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## FISCAL IMPACT REPORT

SPONSOR: SPAC DATE TYPED: 3/08/03 HB \_\_\_\_\_  
 SHORT TITLE: Revise Counseling and Therapy Act SB CS/614/aSPACS  
 ANALYST: Maloy

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
		Indeterminate	Recurring	OSF

(Parenthesis ( ) Indicate Revenue)

Relates to and conflicts with HB 714 and SB 733.

### SOURCES OF INFORMATION

Responses Received From  
 Regulation and Licensing Department, Counseling and Therapy Board

### SUMMARY

#### Synopsis of SPAC Amendment

The Senate Public Affairs Committee has amended SB 614/aSPACS to remove wording in an exemption to the Counseling and Therapy Practice Act and its licensure requirements that required exempted peer counselors for domestic violence to “work under appropriate supervision in a nonprofit corporation, association or similar entity”.

With this amendment, these peer counselors (who are not required to be licensed) will not need to be associated with a nonprofit corporation, association or similar entity.

Given the nature of domestic violence and its prominence in New Mexico, this is a sound

change.

### Synopsis of Original Bill

The Senate Public Affairs Committee Substitute to Senate Bill 614 amends the Counseling and Therapy Practice Act as follows:

1. Amend existing and adds new definitions;
2. Adds “counseling as a registered mental health counselor” to the list of practices for which a license is required;
3. Significantly amends the “description of practices” provisions, outlining the scopes of various practices in detail;
4. Sets an attendance standard for board members, stating that any member of the board missing more than 3 meetings shall be recommended for removal;
5. Removes a prohibition against board members holding an elected office in any professional organization;
6. Makes minor modifications to existing licensure requirements;
7. Adds a new section outlining the licensure requirements for “a clinical mental health counselor”;
8. Makes significant modifications to the provision governing “licensure by credentials”; and
9. Adds a provision stating that if a licensee fails to complete required “continuing education” within the licensing period and by the expiration date, the license will be considered expired and the licensee will refrain from practicing”;

### Significant Issues

Currently, three bills amending the Counseling and Therapy Practice Act have been introduced during this legislative session. These include SB 614, SB 773 and HB 714. The regulation and licensing department is concerned about the numerous conflicts among these bills. Therefore, the department has been working with the various bill sponsors on a substitute bill for a comprehensive revision of the act.

This bill is the comprehensive revision that is intended to supercede the other bills.

### **FISCAL IMPLICATIONS**

There are no fiscal implications for the state, except that the addition of the “counseling as a registered mental health counselor” to the practices requiring licensure may result in additional license and renewal fees for the board. Any fees generated by the board are OSF.

### **OTHER SUBSTANTIVE ISSUES**

A number of the changes proposed to this statute could and should be made through rules and regulations adopted by the board. This would prevent the board from having to come back to the legislature to make changes to the provisions due to developments and/or advancements in the various practices.

SJM/sb