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HOUSE BILL 714

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Patricia A. Lundstrom

AN ACT

RELATING TO LICENSING; REVISING THE COUNSELING AND THERAPY  
PRACTICE ACT.

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

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,  
Chapter 49, Section 3, as amended) is amended to read:

"61-9A-3. DEFINITIONS.--As used in the Counseling and  
Therapy Practice Act:

A. "accredited institution" means a university or  
college accredited by a regional accrediting agency of  
institutions of higher education;

B. "alcohol abuse counselor" means a person who  
engages in the practice of alcohol abuse counseling;

C. "alcohol and drug abuse counselor" means a  
person who engages in the practice of alcohol and drug abuse

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1 counseling;

2 D. "appraisal" means selecting, administering,  
3 scoring and interpreting instruments designed to assess an  
4 individual's aptitudes, attitudes, abilities, achievements,  
5 interests, personal characteristics and current emotional or  
6 mental state by appropriately educated, trained and experienced  
7 clinicians and the use of nonstandardized methods and  
8 techniques for understanding human behavior in relation to  
9 coping with, adapting to or changing life situations of a  
10 physical, mental or emotional nature; "appraisal" shall not be  
11 construed to permit the performance of any act that counselors  
12 or therapists are not educated, trained and licensed to  
13 perform;

14 E. "appropriate supervision" means supervision as  
15 defined by rule, provided by a licensed professional clinical  
16 mental health counselor, licensed professional mental health  
17 counselor, licensed marriage and family therapist, licensed  
18 professional art therapist, licensed psychiatrist, licensed  
19 clinical psychologist, licensed alcohol and drug abuse  
20 counselor with three years of alcohol and drug abuse experience  
21 acquired after licensure, clinical nurse specialist in  
22 psychiatry or licensed independent social worker with two years  
23 of mental health and supervised clinical experience;

24 F. "appropriate clinical supervision" means  
25 supervision provided to licensed mental health counselors or

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1 therapists by a licensed professional clinical mental health  
2 counselor, licensed marriage and family therapist, licensed  
3 professional art therapist, licensed psychiatrist, licensed  
4 clinical psychologist, clinical nurse specialist in psychiatry  
5 or licensed independent social worker;

6 [F-] G. "board" means the counseling and therapy  
7 practice board;

8 [G-] H. "client contact hours" means the face-to-  
9 face time spent with a client to appraise, assess, evaluate,  
10 diagnose [and], treat psychopathology and provide counseling  
11 services;

12 [H-] I. "clinical counseling" means the rendering  
13 of counseling services involving the application of principles  
14 of psychotherapy, human development, learning theory, [~~group~~  
15 ~~dynamics~~] diagnosis, treatment and the etiology of mental  
16 illness and dysfunctional behavior to individuals, couples,  
17 families or groups for the purpose of assessing and treating  
18 psychopathology and promoting optimal mental health;

19 J. "clinical instruction" means all supervised  
20 course work within which the student has the opportunity to  
21 engage in a broad range of clinical activities similar to those  
22 performed by a professional counselor. This includes all  
23 clinical mental health practicum and internships completed  
24 within a student's program.

25 [I-] K. "consulting" and "consultation" means the

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1 voluntary, nonsupervisory relationship between professionals or  
2 other pertinent persons, in application of scientific  
3 counseling, guidance and human development principles and  
4 procedures [~~in psychotherapeutic counseling, guidance and human~~  
5 development] to provide assistance in understanding and  
6 [~~solving~~] resolving a current or potential problem that the  
7 consultee may have in relation to a third party be it an  
8 individual, group, family or organization;

9 L. "counselor training and education" means a  
10 process that prepares counselors in both didactic and clinical  
11 aspects of counseling;

12 M "course" means an integrated, organized course  
13 of study, which encompasses a minimum of one school semester or  
14 equivalent hours;

15 [J.] N. "counseling" means the application of  
16 scientific principles and procedures in therapeutic counseling,  
17 guidance and human development to provide assistance in  
18 understanding and solving a mental, emotional, physical,  
19 social, moral, educational, spiritual or career development and  
20 adjustment problem that a client may have;

21 O. "counseling-related field" means to include  
22 those fields in which training includes coursework in the  
23 diagnosis and treatment of mental disorders; guidance  
24 counseling, mental health-community counseling or agency  
25 counseling; clinical psychology, counseling psychology; human

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1 and family studies; art therapy and art education with  
2 appropriate clinical background to meet the clinical core  
3 curriculum. The mental health clinical core curriculum must be  
4 met for the license level of clinical mental health. Marriage  
5 and family therapy core curriculum must be met for the marriage  
6 and family therapists and the art therapy core curriculum must  
7 be met for an art therapist;

8 [K-] P. "counseling and therapy practice" means the  
9 licensed or registered practice of professional art therapy,  
10 professional clinical mental health counseling, professional  
11 mental health counseling, independent mental health counseling,  
12 marriage and family therapy, alcohol abuse counseling, drug  
13 abuse counseling and alcohol and drug abuse counseling;

14 [L.—"counselor and therapist practitioners" means  
15 professional art therapists, professional clinical mental  
16 health counselors, professional mental health counselors,  
17 marriage and family therapists, registered mental health  
18 counselors, registered independent mental health counselors,  
19 alcohol abuse counselors, drug abuse counselors and alcohol and  
20 drug abuse counselors as a group;]

21 Q. "counselor and therapist practitioner" means a  
22 professional art therapist, professional clinical mental health  
23 counselor, professional mental health counselor, licensed  
24 mental health counselor, marriage and family therapist,  
25 registered mental health counselor, registered independent

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1 mental health counselor, licensed substance abuse trainee,  
2 alcohol abuse counselor, drug abuse counselor and alcohol and  
3 drug abuse counselor;

4 R. "credentialing" means the formal recognition of  
5 professional competence designed by certification, licensure or  
6 registry;

7 S. "cultural competency" means an understanding of  
8 the diversity of racial, ethnic, cultural heritage and cultural  
9 beliefs, including issues relating to social economic status,  
10 extended family structures, age, gender, sexual orientation,  
11 religious and spiritual beliefs;

12 T. "curricular experiences" means planned,  
13 structured and formal teaching activities intended to enable  
14 students to learn and apply specific information, principles,  
15 values and skills that are the intended consequences of the  
16 formal education offered by an academic unit;

17 ~~[M-] U. "department" means the regulation and~~  
18 ~~licensing department or the division of the department~~  
19 ~~designated to administer the counseling and therapy practice~~  
20 ~~board;~~

21 ~~[N. "direct observation" means under supervision by~~  
22 ~~an appropriate supervisor with the supervisee in one or more of~~  
23 ~~the following settings: face-to-face, co-facilitation, one way~~  
24 ~~mirrors or direct audio-visual;]~~

25 V. "diagnosis and treatment planning" means

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1 assessing, analyzing and providing diagnostic descriptions of  
2 mental, emotional or behavioral conditions; exploring possible  
3 solutions; and developing and implementing a treatment plan for  
4 mental, emotional and psychosocial adjustment or development.

5 "Diagnosis and treatment planning" shall not be construed to  
6 permit the performance of any act that counselors are not  
7 educated, trained and licensed to perform;

8 [0-] W. "drug abuse counselor" means a person who  
9 engages in the practice of drug abuse counseling;

10 X. "entry level" means the preparation requirements  
11 considered necessary to enter professional practice after  
12 completing a program of study; the first level at which one can  
13 be considered a professional counselor or therapist;

14 Y. "evaluation" means the act of making informed  
15 decisions based on the use and analysis of pertinent data;

16 Z. "fitness" means suitability for being a  
17 professional counselor. Fitness implies psychological health,  
18 including the following variables: self-awareness; self-  
19 acceptance; self-knowledge; self-confidence; courage;  
20 resilience; purpose in life; balance; moderation; and emotional  
21 stability;

22 AA. "internship" means a distinctly defined, pre-  
23 graduate, supervised, capstone clinical experience in which the  
24 student refines and enhances basic counseling or student  
25 development knowledge and skills; integrates and authenticates

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1 professional knowledge and skills appropriate to the student's  
2 program and preparation for postgraduate professional  
3 placement;

4 BB. "licensed mental health counselor" means a  
5 person who is licensed by the board and is authorized by the  
6 board to engage in the practice of mental health counseling  
7 under appropriate supervision;

8 CC. "licensure" means the process by which a state  
9 agency or government grants permission to an individual to  
10 engage in a given profession and to use the designated title of  
11 that profession after the applicant has attained the minimal  
12 degree of competency necessary to ensure that the public  
13 health, safety and welfare are reasonably well protected;

14 ~~[P.]~~ DD. "marriage and family therapy" means the  
15 assessment, diagnosis and treatment of nervous and mental  
16 disorders, whether cognitive, affective or behavioral, within  
17 the context of marriage and family systems;

18 ~~[Q.]~~ EE. "marriage and family therapist" means a  
19 person who is licensed for independent practice of marriage and  
20 family therapy without supervision;

21 ~~[R.]~~ FF. "mental disorder" means any of several  
22 conditions or disorders that meet the diagnostic criteria  
23 contained in the diagnostic and statistical manual of the  
24 American psychiatric association or the world health  
25 organization's international classification of diseases manual;



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1                    GG. "paraprofessional" means a non-licensed service  
2 provider;

3                    [~~S.~~] HH. "practice of alcohol or drug abuse  
4 counseling" means the licensed practice of counseling services,  
5 as defined by [~~regulation~~] rule of the board, to individuals,  
6 couples, families or groups. The services may include  
7 screening, assessment, consultation, development of treatment  
8 plans, case management, counseling, referral, appraisal, crisis  
9 intervention, education, reporting and recordkeeping;

10                    [~~T.~~] II. "practice of art therapy" means the  
11 licensed practice of counseling services to individuals,  
12 families or groups of services that use art media as a means of  
13 expression and communication to promote perceptive, intuitive,  
14 affective and expressive experiences that alleviate distress,  
15 reduce physical, emotional, behavioral and social impairment  
16 and lead to growth or reintegration of one's personality. Art  
17 therapy services include diagnostic evaluation, development and  
18 implementation of patient treatment plans, goals and  
19 objectives, case management services and therapeutic treatment  
20 as defined by [~~regulation~~] rule of the board;

21                    [~~U.~~] JJ. "practice of marriage and family therapy"  
22 means the licensed practice of marriage and family therapy  
23 services delivered to individuals, [~~family groups and marital~~  
24 ~~couples~~] couples and families treated singly or in groups, for  
25 a cognitive behavioral, emotional or relationally disruptive

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1 issue or a diagnosed mental or physical disorder in at least  
2 one member of the couple or family being treated. The  
3 "practice of marriage and family therapy" involves the  
4 professional application of psychotherapeutic, human  
5 development and family systems theories and techniques in a  
6 therapeutic relationship to bring about change, and includes  
7 the services of diagnostic evaluation, development and  
8 implementation of patient treatment plans, goals and  
9 objectives, case management services, therapeutic treatment,  
10 research, appraisal, consulting and referral as defined by  
11 [~~regulation~~] rule of the board [~~in the delivery of services to~~  
12 ~~individuals, couples and families and involves the presence of~~  
13 ~~a diagnosed mental or physical disorder in at least one member~~  
14 ~~of the couple or family being treated~~];

15 [V.] KK. "practice of professional clinical mental  
16 health counseling" means the licensed practice of mental health  
17 clinical counseling to individuals, couples, families or groups  
18 and the diagnosis and treatment of mental and emotional  
19 disorders as defined by the [~~American psychiatric association~~  
20 ~~or~~] diagnostic and statistical manual of mental disorders of  
21 the world health organization. "Practice of professional  
22 clinical mental health counseling" includes diagnostic  
23 evaluation, development and implementation of patient treatment  
24 plans, goals and objectives, case management services,  
25 therapeutic treatment, research and clinical mental health

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1 appraisal, consulting, counseling and referral as defined by  
2 [~~regulation~~] rule of the board;

3 [W-] LL. "practice of professional mental health  
4 counseling" means the licensed practice of a therapeutic, non-  
5 clinical counseling service that integrates a wellness and  
6 multicultural model of human behavior involving certain methods  
7 and techniques of appraisal, including consulting, counseling  
8 and referral as defined by [~~regulation~~] rule of the board;

9 [X-] MM. "practice of registered mental health  
10 counseling" or "practice of licensed mental health counseling"  
11 means the registered or licensed practice, under appropriate  
12 supervision, of a therapeutic counseling service that  
13 integrates a wellness and multicultural model of human behavior  
14 involving certain methods and techniques of appraisal,  
15 including consulting, counseling and referral as defined by  
16 [~~regulation~~] rule of the board;

17 [Y-] NN. "practice of registered independent mental  
18 health counseling" means the registered independent practice of  
19 a therapeutic counseling service that integrates a wellness and  
20 multicultural model of human behavior involving certain methods  
21 and techniques of appraisal, including consulting, counseling  
22 and referral as defined by [~~regulation~~] rule of the board;

23 00. "practicum" means a distinctly defined,  
24 supervised clinical experience in which the student develops  
25 basic counseling skills and integrates professional knowledge.

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1 Practicum is completed prior to internship;

2 PP. "program" means a structured sequence of  
3 curricular and clinical experiences housed within an academic  
4 unit;

5 QQ. "program evaluation" means the effort to  
6 determine what changes occur as a result of a planned program  
7 by comparing actual changes (results) with desired changes  
8 (stated goals), and by identifying the degree to which the  
9 activity (planned program) is responsible for those changes;

10 ~~[Z.-]~~ RR. "professional art therapist" means a  
11 licensed person who engages in the practice of art therapy  
12 without supervision;

13 ~~[AA.-]~~ SS. "professional clinical mental health  
14 counselor" means a licensed person who engages in the  
15 independent practice of professional clinical mental health  
16 counseling without supervision;

17 ~~[BB.-]~~ TT. "professional mental health counselor"  
18 means a licensed person who engages in the practice of  
19 professional mental health counseling without supervision;  
20 however, professional mental health counselors may diagnose and  
21 treat under appropriate supervision;

22 UU. "related professions with equivalent  
23 qualifications" means a profession closely related to  
24 counseling, such as clinical social works, clinical  
25 psychologist, clinical nurse specialists or psychology.

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1 Qualifications must be commensurate with the clinical  
2 preparation and experience of professional counselors or  
3 therapists as defined in board rules;

4 ~~[CC.]~~ VV. "referral" means ~~[the evaluation of~~  
5 ~~information to identify needs of the person being counseled to~~  
6 ~~determine the advisability of sending the person being~~  
7 ~~counseled to other specialists, informing the person being~~  
8 ~~counseled of such judgment and communicating the information to~~  
9 ~~other counseling services as deemed appropriate]~~ evaluating and  
10 identifying the needs of a client to determine the advisability  
11 of referrals to other specialists, advising the counselee of  
12 such judgements and communicating as requested or deemed  
13 appropriate to such referral sources;

14 ~~[DD. "licensed mental health counselor" means a~~  
15 ~~person who is licensed by the board and is authorized by the~~  
16 ~~board to engage in the practice of mental health counseling~~  
17 ~~under appropriate supervision;]~~

18 WW. "research" means a systematic effort to  
19 collect, analyze and interpret quantitative or qualitative data  
20 that describe how social characteristics, behavior, emotions,  
21 cognition, disabilities, mental disorders and interpersonal  
22 transactions among individuals, couples, families and  
23 organizations interact;

24 ~~[EE.]~~ XX. "registered independent mental health  
25 counselor" means ~~[an individual]~~ a person who is registered

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1 with the board and is authorized by the board to engage in the  
2 practice of mental health counseling without supervision;

3 YY. "site supervisor" means a qualified individual  
4 within a setting who is responsible for supervising a student's  
5 work at that setting;

6 ZZ. "standard" means a minimal criterion that must  
7 be met;

8 [~~FF-~~] AAA. "substance abuse counselor" means a  
9 person who is licensed to practice alcohol and drug abuse  
10 counseling, alcohol abuse counseling, who may treat alcohol  
11 abuse, or drug abuse counseling and who may treat drug abuse;  
12 [and

13 ~~GG-~~ BBB. "substance abuse [~~intern~~] trainee" means  
14 a person who is licensed to practice [~~alcohol and drug abuse~~  
15 counseling, ~~alcohol abuse counseling or drug abuse counseling~~  
16 under [~~direct observation~~] appropriate supervision defined by  
17 rule; and

18 CCC. "supervision" means a tutorial and mentoring  
19 form of instruction in which a supervisor monitors the  
20 student's activities in practicum and internship, or licensees  
21 in other clinical situations and facilitates the learning and  
22 skill development experiences associated with practicum,  
23 internship or other clinical situations. The supervisor  
24 monitors and evaluates the clinical work of the student or  
25 licensee while monitoring the quality of services offered to

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1 clients. "

2 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 4, as amended) is amended to read:

4 "61-9A-4. LICENSE OR REGISTRATION REQUIRED. --

5 A. Unless licensed or registered to practice under  
6 the Counseling and Therapy Practice Act, no person shall engage  
7 in [~~the practice of~~]:

8 (1) the practice of professional mental health  
9 counseling;

10 (2) the practice of professional clinical  
11 mental health counseling;

12 (3) marriage and family therapy;

13 (4) professional art therapy;

14 (5) counseling as a licensed mental health  
15 counselor; [~~or~~]

16 (6) counseling as a registered independent  
17 mental health counselor; or

18 (7) counseling as a registered mental health  
19 counselor.

20 B. Unless licensed to practice under the Counseling  
21 and Therapy Practice Act, no person shall engage in [~~the~~  
22 ~~practice of~~]:

23 (1) the practice of alcohol and drug abuse  
24 counseling;

25 (2) the practice of alcohol abuse counseling;

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- 1 (3) the practice of drug abuse counseling; or
- 2 (4) substance abuse counseling as a substance
- 3 abuse ~~[intern]~~ trainee. "

4 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,  
5 Chapter 49, Section 5, as amended) is amended to read:

6 "61-9A-5. [~~SCOPE OF PRACTICE~~] DESCRIPTION OF  
7 PRACTICING. --

8 A. For the purpose of the Counseling and Therapy  
9 Practice Act, a person is practicing as a professional mental  
10 health counselor, professional clinical mental health  
11 counselor, marriage and family therapist, professional art  
12 therapist, registered independent mental health counselor,  
13 registered mental health counselor, licensed mental health  
14 counselor, alcohol and drug abuse counselor, alcohol abuse  
15 counselor, drug abuse counselor or substance abuse ~~[intern]~~  
16 trainee if he advertises; offers himself to practice; is  
17 employed in a position described as professional mental health  
18 counselor, professional clinical mental health counselor,  
19 marriage and family therapist, professional art therapist,  
20 registered independent mental health counselor, registered  
21 mental health counselor, alcohol and drug abuse counselor,  
22 alcohol abuse counselor, drug abuse counselor or substance  
23 abuse ~~[intern]~~ counselor trainee; or holds out to the public or  
24 represents in any manner that he is licensed or registered to  
25 practice as ~~[such]~~ a counselor or therapist enumerated in this



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1 section in this state.

2 ~~[B. The scope of the practice of alcohol or drug~~  
3 ~~abuse counseling, or both, consists of rendering counseling~~  
4 ~~services, as defined by regulation, to individuals, couples,~~  
5 ~~families or groups. The services may include screening,~~  
6 ~~assessment, consultation, development of treatment plans, case~~  
7 ~~management, counseling, referral, appraisal, crisis~~  
8 ~~intervention, education, reporting and recordkeeping.]~~

9 B. "Practice of professional clinical mental health  
10 counseling, professional art therapist or marriage and family  
11 therapist" means the application of mental health,  
12 psychotherapeutic and human development principles through a  
13 therapeutic relationship to:

14 (1) achieve the mental, emotional, physical,  
15 social, moral, educational, spiritual or career-related  
16 development and adjustment of the client throughout the  
17 client's life;

18 (2) diagnose, evaluate, prevent and treat  
19 mental, emotional or behavioral disorders and associated  
20 distresses that interfere with mental health;

21 (3) conduct appraisal, assessments and  
22 evaluations to establish treatment goals and objectives; and

23 (4) plan, implement and evaluate treatment  
24 plans using counseling treatment interventions and strategies.

25 C. "Practice of licensed mental health counselor

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1 and registered mental health counselor under appropriate  
2 supervision" consists of rendering counseling services, which  
3 may include evaluation, assessment, consultation, diagnosing  
4 under supervision, development of treatment plans, case  
5 management counseling referral, appraisal, crisis intervention  
6 education, reporting and recordkeeping to individuals, couples,  
7 families or groups as defined by regulation.

8 D. "Practice of licensed professional mental health  
9 counselor" consists of rendering counseling services, which may  
10 include evaluation, assessment, diagnoses, consultation,  
11 development of treatment plans, case management, counseling,  
12 referral, appraisal, crisis intervention education, reporting  
13 and recordkeeping to individuals, couples, families or groups  
14 as defined by regulation.

15 E. The scope of practice of alcohol or drug abuse  
16 counseling, or both, consists of rendering treatment and  
17 intervention services specific to alcohol and other drug use  
18 disorders to individuals, couples, families or groups. The  
19 services may include evaluation, assessment, diagnosis of  
20 chemical abuse and chemical dependency disorders only,  
21 consultation, development of treatment plans, case management-  
22 counseling, referral, appraisal, crisis intervention,  
23 education, reporting and recordkeeping. Nothing in this scope  
24 of practice shall be construed as preventing licensed alcohol  
25 abuse counselors, drug abuse counselors and alcohol and drug

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1 abuse counselors from providing screening and referrals for  
2 mental health disorders. However, assessment, treatment and  
3 diagnosis for such disorders is not within the scope of  
4 practice of this license. The practice of these activities  
5 will be limited to the individual's level of training,  
6 education and supervised experience.

7 F. The scope of practice of a substance abuse  
8 trainee under the supervision by an appropriate supervisor is  
9 limited to supervised work in a public or private institution.  
10 The trainee may be involved in taking social histories or  
11 conducting home studies. The trainee utilizes the basic  
12 problem-solving process of gathering information, assessing  
13 that information at a beginning professional level and  
14 developing an intervention plan. The trainee may implement the  
15 plan and conduct follow-ups pertaining specifically to alcohol  
16 and drug abuse counseling. The trainee may provide client  
17 education and assist licensed counselor-therapist with group or  
18 individual counseling sessions."

19 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,  
20 Chapter 49, Section 6, as amended) is amended to read:

21 "61-9A-6. EXEMPTIONS. --

22 A. Nothing in the Counseling and Therapy Practice  
23 Act [~~shall be construed to prevent~~] prohibits:

24 (1) a person who is licensed, certified or  
25 regulated under the laws of this state from engaging in

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1 activities consistent with the standards and ethics of his  
2 profession or practice; or

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

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

8 (1) elementary and secondary school counselors  
9 acting on behalf of their employer who are [~~otherwise~~  
10 ~~regulated~~] not licensed pursuant to the Counseling and Therapy  
11 Practice Act;

12 (2) [~~peer counselors of~~] domestic violence or  
13 independent-living [~~peer counselors~~] paraprofessionals working  
14 under appropriate supervision in a nonprofit corporation,  
15 association or similar entity;

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

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

25 (5) practitioners of Native American healing

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1 arts. "

2 Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 7, as amended) is amended to read:

4 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--  
5 COMPENSATION.--

6 A. There is created the "counseling and therapy  
7 practice board" [~~which~~]. The board is administratively  
8 attached to the department.

9 B. The board [~~shall consist~~] consists of nine  
10 members who are United States citizens and have been New Mexico  
11 residents for at least five years prior to their appointment.

12 Of the nine members:

13 (1) five members shall be professional  
14 members, who shall be a professional mental health counselor, a  
15 professional clinical mental health counselor, a marriage and  
16 family therapist, a professional art therapist and an alcohol  
17 and drug abuse counselor, licensed under the Counseling and  
18 Therapy Practice Act and shall have engaged in a counselor and  
19 therapist practice for at least five years. [~~These members~~  
20 ~~shall not hold any elected or appointed office in any~~  
21 ~~professional organization of counseling, psychology or closely~~  
22 ~~related field during their tenure on the board, nor shall they~~  
23 ~~be school owners.] The professional mental health counselor  
24 shall also represent the registered independent and licensed  
25 mental health counselors; and~~

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1                   (2) four members shall represent the public.  
2 The public members shall not have been licensed or have  
3 practiced as counselor or therapist practitioners or in any  
4 other regulated mental health profession, nor have any  
5 significant financial interest, either direct or indirect, in  
6 the professions regulated.

7                   C. ~~At~~ Members of the board shall be appointed by  
8 the governor for staggered terms of four years. ~~Each~~ A  
9 member shall hold office until his successor is appointed.  
10 Vacancies shall be filled in the same manner as original  
11 appointments. No appointee shall serve more than two terms.

12                   D. The governor may appoint professional board  
13 members from a list of nominees submitted by qualified  
14 individuals and organizations, including the New Mexico  
15 counseling association, the New Mexico association for marriage  
16 and family therapy, the New Mexico art therapy association and  
17 the alcohol and drug directors association.

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

21                   F. The board shall elect annually from its  
22 membership a chairman and a secretary and other officers as  
23 necessary to carry out its duties.

24                   G. The board shall meet at least twice a year and  
25 at other times deemed necessary. Other meetings may be called

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1 by the chairman upon the written request of three members of  
2 the board. A simple majority of the board members shall  
3 constitute a quorum of the board.

4 H. Any member failing to attend three meetings  
5 after proper notice shall be automatically recommended for  
6 removal as a board member, unless excused by the board chair  
7 for one of the following reasons:

8 (1) extenuating circumstances beyond his  
9 control, including illness;

10 (2) prearranged activities out of town; or

11 (3) other severe circumstances that do not  
12 allow a member to attend."

13 Section 6. Section 61-9A-8 NMSA 1978 (being Laws 1993,  
14 Chapter 49, Section 8, as amended) is amended to read:

15 "61-9A-8. DEPARTMENT DUTIES.--The department, with the  
16 consultation of the board, shall:

17 A. process applications and conduct and review the  
18 required examinations;

19 B. issue licenses and certificates of registration  
20 to applicants who meet the requirements of the Counseling and  
21 Therapy Practice Act;

22 C. administer, coordinate and enforce the  
23 provisions of the Counseling and Therapy Practice Act and  
24 investigate persons engaging in practices that may violate the  
25 provisions of that act;

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1                   D. ~~[hire]~~ approve the selection of primary staff  
2 ~~[as necessary to carry out the provisions of the Counseling and~~  
3 ~~Therapy Practice Act]~~ assigned to the board;

4                   E. maintain records, including financial records;  
5 and

6                   F. maintain a current register of licensees and  
7 registrants as a matter of public record. "

8                   Section 7. Section 61-9A-9 NMSA 1978 (being Laws 1993,  
9 Chapter 49, Section 9, as amended) is amended to read:

10                   "61-9A-9. BOARD-- POWERS AND DUTIES. --

11                   A. The board may:

12                               (1) adopt in accordance with the Uniform  
13 Licensing Act and file in accordance with the State Rules Act  
14 rules necessary to carry out the provisions of the Counseling  
15 and Therapy Practice Act;

16                               (2) select and provide for the administration  
17 of, at least, semiannual examinations for licensure;

18                               (3) establish the passing scores for  
19 examinations;

20                               (4) take any disciplinary action allowed by  
21 and in accordance with the Uniform Licensing Act;

22                               (5) censure, reprimand or place a licensee or  
23 registrant on probation ~~[for a period not to exceed one year];~~

24                               (6) require and establish criteria for  
25 continuing education;



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1 (7) establish by rule procedures for  
2 receiving, investigating and resolving complaints;

3 (8) approve appropriate supervision and post-  
4 graduate experience for persons seeking licensure or  
5 registration;

6 (9) provide for the issuance of licenses [~~and~~  
7 ~~certificates of registration~~];

8 (10) determine eligibility of individuals for  
9 licensure or registration;

10 (11) set fees for administrative services,  
11 licenses and registration, as authorized by the Counseling and  
12 Therapy Practice Act, and authorize all disbursements necessary  
13 to carry out the provisions of that act;

14 (12) establish criteria for supervision and  
15 supervisory requirements;

16 (13) establish a code of ethics; and

17 (14) establish committees.

18 B. The board may establish a standards committee  
19 for each licensed profession. The members of each standards  
20 committee shall be appointed by the board with the consent of  
21 the department and shall include at least one board member from  
22 the licensed profession and at least one public board member.  
23 The board member representing each respective profession shall  
24 chair its standards committee and the committee shall:

25 (1) recommend and periodically review a code

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1 of ethics;

2 (2) review license applications and recommend  
3 approval or disapproval;

4 (3) develop criteria for supervision; and

5 (4) recommend rules [~~and regulations~~].

6 C. Members of the standards committees or other  
7 committees may be reimbursed as provided in the Per Diem and  
8 Mileage Act, but shall receive no other compensation,  
9 perquisite or allowance. These members shall not hold [~~any~~] an  
10 elected office in [~~any~~] a professional organization of  
11 counseling, psychology or closely related field during their  
12 tenure on the standards committees."

13 Section 8. Section 61-9A-10 NMSA 1978 (being Laws 1993,  
14 Chapter 49, Section 10, as amended) is amended to read:

15 "61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR--  
16 REQUIREMENTS FOR LICENSURE.--The board shall issue a license as  
17 a professional mental health counselor to any person who files  
18 a completed application accompanied by the required fees and  
19 who submits satisfactory evidence that the applicant:

20 A. has reached the age of twenty-one;

21 B. holds a master's or doctoral degree in  
22 counseling or [~~an allied mental health~~] a counseling-relating  
23 field from an accredited institution;

24 C. demonstrates professional competency by passing  
25 [~~an examination as~~] the required examinations prescribed by the

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1 board;

2 D. has completed one thousand client contact hours  
3 of postgraduate professional counseling experience under  
4 appropriate supervision consisting of at least one hundred  
5 supervision hours; and

6 E. is of good moral character with conduct  
7 consistent with the code of ethics."

8 Section 9. Section 61-9A-11 NMSA 1978 (being Laws 1993,  
9 Chapter 49, Section 11, as amended) is amended to read:

10 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH  
11 COUNSELOR--REQUIREMENTS FOR LICENSURE. --The board shall issue a  
12 license as a professional clinical mental health counselor to  
13 any person who files a completed application accompanied by the  
14 required fees and who submits satisfactory evidence that the  
15 applicant:

16 A. has reached the age of twenty-one;

17 B. holds a master's or doctoral degree in  
18 counseling or [~~an allied mental health~~] counseling-related  
19 field from [~~an~~] a regionally accredited institution. Effective  
20 July 1, [~~1998~~] 2003, the applicant ~~must~~ have a master's degree  
21 and a total of no less than [~~forty-eight~~] sixty graduate  
22 semester hours or ninety quarter hours in the mental health  
23 clinical core curriculum;

24 C. demonstrates professional competency by passing  
25 [~~an~~] the required examination as prescribed by the board;

1           D. has a minimum of two years of professional  
2 clinical counseling experience, including at least three  
3 thousand clinical contact hours and at least one hundred hours  
4 of face-to-face supervision. One thousand client clinical  
5 contact hours may be submitted from the applicant's internship  
6 or practicum; and

7           E. is of good moral character with conduct  
8 consistent with the code of ethics."

9           Section 10. Section 61-9A-11.1 NMSA 1978 (being Laws  
10 1999, Chapter 161, Section 10) is amended to read:

11           "61-9A-11.1. PROFESSIONAL CLINICAL MENTAL HEALTH  
12 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a  
13 license as a professional clinical mental health counselor to  
14 any person who files a completed application accompanied by the  
15 required fees within the July 1, 2000 through July 1, 2004  
16 period and who submits satisfactory evidence that the  
17 applicant:

18           A. has reached the age of twenty-one;

19           B. holds a grandfathered professional mental health  
20 counselor license that was applied for prior to July 1, 1994;

21           C. holds a master's or doctoral degree and a total  
22 of [~~sixty~~] forty-eight graduate semester hours or more or  
23 seventy-two quarter hours from a regionally accredited  
24 institution;

25           D. demonstrates professional competency by

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1 satisfactorily passing [~~an examination~~] the required  
2 examinations as prescribed by the board, or documentation of  
3 ten thousand hours of client contact experience, including at  
4 least three hundred hours of face-to-face supervision of which  
5 at least one hundred hours are individual;

6 E. has a minimum of five thousand hours of client  
7 contact experience, including at least two hundred hours of  
8 face-to-face supervision of which one hundred hours are  
9 individual; and

10 F. is of good moral character with conduct  
11 consistent with the code of ethics."

12 Section 11. A new section of the Counseling and Therapy  
13 Practice Act, Section 61-9A-11.2 NMSA 1978, is enacted to read:

14 "61-9A-11.2. [NEW MATERIAL] PROFESSIONAL CLINICAL MENTAL  
15 HEALTH COUNSELOR--REQUIREMENTS FOR LICENSING.--The board shall  
16 issue a license as a professional clinical mental health  
17 counselor to any person who files a completed application  
18 accompanied by the required fees within the July 1, 2003  
19 through July 1, 2004 period and who submits satisfactory  
20 evidence that the applicant:

21 A. has reached the age of twenty-one;

22 B. holds a professional mental health counselor  
23 license that was applied for between July 1, 1994 through July  
24 1, 1998;

25 C. holds a master's or doctoral degree and a total

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[bracketed material] = delete

1 of forty-eight graduate semester hours or seventy-two quarter  
2 hours from a regionally accredited institution;

3 D. demonstrates professional competency by  
4 satisfactorily passing the required examinations as prescribed  
5 by the board, or documents five thousand hours of supervised  
6 client contact experience, including at least two hundred hours  
7 of face-to-face supervision of which one hundred hours are  
8 individual; and

9 E. is of good moral character with conduct  
10 consistent with the code of ethics."

11 Section 12. Section 61-9A-12 NMSA 1978 (being Laws 1993,  
12 Chapter 49, Section 12, as amended) is amended to read:

13 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS  
14 FOR LICENSURE.--The board shall issue a license as a marriage  
15 and family therapist to ~~[any]~~ a person who files a completed  
16 application accompanied by the required fees and who submits  
17 satisfactory evidence that the applicant:

18 A. has reached the age of twenty-one;

19 B. holds a ~~master's~~ or doctoral degree with a focus  
20 in ~~marriage and family therapy~~ ~~[or]~~ and meets the requirements  
21 of the core curriculum in marriage and family therapy from an  
22 accredited institution;

23 C. demonstrates professional competency by passing  
24 ~~[an examination]~~ the examinations as prescribed by the board;

25 D. has a minimum of two years of postgraduate

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1 marriage and family therapy experience consisting of one  
2 thousand client contact hours and two hundred hours of  
3 appropriate supervision, of which one hundred hours of such  
4 supervision was on an individual basis; and

5 E. is of good moral character with conduct  
6 consistent with the code of ethics."

7 Section 13. Section 61-9A-13 NMSA 1978 (being Laws 1993,  
8 Chapter 49, Section 13, as amended) is amended to read:

9 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR  
10 LICENSURE.--The board shall issue a license as a professional  
11 art therapist to any person who files a completed application  
12 accompanied by the required fees and who submits satisfactory  
13 evidence that the applicant:

14 A. has reached the age of twenty-one;

15 B. demonstrates professional competency by passing  
16 an examination as prescribed by the board;

17 C. holds either:

18 (1) a master's or doctoral degree from a  
19 regionally accredited institution or nationally approved art  
20 therapy program in art therapy that includes [~~six~~] seven  
21 hundred hours of supervised internship experience from an  
22 accredited institution; [~~or~~]

23 (2) a master's degree in a counseling-related  
24 field, has a minimum of [~~twenty-one~~] twenty-four semester hours  
25 of sequential course work in the history, theory and practice

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[bracketed material] = delete

1 of art therapy and has completed [~~six~~] seven hundred hours of  
2 supervised internship experience from an accredited  
3 institution. The board may approve on a case-by-case basis  
4 applicants who have a ~~master's~~ degree or a doctoral degree from  
5 non-accredited institutions; and

6 (3) a master's degree in a counseling-related  
7 field and completed a minimum of twenty-four semester hours in  
8 an art therapy certificated program from a regionally  
9 accredited institution or an nationally approved American art  
10 therapy association program;

11 D. has completed one thousand client contact hours  
12 of postgraduate face-to-face experience under appropriate  
13 supervision beyond the requirements in [~~Paragraph (1)~~]  
14 Paragraphs (1), (2) and (3) of Subsection C of this section [~~or~~  
15 ~~two thousand client contact hours of postgraduate experience~~  
16 ~~under appropriate supervision beyond the requirements in~~  
17 ~~Paragraph (2) of Subsection C of this section~~]. Supervision  
18 shall be under a [~~nationally licensed or American art therapy~~  
19 ~~association-certified art therapist~~] New Mexico licensed  
20 professional art therapist or certified board art therapist for  
21 at least fifty percent of the working hours; and

22 E. is of good moral character with conduct  
23 consistent with the code of ethics. "

24 Section 14. Section 61-9A-14 NMSA 1978 (being Laws 1993,  
25 Chapter 49, Section 14, as amended) is amended to read:

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1 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH  
2 COUNSELOR. --The board shall issue a license as a mental health  
3 counselor to any person who files a completed application  
4 accompanied by the required fees and who submits satisfactory  
5 evidence that the applicant:

6 A. has reached the age of twenty-one;

7 B. has obtained a master's or doctoral degree in  
8 counseling or a counseling-related field, marriage and family  
9 therapy or art therapy or meets the educational requirements  
10 for the terminal license;

11 C. has arranged for a board-approved supervisor and  
12 a postgraduate experience plan for working under the  
13 appropriate supervision to meet marriage and family therapist,  
14 professional art therapist, [~~or~~] professional mental health  
15 counselor or professional clinical mental health counselor  
16 requirements for licensure;

17 D. demonstrates professional competence by passing  
18 an examination within the applicant's discipline as prescribed  
19 by the board; and

20 E. is of good moral character with conduct  
21 consistent with the code of ethics. "

22 Section 15. Section 61-9A-14.1 NMSA 1978 (being Laws  
23 1996, Chapter 61, Section 8, as amended) is amended to read:

24 "61-9A-14.1. SUBSTANCE ABUSE [~~INTERN~~] TRAINEE--  
25 REQUIREMENTS FOR LICENSURE. --

underscored material = new  
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1           A. The board shall license as a substance abuse  
2 ~~[intern]~~ trainee any person who files a completed application  
3 accompanied by the required fees and who submits satisfactory  
4 evidence that the applicant:

5                   (1) is of good moral character with conduct  
6 consistent with the code of ethics;

7                   (2) has reached the age of twenty-one;

8                   (3) possesses a high school diploma or its  
9 equivalent;

10                  (4) has arranged for a board-approved  
11 supervisor and experience plan for working under appropriate  
12 supervision to meet the requirements for licensure as a  
13 substance abuse counselor;

14                  (5) has a total of ninety clock hours of  
15 education and training in the fields of alcohol and drug abuse;  
16 and

17                   ~~[(6) signs a code of ethics statement, as  
18 approved by the board; and~~

19                   ~~(7)]~~ (6) provides three letters of  
20 recommendation as established by rule.

21           B. Effective July 1, ~~[2003]~~ 2005, the board shall  
22 license as a substance abuse ~~[intern]~~ trainee any person who  
23 files a completed application accompanied by the required fees  
24 and who submits satisfactory evidence that the applicant:

25                   (1) is of good moral character, with conduct

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1 consistent with the code of ethics;

2 (2) has reached the age of twenty-one;

3 (3) holds an associate degree in counseling or  
4 in a counseling-related [~~mental health~~] field from [~~an~~] a  
5 regionally accredited institution and has a total of ninety  
6 clock hours of education and training in the fields of alcohol  
7 and drug abuse;

8 (4) has arranged for a board-approved  
9 supervisor and experience plan for working under [~~direct~~  
10 ~~observation~~] appropriate supervision to meet the requirements  
11 for licensure as a substance abuse counselor; and

12 [~~(5) signs a code of ethics statement, as~~  
13 ~~approved by the board; and~~

14 ~~(6)] (5) provides [~~three~~] two letters of  
15 recommendation: one letter from a current supervisor and one  
16 letter from a current employer [~~and~~] or one letter from a  
17 professional substance abuse colleague. "~~

18 Section 16. Section 61-9A-14.2 NMSA 1978 (being Laws  
19 1999, Chapter 161, Section 15) is amended to read:

20 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--  
21 REQUIREMENTS FOR LICENSURE. --

22 A. The board shall license as an alcohol and drug  
23 abuse counselor [~~any~~] a person who files a completed  
24 application accompanied by the required fees and who submits  
25 satisfactory evidence that the applicant:

1 (1) is of good moral character with conduct  
2 consistent with the code of ethics;

3 (2) has reached the age of twenty-one;

4 [~~(3) possesses a high school diploma or its~~  
5 ~~equivalent;~~

6 ~~(4) has passed an examination, as approved by~~  
7 ~~the board;~~

8 ~~(5) signs a code of ethics statement, as~~  
9 ~~approved by the board; and]~~

10 (3) demonstrates professional competency by  
11 passing the required examination prescribed by the board; and

12 [~~(6)] (4) has one of the following  
13 combinations of education and experience:~~

14 (a) an associate degree or board-  
15 approved education and training that includes two hundred  
16 seventy-six clock hours with at least ninety hours in each of  
17 the fields of alcohol, drug and counseling and six hours of  
18 training in professional ethics, four years of experience in  
19 the practice of alcohol and drug abuse counseling under  
20 appropriate supervision and three hundred hours of approved  
21 practicum;

22 (b) a baccalaureate degree in a  
23 counseling-related [mental health] field from a regionally  
24 accredited institution and education or training that includes  
25 two hundred seventy-six clock hours of specific training that

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1 may be a part of the degree program and that includes at least  
2 ninety hours in each of the fields of alcohol, drug and  
3 counseling and six hours of training in professional ethics and  
4 three years of experience in the practice of alcohol and drug  
5 abuse counseling under appropriate supervision; or

6 (c) a master's degree in [~~a related~~  
7 ~~mental health~~] counseling or a counseling-related field, from a  
8 regionally accredited institution, two hundred seventy-six  
9 clock hours of specific training that may be part of the degree  
10 program and that includes at least ninety hours in each of the  
11 fields of alcohol, drug and counseling and six hours of  
12 training in professional ethics and two years of experience in  
13 the practice of alcohol and drug abuse counseling under  
14 appropriate supervision.

15 B. Effective July 1, [~~2003~~] 2005, the board shall  
16 license as an alcohol and drug abuse counselor [~~any~~] a person  
17 who files a completed application accompanied by the required  
18 fees and who submits satisfactory evidence that the applicant:

19 (1) is of good moral character with conduct  
20 consistent with the code of ethics;

21 (2) has reached the age of twenty-one;

22 [~~(3) holds a baccalaureate degree in~~  
23 ~~counseling in a related mental health field from an accredited~~  
24 ~~institution;~~

25 (4) ~~has passed an examination, as approved by~~

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1 ~~the board;~~

2 ~~(5) signs a code of ethics statement, as~~  
3 ~~approved by the board; and]~~

4 (3) demonstrates professional competency by  
5 passing the required examinations prescribed by the board;

6 (4) provides three letters of recommendation:  
7 one letter from a current supervisor, one letter from a current  
8 employer and one letter from a professional substance abuse  
9 colleague; and

10 [~~6~~] (5) has one of the following  
11 combinations of education and experience:

12 (a) a baccalaureate degree in [~~a~~]  
13 counseling or a counseling-related [mental health] field from a  
14 regionally accredited institution and education and training  
15 that includes two hundred seventy-six clock hours [of specific  
16 training that may be a part of the degree program and that  
17 includes at least] with ninety hours in each of the fields of  
18 alcohol, drug and counseling [education] and six [clock] hours  
19 of [training in] professional ethics, [and three hundred hours  
20 of approved practicum and three] two years and two thousand  
21 client contact hours [acquired within the last fifteen years]  
22 under appropriate supervision of experience in the practice of  
23 alcohol and drug abuse counseling [under appropriate  
24 supervision] and one hundred hours of face-to-face supervision;  
25 or

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1 (b) a master's degree in counseling or a  
2 counseling-related [~~mental health~~] field from a regionally  
3 accredited institution, and education and training that  
4 includes two hundred seventy-six clock hours [~~of specific~~  
5 ~~training that may be a part of the degree program and that~~  
6 ~~includes at least~~] with ninety hours in each of the fields of  
7 alcohol, drug and counseling [~~education~~] and six hours of  
8 [~~training in~~] professional ethics, [~~and three hundred hours of~~  
9 ~~approved practicum and two~~] one year and one thousand client  
10 contact hours [~~acquired within the last five years~~] under  
11 appropriate supervision of experience in the practice of  
12 alcohol and drug abuse counseling [~~under appropriate~~  
13 ~~supervision~~] and fifty hours of face-to-face supervision  
14 hours. "

15 Section 17. Section 61-9A-15 NMSA 1978 (being Laws 1993,  
16 Chapter 49, Section 15, as amended) is amended to read:

17 "61-9A-15. EXAMINATIONS. --

18 A. Applicants who have met the requirements for  
19 licensure shall be scheduled for the next appropriate  
20 [~~examination~~] examinations following the approval of the  
21 application. The board shall establish [~~by rule~~] the  
22 [~~examination~~] board-approved examinations application deadline  
23 and the requirements for reexamination if the applicant has  
24 failed the [~~examination~~] examinations.

25 B. The [~~examination~~] examinations shall cover

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1 subjects appropriate to the scope of practice as a licensed  
2 mental health counselor, a professional mental health  
3 counselor, a professional clinical mental health counselor, a  
4 marriage and family therapist, a professional art therapist or  
5 a substance abuse counselor. "

6 Section 18. Section 61-9A-16 NMSA 1978 (being Laws 1993,  
7 Chapter 49, Section 16) is amended to read:

8 "61-9A-16. TEMPORARY LICENSURE. -- Prior to examination, an  
9 applicant for licensure may obtain a temporary license to  
10 engage in any counselor and therapist practice if the person  
11 meets all of the requirements, except examination, provided for  
12 in Section [~~10, 11, 12, 13 or 14 of the Counseling and Therapy~~  
13 ~~Practice Act~~] 61-9A-10, 61-9A-11, 61-9A-12, 61-9A-13 or  
14 61-9A-14 NMSA 1978. The temporary license shall be valid no  
15 more than [~~thirty~~] sixty days after the results of the next  
16 examination become available. [~~At that time, should~~] If the  
17 individual should fail to take or pass that [~~examination~~]  
18 examinations, the temporary license shall automatically expire  
19 and the applicant will not be reissued a temporary license."

20 Section 19. Section 61-9A-22 NMSA 1978 (being Laws 1993,  
21 Chapter 49, Section 22, as amended) is amended to read:

22 "61-9A-22. LICENSURE BY CREDENTIALS. -- [~~The board may~~  
23 ~~license an applicant without examination if the person~~  
24 ~~possesses a valid regulatory document issued by the appropriate~~  
25 ~~examining board under the laws of any other state or territory~~



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1 ~~of the United States, the District of Columbia or any foreign~~  
2 ~~nation that in the judgment of the board has requirements~~  
3 ~~substantially equivalent to or exceeding those in the~~  
4 ~~Counseling and Therapy Practice Act.~~

5 ~~An applicant for licensing pursuant to this section shall~~  
6 ~~be issued a temporary license by the department upon filing his~~  
7 ~~application along with proof of a valid current regulatory~~  
8 ~~document from another jurisdiction. This temporary license is~~  
9 ~~valid only until the board considers and acts on the~~  
10 ~~application. An applicant is entitled to only one temporary~~  
11 ~~license pursuant to this provision.] The board may issue a~~  
12 ~~license to a person who files a completed application~~  
13 ~~accompanied by the required fees and who submits satisfactory~~  
14 ~~evidence that the applicant held for the last three years a~~  
15 ~~current license issued by the appropriate examining board under~~  
16 ~~the law of any other state or territory of the United States,~~  
17 ~~the district of Columbia or any foreign nation and:~~

18 ~~A. holds a professional mental health counselor~~  
19 ~~license and taken and passed the NCC examination from the~~  
20 ~~national board of certified counselors; or~~

21 ~~B. holds a clinical mental health counselor license~~  
22 ~~and has taken and passed the NCC and CCMHC examination from the~~  
23 ~~national board of certified counselors; or~~

24 ~~C. is a clinical member of the American association~~  
25 ~~for marriage and family therapy;~~

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1                   D. is a registered art therapist, board certified  
2                   (ATR-BC) by the art therapy credential board; or

3                   E. is an alcohol and drug abuse counselor and has  
4                   taken and passed the required examination prescribed by the  
5                   board.

6                   Applicants who do not meet the licensure by credential  
7                   must meet the current licensure requirements."

8                   Section 20. Section 61-9A-23 NMSA 1978 (being Laws 1993,  
9                   Chapter 49, Section 23, as amended) is amended to read:

10                   "61-9A-23. LICENSE AND REGISTRATION RENEWAL. --

11                   A. Each licensee or registrant shall renew his  
12                   license or registration biennially by submitting a renewal  
13                   application on a form provided by the board and complying with  
14                   all renewal requirements. [~~Licensees with even-numbered~~  
15                   ~~licenses shall renew in even-numbered years. Licensees with~~  
16                   ~~odd-numbered licenses shall renew in odd-numbered years.] The  
17                   board may establish a method to provide for staggered biennial  
18                   terms. The board may authorize license renewal for one year to  
19                   establish this renewal cycle and charge the proportionate  
20                   license fee for that period.~~

21                   [~~B. A ninety-day grace period shall be allowed each~~  
22                   ~~licensee or registrant after the license or registration~~  
23                   ~~period, during which time licenses and registrations may be~~  
24                   ~~renewed upon payment of the renewal fee and late fee and~~  
25                   ~~compliance with all renewal requirements.]~~

underscored material = new  
[bracketed material] = delete

1                   B. If a license is not renewed by the expiration  
2 date, the license or registrant will be considered expired and  
3 will refrain from practicing. The licensee or registrant may  
4 renew within a ninety-day grace period by submitting payment of  
5 the renewal fee, late fee and compliance with all renewal  
6 requirements. Upon receipt of payment and ceu requirements,  
7 the licensee and registrant may resume practice. Failure to  
8 receive renewal notice and application for renewal of license  
9 from the board does not excuse a licensed professional  
10 counselor from the requirements for renewal.

11                   C. If continuing education units requirements are  
12 not completed within the licensing period and by the expiration  
13 date, the license or registrant will be considered expired and  
14 will refrain from practicing.

15                   [~~C. Any~~] D. A license or registration granted by  
16 the board shall be automatically suspended if the holder fails  
17 to apply for the renewal license or registration provided for  
18 in this section within a period of three months after the  
19 renewal deadline; provided that any license or registration so  
20 suspended may be restored by the board upon payment of a  
21 reinstatement fee not to exceed one hundred dollars (\$100) in  
22 addition to [any] unpaid renewal or late fees. Failure to  
23 renew a license or registration within three months from the  
24 date of suspension as provided in this section shall cause the  
25 license or registration to be automatically revoked.

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1 Reinstatement of a revoked license or registration will require  
2 the licensee to reapply and meet all current standards for  
3 licensure or registration.

4 ~~[D-]~~ E. A person licensed or registered under the  
5 Counseling and Therapy Practice Act who wishes to retire from  
6 practice shall notify the board in writing before the  
7 expiration of his current license or registration. If, within  
8 a period of five years from the year of retirement, the  
9 licensee or registrant wishes to resume practice, he shall so  
10 notify the board in writing, and upon giving proof of  
11 completing such continuing education as prescribed by rule of  
12 the board and the payment of ~~[an]~~ a renewal license fee and  
13 reinstatement fee amount equivalent to all lapsed renewal fees,  
14 his license or registration shall be restored to him in full  
15 effect. "

16 Section 21. Section 61-9A-24 NMSA 1978 (being Laws 1993,  
17 Chapter 49, Section 24, as amended) is amended to read:

18 "61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for  
19 licensure or registration shall pay biennial fees set by the  
20 board in an amount not to exceed:

21 A. for application for initial licensure or  
22 registration, seventy-five dollars (\$75.00), which is not  
23 refundable;

24 B. for licensure or renewal as a professional  
25 mental health counselor or registered independent mental health

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1 counselor, three hundred dollars (\$300);

2 C. for licensure or renewal as a clinical  
3 professional mental health counselor, marriage and family  
4 therapist or professional art therapist, four hundred twenty  
5 dollars (\$420);

6 D. for registration or renewal as a registered  
7 mental health counselor, licensed mental health counselor or  
8 registered independent mental health counselor, two hundred  
9 forty dollars (\$240);

10 E. for all examinations, seventy-five dollars  
11 (\$75.00) or, if a national examination is used, an amount that  
12 shall not exceed the national examination costs by more than  
13 twenty-five percent;

14 F. for a duplicate or replacement license or  
15 registration, twenty-five dollars (\$25.00);

16 G. for failure to renew a license or registration  
17 within the allotted grace period, a late penalty fee not to  
18 exceed one hundred dollars (\$100);

19 H. reasonable administrative fees; and

20 I. for licensure, registration or renewal as an  
21 alcohol and drug abuse counselor, an alcohol abuse counselor, a  
22 drug abuse counselor or a substance abuse intern, two hundred  
23 dollars (\$200). "