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HOUSE BILL 556

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Art Hawkins

AN ACT

RELATING TO SOCIAL WORK; AMENDING THE SOCIAL WORK PRACTICE  
ACT; CHANGING DEFINITIONS; CHANGING LICENSE REQUIREMENTS;  
CHANGING BOARD AUTHORITY AND MEMBERSHIP.

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

Section 1. Section 61-31-3 NMSA 1978 (being Laws 1989,  
Chapter 51, Section 3) is amended to read:

"61-31-3. DEFINITIONS. -- As used in the Social Work  
Practice Act:

A. "advisory committee" means an evaluation  
advisory committee;

B. "appropriate supervision" means supervision [ by  
~~an independent social worker or a master social worker with~~  
~~two years of supervised social work practice experience or~~  
~~other supervision which is deemed by the board to be~~

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1 ~~equivalent to supervision by a master social worker~~] provided  
2 by an individual qualified by the board of social work  
3 examiners;

4 C. "baccalaureate social worker" means a person  
5 who uses the title of social worker and has a bachelor's  
6 degree in social work from a program [ ~~accredited by the~~  
7 ~~council on social work education~~] approved by the board of  
8 social work examiners;

9 D. "board" means the board of social work  
10 examiners;

11 E. "department" means the regulation and licensing  
12 department;

13 F. "executive agency" means any agency within the  
14 executive branch of government;

15 G. "independent social worker" means a person who  
16 uses the title of social worker and has a master's degree in  
17 social work from a graduate school of social work [ ~~accredited~~  
18 ~~by the council on social work education~~] approved by the board  
19 and who has had two years of postgraduate social work practice  
20 under appropriate supervision;

21 H. "master social worker" means a person who uses  
22 the title of social worker and has a master's degree in social  
23 work from a graduate school of social work [ ~~accredited by the~~  
24 ~~council on social work education~~] approved by the board; and

25 I. "professional code of ethics" means a code of

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1 ethics and rules adopted by the board, designed to protect the  
2 public and to regulate the professional conduct of social  
3 workers. "

4 Section 2. Section 61-31-4 NMSA 1978 (being Laws 1989,  
5 Chapter 51, Section 4, as amended) is amended to read:

6 "61-31-4. LICENSE REQUIRED. -- [A-] Effective January 1,  
7 1990, unless licensed to practice social work under the Social  
8 Work Practice Act, no person shall:

9 [(1)] A. practice as [~~an independent~~] a social  
10 worker as defined in the Social Work Practice Act; or

11 [(2)] B. use the title or represent himself as a  
12 licensed social worker or use any other title, abbreviation,  
13 letters, figures, signs or devices that indicate the person is  
14 licensed as a social worker.

15 [~~B. Notwithstanding the provisions of Subsection A~~  
16 ~~of this section, any individual who is employed in an~~  
17 ~~executive agency on or after the effective date of the Social~~  
18 ~~Work Practice Act under the title of social worker or other~~  
19 ~~title which is deemed to be social work practice by the board~~  
20 ~~and who has a bachelor's degree or higher in a field other~~  
21 ~~than social work shall not be required to be licensed until~~  
22 ~~July 1, 1992; provided any employee of an executive agency who~~  
23 ~~qualifies for licensure under the provisions of the Social~~  
24 ~~Work Practice Act shall apply for licensure as provided in~~  
25 ~~that act. ]"~~

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1           Section 3.   Section 61-31-7 NMSA 1978 (being Laws 1989,  
2 Chapter 51, Section 7, as amended) is amended to read:

3           "61-31-7.   BOARD CREATED. --

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

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

8                   C.   The board shall consist of seven members who  
9 are representative of the geographic and ethnic groups within  
10 New Mexico, who are United States citizens and who have been  
11 New Mexico residents for at least five years prior to their  
12 appointment.   Of the seven members:

13                           (1)   four members shall have been engaged in  
14 social work practice for at least five years; at least two of  
15 the four shall hold a master's degree in social work; and at  
16 least two shall hold a bachelor's degree in social work from  
17 schools of social work that are [~~accredited by the council on~~  
18 ~~social work education~~] approved by the board.   At least one of  
19 these members shall be engaged primarily in clinical social  
20 work practice; one member shall be engaged primarily in  
21 education; one member shall be engaged primarily in  
22 administration or research in social work practice; and at  
23 least one member shall be engaged primarily in community  
24 organization, planning and development.   These members shall  
25 not hold office in any professional organization of social

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1 workers during their tenure on the board; and

2 (2) three members shall represent the public.

3 The public members shall not have been licensed or have  
4 practiced as social workers. Public members shall not have  
5 any significant financial interest, whether direct or  
6 indirect, in social work practice.

7 D. Members of the board shall be appointed by the  
8 governor for staggered terms of three years [ ~~except that, in~~  
9 ~~making the initial appointments, three members shall be~~  
10 ~~appointed for terms ending June 30, 1990; three members for~~  
11 ~~terms ending June 30, 1991; and four members for terms ending~~  
12 ~~June 30, 1992~~]. Each member shall hold office until his  
13 successor is appointed. Vacancies shall be filled for the  
14 unexpired term in the same manner as original appointments.

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

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

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

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

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

5 J. The governor may remove any member from the  
6 board for the neglect of any duty required by law, for  
7 incompetence, for improper or unprofessional conduct as  
8 defined by board regulation or for any reason that would  
9 justify the suspension or revocation of his license to  
10 practice social work.

11 K. No board member shall serve more than two  
12 consecutive terms, and any member failing to attend, after  
13 proper notice, three executive meetings shall automatically be  
14 removed as a board member, unless excused for reasons set  
15 forth in board regulations.

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

21 Section 4. Section 61-31-8 NMSA 1978 (being Laws 1989,  
22 Chapter 51, Section 8) is amended to read:

23 "61-31-8. BOARD'S AUTHORITY.--In addition to any  
24 authority provided by law, the board shall have the authority  
25 to:

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1           A. adopt and file, in accordance with the State  
2 Rules Act, rules and regulations necessary to carry out the  
3 provisions of the Social Work Practice Act, in accordance with  
4 the provisions of the Uniform Licensing Act, including the  
5 procedures for an appeal of an examination failure;

6           B. select, prepare and administer, at least  
7 annually, [~~written~~] examinations for licensure, which [~~shall~~]  
8 may include a testing of the knowledge of New Mexico cultures;

9           C. adopt a professional code of ethics;

10          D. appoint advisory committees pursuant to Section  
11 [~~19 of the Social Work Practice Act~~] 61-31-19 NMSA 1978;

12          E. conduct hearings on an appeal of a denial of a  
13 license based on the applicant's failure to meet the minimum  
14 qualifications for licensure. The hearing shall be conducted  
15 pursuant to the Uniform Licensing Act;

16          F. require and establish criteria for continuing  
17 education;

18          G. issue subpoenas, statements of charges,  
19 statements of intent to deny licenses and orders and delegate  
20 in writing to a designee the authority to issue subpoenas,  
21 statements of charges and statements of intent to deny  
22 licenses and establish procedures for receiving, investigating  
23 and conducting hearings on complaints;

24          H. approve appropriate supervision for those  
25 persons seeking licensure as [~~an~~] independent social [~~worker~~]

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1 workers;

2 I. issue provisional licenses and licenses based  
3 on credentials to persons meeting the requirements set forth  
4 in the Social Work Practice Act;

5 J. determine qualifications for licensure;

6 K. set fees for licenses as authorized by the  
7 Social Work Practice Act and authorize all disbursements  
8 necessary to carry out the provisions of the Social Work  
9 Practice Act;

10 L. approve the selection of primary staff assigned  
11 to the board;

12 M. contract with the department for the provisions  
13 of space and administrative support; and

14 N. keep a record of all proceedings and shall make  
15 an annual report to the governor. "

16 Section 5. Section 61-31-9 NMSA 1978 (being Laws 1989,  
17 Chapter 51, Section 9) is amended to read:

18 "61-31-9. REQUIREMENTS FOR LICENSURE. --

19 A. The board shall issue a license as a  
20 baccalaureate social worker to any person who files a  
21 completed application, accompanied by the required fees, and  
22 who submits satisfactory evidence that the applicant:

23 (1) has reached the age of majority;

24 (2) has at least a bachelor's degree in  
25 social work from a program [ ~~accredited by the council on~~

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1 ~~social work education]~~ approved by the board; and

2 (3) demonstrates professional competence by  
3 satisfactorily passing [~~a written~~] an examination as  
4 prescribed by the board.

5 B. The board shall issue a license as a master  
6 social worker to any person who files a completed application,  
7 accompanied by the required fees, and who submits satisfactory  
8 evidence that the applicant:

9 (1) has reached the age of majority;

10 (2) has obtained a master's or doctoral  
11 degree in social work from a graduate school of social work  
12 [~~accredited by the council on social work education]~~ approved  
13 by the board; and

14 (3) demonstrates professional competence by  
15 satisfactorily passing a written examination as prescribed by  
16 the board.

17 C. The board shall issue a license as an  
18 independent social worker to any person who files a completed  
19 application, accompanied by the required fees, and who submits  
20 satisfactory evidence that the applicant:

21 (1) has reached the age of majority;

22 (2) has obtained a master's or doctoral  
23 degree in social work from a graduate school of social work  
24 [~~accredited by the council on social work education]~~ approved  
25 by the board;

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1 (3) has two years of postgraduate social work  
2 practice under appropriate supervision; and

3 (4) demonstrates professional competence by  
4 satisfactorily passing [~~a written~~] an examination as  
5 prescribed by the board.

6 [~~D. Notwithstanding the provisions of this section, the  
7 board may grant a license on a case-by-case basis to those  
8 employees of an executive agency who are currently practicing  
9 social work as defined in Section 6 of the Social Work  
10 Practice Act and have been so employed for at least ten years  
11 prior to the effective date of that Act.~~]"

12 Section 6. Section 61-31-13 NMSA 1978 (being Laws 1989,  
13 Chapter 51, Section 13) is amended to read:

14 "61-31-13. LICENSURE BY CREDENTIALS. --The board may  
15 license an applicant without written examination, provided  
16 [~~that he~~] the applicant possesses a valid social worker  
17 license issued by the appropriate examining board under the  
18 laws of any other state or territory of the United States, the  
19 district of Columbia or any foreign nation which, in the  
20 judgment of the board, has requirements [~~including knowledge  
21 of New Mexico cultures, substantially equivalent~~] equal to or  
22 exceeding those in the Social Work Practice Act for the  
23 licensure level sought. "

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

1 "61-31-14. LICENSE RENEWAL. --

2 A. A social worker license shall expire annually  
3 on July 1.

4 [~~A.~~] B. Each licensee shall renew his license  
5 annually prior to July 1 by submitting a renewal application  
6 on a form provided by the board. At the time of license  
7 renewal, the board shall require a licensee to produce  
8 evidence of continuing education, as prescribed by the board.

9 [~~B.~~] C. A thirty-day grace period shall be allowed  
10 each licensee after each annual licensing period, during which  
11 time licenses may be renewed upon payment of the renewal fee  
12 and providing evidence of continuing education as required  
13 under the Social Work Practice Act.

14 [~~C.~~ ~~Any licensee who allows his license to lapse~~  
15 ~~for longer than three months shall have the license~~  
16 ~~automatically revoked and shall be required to take a written~~  
17 ~~examination.~~]

18 D. Any licensee who allows his license to lapse  
19 for longer than three months shall be required to meet all  
20 licensure requirements, including taking or retaking and  
21 successfully passing all examinations and pay all financial  
22 penalties.

23 [~~D.~~] E. A late penalty fee shall be assessed after  
24 the thirty-day grace period has expired for anyone attempting  
25 to renew a license to practice social work.

1                   F. A licensee who fails to renew by the July 1  
2 deadline shall not practice social work until the license is  
3 renewed.

4                   G. The board shall retain jurisdiction for the  
5 prosecution of disciplinary actions pursuant to the provisions  
6 of Section 61-1-3.1 NMSA 1978 regardless of the status of the  
7 license under this section. "

8                   Section 8. REPEAL. -- Section 61-31-12 NMSA 1978 (being  
9 Laws 1989, Chapter 55, Section 12, as amended) is repealed.

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