative
16 support. "

17 Section 3. Section 61-7A-7 NMSA 1978 (being Laws 1989,
18 Chapter 387, Section 7) is amended to read:

19 "61-7A-7. LICENSURE--REQUIREMENTS. --

20 A. The board shall issue a license as a dietitian to
21 any person who files a completed application, pays all required
22 fees and certifies and furnishes evidence satisfactory to the
23 board that the applicant has a valid current registration with
24 the commission [~~which~~] that gives the applicant the right to use
25 the term "registered dietitian" or "R. D. ".

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1 B. The board shall issue a license as a nutritionist
2 to any person who files a completed application, pays all
3 required fees and certifies and furnishes evidence satisfactory
4 to the board that the applicant:

5 (1) has received a master's degree or doctorate
6 in human nutrition, nutrition education, foods and nutrition or
7 public health nutrition from a college or university accredited
8 by a member of the council on post-secondary accreditation; or

9 (2) maintains membership in one of the
10 following organizations:

11 (a) the American institute of nutrition;

12 (b) the American society for clinical
13 nutrition; or

14 (c) the American board of nutrition; and

15 (3) has successfully completed any training or
16 educational programs and other requirements set out in the rules
17 and regulations adopted pursuant to the Nutrition and Dietetics
18 Practice Act.

19 ~~[C. Notwithstanding the provisions of Subsection B~~
20 ~~of this section, the board may establish separate criteria for~~
21 ~~licensure as a nutritionist for persons who have completed~~
22 ~~coursework in the field of nutrition and dietetics beyond a~~
23 ~~baccalaureate degree in nutrition and dietetics or a related~~
24 ~~field from a college or university accredited by a member of the~~
25 ~~council on post-secondary education and who have been engaged in~~

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1 ~~nutrition and dietetics practice for a minimum of three years of~~
2 ~~the five years immediately preceding June 30, 1990 and who apply~~
3 ~~for licensure no later than December 31, 1990.]~~

4 C. Notwithstanding the provisions of Subsections A
5 and B of this section, the board shall issue a license to an
6 applicant who pays all required fees and who successfully passes
7 a state examination, as established in Subsection A of Section
8 61-7A-6 NMSA 1978.

9 D. The board shall issue a license as a nutrition
10 associate to any person who files a completed application, pays
11 all required fees and certifies and furnishes evidence
12 satisfactory to the board that the applicant:

13 (1) has received a baccalaureate or higher
14 degree from a college or university accredited by a member of
15 the council on post-secondary accreditation and fulfilled
16 minimum academic requirements in the field of dietetics and
17 related disciplines as approved by the association; and

18 (2) works under the supervision of a dietitian
19 or nutritionist. Such supervision shall include a minimum of
20 four hours onsite supervision per month plus phone consultation
21 as needed.

22 E. A valid license issued pursuant to the Nutrition
23 and Dietetics Practice Act shall be displayed at the licensee's
24 place of employment.

25 F. Licenses, including initial licenses, shall be

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1 issued for a period of one year. "

2 Section 4. Section 61-7A-15 NMSA 1978 (being Laws 1989,
3 Chapter 387, Section 15) is amended to read:

4 "61-7A-15. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --
5 The board is terminated on July 1, [1995] 1997 pursuant to the
6 Sunset Act. The board shall continue to operate according to
7 the provisions of the Nutrition and Dietetics Practice Act until
8 July 1, [1996] 1998. Effective July 1, [1996] 1998, the
9 Nutrition and Dietetics Practice Act is repealed. "

10 Section 5. Section 61-9-3 NMSA 1978 (being Laws 1963,
11 Chapter 92, Section 3, as amended) is amended to read:

12 "61-9-3. DEFINITIONS. --As used in the Professional
13 Psychologist Act:

14 A. "board" means the New Mexico state board of
15 psychologist examiners;

16 B. "department" means the regulation and licensing
17 department or the division of the department designated to
18 administer the provisions of the Professional Psychologist Act;

19 [~~B-~~] C. "person" includes an individual, firm,
20 partnership, association or corporation;

21 [~~C-~~] D. "psychologist" means any person who engages
22 in the practice of psychology or holds himself out to the public
23 by any title or description of services representing himself as
24 a psychologist, which incorporates the words "psychological",
25 "psychologist", "psychology", or when a person describes himself

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1 as above and, under such title or description, offers to render
2 or renders services involving the application of principles,
3 methods and procedures of the science and profession of
4 psychology to persons for compensation or other personal gain;

5 ~~[D-]~~ E. "practice of psychology" means the
6 observation, description, evaluation, interpretation and
7 modification of human behavior by the application of
8 psychological principles, methods and procedures for the purpose
9 of preventing or eliminating symptomatic, maladaptive or
10 undesired behavior and of enhancing interpersonal relationships,
11 work and life adjustment, personal effectiveness, behavioral
12 health and mental health, and further means the rendering of
13 such psychological services to individuals, families or groups
14 regardless of whether payment is received for services rendered.
15 The practice of psychology includes, but is not limited to,
16 psychological testing or neuropsychological testing and the
17 evaluation or assessment of personal characteristics such as
18 intelligence, personality, abilities, interests, aptitudes and
19 neuropsychological functioning; counseling, psychoanalysis,
20 psychotherapy, hypnosis, biofeedback, behavior analysis and
21 therapy; diagnosis and treatment of any mental and emotional
22 disorder or disability, alcoholism and substance abuse,
23 disorders of habit or conduct and the psychological aspects of
24 physical illness, accident, injury and disability; and
25 psychoeducational evaluation, therapy, remediation and

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1 consultation; and

2 [E-] E. "school" or "college" means any university
3 or other institution of higher learning offering a full-time
4 graduate course of study in psychology, which is regionally
5 accredited or whose accreditation as an institution of higher
6 learning is recognized by the state department of public
7 education or is satisfactory to the board."

8 Section 6. Section 61-9-5 NMSA 1978 (being Laws 1989,
9 Chapter 41, Section 5, as amended) is amended to read:

10 "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND.--

11 A. There is created a "New Mexico state board of
12 psychologist examiners" consisting of eight members appointed by
13 the governor who are residents of New Mexico and who shall serve
14 for three-year staggered terms. No board member shall serve
15 more than two terms. The members shall be appointed as follows:

16 (1) four members shall be professional members
17 who are licensed under the Professional Psychologist Act as
18 psychologists [~~The governor shall appoint the professional~~
19 ~~members~~] and may be appointed from a list of names nominated by
20 the New Mexico psychological association, the state psychologist
21 association and the New Mexico school psychologist association;

22 (2) one member shall be licensed under the
23 Professional Psychologist Act as a psychologist or psychologist
24 associate; and

25 (3) three members shall be public members who

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1 are laymen and have no significant financial interest, direct or
2 indirect, in the practice of psychology.

3 B. Each member shall hold office until the
4 expiration of his appointed term or until a successor is duly
5 appointed. When the term of each member ends, the governor
6 shall appoint his successor for a term of three years. Any
7 vacancy occurring in the board membership other than by
8 expiration of term shall be filled by the governor by
9 appointment for the unexpired term of the member. The governor
10 may remove any board member for misconduct, incompetency or
11 neglect of duty. Any member failing to attend, after proper
12 notice, three consecutive meetings shall automatically be
13 removed as a board member.

14 C. All money received by the board shall be credited
15 to the "psychology fund", and a receipt for the same shall be
16 kept by the secretary-treasurer of the board. The members of
17 the board may be reimbursed as provided in the Per Diem and
18 Mileage Act, but shall receive no other compensation, perquisite
19 or allowance. The secretary-treasurer may receive such salary
20 as the board determines. The sums, together with all other
21 incidental expenses of the board, shall be approved by the board
22 and sent to the auditor for payment."

23 Section 7. Section 61-9-6 NMSA 1978 (being Laws 1963,
24 Chapter 92, Section 5, as amended) is amended to read:

25 "61-9-6. BOARD--MEETING--POWERS.--

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1 A. The board shall, annually in the month of July,
2 hold a meeting and elect from its membership a chairman and vice
3 chairman. The board shall meet at such other times as it deems
4 necessary or advisable or as deemed necessary and advisable by
5 the chairman or a majority of its members or the governor.
6 Reasonable notice of all meetings shall be given in the manner
7 prescribed by the board. A majority of the board constitutes a
8 quorum at any meeting or hearing.

9 B. The board is authorized to:

10 (1) adopt and from time to time revise such
11 rules and regulations not inconsistent with the law as may be
12 necessary to carry into effect the provisions of the
13 Professional Psychologist Act. Such rules and regulations shall
14 include but not be limited to a code of conduct for
15 psychologists and psychologist associates in the state;

16 (2) employ, within the funds available, a
17 secretary and other personnel necessary for the proper
18 performance of its work under the Professional Psychologist Act;

19 (3) adopt a seal, and the secretary shall have
20 the care and custody of the seal;

21 (4) examine for, approve, deny, revoke, suspend
22 and renew the licensure of psychologist and psychologist
23 associate applicants as provided in the Professional
24 Psychologist Act;

25 (5) conduct hearings upon complaints concerning

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1 the disciplining of a psychologist or psychologist associate;
2 [~~and~~]

3 (6) enforce all provisions of the Professional
4 Psychologist Act and all rules and regulations adopted under
5 that act; and

6 [~~(6)~~] (7) cause the prosecution and enjoinder
7 of all persons violating the Professional Psychologist Act and
8 incur necessary expenses therefor.

9 C. Within sixty days after the close of each fiscal
10 year, the board shall submit a written or printed report,
11 reviewed and signed by the board members, to the governor
12 concerning the work of the board during the preceding fiscal
13 year. The report shall include the names of all psychologists
14 and psychologist associates to whom licenses have been granted;
15 any cases heard and decisions rendered in relation to the work
16 of the board; the recommendations of the board as to future
17 policies; the names, remuneration and duties of any employees of
18 the board; and an account of all money received and expended by
19 the board. "

20 Section 8. Section 61-9-19 NMSA 1978 (being Laws 1978,
21 Chapter 188, Section 2, as amended) is amended to read:

22 "61-9-19. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --The
23 New Mexico state board of psychologist examiners is terminated
24 on July 1, [~~1995~~] 1997 pursuant to the Sunset Act. The board
25 shall continue to operate according to the provisions of Chapter

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1 61, Article 9 NMSA 1978 until July 1, [~~1996~~] 1998. Effective
2 July 1, [~~1996~~] 1998, Article 9 of Chapter 61 NMSA 1978 is
3 repealed. "

4 Section 9. Section 61-12B-5 NMSA 1978 (being Laws 1984,
5 Chapter 103, Section 5, as amended) is amended to read:

6 "61-12B-5. ADVISORY BOARD CREATED. --

7 A. The superintendent shall appoint an "advisory
8 board of respiratory care practitioners" consisting of [~~eight~~]
9 five members as follows:

10 (1) one physician licensed in New Mexico who is
11 knowledgeable in respiratory care;

12 (2) [~~three~~] two respiratory care practitioners;
13 and

14 (3) [~~four~~] two public members who are residents
15 of New Mexico. The public members shall not have been licensed
16 as respiratory care practitioners nor shall they have any
17 financial interest, direct or indirect, in the occupation
18 regulated.

19 B. Each member shall serve [~~a term of three years.~~]
20 ~~The initial appointments to the board shall be as follows:~~

21 (1) ~~two members for one year terms;~~

22 (2) ~~two members for two year terms; and~~

23 (3) ~~two members for three year terms]~~ no more
24 than two three-year terms.

25 C. The members of the board shall receive per diem

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1 and mileage as provided for nonsalaried public officers in the
2 Per Diem and Mileage Act and shall receive no other
3 compensation, perquisite or allowance in connection with the
4 discharge of their duties as board members. Three members,
5 including at least one public member, constitute a quorum.

6 D. Any member failing, after proper notice, to
7 attend any three consecutive meetings of the board without a
8 reasonable excuse shall be automatically removed from the
9 board. "

10 Section 10. Section 61-12B-9 NMSA 1978 (being Laws 1984,
11 Chapter 103, Section 9, as amended) is amended to read:

12 "61-12B-9. OTHER LICENSING PROVISIONS. --

13 A. The department, in consultation with the board,
14 shall adopt rules and regulations for mandatory continuing
15 education requirements ~~[which]~~ that shall be completed as a
16 condition for renewal of any license issued ~~[under]~~ pursuant to
17 provisions of the Respiratory Care Act.

18 B. The department, in consultation with the board,
19 may adopt rules and regulations for issuance of temporary
20 permits for students and graduates of approved training programs
21 to practice limited respiratory care under the direct
22 supervision of a licensed respiratory care practitioner or
23 physician. Rules and regulations shall be adopted defining, for
24 the purposes of the Respiratory Care Act, the terms "students"
25 and "direct supervision".

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1 C. The license issued by the department shall
2 describe the licensed person as a "respiratory care practitioner
3 licensed by the New Mexico regulation and licensing department"
4 and shall be displayed in the licensee's place of business.

5 D. Unless licensed as a respiratory care
6 practitioner [~~under~~] pursuant to provisions of the Respiratory
7 Care Act, no person shall use the title "respiratory care
8 practitioner", the abbreviation "R. C. P." or any other title or
9 abbreviation to indicate that the person is a licensed
10 respiratory care practitioner.

11 E. A copy of the valid license or temporary permit
12 issued pursuant to the Respiratory Care Act shall be [~~kept on~~
13 ~~file~~] displayed at the respiratory care practitioner's place of
14 employment.

15 F. Licenses, including initial licenses, shall be
16 issued for a period of two years. "

17 Section 11. Section 61-12B-16 NMSA 1978 (being Laws 1984,
18 Chapter 103, Section 17, as amended) is amended to read:

19 "61-12B-16. TERMINATION OF BOARD--DELAYED REPEAL. --The
20 board is terminated on July 1, [~~1995~~] 1997 pursuant to the
21 Sunset Act. The board shall continue to operate until July 1,
22 [~~1996~~] 1998. Effective July 1, [~~1996~~] 1998, the Respiratory
23 Care Act is repealed. "

24 Section 12. Section 61-14B-17 NMSA 1978 (being Laws 1990,
25 Chapter 16, Section 4) is amended to read:

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1 "61-14B-17. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --
2 The speech-language pathology and audiology advisory board is
3 terminated on July 1, [1995] 1997 pursuant to the Sunset Act.
4 The board shall continue to operate according to the provisions
5 of Chapter 61, Article 14B NMSA 1978 until July 1, [1996] 1998.
6 Effective July 1, [~~1996 Chapter 61~~] 1998, Article 14B of Chapter
7 61 NMSA 1978 is repealed. "

8 Section 13. Section 61-24A-21 NMSA 1978 (being Laws 1991,
9 Chapter 46, Section 12) is amended to read:

10 "61-24A-21. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --
11 The [~~board of~~] hearing aid [~~dispensers~~] advisory board is
12 terminated on July 1, [1995] 1997. The board shall continue to
13 operate according to the provisions of Chapter 61, Article 24A
14 NMSA 1978 until July 1, [1996] 1998. Effective July 1, [1996
15 ~~Sections 61-24A-1 through 61-24A-20 (being Laws 1979, Chapter~~
16 ~~349, Sections 1 through 15, Section 8 of this act, Laws 1979,~~
17 ~~Chapter 349, Sections 17 and 18, and Sections 9 and 10 of this~~
18 ~~act) are] 1998, Article 24A of Chapter 61 NMSA 1978 is
19 repealed. "~~

20 Section 14. Section 61-31-6 NMSA 1978 (being Laws 1989,
21 Chapter 51, Section 6) is amended to read:

22 "61-31-6. SCOPE OF PRACTICE. --

23 A. For the purposes of the Social Work Practice Act,
24 a person is practicing social work if he advertises, offers
25 himself to practice, is employed in a position described as

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1 social work or holds out to the public or represents in any
2 manner that he is licensed to practice social work in this
3 state.

4 B. Social work practice means a professional service
5 and emphasizes the use of specialized knowledge of social
6 resources, social systems and human capabilities to effect
7 change in human behavior, emotional responses and social
8 conditions. Services may be rendered through direct assistance
9 to individuals, couples, families, groups and community
10 organizations. Social work practice focuses on both direct and
11 indirect services to facilitate change on the intrapersonal,
12 interpersonal and systemic levels. Areas of specialization
13 [which] that address these include but are not limited to the
14 following:

15 (1) clinical social work practice, which is the
16 professional application of social work theory and methods in
17 the diagnosis, treatment and prevention of psychosocial
18 dysfunction, disability or impairment, including but not limited
19 to emotional and mental disorders. It is based on knowledge of
20 one or more theories of human development within a psychosocial
21 context. Clinical social work includes interventions directed
22 to interpersonal interactions, intrapsychic dynamics or life
23 support and management issues. Clinical social work services
24 consist of assessment, diagnosis and treatment, including
25 psychotherapy and counseling, client-centered advocacy,

1 consultation and evaluation;

2 (2) social work research practice, which is the
3 professional study of human capabilities and practice of social
4 work specialties, including direct and indirect practice,
5 through the formal organization and the methodology of data
6 collection and the analysis and evaluation of social work data;

7 (3) social work community organization,
8 planning and development practice, which is a conscious process
9 of social interaction and method of social work concerned with
10 the meeting of broad needs and bringing about and maintaining
11 adjustment between needs and resources in a community or other
12 areas; helping people to deal more effectively with their
13 problems and objectives by helping them develop, strengthen and
14 maintain qualities of participation, self-direction and
15 cooperation; and bringing about changes in community and group
16 relationships and in the distribution of decision-making power.
17 The community is the primary client in community organizations.
18 The community may be an organization, neighborhood, city,
19 county, state or national entity;

20 (4) social work administration, which is the
21 practice that is concerned primarily with translating laws,
22 technical knowledge and administrative rulings into
23 organizational goals and operational policies to guide
24 organizational behavior; designing organizational structure and
25 procedures or processes through which social work goals can be

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1 achieved; and securing resources in the form of material, staff,
2 clients and societal legitimation necessary for goal attainment
3 and organizational survival; and

4 (5) university social work [~~education-practice~~]
5 faculty, which provides an equal quality of social work
6 education in identified areas of content; prepares graduates to
7 practice in a range of geographic areas with diverse
8 populations; and establishes the foundation for practitioners'
9 professional futures, exposing them to the best of current
10 knowledge and developing in them the ability to continue
11 questioning and learning, as well as an awareness of their
12 responsibility to continue this professional development."

13 Section 15. Section 61-31-7 NMSA 1978 (being Laws 1989,
14 Chapter 51, Section 7) is amended to read:

15 "61-31-7. BOARD CREATED. --

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

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

20 C. The board shall consist of [~~ten~~] seven members
21 who are representative of the geographic and ethnic groups
22 within New Mexico, who are United States citizens and who have
23 been New Mexico residents for at least five years prior to their
24 appointment. [~~From~~] Of the [~~ten~~] seven members:

25 (1) four members shall have been engaged in

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1 social work practice for at least five years; ~~[and each]~~ at
2 least two of the four shall hold a master's degree in social
3 work; and at least two shall hold a bachelor's degree in social
4 work from ~~[a graduate school]~~ schools of social work that ~~[is]~~
5 are accredited by the council on social work education ~~[of~~
6 ~~which]~~. At least one [member] of these members shall be engaged
7 primarily in clinical social work practice; one member shall be
8 engaged primarily in education; one member shall be engaged
9 primarily in administration or research in social work practice;
10 and at least one member shall be engaged primarily in community
11 organization, planning and development. These members shall not
12 hold office in any professional organization of social workers
13 during their tenure on the board; and

14 ~~[(2) one member shall hold a bachelor's degree~~
15 ~~in social work from a program accredited by the council on~~
16 ~~social work education, shall have been engaged in social work~~
17 ~~practice for at least two years and shall not hold office in any~~
18 ~~professional organization of social workers during his tenure on~~
19 ~~the board; and~~

20 ~~(3) five]~~ (2) three members shall represent
21 the public. The public members shall not have been licensed or
22 have practiced as social workers. Public members shall not have
23 any significant financial interest, whether direct or indirect,
24 in social work practice.

25 D. Members of the board shall be appointed by the

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1 governor for staggered terms of three years, except that, in
2 making the initial appointments, three members shall be
3 appointed for [~~a term~~] terms ending June 30, 1990; three members
4 for terms ending June 30, 1991; and four members for terms
5 ending June 30, 1992. Each member shall hold office until his
6 successor is appointed. Vacancies shall be filled for the
7 unexpired term in the same manner as original appointments.

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

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

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

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

19 I. The board shall meet at least once a year and at
20 such other times as it deems necessary. Other meetings may be
21 called by the chairman upon the written request of a quorum of
22 the board.

23 J. The governor may remove any member from the board
24 for the neglect of any duty required by law, for incompetence,
25 for improper or unprofessional conduct as defined by board

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1 regulation or for any reason that would justify the suspension
2 or revocation of his license to practice social work.

3 K. No board member shall serve more than two
4 consecutive terms, and any member failing to attend, after
5 proper notice, three executive meetings shall automatically be
6 removed as a board member, unless excused for reasons set forth
7 in board regulations.

8 L. In the event of a vacancy for any reason, the
9 board secretary shall immediately notify the governor [~~the board~~
10 ~~members~~] and the board [~~of social work examiners~~] of the vacancy
11 and the reason for its occurrence [~~and the action taken by the~~
12 ~~board so as~~] to expedite the appointment of a new board member
13 within a six-month period. "

14 Section 16. Section 61-31-14 NMSA 1978 (being Laws 1989,
15 Chapter 51, Section 14) is amended to read:

16 "61-31-14. LICENSE RENEWAL. --

17 A. Each licensee shall renew his license annually by
18 submitting a renewal application on a form provided by the
19 board. At the time of license renewal, the board shall require
20 a licensee to produce evidence of continuing education, as
21 prescribed by the board.

22 B. A [~~sixty-day~~] thirty-day grace period shall be
23 allowed each licensee after each annual licensing period, during
24 which time licenses may be renewed upon payment of the renewal
25 fee and providing evidence of continuing education as required

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1 under the Social Work Practice Act.

2 C. Any licensee who allows his license to lapse for
3 longer than [~~six~~] three months shall have [~~such~~] the license
4 automatically revoked and shall be required to take a written
5 examination.

6 D. A late penalty fee shall be assessed after the
7 [~~sixty-day~~] thirty-day grace period has expired for anyone
8 attempting to renew a license to practice social work. "

9 Section 17. Section 61-31-25 NMSA 1978 (being Laws 1989,
10 Chapter 51, Section 27) is amended to read:

11 "61-31-25. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --
12 The board of social work examiners is terminated on July 1,
13 [~~1995~~] 1997 pursuant to the Sunset Act. The board shall
14 continue to operate according to the provisions of the Social
15 Work Practice Act until July 1, [~~1996~~] 1998. Effective July 1,
16 [~~1996~~] 1998, the Social Work Practice Act is repealed. "

17 Section 18. TEMPORARY PROVISION--EXTENDED EFFECTIVE
18 DATE. --Vacancies on the board of social work examiners existing
19 July 1, 1996 shall not be filled. The provisions of Paragraph
20 (1) of Subsection C of Section 61-31-7 NMSA 1978 shall be
21 implemented when board members serving upon the effective date
22 of this act are replaced due to term expiration.

23 Section 19. REPEAL. --Sections 12-9-13 through 12-9-16.1
24 NMSA 1978 (being Laws 1981, Chapter 241, Sections 3 through 6
25 and Laws 1990, Chapter 16, Section 1, as amended) are repealed.

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Section 20. EFFECTIVE DATE. -- The effective date of the provisions of this act is July 1, 1996.

- 24 -

State of New Mexico House of Representatives

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

February 1, 1996

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 183

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Macko, Roberts, Taylor, J. G.

Absent: None

H0183GU1

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 5, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 183

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 14, after "LICENSURE" insert "
DECLARING AN EMERGENCY"

2. On page 24, strike lines 1 and 2 and insert in lieu
thereof:

"Section 20. EMERGENCY.--It is necessary for the public
peace, health and safety that this act take effect immediately."

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HB183

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Respectfully submitted,

Max Coll, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 12 For 0 Against

Yes: 12

Excused: Bird, Casey, Martinez, Reyes, Townsend, Varela

Absent: none

H0183AF1

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

1 HB183

Page 29

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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February 9, 1996

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10 Mr. President:

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Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

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HOUSE BILL 183, as amended

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has had it under consideration and reports same with
recommendation that it DO PASS.

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Respectfully submitted,

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Shannon Robinson, Chairman

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Adopted _____ Not Adopted _____

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

1 HB183

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Naranjo, E. Jennings, Garcia

Absent: None

H0183PA1

Underscored material = new
[bracketed material] = delete