

FORTY-SIXTH LEGISLATURE
FIRST SESSION, 2003

February 11, 2003

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has been referred

HOUSE BILL 145

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

1. On page 1, line 12, before the period insert "; AMENDING THE PROFESSIONAL PSYCHOLOGIST ACT TO ELIMINATE CERTAIN EXPERIENCE REQUIREMENTS; SPECIFYING THE CORRECT NAME OF THE INSPECTION OF PUBLIC RECORDS ACT".

2. On page 3, between lines 20 and 21, insert the following new Sections 7 and 8 to read:

"Section 7. Section 61-9-5.1 NMSA 1978 (being Laws 1996, Chapter 54, Section 12) is amended to read:

"61-9-5.1. ACTIONS OF BOARD--IMMUNITY--CERTAIN RECORDS NOT PUBLIC RECORDS.--

A. ~~[No]~~ A member of the board or person working on behalf of the board shall not be civilly liable or subject to civil damages for any good faith action undertaken or performed within the proper functions of the board.

B. All written and oral communications made by a person to the board relating to actual or potential disciplinary action shall be confidential communications and are not public records for the purposes of the Inspection of Public Records Act. All data, communications and information acquired by the board relating to actual or potential disciplinary action shall not be disclosed except:

(1) to the extent necessary to carry out the board's functions;

(2) as needed for judicial review of the board's actions; or

(3) pursuant to a court order issued by a court of

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competent jurisdiction.

C. Notwithstanding the provisions of Subsection B of this section, at the conclusion of an actual disciplinary action by the board, all data, communications and information acquired by the board relating to an actual disciplinary action taken against a person subject to the provisions of the Professional Psychologist Act shall be public records pursuant to the provisions of the Inspection of Public Records Act. "

Section 8. 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, accompanied by the fee required by the Professional Psychologist Act, and who furnishes evidence satisfactory to the board that he:

(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; and

~~[(3) has had, after receiving the master's degree, at least five years of experience, one of which shall be supervised, in psychological work of a type satisfactory to the board; and~~

~~(4)]~~ (3) demonstrates professional competence by passing:

(a) 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; and

(b) an oral examination administered and graded by the board, investigating the applicant's training, experience and knowledge of his area of practice. The oral examination shall be

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evaluated on a pass-fail basis.

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, he may apply for [~~re-examinations~~] 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 permissible for psychologist associates. "".

3. Renumber the succeeding sections accordingly.,

and thence referred to the APPROPRIATIONS AND FINANCE
COMMI TTEE.

Respectfully submitted,

Fred Luna, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Campos, Rodella, Ruiz

Absent: Foley, Hobbs, Taylor, J. G.

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