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AN ACT

RELATING TO PROFESSIONAL SERVICES; ENACTING NEW SECTIONS OF THE UNIFORM LICENSING ACT, THE NURSING PRACTICE ACT, THE MEDICAL PRACTICE ACT, THE PROFESSIONAL PSYCHOLOGIST ACT, THE OSTEOPATHIC MEDICINE ACT, THE COUNSELING AND THERAPY PRACTICE ACT AND THE SOCIAL WORK PRACTICE ACT TO LIST CONVERSION THERAPY AS GROUNDS FOR DISCIPLINARY ACTION.

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

SECTION 1. A new section of the Uniform Licensing Act is enacted to read:

"CONVERSION THERAPY--GROUNDS FOR DISCIPLINARY ACTION.--

A. A person licensed pursuant to provisions of Chapter 61 NMSA 1978 shall not provide conversion therapy to any person under eighteen years of age. The provision of conversion therapy in violation of the provisions of this subsection shall be grounds for disciplinary action by a board in accordance with the provisions of the Uniform Licensing Act.

B. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward

1 persons of the same sex. "Conversion therapy" does not mean:

2 (a) counseling or mental health  
3 services that provide acceptance, support and understanding  
4 of a person without seeking to change gender identity or  
5 sexual orientation; or

6 (b) mental health services that  
7 facilitate a person's coping, social support, sexual  
8 orientation or gender identity exploration and development,  
9 including an intervention to prevent or address unlawful  
10 conduct or unsafe sexual practices, without seeking to change  
11 gender identity or sexual orientation;

12 (2) "gender identity" means a person's  
13 self-perception, or perception of that person by another, of  
14 the person's identity as a male or female based upon the  
15 person's appearance, behavior or physical characteristics  
16 that are in accord with or opposed to the person's physical  
17 anatomy, chromosomal sex or sex at birth; and

18 (3) "sexual orientation" means  
19 heterosexuality, homosexuality or bisexuality, whether actual  
20 or perceived."

21 SECTION 2. Section 61-3-28 NMSA 1978 (being Laws 1968,  
22 Chapter 44, Section 24, as amended) is amended to read:

23 "61-3-28. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--  
24 APPLICATION OF UNIFORM LICENSING ACT--LIMITATION.--

25 A. In accordance with the procedures contained in

1 the Uniform Licensing Act, the board may deny, revoke or  
2 suspend any license held or applied for under the Nursing  
3 Practice Act, reprimand or place a licensee on probation or  
4 deny, limit or revoke the multistate licensure privilege of  
5 a nurse desiring to practice or practicing professional  
6 registered nursing or licensed practical nursing as provided  
7 in the Nurse Licensure Compact upon grounds that the  
8 licensee, applicant or nurse:

9 (1) is guilty of fraud or deceit in  
10 procuring or attempting to procure a license or certificate  
11 of registration;

12 (2) is convicted of a felony;

13 (3) is unfit or incompetent;

14 (4) is intemperate or is addicted to the use  
15 of habit-forming drugs;

16 (5) is mentally incompetent;

17 (6) is guilty of unprofessional conduct as  
18 defined by the rules and regulations adopted by the board  
19 pursuant to the Nursing Practice Act;

20 (7) has willfully or repeatedly violated any  
21 provisions of the Nursing Practice Act, including any rule or  
22 regulation adopted by the board pursuant to that act;

23 (8) was licensed to practice nursing in any  
24 jurisdiction, territory or possession of the United States or  
25 another country and was the subject of disciplinary action as

1 a licensee for acts similar to acts described in this  
2 subsection. A certified copy of the record of the  
3 jurisdiction, territory or possession of the United States or  
4 another country taking the disciplinary action is conclusive  
5 evidence of the action; or

6 (9) uses conversion therapy on a minor.

7 B. Disciplinary proceedings may be instituted by  
8 any person, shall be by complaint and shall conform with the  
9 provisions of the Uniform Licensing Act. Any party to the  
10 hearing may obtain a copy of the hearing record upon payment  
11 of costs for the copy.

12 C. Any person filing a complaint shall be immune  
13 from liability arising out of civil action if the complaint  
14 is filed with reasonable care.

15 D. The board shall not initiate a disciplinary  
16 action more than two years after the date that it receives a  
17 complaint.

18 E. The time limitation contained in Subsection D  
19 of this section shall not be tolled by any civil or criminal  
20 litigation in which the licensee or applicant is a party,  
21 arising substantially from the same facts, conduct,  
22 transactions or occurrences that would be the basis for the  
23 board's disciplinary action.

24 F. The board may recover the costs associated with  
25 the investigation and disposition of a disciplinary

1 proceeding from the nurse who is the subject of the  
2 proceeding if the nurse is practicing professional registered  
3 nursing or licensed practical nursing pursuant to a  
4 multistate licensure privilege as provided in the Nurse  
5 Licensure Compact.

6 G. As used in this section:

7 (1) "conversion therapy" means any practice  
8 or treatment that seeks to change a person's sexual  
9 orientation or gender identity, including any effort to  
10 change behaviors or gender expressions or to eliminate or  
11 reduce sexual or romantic attractions or feelings toward  
12 persons of the same sex. "Conversion therapy" does not mean:

13 (a) counseling or mental health  
14 services that provide acceptance, support and understanding  
15 of a person without seeking to change gender identity or  
16 sexual orientation; or

17 (b) mental health services that  
18 facilitate a person's coping, social support, sexual  
19 orientation or gender identity exploration and development,  
20 including an intervention to prevent or address unlawful  
21 conduct or unsafe sexual practices, without seeking to change  
22 gender identity or sexual orientation;

23 (2) "gender identity" means a person's  
24 self-perception, or perception of that person by another, of  
25 the person's identity as a male or female based upon the

1 person's appearance, behavior or physical characteristics  
2 that are in accord or opposed to the person's physical  
3 anatomy, chromosomal sex or sex at birth;

4 (3) "minor" means a person under eighteen  
5 years of age; and

6 (4) "sexual orientation" means  
7 heterosexuality, homosexuality or bisexuality, whether actual  
8 or perceived."

9 SECTION 3. Section 61-6-15 NMSA 1978 (being Laws 1969,  
10 Chapter 46, Section 6, as amended by Laws 2008, Chapter 53,  
11 Section 12 and by Laws 2008, Chapter 54, Section 13) is  
12 amended to read:

13 "61-6-15. LICENSE MAY BE REFUSED, REVOKED OR  
14 SUSPENDED--LICENSEE MAY BE FINED, CENSURED OR REPRIMANDED--  
15 PROCEDURE--PRACTICE AFTER SUSPENSION OR REVOCATION--PENALTY--  
16 UNPROFESSIONAL AND DISHONORABLE CONDUCT DEFINED--FEES AND  
17 EXPENSES.--

18 A. The board may refuse to license and may revoke  
19 or suspend a license that has been issued by the board or a  
20 previous board and may fine, censure or reprimand a licensee  
21 upon satisfactory proof being made to the board that the  
22 applicant for or holder of the license has been guilty of  
23 unprofessional or dishonorable conduct. The board may also  
24 refuse to license an applicant who is unable to practice  
25 medicine, practice as a physician assistant or an

1     anesthesiologist assistant, practice genetic counseling or  
2     engage in the practice of polysomnography, pursuant to  
3     Section 61-7-3 NMSA 1978. All proceedings shall be as  
4     required by the Uniform Licensing Act or the Impaired Health  
5     Care Provider Act.

6             B. The board may, in its discretion and for good  
7     cause shown, place the licensee on probation on the terms and  
8     conditions it deems proper for protection of the public, for  
9     the purpose of rehabilitation of the probationer or both.  
10    Upon expiration of the term of probation, if a term is set,  
11    further proceedings may be abated by the board if the holder  
12    of the license furnishes the board with evidence that the  
13    licensee is competent to practice, is of good moral character  
14    and has complied with the terms of probation.

15            C. If evidence fails to establish to the  
16    satisfaction of the board that the licensee is competent and  
17    is of good moral character or if evidence shows that the  
18    licensee has not complied with the terms of probation, the  
19    board may revoke or suspend the license. If a license to  
20    practice in this state is suspended, the holder of the  
21    license may not practice during the term of suspension. A  
22    person whose license has been revoked or suspended by the  
23    board and who thereafter practices or attempts or offers to  
24    practice in New Mexico, unless the period of suspension has  
25    expired or been modified by the board or the license

1 reinstated, is guilty of a felony and shall be punished as  
2 provided in Section 61-6-20 NMSA 1978.

3 D. "Unprofessional or dishonorable conduct", as  
4 used in this section, means, but is not limited to because of  
5 enumeration, conduct of a licensee that includes the  
6 following:

7 (1) procuring, aiding or abetting a criminal  
8 abortion;

9 (2) employing a person to solicit patients  
10 for the licensee;

11 (3) representing to a patient that a  
12 manifestly incurable condition of sickness, disease or injury  
13 can be cured;

14 (4) obtaining a fee by fraud or  
15 misrepresentation;

16 (5) willfully or negligently divulging a  
17 professional confidence;

18 (6) conviction of an offense punishable by  
19 incarceration in a state penitentiary or federal prison or  
20 conviction of a misdemeanor associated with the practice of  
21 the licensee. A copy of the record of conviction, certified  
22 by the clerk of the court entering the conviction, is  
23 conclusive evidence;

24 (7) habitual or excessive use of intoxicants  
25 or drugs;

1 (8) fraud or misrepresentation in applying  
2 for or procuring a license to practice in this state or in  
3 connection with applying for or procuring renewal, including  
4 cheating on or attempting to subvert the licensing  
5 examinations;

6 (9) making false or misleading statements  
7 regarding the skill of the licensee or the efficacy or value  
8 of the medicine, treatment or remedy prescribed or  
9 administered by the licensee or at the direction of the  
10 licensee in the treatment of a disease or other condition of  
11 the human body or mind;

12 (10) impersonating another licensee,  
13 permitting or allowing a person to use the license of the  
14 licensee or practicing as a licensee under a false or assumed  
15 name;

16 (11) aiding or abetting the practice of a  
17 person not licensed by the board;

18 (12) gross negligence in the practice of a  
19 licensee;

20 (13) manifest incapacity or incompetence to  
21 practice as a licensee;

22 (14) discipline imposed on a licensee by  
23 another state, including denial, probation, suspension or  
24 revocation, based upon acts by the licensee similar to acts  
25 described in this section. A certified copy of the record of

1 suspension or revocation of the state making the suspension  
2 or revocation is conclusive evidence;

3 (15) the use of a false, fraudulent or  
4 deceptive statement in a document connected with the practice  
5 of a licensee;

6 (16) fee splitting;

7 (17) the prescribing, administering or  
8 dispensing of narcotic, stimulant or hypnotic drugs for other  
9 than accepted therapeutic purposes;

10 (18) conduct likely to deceive, defraud or  
11 harm the public;

12 (19) repeated similar negligent acts;

13 (20) employing abusive billing practices;

14 (21) failure to report to the board any  
15 adverse action taken against the licensee by:

16 (a) another licensing jurisdiction;

17 (b) a peer review body;

18 (c) a health care entity;

19 (d) a professional or medical society  
20 or association;

21 (e) a governmental agency;

22 (f) a law enforcement agency; or

23 (g) a court for acts or conduct similar  
24 to acts or conduct that would constitute grounds for action  
25 as defined in this section;

1 (22) failure to report to the board  
2 surrender of a license or other authorization to practice in  
3 another state or jurisdiction or surrender of membership on  
4 any medical staff or in any medical or professional  
5 association or society following, in lieu of and while under  
6 disciplinary investigation by any of those authorities or  
7 bodies for acts or conduct similar to acts or conduct that  
8 would constitute grounds for action as defined in this  
9 section;

10 (23) failure to furnish the board, its  
11 investigators or representatives with information requested  
12 by the board;

13 (24) abandonment of patients;

14 (25) being found mentally incompetent or  
15 insane by a court of competent jurisdiction;

16 (26) injudicious prescribing, administering  
17 or dispensing of a drug or medicine;

18 (27) failure to adequately supervise, as  
19 provided by board rule, a medical or surgical assistant or  
20 technician or professional licensee who renders health care;

21 (28) sexual contact with a patient or person  
22 who has authority to make medical decisions for a patient,  
23 other than the spouse of the licensee;

24 (29) conduct unbecoming in a person licensed  
25 to practice or detrimental to the best interests of the

1 public;

2 (30) the surrender of a license or  
3 withdrawal of an application for a license before another  
4 state licensing board while an investigation or disciplinary  
5 action is pending before that board for acts or conduct  
6 similar to acts or conduct that would constitute grounds for  
7 action pursuant to this section;

8 (31) sexual contact with a former mental  
9 health patient of the licensee, other than the spouse of the  
10 licensee, within one year from the end of treatment;

11 (32) sexual contact with a patient when the  
12 licensee uses or exploits treatment, knowledge, emotions or  
13 influence derived from the previous professional  
14 relationship;

15 (33) improper management of medical records,  
16 including failure to maintain timely, accurate, legible and  
17 complete medical records;

18 (34) failure to provide pertinent and  
19 necessary medical records to a physician or patient of the  
20 physician in a timely manner when legally requested to do so  
21 by the patient or by a legally designated representative of  
22 the patient;

23 (35) undertreatment of pain as provided by  
24 board rule;

25 (36) interaction with physicians, hospital

1 personnel, patients, family members or others that interferes  
2 with patient care or could reasonably be expected to  
3 adversely impact the quality of care rendered to a patient;

4 (37) soliciting or receiving compensation by  
5 a physician assistant or anesthesiologist assistant from a  
6 person who is not an employer of the assistant;

7 (38) willfully or negligently divulging  
8 privileged information or a professional secret; or

9 (39) the use of conversion therapy on a  
10 minor.

11 E. As used in this section:

12 (1) "conversion therapy" means any practice  
13 or treatment that seeks to change a person's sexual  
14 orientation or gender identity, including any effort to  
15 change behaviors or gender expressions or to eliminate or  
16 reduce sexual or romantic attractions or feelings toward  
17 persons of the same sex. "Conversion therapy" does not mean:

18 (a) counseling or mental health  
19 services that provide acceptance, support and understanding  
20 of a person without seeking to change gender identity or  
21 sexual orientation; or

22 (b) mental health services that  
23 facilitate a person's coping, social support, sexual  
24 orientation or gender identity exploration and development,  
25 including an intervention to prevent or address unlawful

1 conduct or unsafe sexual practices, without seeking to change  
2 gender identity or sexual orientation;

3 (2) "fee splitting" includes offering,  
4 delivering, receiving or accepting any unearned rebate,  
5 refunds, commission preference, patronage dividend, discount  
6 or other unearned consideration, whether in the form of money  
7 or otherwise, as compensation or inducement for referring  
8 patients, clients or customers to a person, irrespective of  
9 any membership, proprietary interest or co-ownership in or  
10 with a person to whom the patients, clients or customers are  
11 referred;

12 (3) "gender identity" means a person's  
13 self-perception, or perception of that person by another, of  
14 the person's identity as a male or female based upon the  
15 person's appearance, behavior or physical characteristics  
16 that are in accord with or opposed to the person's physical  
17 anatomy, chromosomal sex or sex at birth;

18 (4) "minor" means a person under eighteen  
19 years of age; and

20 (5) "sexual orientation" means  
21 heterosexuality, homosexuality or bisexuality, whether actual  
22 or perceived.

23 F. Licensees whose licenses are in a probationary  
24 status shall pay reasonable expenses for maintaining  
25 probationary status, including laboratory costs when

1 laboratory testing of biological fluids are included as a  
2 condition of probation."

3 SECTION 4. Section 61-9-13 NMSA 1978 (being Laws 1963,  
4 Chapter 92, Section 12, as amended) is amended to read:

5 "61-9-13. DENIAL, REVOCATION OR SUSPENSION OF  
6 LICENSE.--

7 A. The board, by an affirmative vote of at least  
8 five of its eight members, shall withhold, deny, revoke or  
9 suspend a psychologist or psychologist associate license  
10 issued or applied for in accordance with the provisions of  
11 the Professional Psychologist Act or otherwise discipline a  
12 licensed psychologist or psychologist associate upon proof  
13 that the applicant, licensed psychologist or psychologist  
14 associate:

15 (1) has been convicted of a felony or an  
16 offense involving moral turpitude, the record of conviction  
17 being conclusive evidence thereof;

18 (2) is using a drug, substance or alcoholic  
19 beverage to an extent or in a manner dangerous to the  
20 psychologist or psychologist associate, any other person or  
21 the public or to an extent that the use impairs the  
22 psychologist's or psychologist associate's ability to perform  
23 the work of a professional psychologist or psychologist  
24 associate with safety to the public;

25 (3) has impersonated another person holding

1 a psychologist or psychologist associate license or allowed  
2 another person to use the psychologist's or psychologist  
3 associate's license;

4 (4) has used fraud or deception in applying  
5 for a license or in taking an examination provided for in the  
6 Professional Psychologist Act;

7 (5) has accepted commissions or rebates or  
8 other forms of remuneration for referring clients to other  
9 professional persons;

10 (6) has allowed the psychologist's or  
11 psychologist associate's name or license issued under the  
12 Professional Psychologist Act to be used in connection with a  
13 person who performs psychological services outside of the  
14 area of that person's training, experience or competence;

15 (7) is legally adjudicated insane or  
16 mentally incompetent, the record of such adjudication being  
17 conclusive evidence thereof;

18 (8) has willfully or negligently violated  
19 the provisions of the Professional Psychologist Act;

20 (9) has violated any code of conduct adopted  
21 by the board;

22 (10) has been disciplined by another state  
23 for acts similar to acts described in this subsection, and a  
24 certified copy of the record of discipline of the state  
25 imposing the discipline is conclusive evidence;

1 (11) is incompetent to practice psychology;

2 (12) has failed to furnish to the board or  
3 its representative information requested by the board;

4 (13) has abandoned patients or clients;

5 (14) has failed to report to the board  
6 adverse action taken against the licensee by:

7 (a) another licensing jurisdiction;

8 (b) a professional psychologist  
9 association of which the psychologist or psychologist  
10 associate is or has been a member;

11 (c) a government agency; or

12 (d) a court for actions or conduct  
13 similar to acts or conduct that would constitute grounds for  
14 action as described in this subsection;

15 (15) has failed to report to the board  
16 surrender of a license or other authorization to practice  
17 psychology in another jurisdiction or surrender of membership  
18 on a health care staff or in a professional association  
19 following a disciplinary investigation, or in lieu of or  
20 while under a disciplinary investigation, by any of those  
21 authorities for acts or conduct that would constitute grounds  
22 for action as defined in this subsection;

23 (16) has failed to adequately supervise a  
24 psychologist associate;

25 (17) has employed abusive billing practices;

1 (18) has aided or abetted the practice of  
2 psychology by a person not licensed by the board; or

3 (19) uses conversion therapy on a minor.

4 B. A person who has been refused a license or  
5 whose license has been restricted or suspended under the  
6 provisions of this section may reapply for licensure after  
7 more than two years have elapsed from the date the  
8 restriction or suspension is terminated.

9 C. As used in this section:

10 (1) "conversion therapy" means any practice  
11 or treatment that seeks to change a person's sexual  
12 orientation or gender identity, including any effort to  
13 change behaviors or gender expressions or to eliminate or  
14 reduce sexual or romantic attractions or feelings toward  
15 persons of the same sex. "Conversion therapy" does not mean:

16 (a) counseling or mental health  
17 services that provide acceptance, support and understanding  
18 of a person without seeking to change gender identity or  
19 sexual orientation; or

20 (b) mental health services that  
21 facilitate a person's coping, social support, sexual  
22 orientation or gender identity exploration and development,  
23 including an intervention to prevent or address unlawful  
24 conduct or unsafe sexual practices, without seeking to change  
25 gender identity or sexual orientation;

1                   (2) "gender identity" means a person's  
2 self-perception, or perception of that person by another, of  
3 the person's identity as a male or female based upon the  
4 person's appearance, behavior or physical characteristics  
5 that are in accord with or opposed to the person's physical  
6 anatomy, chromosomal sex or sex at birth;

7                   (3) "minor" means a person under eighteen  
8 years of age; and

9                   (4) "sexual orientation" means  
10 heterosexuality, homosexuality or bisexuality, whether actual  
11 or perceived."

12           SECTION 5. Section 61-9A-26 NMSA 1978 (being Laws 1993,  
13 Chapter 49, Section 26, as amended) is amended to read:

14           "61-9A-26. LICENSE AND REGISTRATION--DENIAL, SUSPENSION  
15 AND REVOCATION.--

16           A. In accordance with the procedures established  
17 by the Uniform Licensing Act, the board may deny, suspend or  
18 revoke any license or registration held or applied for under  
19 the Counseling and Therapy Practice Act, or take any other  
20 action provided for in the Uniform Licensing Act, upon  
21 grounds that the licensee, registrant or applicant:

22                   (1) is guilty of fraud, deceit or  
23 misrepresentation in procuring or attempting to procure any  
24 license or registration provided for in the Counseling and  
25 Therapy Practice Act;

1 (2) is adjudicated mentally incompetent by  
2 regularly constituted authorities;

3 (3) is found guilty of a felony or  
4 misdemeanor involving moral turpitude;

5 (4) is found guilty of unprofessional or  
6 unethical conduct;

7 (5) has illicitly been using any controlled  
8 substances, as defined in the Controlled Substances Act, or  
9 using a mood-altering substance or alcoholic beverage to an  
10 extent or in a manner dangerous to the licensee, registrant  
11 or applicant or any other person or the public or to an  
12 extent that the use impairs the licensee's, registrant's or  
13 applicant's ability to perform the work of a counselor or  
14 therapist practitioner;

15 (6) has violated any provision of the  
16 Counseling and Therapy Practice Act or regulations adopted by  
17 the board;

18 (7) is grossly negligent in practice as a  
19 professional counselor or therapist practitioner;

20 (8) willfully or negligently divulges a  
21 professional confidence;

22 (9) demonstrates marked incompetence in  
23 practice as a professional counselor or therapist  
24 practitioner;

25 (10) has had a license or registration to

1 practice as a counselor, therapist or other mental health  
2 practitioner revoked, suspended or denied in any  
3 jurisdiction, territory or possession of the United States or  
4 another country for acts of the licensee or registrant  
5 similar to acts described in this subsection;

6 (11) knowingly and willfully practices  
7 beyond the scope of practice, as defined by the board; or

8 (12) uses conversion therapy on a minor.

9 B. A certified copy of the record of conviction  
10 shall be conclusive evidence of such conviction.

11 C. Disciplinary proceedings may be instituted by  
12 the sworn complaint of any person, including members of the  
13 board, and shall conform to the provisions of the Uniform  
14 Licensing Act. Any party to a hearing may obtain a copy of  
15 the hearing record upon payment of costs for such copy.

16 D. A person who violates any provision of the  
17 Counseling and Therapy Practice Act is guilty of a  
18 misdemeanor and upon conviction shall be punished as provided  
19 in Section 31-19-1 NMSA 1978.

20 E. As used in this section:

21 (1) "conversion therapy" means any practice  
22 or treatment that seeks to change a person's sexual  
23 orientation or gender identity, including any effort to  
24 change behaviors or gender expressions or to eliminate or  
25 reduce sexual or romantic attractions or feelings toward

1 persons of the same sex. "Conversion therapy" does not mean:

2 (a) counseling or mental health  
3 services that provide acceptance, support and understanding  
4 of a person without seeking to change gender identity or  
5 sexual orientation; or

6 (b) mental health services that  
7 facilitate a person's coping, social support, sexual  
8 orientation or gender identity exploration and development,  
9 including an intervention to prevent or address unlawful  
10 conduct or unsafe sexual practices, without seeking to change  
11 gender identity or sexual orientation;

12 (2) "gender identity" means a person's  
13 self-perception, or perception of that person by another, of  
14 the person's identity as a male or female based upon the  
15 person's appearance, behavior or physical characteristics  
16 that are in accord with or opposed to the person's physical  
17 anatomy, chromosomal sex or sex at birth;

18 (3) "minor" means a person under eighteen  
19 years of age; and

20 (4) "sexual orientation" means  
21 heterosexuality, homosexuality or bisexuality, whether actual  
22 or perceived."

23 SECTION 6. Section 61-10-15.1 NMSA 1978 (being Laws  
24 2016, Chapter 90, Section 20) is amended to read:

25 "61-10-15.1. LICENSURE--SUMMARY SUSPENSION--SUMMARY

1 RESTRICTION--GROUNDS.--

2 A. The board may suspend or restrict a license to  
3 practice osteopathic medicine in New Mexico issued by the  
4 board without a hearing, simultaneously or at any time after  
5 the initiation of proceedings for a hearing provided pursuant  
6 to the Uniform Licensing Act, if the board finds that  
7 evidence in its possession indicates that the licensee:

8 (1) poses a clear and immediate danger to  
9 the public health and safety if the licensee continues to  
10 practice;

11 (2) has been adjudged mentally incompetent  
12 by a final order or adjudication by a court of competent  
13 jurisdiction;

14 (3) has pled guilty to or has been found  
15 guilty of any offense relating to the practice of osteopathic  
16 medicine or any violent criminal offense in this state or a  
17 substantially equivalent criminal offense in another  
18 jurisdiction; or

19 (4) uses conversion therapy on a minor.

20 B. A licensee shall not be required to comply with  
21 a summary suspension or restriction of a license until notice  
22 has been served in accordance with procedures established in  
23 board rules or the licensee has actual knowledge of an order  
24 of suspension or restriction, whichever occurs first.

25 C. A licensee whose license is suspended or

1 restricted pursuant to this section shall be entitled to a  
2 hearing before the board pursuant to the Uniform Licensing  
3 Act within fifteen days from the date the licensee requests a  
4 hearing.

5 D. As used in this section:

6 (1) "conversion therapy" means any practice  
7 or treatment that seeks to change a person's sexual  
8 orientation or gender identity, including any effort to  
9 change behaviors or gender expressions or to eliminate or  
10 reduce sexual or romantic attractions or feelings toward  
11 persons of the same sex. "Conversion therapy" does not mean:

12 (a) counseling or mental health  
13 services that provide acceptance, support and understanding  
14 of a person without seeking to change gender identity or  
15 sexual orientation; or

16 (b) mental health services that  
17 facilitate a person's coping, social support, sexual  
18 orientation or gender identity exploration and development,  
19 including an intervention to prevent or address unlawful  
20 conduct or unsafe sexual practices, without seeking to change  
21 gender identity or sexual orientation;

22 (2) "gender identity" means a person's  
23 self-perception, or perception of that person by another, of  
24 the person's identity as a male or female based upon the  
25 person's appearance, behavior or physical characteristics

1 that are in accord with or opposed to the person's physical  
2 anatomy, chromosomal sex or sex at birth;

3 (3) "minor" means a person under eighteen  
4 years of age; and

5 (4) "sexual orientation" means  
6 heterosexuality, homosexuality or bisexuality, whether actual  
7 or perceived."

8 SECTION 7. Section 61-31-17 NMSA 1978 (being Laws 1989,  
9 Chapter 51, Section 17) is amended to read:

10 "61-31-17. LICENSE DENIAL, SUSPENSION OR REVOCATION.--

11 A. In accordance with procedures contained in the  
12 Uniform Licensing Act, the board may deny, revoke or suspend  
13 any license held or applied for under the Social Work  
14 Practice Act, upon grounds that the licensee or applicant:

15 (1) is guilty of fraud, deceit or  
16 misrepresentation in procuring or attempting to procure any  
17 license or certification provided for in the Social Work  
18 Practice Act;

19 (2) has been adjudicated as mentally  
20 incompetent by regularly constituted authorities;

21 (3) has been convicted of a felony;

22 (4) is guilty of unprofessional or unethical  
23 conduct;

24 (5) is habitually or excessively using  
25 controlled substances or alcohol;

1 (6) has repeatedly and persistently violated  
2 any of the provisions of the Social Work Practice Act or  
3 regulations of New Mexico or any other state or territory and  
4 has been convicted thereof;

5 (7) has been convicted of the commission of  
6 any illegal operation;

7 (8) is grossly negligent or incompetent in  
8 the practice of social work;

9 (9) has had a license to practice social  
10 work revoked, suspended or denied in any jurisdiction,  
11 territory or possession of the United States or another  
12 country for acts of the licensee similar to acts described in  
13 this subsection. A certified copy of the record of the  
14 jurisdiction, territory or possession of the United States or  
15 another country making such revocation, suspension or denial  
16 shall be conclusive evidence thereof; or

17 (10) uses conversion therapy on a minor.

18 B. Disciplinary proceedings may be instituted by  
19 sworn complaint of any person, including members of the  
20 board, and shall conform with the provisions of the Uniform  
21 Licensing Act. Any party to a hearing may obtain a copy of  
22 the hearing record upon payment of costs for the copy.

23 C. As used in this section:

24 (1) "conversion therapy" means any practice  
25 or treatment that seeks to change a person's sexual

1 orientation or gender identity, including any effort to  
2 change behaviors or gender expressions or to eliminate or  
3 reduce sexual or romantic attractions or feelings toward  
4 persons of the same sex. "Conversion therapy" does not mean:

5 (a) counseling or mental health  
6 services that provide acceptance, support and understanding  
7 of a person without seeking to change gender identity or  
8 sexual orientation; or

9 (b) mental health services that  
10 facilitate a person's coping, social support, sexual  
11 orientation or gender identity exploration and development,  
12 including an intervention to prevent or address unlawful  
13 conduct or unsafe sexual practices, without seeking to change  
14 gender identity or sexual orientation;

15 (2) "gender identity" means a person's  
16 self-perception, or perception of that person by another, of  
17 the person's identity as a male or female based upon the  
18 person's appearance, behavior or physical characteristics  
19 that are in accord with or opposed to the person's physical  
20 anatomy, chromosomal sex or sex at birth;

21 (3) "minor" means a person under eighteen  
22 years of age; and

23 (4) "sexual orientation" means  
24 heterosexuality, homosexuality or bisexuality, whether actual  
25 or perceived."

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