

AN ACT

RELATING TO LICENSING; PROVIDING AN EXEMPTION FROM THE COUNSELING
AND THERAPY PRACTICE ACT FOR PEER COUNSELORS IN CERTAIN CHEMICAL
DEPENDENCY RECOVERY PROGRAMS.

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

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Section 1. Section 61-9A-6 NMSA 1978 (being Laws 1993, Chapter 49,
Section 6, as amended) is amended to read:

"61-9A-6. EXEMPTIONS.--

A. Nothing in the Counseling and Therapy Practice Act shall be
construed to prevent:

(1) a person who is licensed, certified or regulated under the
laws of this state from engaging in activities consistent with the standards and ethics of
his profession or practice; or

(2) an alternative, metaphysical or holistic practitioner from
engaging in nonclinical activities consistent with the standards and codes of ethics of
that practice.

B. Specifically exempted from the Counseling and Therapy Practice Act
are:

(1) elementary and secondary school counselors acting on
behalf of their employer who are otherwise regulated;

(2) peer counselors of domestic violence or independent-living
peer counselors working under appropriate supervision in a nonprofit corporation,
association or similar entity;

(3) duly ordained, commissioned or licensed ministers of a church or lay pastoral-care assistants providing pastoral services on behalf of a church;

(4) a person who is enrolled in an internship or practicum under appropriate supervision and is in the internship or practicum for the sole purpose of acquiring an advanced degree in mental health counseling, marriage and family therapy or art therapy or a degree in substance abuse counseling;

(5) practitioners of Native American healing arts; and

(6) individuals who serve as peer counselors for a twelve-step recovery program or a similar self-help chemical dependency recovery program that:

- (a) does not offer chemical dependency treatment;
- (b) does not charge program participants a fee; and
- (c) allows program participants to maintain anonymity.

C. Nothing in this section shall be construed to allow an individual who has lost his/her license or has had his/her license suspended from the New Mexico counseling and therapy practice board or the New Mexico board of psychology examiners to avoid such loss or suspension by utilizing this exemption."

Section 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005.

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