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HOUSE BILL 103

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Ray Begaye

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; CHANGING
THE SCOPES OF PRACTICE; REVISING REQUIREMENTS FOR LICENSURE;
AMENDING AND ENACTING SECTIONS OF THE COUNSELING AND THERAPY
PRACTICE ACT.

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

Section 1. Section 61-9A-5 NMSA 1978 (being Laws 1993,
Chapter 49, Section 5, as amended) is amended to read:

"61-9A-5. SCOPES OF PRACTICE.--

A. For the purpose of the Counseling and Therapy
Practice Act, a person is practicing as a professional mental
health counselor, professional clinical mental health
counselor, marriage and family therapist, professional art
therapist, registered independent mental health counselor,
registered mental health counselor, licensed mental health

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1 counselor, licensed associate marriage and family therapist,
2 alcohol and drug abuse counselor, alcohol abuse counselor, drug
3 abuse counselor or substance abuse associate if [~~he~~] the person
4 advertises, offers [~~himself~~] to practice, is employed in a
5 position described as professional mental health counselor,
6 professional clinical mental health counselor, marriage and
7 family therapist, professional art therapist, registered
8 independent mental health counselor, alcohol and drug abuse
9 counselor, alcohol abuse counselor, drug abuse counselor or
10 substance abuse counselor associate, or holds out to the public
11 or represents in any manner that [~~he~~] the person is licensed or
12 registered to practice as a counselor or therapist enumerated
13 in this section in this state.

14 B. "Practice of professional clinical mental health
15 counseling" means the application of mental health,
16 psychotherapeutic and human development principles through a
17 therapeutic relationship to:

18 (1) achieve the mental, emotional, physical,
19 social, moral, educational, spiritual or career-related
20 development and adjustment of the client throughout the
21 client's life;

22 (2) diagnose, evaluate, prevent and treat
23 mental, emotional or behavioral disorders and associated
24 distresses that interfere with mental health;

25 (3) conduct appraisal, assessments and

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1 evaluations to establish treatment goals and objectives; and

2 (4) plan, implement and evaluate treatment
3 plans using counseling treatment interventions and strategies.

4 C. "Practice of professional art therapy" means the
5 licensed practice of counseling or therapy services to
6 individuals, families or groups, of services that use art media
7 as a means of expression and communication to:

8 (1) achieve the mental, emotional, physical,
9 social, moral, educational, spiritual or career-related
10 development and adjustment of the client throughout the
11 client's life;

12 (2) diagnose, evaluate, prevent and treat
13 mental, emotional or behavioral disorders and associate
14 distresses that interfere with mental health;

15 (3) conduct appraisal, assessments and
16 evaluations to establish treatment goals and objectives; and

17 (4) plan, implement and evaluate treatment
18 plans using counseling or therapy treatment interventions and
19 strategies.

20 D. "Practice of marriage and family therapy" means
21 the licensed practice of marriage and family therapy services
22 delivered to persons, couples and families treated singly or in
23 groups within the context of family systems to:

24 (1) achieve the mental, emotional, physical,
25 social, moral, educational, spiritual or career-related

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1 development and adjustment of the client throughout the
2 client's life;

3 (2) diagnose, evaluate, prevent and treat
4 mental, emotional or behavioral disorders and associate
5 distresses that interfere with mental health;

6 (3) conduct appraisal, assessments and
7 evaluations to establish treatment goals and objectives; and

8 (4) plan, implement and evaluate treatment
9 plans using marriage and family therapy treatment interventions
10 and strategies.

11 E. "Practice of licensed professional mental health
12 counselor, licensed mental health [~~associate~~] counselor,
13 registered independent counselor and licensed associate
14 marriage and family therapist under an appropriate clinical
15 supervisor" consists of rendering counseling services, which
16 may include evaluation, assessment, consultation, diagnosing,
17 development of treatment plans, case management counseling
18 referral, appraisal, crisis intervention education, reporting
19 and record keeping to individuals, couples, families or groups
20 as defined by rule.

21 F. The scopes of practice of alcohol and drug abuse
22 counseling, or both, consists of rendering treatment and
23 intervention services specific to alcohol and other drug use
24 disorders to persons, couples, families or groups. The
25 services may include evaluation, assessment, diagnosis of

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1 chemical abuse and chemical dependency disorders only,
2 consultation, development of treatment plans, case management-
3 counseling, referral, appraisal, crisis intervention,
4 education, reporting and record keeping. Nothing in this scope
5 of practice shall be construed as preventing licensed alcohol
6 and drug abuse counselors from providing screening and
7 referrals for mental health disorders. However, assessment,
8 treatment and diagnosis for such disorders is not within the
9 scope of practice of this license. The practice of these
10 activities will be limited to the individual's level of
11 training, education and supervised experience. The alcohol and
12 drug abuse counselor may provide therapeutic services that may
13 include treatment of clients with co-occurring disorders or
14 dual diagnosis in an integrated behavioral health setting in
15 which a multidisciplinary team has developed a
16 multidisciplinary treatment plan that is co-authorized by an
17 independently licensed counselor or therapist. The treatment
18 of a mental health disorder must be supervised by an
19 independently licensed counselor or therapist.

20 G. The scope of practice of a substance abuse
21 associate [~~under the supervision by an appropriate supervisor~~]
22 is limited to [~~supervised~~] work in a public or private
23 institution. [~~The associate may be involved in taking social~~
24 ~~histories or conducting home studies. The associate utilizes~~
25 ~~the basic problem-solving process of gathering information,~~

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1 ~~assessing that information at a beginning professional level~~
2 ~~and developing an intervention plan. The associate may~~
3 ~~implement the plan and conduct follow-ups pertaining~~
4 ~~specifically to alcohol and drug abuse counseling. The~~
5 ~~associate may provide client education and assist a licensed~~
6 ~~counselor-therapist with group or individual counseling~~
7 ~~sessions. A substance abuse associate shall not practice~~
8 ~~independently as a private practitioner.]"~~

9 Section 2. Section 61-9A-13 NMSA 1978 (being Laws 1993,
10 Chapter 49, Section 13, as amended) is amended to read:

11 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR
12 LICENSURE.--

13 A. The board shall issue a license as a
14 professional art therapist to [any] a person who files a
15 completed application accompanied by the required fees and who
16 submits satisfactory evidence that the applicant:

17 (1) has reached the age of twenty-one;

18 (2) demonstrates professional competency by
19 passing an examination as prescribed by the board;

20 (3) holds [one of the following:

21 (a)] a master's or doctoral degree in art
22 therapy, counseling or counseling-related field from an
23 accredited institution or nationally approved art therapy
24 program [~~in art therapy that includes seven hundred hours of~~
25 ~~supervised internship experience from an accredited~~

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1 institution;

2 ~~(b) a master's degree in counseling or a~~
3 ~~counseling-related field, as defined by rule, has a minimum of~~
4 ~~twenty-four semester hours of sequential course work in the~~
5 ~~history, theory and practice of art therapy and has completed~~
6 ~~seven hundred hours of supervised internship experience from an~~
7 ~~accredited institution. The board may approve on a case-by-~~
8 ~~case basis applicants who have a master's degree or a doctoral~~
9 ~~degree from nonaccredited institutions; or~~

10 ~~(c) a master's degree in counseling or a~~
11 ~~counseling-related field, as defined by rule, and completed a~~
12 ~~minimum of twenty-four semester hours in an art therapy~~
13 ~~certificated program from an accredited institution or~~
14 ~~nationally approved American art therapy association program]~~
15 with a total of no less than forty-eight graduate semester
16 hours or seventy-two quarter hours in the art therapy core
17 curriculum;

18 (4) ~~[has completed one thousand client contact~~
19 ~~hours of postgraduate face-to-face experience under appropriate~~
20 ~~supervision beyond the requirements in Subparagraphs (a), (b)~~
21 ~~and (c) of Paragraph (3) of this subsection. Supervision shall~~
22 ~~be under a New Mexico licensed professional art therapist or~~
23 ~~certified board art therapist for at least fifty percent of the~~
24 ~~working hours; and] meets the art therapy core curriculum as~~
25 defined by rule;

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1 (5) has completed a minimum of two years post-
2 graduate professional experience, three thousand client contact
3 hours and one hundred hours of post-graduate face-to-face
4 experience under appropriate supervision. Seven hundred
5 clinical client contact hours may be from the applicant's
6 internship or practicum program beyond the requirements in
7 Paragraph (3) of this subsection. Supervision shall be under a
8 New Mexico-licensed professional art therapist or certified
9 board therapist for at least fifty percent of the working
10 hours; and

11 ~~[(5)]~~ (6) is of good moral character with
12 conduct consistent with the code of ethics.

13 B. Effective July 1, 2005, applicants must meet the
14 art therapy core curriculum, as defined by rule."

15 Section 3. Section 61-9A-14.2 NMSA 1978 (being Laws 1999,
16 Chapter 161, Section 15, as amended) is amended to read:

17 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--
18 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the board
19 shall license as an alcohol and drug abuse counselor a person
20 who files a completed application accompanied by the required
21 fees and who submits satisfactory evidence that the applicant,
22 as defined by rule:

23 A. is of good moral character with conduct
24 consistent with the code of ethics;

25 B. has reached the age of twenty-one;

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1 C. demonstrates professional competency by passing
2 the required examinations prescribed by the board; and

3 ~~[D. has provided three letters of recommendation:
4 one letter from a current supervisor, one letter from a current
5 employer and one letter from a professional substance abuse
6 colleague; and~~

7 ~~E.]~~ D. has one of the following combinations of
8 education and experience:

9 (1) an associate degree in counseling, a
10 counseling-related field or a substance abuse-related field
11 from an accredited institution, and education and training that
12 includes two hundred seventy-six clock hours with ninety hours
13 in each of the fields of alcohol and drug ~~[and]~~ abuse
14 counseling, six hours of professional ethics, three years and
15 three thousand client contract hours under appropriate
16 supervision of experience in the practice of alcohol and drug
17 abuse counseling and two hundred hours of face-to-face
18 supervision;

19 (2) a baccalaureate degree in counseling, a
20 counseling-related field or a substance abuse-related field, as
21 defined by rule, from an accredited institution and education
22 and training that includes two hundred seventy-six clock hours
23 with ninety hours in each of the fields of alcohol and drug
24 ~~[and]~~ abuse counseling and six hours of professional ethics,
25 two years and two thousand client contact hours under

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1 appropriate supervision of experience in the practice of
2 alcohol and drug abuse counseling and one hundred hours of
3 face-to-face supervision; or

4 (3) a master's degree in counseling, a
5 counseling-related field or a substance abuse-related field, as
6 defined by rule, from an accredited institution, and education
7 and training that includes two hundred seventy-six clock hours
8 with ninety hours in each of the fields of alcohol and drug
9 [~~and~~] abuse counseling and six hours of professional ethics,
10 one year and one thousand client contact hours under
11 appropriate supervision of experience in the practice of
12 alcohol and drug abuse counseling and fifty hours of face-to-
13 face supervision hours."

14 Section 4. A new Section 61-9A-14.3 NMSA 1978 is enacted
15 to read:

16 "61-9A-14.3. [NEW MATERIAL] ALCOHOL AND DRUG ABUSE
17 COUNSELOR--REQUIREMENTS FOR GRANDFATHERED LICENSURE.--

18 A. Effective July 1, 2007 through July 1, 2010, the
19 board shall license as an alcohol and drug abuse counselor a
20 person who holds a current certified alcohol and drug abuse
21 counselor certification or licensed substance abuse associate
22 license issued between July 1, 1996 and July 1, 2010 and files
23 a completed application accompanied by the required fees and
24 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) has submitted evidence of having
4 participated in a total of six thousand client contact hours
5 and three hundred supervised face-to-face hours; and

6 (4) has completed two hundred seventy-six
7 clock hours of education or training that includes ninety hours
8 in each area of the fields of alcohol and drug abuse counseling
9 and six hours of training in professional ethics acquired
10 within two years of receipt of the application.

11 B. An applicant who meets the requirements of
12 Subsection A of this section will not be required to complete
13 an examination."

14 Section 5. Section 61-9A-24 NMSA 1978 (being Laws 1993,
15 Chapter 49, Section 24, as amended) is amended to read:

16 "61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for
17 licensure or registration shall pay fees set by the board in an
18 amount not to exceed:

19 A. for application for initial licensure, seventy-
20 five dollars (\$75.00), which is not refundable;

21 B. for licensure or renewal as a professional
22 mental health counselor or registered independent mental health
23 counselor, three hundred dollars (\$300);

24 C. for licensure or renewal as a clinical
25 professional mental health counselor, marriage and family

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1 therapist or professional art therapist, four hundred twenty
2 dollars (\$420);

3 D. for registration or renewal as a registered
4 mental health counselor, licensed mental health counselor,
5 licensed associate marriage and family therapist or registered
6 independent mental health counselor, two hundred forty dollars
7 (\$240);

8 E. for all examinations, seventy-five dollars
9 (\$75.00) or, if a national examination is used, an amount that
10 shall not exceed the national examination costs by more than
11 twenty-five percent;

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

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

17 H. reasonable administrative fees; [~~and~~]

18 I. for licensure, registration or renewal as an
19 alcohol and drug abuse counselor, an alcohol abuse counselor, a
20 drug abuse counselor or a substance abuse associate, two
21 hundred dollars (\$200); and

22 J. for a renewal extension penalty fee, three
23 hundred dollars (\$300)."