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HOUSE BILL 339

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

R. DAVID PEDERSON

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND ENACTING  
SECTIONS OF CERTAIN PROFESSIONAL LICENSURE ACTS; MAKING AN  
APPROPRIATION.

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

Section 1. Section 61-9-3 NMSA 1978 (being Laws 1963,  
Chapter 92, Section 3, as amended) is amended to read:

"61-9-3. DEFINITIONS. -- As used in the Professional  
Psychologist Act:

A. "board" means the New Mexico state board of  
psychologist examiners;

B. "person" includes an individual, firm,  
partnership, association or corporation;

C. "psychologist" means any person who engages in  
the practice of psychology or holds himself out to the public by

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1 any title or description of services representing himself as a  
2 psychologist, which incorporates the words "psychological",  
3 "psychologist", "psychology", or when a person describes himself  
4 as above and, under such title or description, offers to render  
5 or renders services involving the application of principles,  
6 methods and procedures of the science and profession of  
7 psychology to persons for compensation or other personal gain;

8 D. "practice of psychology" means the observation,  
9 description, evaluation, interpretation and modification of  
10 human behavior by the application of psychological principles,  
11 methods and procedures for the purpose of preventing or  
12 eliminating symptomatic, maladaptive or undesired behavior and  
13 of enhancing interpersonal relationships, work and life  
14 adjustment, personal effectiveness, behavioral health and mental  
15 health, and further means the rendering of such psychological  
16 services to individuals, families or groups regardless of  
17 whether payment is received for services rendered. The practice  
18 of psychology includes, but is not limited to, psychological  
19 testing or neuropsychological testing and the evaluation or  
20 assessment of personal characteristics such as intelligence,  
21 personality, abilities, interests, aptitudes and  
22 neuropsychological functioning; counseling, psychoanalysis,  
23 psychotherapy, hypnosis, biofeedback, behavior analysis and  
24 therapy; diagnosis and treatment of any mental and emotional  
25 disorder or disability, alcoholism and substance abuse,

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1 disorders of habit or conduct and the psychological aspects of  
2 physical illness, accident, injury and disability; and  
3 psychoeducational evaluation, therapy, remediation and  
4 consultation; and

5 E. "school" or "college" means any university or  
6 other institution of higher ~~learning offering a full-time~~  
7 ~~graduate course of study in psychology, which~~ education that is  
8 regionally accredited or ~~[whose accreditation as an institution~~  
9 ~~of higher learning is recognized by the state department of~~  
10 ~~public education or is satisfactory to the board]~~ approved by  
11 the American psychological association and that offers a full-  
12 time graduate course of study in psychology as defined by  
13 regulation of the board. "

14 Section 2. Section 61-9-4.1 NMSA 1978 (being Laws 1989,  
15 Chapter 41, Section 4, as amended) is amended to read:

16 "61-9-4.1. LICENSE REQUIRED. --

17 ~~[A.]~~ Unless licensed to practice psychology under the  
18 Professional Psychologist Act, no person shall engage in the  
19 practice of psychology or use the title or represent himself as  
20 a psychologist or psychologist associate or use any other title,  
21 abbreviation, letters, signs or devices that indicate the person  
22 is a psychologist or psychologist associate.

23 ~~[B. Any person currently certified as a psychologist~~  
24 ~~or psychologist associate on July 1, 1989 shall be deemed to be~~  
25 ~~licensed as a psychologist or psychologist associate.]~~ "

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1           Section 3. Section 61-9-5 NMSA 1978 (being Laws 1989,  
2 Chapter 41, Section 5, as amended) is amended to read:

3           "61-9-5. STATE BOARD OF EXAMINERS--PSYCHOLOGY FUND. --

4           A. There is created a "New Mexico state board of  
5 psychologist examiners" consisting of eight members appointed by  
6 the governor who are residents of New Mexico and who shall serve  
7 for three-year staggered terms. The members shall be appointed  
8 as follows:

9                   (1) four members shall be professional members  
10 who are licensed under the Professional Psychologist Act as  
11 psychologists. The governor shall appoint the professional  
12 members from a list of names nominated by the New Mexico  
13 psychological association, the state psychologist association  
14 and the New Mexico school psychologist association;

15                   (2) one member shall be licensed under the  
16 Professional Psychologist Act as a psychologist or psychologist  
17 associate; and

18                   (3) three members shall be public members who  
19 are laymen and have no significant financial interest, direct or  
20 indirect, in the practice of psychology.

21           B. Each member shall hold office until the  
22 expiration of his appointed term or until a successor is duly  
23 appointed. When the term of each member ends, the governor  
24 shall appoint his successor for a term of three years. Any  
25 vacancy occurring in the board membership other than by

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1 expiration of term shall be filled by the governor by  
2 appointment for the unexpired term of the member. The governor  
3 may remove any board member for misconduct, incompetency or  
4 neglect of duty.

5 C. All money received by the board shall be credited  
6 to the "psychology fund" [~~and a receipt for the same shall be~~  
7 ~~kept by the secretary-treasurer of the board~~]. Money in the  
8 psychology fund at the end of the fiscal year shall not revert  
9 to the general fund and shall be used in accordance with the  
10 provisions of the Professional Psychologist Act. The members of  
11 the board may be reimbursed as provided in the Per Diem and  
12 Mileage Act, but shall receive no other compensation, perquisite  
13 or allowance. [~~The secretary-treasurer may receive such salary~~  
14 ~~as the board determines. The sums, together with all other~~  
15 ~~incidental expenses of the board, shall be approved by the board~~  
16 ~~and sent to the auditor for payment.~~]"

17 Section 4. Section 61-9-6 NMSA 1978 (being Laws 1963,  
18 Chapter 92, Section 5, as amended) is amended to read:

19 "61-9-6. BOARD--MEETING--POWERS. --

20 A. The board shall, annually in the month of July,  
21 hold a meeting and elect from its membership a chairman, [and]  
22 vice chairman and secretary-treasurer. The board shall meet at  
23 such other times as it deems necessary or advisable or as deemed  
24 necessary and advisable by the chairman or a majority of its  
25 members or the governor. Reasonable notice of all meetings

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1 shall be given in the manner prescribed by the board. A  
2 majority of the board constitutes a quorum at any meeting or  
3 hearing.

4 B. The board is authorized to:

5 (1) adopt and from time to time revise such  
6 rules and regulations not inconsistent with the law as may be  
7 necessary to carry into effect the provisions of the  
8 Professional Psychologist Act. Such rules and regulations shall  
9 include but not be limited to a code of conduct for  
10 psychologists and psychologist associates in the state;

11 (2) employ, within the funds available, [~~a~~  
12 ~~secretary~~] an administrator and other personnel necessary for  
13 the proper performance of its work under the Professional  
14 Psychologist Act;

15 (3) adopt a seal, and the [~~secretary~~]  
16 administrator shall have the care and custody of the seal;

17 (4) examine for, approve, deny, revoke, suspend  
18 and renew the licensure of psychologist and psychologist  
19 associate applicants as provided in the Professional  
20 Psychologist Act;

21 (5) conduct hearings upon complaints concerning  
22 the disciplining of a psychologist or psychologist associate;  
23 and

24 (6) cause the prosecution and enjoinder of all  
25 persons violating the Professional Psychologist Act and incur

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1 necessary expenses therefor.

2 C. Within sixty days after the close of each fiscal  
3 year, the board shall submit a written or printed report,  
4 reviewed and signed by the board members, to the governor  
5 concerning the work of the board during the preceding fiscal  
6 year. The report shall include the names of all psychologists  
7 and psychologist associates to whom licenses have been granted;  
8 any cases heard and decisions rendered in relation to the work  
9 of the board; the recommendations of the board as to future  
10 policies; the names, remuneration and duties of any employees of  
11 the board; and an account of all money received and expended by  
12 the board. "

13 Section 5. Section 61-9-8 NMSA 1978 (being Laws 1963,  
14 Chapter 92, Section 7, as amended) is amended to read:

15 "61-9-8. RECORDS. --

16 A. The board shall keep a record of its proceedings  
17 and a register of all applications for licensure which shall  
18 show:

- 19 (1) the name, age and residence of each  
20 applicant;
- 21 (2) the date of the application;
- 22 (3) the place of business of the applicant;
- 23 (4) a summary of the educational and other  
24 qualifications of the applicant;
- 25 (5) whether an examination was required;

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- 1 (6) whether a license was granted;  
2 (7) the date of the action of the board; and  
3 (8) such other information as may be deemed  
4 necessary or advisable by the board in aid of the requirements  
5 of this subsection.

6 B. Except as provided otherwise in the Professional  
7 Psychologist Act, the records of the board [~~shall be~~] are public  
8 records [~~and evidence of the proceedings of the board set forth~~  
9 ~~therein, duly certified by the secretary of the board and~~  
10 ~~bearing the seal of the board, shall be admissible in evidence~~  
11 ~~with the same force and effect as if the original were produced]~~  
12 and are available to the public in accordance with the Public  
13 Records Act. "

14 Section 6. Section 61-9-11 NMSA 1978 (being Laws 1963,  
15 Chapter 92, Section 10, as amended) is amended to read:

16 "61-9-11. LICENSURE--EXAMINATION. --

17 A. The board shall issue a license as a psychologist  
18 to each applicant who files an application upon a form and in  
19 such manner as the board prescribes, accompanied by the fee  
20 required by the Professional Psychologist Act, and who furnishes  
21 evidence satisfactory to the board that he:

- 22 (1) has reached the age of majority;  
23 (2) is of good moral character;  
24 (3) is not in violation of any of the  
25 provisions of the Professional Psychologist Act and the rules

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1 and regulations adopted pursuant to that act;

2 (4) holds a doctoral degree based in part on a  
3 psychological dissertation from a school or college [~~as defined~~  
4 ~~in the Professional Psychologist Act~~];

5 (5) has had an internship approved by the  
6 American psychological association and one year of experience  
7 after receiving the doctoral degree or has had, after receiving  
8 the doctoral degree, at least two years of supervised experience  
9 in psychological work of a type satisfactory to the board; and

10 (6) demonstrates professional competence by  
11 passing:

12 (a) the examination for professional  
13 practice in psychology promulgated by the [~~American~~] association  
14 of state and provincial psychology boards with a minimum score  
15 equivalent to or greater than the statistical mean as reported  
16 by the [~~American~~] association of state and provincial psychology  
17 boards for all doctoral-level candidates taking the examination  
18 on that occasion; and

19 (b) an oral examination administered and  
20 graded by the board, investigating the applicant's training,  
21 experience and knowledge [~~of his area of practice~~]. The oral  
22 examination shall be evaluated on a pass-fail basis.

23 B. Upon investigation of the application and other  
24 evidence submitted, the board shall, not less than thirty days  
25 prior to the examination, notify each applicant that the

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1 application and evidence submitted for licensure are  
2 satisfactory and accepted or unsatisfactory and rejected. If  
3 rejected, the notice shall state the reasons for rejection.

4 C. The place of examination shall be designated in  
5 advance by the board, and examinations shall be given [~~annually~~]  
6 at such time and place and under such supervision as the board  
7 may determine [~~and specifically at such other times as, in the~~  
8 ~~opinion of the board, the number of applicants warrants~~].

9 D. In the event an applicant fails to receive a  
10 passing grade [~~on the examination~~], he may apply for [~~re-~~  
11 ~~examination~~] re-examinations and shall be allowed to take a  
12 subsequent examination upon payment of the fee required by the  
13 Professional Psychologist Act [~~An applicant who has failed two~~  
14 ~~successive examinations may not reapply until after two years~~  
15 ~~from the date of the last examination failed~~].

16 E. The board shall keep a record of all  
17 examinations, and the grade assigned to each, as part of its  
18 records for at least two years subsequent to the date of  
19 examination. "

20 Section 7. Section 61-9-11.1 NMSA 1978 (being Laws 1983,  
21 Chapter 334, Section 4, as amended) is amended to read:

22 "61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--  
23 EXAMINATION.--

24 A. The board shall issue a license as a psychologist  
25 associate to each applicant who files an application upon a form

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1 and in such manner as the board [~~prescribed~~] prescribes,  
2 accompanied by the fee required by the Professional Psychologist  
3 Act, and who furnishes evidence satisfactory to the board that  
4 he:

5 (1) has reached the age of majority, is of good  
6 moral character and is not in violation of any of the provisions  
7 of the Professional Psychologist Act and the rules and  
8 regulations adopted [~~thereunder~~] pursuant to that act;

9 (2) holds a master's degree in psychology from  
10 a department of psychology of a school or college [~~as defined in~~  
11 ~~the Professional Psychologist Act~~];

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

16 (4) demonstrates professional competence by  
17 passing:

18 (a) the examination for professional  
19 practice in psychology promulgated by the [~~American~~] association  
20 of state and provincial psychology boards with a score  
21 equivalent to or greater than the statistical mean as reported  
22 by the [~~American~~] association of state and provincial psychology  
23 boards for all master's-level candidates taking the examination  
24 on that occasion; and

25 (b) an oral examination administered and

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1 graded by the board, investigating the applicant's training,  
2 experience and knowledge of his area of practice. The oral  
3 examination shall be evaluated on a pass-fail basis.

4 B. Upon investigation of the application and other  
5 evidence submitted, the board shall, not less than thirty days  
6 prior to the examination, notify each applicant that the  
7 application and evidence submitted for licensure is satisfactory  
8 and accepted or unsatisfactory and rejected. If rejected, the  
9 notice shall state the reasons for rejection.

10 C. The place of examination shall be designated in  
11 advance by the board, and examinations shall be given [~~annually~~]  
12 at such time and place and under such supervision as the board  
13 may determine [~~and specifically at such other times as, in the~~  
14 ~~opinion of the board, the number of applicants warrants~~].

15 D. In the event an applicant fails to receive a  
16 passing grade [~~on the examination~~], he may apply for [~~re-~~  
17 ~~examination~~] re-examinations and shall be allowed to take a  
18 subsequent examination upon payment of the fee required by the  
19 Professional Psychologist Act. [~~An applicant who has failed two~~  
20 ~~successive examinations may not reapply until after two years~~  
21 ~~from the date of the last examination failed.~~]

22 E. The board shall keep a record of all  
23 examinations, and the grade assigned to each, as part of its  
24 records for at least two years subsequent to the date of  
25 examination.

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1 F. The board may adopt reasonable rules and  
2 regulations classifying areas and conditions of practice  
3 permissible for psychologist associates. "

4 Section 8. Section 61-9-12 NMSA 1978 (being Laws 1963,  
5 Chapter 92, Section 11, as amended) is amended to read:

6 "61-9-12. LICENSE. --The board shall issue a license signed  
7 by the chairman and vice chairman [~~of the board~~] or their  
8 designee whenever an applicant for licensure successfully  
9 qualifies as provided for in the Professional Psychologist Act. "

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

12 "61-9-13. DENIAL, REVOCATION OR SUSPENSION OF LICENSE. --

13 A. The board, by an affirmative vote of at least  
14 [~~four~~] five of its [~~six~~] eight members, shall withhold, deny,  
15 revoke or suspend any psychologist or psychologist associate  
16 license issued or applied for in accordance with the provisions  
17 of the Professional Psychologist Act or otherwise discipline a  
18 licensed psychologist or psychologist associate upon proof that  
19 the applicant, licensed psychologist or psychologist associate:

20 (1) has been convicted of a felony or any offense  
21 involving moral turpitude, the record of conviction being  
22 conclusive evidence thereof;

23 (2) is using any drug, substance or alcoholic  
24 beverage to an extent or in a manner dangerous to himself, any  
25 other person or the public or to an extent that the use impairs

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1 his ability to perform the work of a professional psychologist  
2 or psychologist associate with safety to the public;

3 (3) has impersonated another person holding a  
4 psychologist or psychologist associate license or allowed  
5 another person to use his license;

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

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

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

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

19 (8) has willfully or negligently violated any of  
20 the provisions of the Professional Psychologist Act; [ø]

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

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

1 the discipline is conclusive evidence;

2 (11) is incompetent to practice psychology;

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

5 (13) has abandoned his patients or clients;

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

8 (a) another licensing jurisdiction;

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

11 (c) a government agency; or

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

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

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

24 (17) has employed abusive billing practices; or

25 (18) has aided or abetted the practice of

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1 psychology by a person not licensed by the board.

2 ~~[B. Suspension by the board of the license of a~~  
3 ~~psychologist or psychologist associate shall be for a period not~~  
4 ~~exceeding one year.~~

5 ~~C.]~~ B. A person who has been refused a license or  
6 whose license has been ~~[revoked]~~ restricted or suspended under  
7 the provisions of this section may reapply for licensure after  
8 more than two years have elapsed from the date ~~[denial or~~  
9 ~~revocation is legally effective]~~ the restriction or suspension  
10 is terminated. "

11 Section 10. Section 61-9-16 NMSA 1978 (being Laws 1963,  
12 Chapter 92, Section 15, as amended) is amended to read:

13 "61-9-16. SCOPE OF ACT. --

14 A. Nothing in the Professional Psychologist Act shall  
15 be construed to limit:

16 (1) the activities, services and use of an  
17 official title on the part of a person in the employ of a  
18 federal, state, county or municipal agency or of other political  
19 subdivisions or any educational institution chartered by the  
20 state insofar as such activities, services and use of any  
21 official title are a part of the duties of his office or  
22 position with the agency or institution; ~~[or]~~

23 (2) the activities and services of a student,  
24 intern or resident in psychology pursuing a course of study in  
25 psychology at a school or college if these activities and

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1 services constitute a part of his supervised course of study and  
2 no fee is charged directly by the student, intern or resident;  
3 or

4 (3) the activities of an applicant working under  
5 supervision seeking licensure pursuant to the Professional  
6 Psychologist Act.

7 B. Nothing in the Professional Psychologist Act shall  
8 in any way restrict the use of the term "social psychologist" by  
9 any person who has received a doctoral degree in sociology or  
10 social psychology from an institution whose credits in sociology  
11 or social psychology are acceptable by a school or college and  
12 who has passed comprehensive examinations in the field of social  
13 psychology as a part of the requirements for the doctoral degree  
14 or has had equivalent specialized training in social psychology  
15 and who has notified the board of his intention to use the term  
16 "social psychologist" and filed a statement of the fact  
17 demonstrating his compliance with this subsection. A social  
18 psychologist shall not practice in any psychological specialty  
19 outside that of social psychology without complying with the  
20 provisions of the Professional Psychologist Act.

21 C. Lecturers in psychology from any school or college  
22 may utilize their academic or research titles when invited to  
23 present lectures to institutions or organizations.

24 D. Nothing in the Professional Psychologist Act  
25 prohibits qualified members of other professional groups who are

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1 licensed or regulated under the laws of this state from engaging  
2 in activities within the scope of practice of their respective  
3 licensing or regulation statutes, but they shall not hold  
4 themselves out to the public by any title or description of  
5 services that would lead the public to believe that they are  
6 psychologists, and they shall not state or imply that they are  
7 licensed to practice psychology.

8 E. ~~[(1)]~~ Nothing in the Professional Psychologist  
9 Act shall be construed to prevent an alternative, metaphysical  
10 or holistic practitioner from engaging in non-clinical  
11 activities consistent with the standards and codes of ethics of  
12 that practice.

13 F. ~~[(2)]~~ Specifically exempted from ~~[this]~~ the  
14 Professional Psychologist Act are:

15 ~~[(a)]~~ (1) alcohol or drug abuse counselors  
16 working under appropriate supervision for a nonprofit  
17 corporation, association or similar entity;

18 ~~[(b)]~~ (2) peer counselors of domestic  
19 violence or independent-living peer counselors working under  
20 appropriate supervision in a nonprofit corporation, association  
21 or similar entity;

22 ~~[(c)]~~ (3) duly ordained, commissioned or  
23 licensed ministers of a church; lay pastoral-care assistants;  
24 science of mind practitioners providing uncompensated counselor  
25 or therapist services on behalf of a church; and Christian

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1 science practitioners;

2 [~~(d)~~] (4) students enrolled in a graduate-  
3 level counselor and therapist training program and rendering  
4 services under supervision;

5 [~~(e)~~] (5) hypnotherapists certified by the  
6 American council of hypnotist examiners or the southwest  
7 hypnotherapists examining board, providing non-clinical services  
8 from July 1, 1994 to June 30, 1998;

9 [~~(f)~~] (6) pastoral counselors with master's  
10 or doctoral degrees, who are certified by the American  
11 association of pastoral counselors [~~from July 1, 1994 to June~~  
12 ~~30, 1998~~]; and

13 [~~(g)~~] (7) practitioners of Native American  
14 healing arts. "

15 Section 11. Section 61-9-19 NMSA 1978 (being Laws 1978,  
16 Chapter 188, Section 2, as amended) is amended to read:

17 "61-9-19. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --The  
18 New Mexico state board of psychologist examiners is terminated  
19 on July 1, [~~1995~~] 1997 pursuant to the Sunset Act. The board  
20 shall continue to operate according to the provisions of Chapter  
21 61, Article 9 NMSA 1978 until July 1, [~~1996~~] 1998. Effective  
22 July 1, [~~1996~~] 1998, Article 9 of Chapter 61 NMSA 1978 is  
23 repealed. "

24 Section 12. A new section of the Professional Psychologist  
25 Act is enacted to read:

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1           " [NEW MATERIAL] ACTIONS OF BOARD--IMMUNITY--CERTAIN RECORDS  
2 NOT PUBLIC RECORDS. --

3           A. No member of the board or person working on behalf  
4 of the board shall be civilly liable or subject to civil damages  
5 for any good faith action undertaken or performed within the  
6 proper functions of the board.

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

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

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

18                               (3) pursuant to a court order issued by a  
19 court of competent jurisdiction.

20           C. Notwithstanding the provisions of Subsection B of  
21 this section, at the conclusion of an actual disciplinary action  
22 by the board, all data, ~~communications~~ and information acquired  
23 by the board relating to an actual disciplinary action taken  
24 against a person subject to the provisions of the Professional  
25 Psychologist Act shall be public records, pursuant to the

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1 provisions of the Public Records Act. "

2 Section 13. Section 61-9A-17 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 17) is amended to read:

4 "61-9A-17. LICENSURE WITHOUT EXAMINATION-- PROFESSIONAL  
5 MENTAL HEALTH COUNSELOR.--An applicant for licensure as a  
6 professional mental health counselor who was otherwise qualified  
7 but did not receive application materials by June 30, 1995 may  
8 be licensed as a professional mental health counselor without  
9 examination if the applicant files an application [~~within one~~  
10 ~~year from the effective date of the Counseling and Therapy~~  
11 ~~Practice Act~~] by December 31, 1996, accompanied by the required  
12 fees, and if:

13 A. the board determines that the applicant meets all  
14 other requirements for licensure as a professional mental health  
15 counselor;

16 B. at least two years immediately preceding the  
17 effective date of licensure, the applicant has a master's degree  
18 and has been employed in a public or private agency or self-  
19 employed under the title of counselor or held a similar title in  
20 a position primarily involving the practice of professional  
21 counseling; or

22 C. the board determines that the applicant:

23 (1) meets the education requirements of either a  
24 baccalaureate degree in:

25 (a) counseling or a related mental health

1 field from a university or college that was accredited at the  
2 time the degree was awarded and provides proof satisfactory to  
3 the board of an additional sixty contact hours of professional  
4 training deemed appropriate by the board; or

5 (b) any other field from a university or  
6 college that was accredited at the time the degree was awarded  
7 and provides proof satisfactory to the board of an additional  
8 one hundred eighty contact hours of professional training deemed  
9 appropriate by the board;

10 (2) meets experience and appropriate supervision  
11 requirements as follows:

12 (a) has been engaged in a full-time  
13 counseling practice of at least twenty hours per week for at  
14 least six consecutive years prior to application to the board;  
15 or

16 (b) has acquired six thousand client contact  
17 hours primarily in the provision of counseling; and

18 (3) has completed at least two hundred hours  
19 under appropriate supervision by June 30, ~~[1994]~~ 1995. "

20 Section 14. Section 61-9A-18 NMSA 1978 (being Laws 1993,  
21 Chapter 49, Section 18) is amended to read:

22 "61-9A-18. LICENSURE WITHOUT EXAMINATION-- PROFESSIONAL  
23 CLINICAL MENTAL HEALTH COUNSELOR. --An applicant for licensure as  
24 a professional clinical mental health counselor who was  
25 otherwise qualified but who did not receive application

Underscored material = new  
[bracketed material] = delete

1 materials by June 30, 1995 may be licensed without examination  
2 if the applicant files an application [~~within one year of the~~  
3 ~~effective date of the Counseling and Therapy Practice Act~~] by  
4 December 31, 1996, accompanied by the required fees, and if the  
5 board determines that the applicant meets all other requirements  
6 for licensure as a professional clinical mental health  
7 counselor. "

8 Section 15. Section 61-9A-19 NMSA 1978 (being Laws 1993,  
9 Chapter 49, Section 19) is amended to read:

10 "61-9A-19. LICENSURE WITHOUT EXAMINATION--MARRIAGE AND  
11 FAMILY THERAPIST.--An applicant for licensure as a marriage and  
12 family therapist who was otherwise qualified but who did not  
13 receive application materials by June 30, 1995 may be licensed  
14 without examination if the applicant files a completed  
15 application [~~within one year of the effective date of the~~  
16 ~~Counseling and Therapy Practice Act~~] by December 31, 1996,  
17 accompanied by the required fees, and if the board determines  
18 the applicant meets all other requirements for licensure as a  
19 marriage and family therapist. "

20 Section 16. Section 61-9A-20 NMSA 1978 (being Laws 1993,  
21 Chapter 49, Section 20) is amended to read:

22 "61-9A-20. LICENSURE WITHOUT EXAMINATION--PROFESSIONAL ART  
23 THERAPIST.--An applicant for licensure as a professional art  
24 therapist who was otherwise qualified but who did not receive  
25 application materials by June 30, 1995 may be licensed without

Underscored material = new  
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1 examination if the applicant files a completed application  
2 [~~within one year of the effective date of the Counseling and~~  
3 ~~Therapy Practice Act~~] by December 31, 1996, accompanied by the  
4 required fees, and if the board determines that the applicant  
5 meets all other requirements for licensure as a professional art  
6 therapist. "

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

9 "61-9A-21. CERTIFICATION WITHOUT EXAMINATION--REGISTERED  
10 MENTAL HEALTH COUNSELOR.--An applicant for certification as a  
11 registered mental health counselor who was otherwise qualified  
12 but who did not receive application materials by June 30, 1995  
13 may be certified as a registered mental health counselor if the  
14 applicant files an application [~~within one year from the~~  
15 ~~effective date of the Counseling and Therapy Practice Act~~] by  
16 December 31, 1996, accompanied by the required fees, and if:

17 A. the board determines the applicant meets all other  
18 requirements for certification as a registered mental health  
19 counselor; or

20 B. the board determines that the applicant:

21 (1) meets the education requirements of a  
22 baccalaureate degree in either:

23 (a) counseling, psychology or a closely  
24 related field from an accredited institution and provides proof  
25 satisfactory to the board of an additional sixty contact hours

Underscored material = new  
[bracketed material] = delete

1 of professional training deemed appropriate by the board; or

2 (b) any other field from an accredited  
3 institution and provides proof satisfactory to the board of an  
4 additional one hundred eighty contact hours of professional  
5 training deemed appropriate by the board;

6 (2) is certified as competent to the board by at  
7 least three persons who qualify to provide appropriate  
8 supervision and has:

9 (a) been engaged in a full-time counseling  
10 practice of at least twenty hours per week for at least four  
11 consecutive years prior to application to the board; or

12 (b) acquired four thousand client contact  
13 hours primarily in the profession of counseling; and

14 (3) has completed at least two hundred hours  
15 under appropriate supervision by July 1, ~~[1994]~~ 1995.

16 Applicants certified under the provisions of this section  
17 are exempted from the supervision requirements set forth in  
18 Section ~~[14 of the Counseling and Therapy Practice Act]~~  
19 61-9A-14 NMSA 1978. "

# **State of New Mexico House of Representatives**

**FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996**

**February 6, 1996**

**Mr. Speaker:**

**Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
been referred**

**HOUSE BILL 339**

**has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
APPROPRIATIONS AND FINANCE COMMITTEE.**

**Respectfully submitted,**

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**Fred Luna, Chairman**

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

HB 339

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Hobbs, Olquin

Absent: Gurule, Varela

H0339BI1

Underscored material = new  
[bracketed material] = delete

# State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

HOUSE BILL 339

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

1. On pages 21 through 25, strike Sections 13 through 17 in  
their entirety.

Underscored material = new  
[bracketed material] = delete

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

HB339

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Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

(Chief Clerk)  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 0 Against

Yes: 10

Excused: Abeyta, Gentry, Martinez, Picraux, Reyes, Saavedra,  
Varela, Watchman

Absent: none

H0339AF1

Underscored material = new  
[bracketed material] = delete

FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

1 HB339

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FORTY-SECOND LEGISLATURE  
SECOND SESSION, 1996

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February 12, 1996

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10 Mr. President:

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Your PUBLIC AFFAIRS COMMITTEE, to whom has been  
referred

12

13

14

HOUSE BILL 339, as amended

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16

has had it under consideration and reports same with  
recommendation that it DO PASS.

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Respectfully submitted,

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\_\_\_\_\_  
Shannon Robinson, Chairman

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

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FORTY- SECOND LEGISLATURE  
SECOND SESSION, 1996

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: E. Jennings, Smith, Naranjo

Absent: None

H0339PA1

Underscored material = new  
[bracketed material] = delete