

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 796

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Gail C. Beam

AN ACT

RELATING TO LICENSING; CHANGING PROVISIONS OF THE COUNSELING AND THERAPY PRACTICE ACT; AMENDING AND REPEALING SECTIONS OF THE NMSA 1978.

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

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

"61-9A-1. SHORT TITLE. -- [~~Sections 1 through 30 of this act~~] Chapter 61, Article 9A NMSA 1978 may be cited as the "Counseling and Therapy Practice Act". "

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

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

A. "accredited institution" means a university or

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 college accredited by a [~~nationally recognized accrediting~~]  
2 regionally accredited agency of institutions of higher  
3 education; [~~or an approved institution or program as~~  
4 ~~determined by the board;~~

5 B. ~~"alcohol abuse counselor" means an individual~~  
6 ~~who engages in the practice of alcohol abuse counseling;~~

7 C. ~~"alcohol and drug abuse counselor" means an~~  
8 ~~individual who engages in the practice of alcohol and drug~~  
9 ~~abuse counseling;~~

10 ~~D.]~~ B. "appraisal" means selecting, administering,  
11 scoring and interpreting instruments designed to assess an  
12 individual's aptitudes, attitudes, abilities, achievements,  
13 interests, personal characteristics and current emotional or  
14 mental state by appropriately educated, trained and  
15 experienced clinicians and the use of nonstandardized methods  
16 and techniques for understanding human behavior in relation to  
17 coping with, adapting to or changing life situations of a  
18 physical, mental or emotional nature;

19 ~~[E.]~~ C. "appropriate supervision" means licensed  
20 supervision by a professional clinical mental health  
21 counselor, professional mental health counselor, marriage and  
22 family therapist, professional art therapist, psychiatrist,  
23 psychologist, alcohol and drug counselor or independent social  
24 worker; [~~psychiatric nurse or other similar supervision~~  
25 ~~approved by the board;~~

underscored material = new  
[bracketed material] = del ete

1           ~~F.~~ D. "board" means the counseling and therapy  
2 practice board;

3           E. "client clinical contact hour" means the client  
4 contact hour acquired in the appraisal, diagnosis and  
5 treatment of psychopathology;

6           ~~G.~~ F. "clinical counseling" means the rendering  
7 of counseling services involving the application of principles  
8 of psychotherapy, human development, learning theory, group  
9 dynamics and the etiology of mental illness and dysfunctional  
10 behavior to individuals, couples, families or groups for the  
11 purpose of assessing and treating psychopathology and  
12 promoting optimal mental health;

13           ~~H.~~ G. "consulting" means the application of  
14 scientific principles and procedures in psychotherapeutic  
15 counseling, guidance and human development to provide  
16 assistance in understanding and solving a problem that the  
17 consultee may have in relation to a third party;

18           ~~I.~~ H. "counseling" means the application of  
19 scientific principles and procedures in therapeutic  
20 counseling, guidance and human development to provide  
21 assistance in understanding and solving a mental, emotional,  
22 physical, social, moral, educational, spiritual or career  
23 development and adjustment problem that a client may have;

24           ~~J.~~ I. "counseling and therapy practice" means  
25 the licensed or registered practice of professional art

underscored material = new  
[bracketed material] = delete

1 therapy, professional clinical mental health counseling,  
2 professional mental health counseling, registered independent  
3 mental health counseling, marriage and family therapy,  
4 independent alcohol abuse counseling, independent drug abuse  
5 counseling [~~and~~] or alcohol and drug abuse counseling;

6 [K.] J. "counselor and therapist practitioners"  
7 means licensed professional art therapists, professional  
8 clinical mental health counselors, professional mental health  
9 counselors, marriage and family therapists, registered mental  
10 health counselors, registered independent mental health  
11 counselors, alcohol abuse counselors, independent drug abuse  
12 counselors and alcohol and drug abuse counselors as a group;

13 [L.] K. "department" means the regulation and  
14 licensing department or the division of the department  
15 designated to administer the counseling and therapy practice  
16 board;

17 [~~M. "drug abuse counselor" means an individual who~~  
18 ~~engages in the practice of drug abuse counseling;~~

19 [~~N. "marriage and family therapy" means the~~  
20 ~~diagnosis and treatment of nervous and mental disorders,~~  
21 ~~whether cognitive, affective or behavioral, within the context~~  
22 ~~of marriage and family systems;~~]

23 L. "direct observation" means under supervision by  
24 an appropriate supervisor with the supervisee in one or more  
25 of the following settings: face-to-face, co-facilitation,

underscored material = new  
[bracketed material] = delete

1 one-way mirrors or direct audio-visual;

2 M. "independent alcohol abuse counselor" means an  
3 individual who is licensed to practice alcohol abuse  
4 counseling;

5 N. "independent alcohol and drug abuse counselor"  
6 means an individual who is licensed to practice alcohol and  
7 drug abuse counseling;

8 O. "independent drug abuse counselor" means an  
9 individual who is licensed to practice drug abuse counseling;

10 P. "licensed mental health counselor" means an  
11 individual who is registered with the board and is authorized  
12 by the board to engage in the practice of mental health  
13 counseling under appropriate supervision;

14 ~~[O.]~~ Q. "marriage and family therapist" means an  
15 individual who engages in the practice of marriage and family  
16 therapy;

17 R. "marriage and family therapy" means the  
18 assessment, diagnosis and treatment of nervous and mental  
19 disorders, whether cognitive, affective or behavioral, within  
20 the context of marriage and family systems;

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

underscored material = new  
[bracketed material] = delete

1 manual;

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

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

22 [S.] V. "practice of marriage and family therapy"  
23 means the [rendering] licensed practice of marriage and family  
24 therapy services to individuals, family groups and marital  
25 couples, singly or in groups. The "practice of marriage and

. 126218. 2

underscored material = new  
[bracketed material] = del etc

1 family therapy" involves the professional application of  
2 psychotherapeutic and family systems theories and techniques,  
3 as defined by regulation of the board, in the delivery of  
4 services to individuals, [~~married~~] couples and families and  
5 involves the presence of a diagnosed mental or physical  
6 disorder in at least one member of the couple or family being  
7 treated;

8           [~~F.~~] W. "practice of professional clinical mental  
9 health counseling" means the [~~rendering~~] licensed practice of  
10 mental health clinical counseling to individuals, couples,  
11 families or groups and the diagnosis and treatment of [~~mental~~  
12 ~~and~~] emotional and mental disorders [~~including~~  
13 ~~psychopathology~~] as defined by the American psychiatric  
14 association or the world health organization. "Practice of  
15 professional clinical mental health counseling" includes [~~but~~  
16 ~~is not limited to~~] development of patient treatment plans,  
17 goals and objectives, case management services, therapeutic  
18 treatment, research and clinical mental health appraisal,  
19 consulting, counseling and referral as defined by regulation  
20 of the board;

21           [~~U.~~] X. "practice of professional mental health  
22 counseling" means the [~~rendering~~] licensed practice of a  
23 therapeutic counseling service that integrates a wellness and  
24 multicultural model of human behavior involving certain  
25 methods and techniques of appraisal, including [~~but not~~

underscored material = new  
[bracketed material] = del ete

1 ~~limited to~~] consulting, counseling and referral as defined by  
2 regulation of the board;

3 [V.] Y. "practice of registered independent mental  
4 health counseling" means the [ ~~rendering, under appropriate~~  
5 ~~supervision~~] registered independent practice of a therapeutic  
6 counseling service that integrates a wellness and  
7 multicultural model of human behavior involving certain  
8 methods and techniques of appraisal, including [ ~~but not~~  
9 ~~limited to~~] consulting, counseling and referral as defined by  
10 regulation of the board;

11 [W.] Z. "professional art therapist" means [ ~~an~~] a  
12 licensed individual who engages in the practice of art  
13 therapy;

14 [X.] AA. "professional clinical mental health  
15 counselor" means [ ~~an~~] a licensed individual who engages in the  
16 independent practice of professional clinical mental health  
17 counseling without supervision;

18 [Y.] BB. "professional mental health counselor"  
19 means [ ~~an~~] a licensed individual who engages in the practice  
20 of professional mental health counseling without supervision;

21 [Z.] CC. "referral" means the evaluation of  
22 information to identify needs of the person being counseled to  
23 determine the advisability of sending the person being  
24 counseled to other specialists, informing the person being  
25 counseled of such judgment and communicating the information

underscored material = new  
[bracketed material] = del ete

1 to other counseling services as deemed appropriate;

2 ~~[AA. "registered mental health counselor" means an~~  
3 ~~individual who is registered with the board and is authorized~~  
4 ~~by the board to engage in the practice of mental health~~  
5 ~~counseling under appropriate supervision;]~~

6 DD. "registered independent mental health  
7 counselor" means an individual who is registered with the  
8 board and is authorized by the board to engage in the practice  
9 of mental health counseling without supervision; and

10 ~~[BB.]~~ EE. "substance abuse counselor" means an  
11 individual who is licensed to practice alcohol and drug abuse  
12 counseling, alcohol abuse counseling or drug abuse counseling  
13 [and

14 ~~CC. "substance abuse intern" means an individual~~  
15 ~~who is registered to practice alcohol and drug abuse~~  
16 ~~counseling, alcohol abuse counseling or drug abuse counseling~~  
17 ~~under appropriate supervision]. "~~

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

20 "61-9A-4. LICENSE OR REGISTRATION REQUIRED. --

21 A. ~~[After July 1, 1994]~~ Unless licensed or  
22 registered to practice under the Counseling and Therapy  
23 Practice Act, no person shall engage in the practice of:

- 24 (1) professional mental health counseling;  
25 (2) professional clinical mental health

underscored material = new  
[bracketed material] = delete

- 1 counseling;
- 2 (3) marriage and family therapy;
- 3 (4) professional art therapy; [ ~~or~~ ]
- 4 (5) counseling as a [ ~~registered~~ ] licensed
- 5 mental health counselor; or
- 6 (6) counseling as a registered independent
- 7 mental health counselor.

8 B. After [ ~~January 1, 1998~~ ] July 1, 1999, unless  
9 licensed or registered to practice under the Counseling and  
10 Therapy Practice Act, no person shall engage in the practice  
11 of:

- 12 (1) alcohol and drug abuse counseling;
- 13 (2) alcohol abuse counseling; or
- 14 (3) drug abuse counseling [ ~~or~~ ]
- 15 (4) ~~substance abuse counseling as a substance~~
- 16 ~~abuse intern~~]. "

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

19 "61-9A-5. SCOPE OF PRACTICE. --

20 A. For the purpose of the Counseling and Therapy  
21 Practice Act, a person is practicing as a professional mental  
22 health counselor, professional clinical mental health  
23 counselor, marriage and family therapist, professional art  
24 therapist, registered independent mental health counselor,  
25 registered mental health counselor, alcohol and drug abuse

underscored material = new  
[bracketed material] = delete

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

13 B. The scope of the practice of alcohol or drug  
14 abuse counseling, or both, consists of rendering counseling  
15 services, as defined by regulation, to individuals, couples,  
16 families or groups. The services may include screening,  
17 assessment, consultation, development of treatment plans, case  
18 management, counseling, referral, appraisal, crisis  
19 intervention, education, reporting and recordkeeping. "

20 Section 5. Section 61-9A-6 NMSA 1978 (being Laws 1993,  
21 Chapter 49, Section 6, as amended) is amended to read:

22 "61-9A-6. EXEMPTIONS. --

23 A. Nothing in the Counseling and Therapy Practice  
24 Act shall be construed to prevent:

25 (1) any individual who is licensed, certified

underscored material = new  
[bracketed material] = delete

1 or regulated under the laws of this state from engaging in  
2 activities consistent with the standards and ethics of his  
3 profession or practice; or

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

8 B. Specifically exempted from the Counseling and  
9 Therapy Practice Act are:

10 (1) elementary and secondary school  
11 counselors acting on behalf of their employer who are  
12 otherwise regulated;

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

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

20 (4) a person who is enrolled in an [organized  
21 ~~training program to qualify for licensure as a counselor or~~  
22 ~~therapist and is under direct supervision of a licensed~~  
23 ~~counselor or therapist or other appropriate supervision, as~~  
24 ~~approved by the board~~

25 (5) ~~hypnotherapists certified by the American~~

underscored material = new  
[bracketed material] = delete

1 ~~council of hypnotist examiners or the southwest~~  
2 ~~hypnotherapists examining board, providing nonclinical~~  
3 ~~services from July 1, 1994 to June 30, 1998;~~

4 ~~(6) pastoral counselors with master's or~~  
5 ~~doctoral degrees who are certified by the American association~~  
6 ~~of pastoral counselors from July 1, 1994 to June 30, 1998]~~  
7 internship or practicum under appropriate supervision and is  
8 in the internship or practicum for the sole purpose of  
9 acquiring an advanced degree in mental health counseling,  
10 marriage and family therapy, art therapy or a degree in  
11 substance abuse counseling; and

12 [~~(7)~~] (5) practitioners of Native American  
13 healing arts [and

14 ~~(8) state employees at the discretion of the~~  
15 ~~head of the employing agency]. "~~

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

18 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--  
19 COMPENSATION. --

20 A. There is created the "counseling and therapy  
21 practice board", which is administratively attached to the  
22 department.

23 B. The board shall consist of nine members who are  
24 United States citizens and have been New Mexico residents for  
25 at least five years prior to their appointment. Of the nine

underscored material = new  
[bracketed material] = delete

1 members:

2 (1) five members shall be professional  
3 members, who shall be a professional mental health counselor,  
4 a professional clinical mental health counselor, a marriage  
5 and family therapist, a professional art therapist and an  
6 alcohol and drug abuse counselor, licensed under the  
7 Counseling and Therapy Practice Act and shall have engaged in  
8 a counselor and therapist practice for at least five years.  
9 These members shall not hold any elected or appointed office  
10 in any professional organization of counseling, psychology or  
11 closely related field during their tenure on the board, nor  
12 shall they be school owners. [~~The initial professional~~  
13 ~~members shall meet requirements for licensure and be licensed~~  
14 ~~within one year after the effective date of the licensure~~  
15 ~~requirements.~~] The professional mental health counselor shall  
16 also represent the registered independent and licensed mental  
17 health counselors; and

18 (2) four members shall represent the public.  
19 The public members shall not have been licensed or have  
20 practiced as counselor or therapist practitioners or in any  
21 other regulated mental health profession, nor have any  
22 significant financial interest, either direct or indirect, in  
23 the professions regulated.

24 C. All members of the board shall be appointed by  
25 the governor for staggered terms of four years [ ~~except that~~

underscored material = new  
[bracketed material] = del ete

1 ~~the initial board shall be appointed so that the terms of one~~  
2 ~~professional and one public member expire June 30, 1994, the~~  
3 ~~terms of one professional and one public member expire June~~  
4 ~~30, 1995, the terms of one professional and one public member~~  
5 ~~expire on June 30, 1996 and the terms of one professional and~~  
6 ~~one public member expire June 30, 1997. The alcohol and drug~~  
7 ~~abuse counselor shall be appointed to a four-year term~~  
8 ~~beginning July 1, 1996].~~ Each member shall hold office until  
9 his successor is appointed. Vacancies shall be filled in the  
10 same manner as original appointments. No appointee shall  
11 serve more than two terms.

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

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

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

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

underscored material = new  
[bracketed material] = delete

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

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

6 "61-9A-9. BOARD--POWERS AND DUTIES.--

7 A. The board shall have the power to:

8 (1) adopt in accordance with the Uniform  
9 Licensing Act and file in accordance with the State Rules Act  
10 rules and regulations necessary to carry out the provisions of  
11 the Counseling and Therapy Practice Act;

12 (2) select and provide for the administration  
13 of, at least, semi annual examinations for licensure;

14 (3) establish the passing scores for  
15 examinations;

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

18 (5) censure, reprimand or place a licensee or  
19 registrant on probation for a period not to exceed one year;

20 (6) require and establish criteria for  
21 continuing education;

22 (7) establish by rule procedures for  
23 receiving, investigating and resolving complaints;

24 (8) approve appropriate supervision and post-  
25 graduate experience for persons seeking licensure or

underscored material = new  
[bracketed material] = delete

1 registration;

2 (9) provide for the issuance of licenses and  
3 certificates of registration;

4 (10) determine eligibility of individuals for  
5 licensure or registration;

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

10 (12) establish criteria for supervision and  
11 supervisory requirements; [~~and~~]

12 (13) establish a code of ethics; and

13 (14) establish standing committees.

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

22 (1) recommend and periodically review a code  
23 of ethics;

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

underscored material = new  
[bracketed material] = delete

- 1 (3) develop criteria for supervision; and
- 2 (4) recommend rules and regulations.

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

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

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

- 17 A. has reached the age of twenty-one;
- 18 B. holds a master's or doctoral degree in  
19 counseling or an allied mental health field from an accredited  
20 institution [~~The board may approve, on a case-by-case basis,~~  
21 ~~applicants who have a master's degree or doctoral degree from~~  
22 ~~non-accredited institutions~~];

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

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

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

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

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

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

16 B. holds a master's or doctoral degree in  
17 counseling or an allied mental health field from an accredited  
18 institution [~~Effective July 1, 1998, the applicant must have a~~  
19 ~~master's degree and a total of sixty graduate hours or more~~  
20 ~~The board may approve applicants who have a master's degree or~~  
21 ~~doctoral degree from nonaccredited or foreign institutions on~~  
22 ~~a case-by-case basis] and a total of at least forty-eight  
23 graduate hours in the mental health clinical core curriculum;~~

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

. 126218. 2

underscored material = new  
[bracketed material] = delete

1 board; [~~and~~]

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

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

10 Section 10. Section 61-9A-12 NMSA 1978 (being Laws 1993,  
11 Chapter 49, Section 12) is amended to read:

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

17 A. has reached the age of twenty-one;  
18 B. holds a master's or doctoral degree with a  
19 focus in marriage and family therapy or meets the requirements  
20 of the core curriculum in marriage and family therapy from an  
21 accredited institution;

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

25 D. has a minimum of two years of postgraduate

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

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

7 Section 11. Section 61-9A-13 NMSA 1978 (being Laws 1993,  
8 Chapter 49, Section 13) is amended to read:

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

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

15 B. demonstrates professional competency by  
16 [~~satisfactorily~~] passing an examination as prescribed by the  
17 board;

18 C. holds either:

19 (1) a master's or doctoral degree in art  
20 therapy that includes seven hundred hours of supervised  
21 internship experience from an accredited institution [ ~~The~~  
22 ~~board may, on a case-by-case basis, approve applicants who~~  
23 ~~hold a master's degree or a doctoral degree from non-~~  
24 ~~accredited institutions~~]; or

25 (2) a master's degree in a counseling related

underscored material = new  
[bracketed material] = delete

1 field, ~~[and]~~ has a minimum of twenty-one semester hours of  
2 sequential course work in the history, theory and practice of  
3 art therapy and has completed seven hundred hours of  
4 supervised internship experience from an accredited  
5 institution. The board may approve on a case-by-case basis  
6 applicants who have a master's degree or a doctoral degree  
7 from non-accredited institutions; ~~[and]~~

8 D. has completed one thousand client contact hours  
9 of postgraduate experience under appropriate supervision  
10 beyond the requirements in Paragraph (1) of Subsection C of  
11 this section or two thousand client contact hours of  
12 postgraduate experience under appropriate supervision beyond  
13 the requirements in Paragraph (2) of Subsection C of this  
14 section. Supervision ~~[must]~~ shall be under a nationally  
15 registered licensed or American art therapy board certified  
16 art therapist for at least fifty percent of the working hours;  
17 and

18 E. is of good moral character with conduct  
19 consistent with the code of ethics. "

20 Section 12. Section 61-9A-14 NMSA 1978 (being Laws 1993,  
21 Chapter 49, Section 14) is amended to read:

22 "61-9A-14. REQUIREMENTS FOR ~~[REGISTERED]~~ LICENSED MENTAL  
23 HEALTH COUNSELOR. --The board shall issue a ~~[certificate of~~  
24 ~~registration]~~ license as a mental health counselor to any  
25 person who files a completed application accompanied by the

underscored material = new  
[bracketed material] = delete

1 required fees and who submits satisfactory evidence that the  
2 applicant:

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

4 B. has obtained a master's or doctoral degree in  
5 counseling, marriage and family therapy or an allied mental  
6 health field. The board may approve on a case-by-case basis  
7 applicants who have a master's degree or a doctoral degree  
8 from non-accredited institutions; [ and]

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

14 D. demonstrates professional competency by  
15 satisfactorily passing an examination within the applicant's  
16 discipline as prescribed by the board; and

17 E. is of good moral character with conduct  
18 consistent with the code of ethics. "

19 Section 13. Section 61-9A-14.1 NMSA 1978 (being Laws  
20 1996, Chapter 61, Section 8) is amended to read:

21 "61-9A-14.1 [SUBSTANCE] ALCOHOL AND DRUG ABUSE  
22 COUNSELORS--REQUIREMENTS FOR LICENSURE. --

23 [~~A. The board shall license as a substance abuse~~  
24 ~~intern any person who files a completed application~~  
25 ~~accompanied by the required fees and who submits satisfactory~~

underscored material = new  
[bracketed material] = delete

1 ~~evidence that the applicant:~~

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

4 ~~(2) is at least eighteen years of age;~~

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

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

11 ~~(5) demonstrates knowledge of a working~~  
12 ~~definition of substance abuse treatment and recovery;~~

13 ~~(6) signs a code of ethics statement, as~~  
14 ~~approved by the board; and~~

15 ~~(7) provides three letters of recommendation~~  
16 ~~as established by rule.~~

17 B.] A. Through June 30, 2003, the board shall  
18 license as an alcohol and drug abuse counselor any person who  
19 files a completed application accompanied by the required fees  
20 and who submits satisfactory evidence that the applicant:

21 (1) is of good moral character, with conduct  
22 consistent with the code of ethics;

23 (2) [~~is at least eighteen years of age~~] has  
24 reached his twenty-first birthday;

25 [~~(3) possesses a high school diploma or its~~

underscored material = new  
[bracketed material] = delete

1       equivalent;

2                       ~~(4)~~ (3) has passed an examination, as  
3 approved by the board;

4                       ~~(5)~~ (4) signs a code of ethics statement,  
5 as approved by the board; and

6                       ~~(6)~~ (5) has one of the following  
7 combinations of education and experience:

8                               ~~(a) an associate degree or board-~~  
9 ~~approved education and training that includes two hundred~~  
10 ~~seventy clock hours with at least ninety hours in each of the~~  
11 ~~fields of alcohol, drug and counseling education and training~~  
12 ~~in professional ethics, four years of experience in the~~  
13 ~~practice of alcohol and drug abuse counseling under~~  
14 ~~appropriate supervision and three hundred hours of approved~~  
15 ~~practicum;~~

16                               ~~(b)~~ (a) a baccalaureate degree in a  
17 related mental health field, two hundred [ ~~seventy~~ ] seventy-six  
18 clock hours of specific training that may be part of the  
19 degree program and that includes at least ninety hours in each  
20 of the fields of alcohol, drug and counseling [ ~~education~~ ] and  
21 six hours of training in professional ethics and three years  
22 of experience in the practice of alcohol and drug abuse  
23 counseling under appropriate supervision; or

24                               ~~(c)~~ (b) a master's degree in a  
25 related mental health field, two hundred [ ~~seventy~~ ] seventy-six

underscored material = new  
[bracketed material] = delete

1 clock hours of specific training that may be part of the  
2 degree program and that includes at least ninety hours in each  
3 of the fields of alcohol, drug and counseling [ ~~education~~] and  
4 six hours of training in professional ethics and two years of  
5 experience in the practice of alcohol and drug abuse  
6 counseling under appropriate supervision.

7 ~~[C.]~~ B. Effective July 1, 2003, the board shall  
8 license as an alcohol and drug abuse counselor any person who  
9 files a completed application accompanied by the required fees  
10 and who submits satisfactory evidence that the applicant:

11 (1) is of good moral character, with conduct  
12 consistent with the code of ethics;

13 (2) ~~[is at least eighteen years of age]~~ has  
14 reached his twenty-first birthday;

15 (3) ~~[possesses a high school diploma or its~~  
16 ~~equivalent]~~ holds a baccalaureate degree in counseling or in a  
17 related mental health field from an accredited institution;

18 (4) has passed an examination, as approved by  
19 the board;

20 (5) signs a code of ethics statement, as  
21 approved by the board; and

22 (6) has ~~[one of the following combinations of~~  
23 ~~education and experience:-~~

24 ~~(a) an associate degree or board-~~  
25 ~~approved education and training that includes one hundred-~~

underscored material = new  
[bracketed material] = delete

1 ~~eighty clock hours with at least ninety hours in each of the~~  
2 ~~fields of alcohol and counseling education and training in~~  
3 ~~professional ethics, four years of experience in the practice~~  
4 ~~of alcohol abuse counseling under appropriate supervision and~~  
5 ~~three hundred hours of approved practicum;~~

6 (b) ~~a baccalaureate degree in a related~~  
7 ~~mental health field, one hundred eighty clock hours of~~  
8 ~~specific training that may be part of the degree program and~~  
9 ~~that includes at least ninety hours in each of the fields of~~  
10 ~~alcohol and counseling education and training in professional~~  
11 ~~ethics and three years of experience in the practice of~~  
12 ~~alcohol abuse counseling under appropriate supervision; or~~

13 (c) ~~a master's degree in a related~~  
14 ~~mental health field, [one hundred eighty] two hundred seventy-~~  
15 ~~six clock hours of specific training that may be part of the~~  
16 ~~degree program and that includes at least ninety hours in each~~  
17 ~~of the fields of alcohol, drug and counseling education and~~  
18 ~~six hours of training in professional ethics and [two years of~~  
19 ~~experience] three hundred hours of approved practicum and two~~  
20 ~~thousand client contact hours acquired within the last five~~  
21 ~~years of experience in the practice of alcohol and drug abuse~~  
22 ~~counseling under appropriate supervision.~~

23 [D. ~~The board shall license as a drug abuse~~  
24 ~~counselor any person who files a completed application~~  
25 ~~accompanied by the required fees and who submits satisfactory~~

underscored material = new  
[bracketed material] = delete

1 ~~evidence that the applicant:~~

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

4 ~~(2) is at least eighteen years of age;~~

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

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

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

11 ~~(6) has one of the following combinations of~~  
12 ~~education and experience:~~

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

20 ~~(b) a baccalaureate degree in a related~~  
21 ~~mental health field, one hundred eighty clock hours of~~  
22 ~~specific training that may be part of the degree program and~~  
23 ~~that includes at least ninety hours in each of the fields of~~  
24 ~~drug and counseling education and training in professional~~  
25 ~~ethics and three years of experience in the practice of drug~~

underscored material = new  
[bracketed material] = delete

1 ~~abuse counseling under appropriate supervision; or~~  
2 ~~(c) a master's degree in a related~~  
3 ~~mental health field, one hundred eighty clock hours of~~  
4 ~~specific training that may be part of the degree program and~~  
5 ~~that includes at least ninety hours in each of the fields of~~  
6 ~~drug and counseling education and training in professional~~  
7 ~~ethics and two years of experience in the practice of drug~~  
8 ~~abuse counseling under appropriate supervision.]"~~

9 Section 14. Section 61-9A-22 NMSA 1978 (being Laws 1993,  
10 Chapter 49, Section 22) is amended to read:

11 "61-9A-22. LICENSURE BY CREDENTIALS. --The board may  
12 license an applicant without examination if the person  
13 possesses a valid regulatory document issued by the  
14 appropriate examining board under the laws of any other state  
15 or territory of the United States, the District of Columbia or  
16 any foreign nation that in the judgment of the board has  
17 requirements [~~substantially equivalent~~] equal to or exceeding  
18 those in the Counseling and Therapy Practice Act. "

19 Section 15. Section 61-9A-23 NMSA 1978 (being Laws 1993,  
20 Chapter 49, Section 23) is amended to read:

21 "61-9A-23. LICENSE AND [~~CERTIFICATE~~] REGISTRATION  
22 RENEWAL. --  
23 A. Each licensee or registrant shall renew his  
24 license or [~~certificate of~~] registration biennially by  
25 submitting a renewal application on a form provided by the

underscored material = new  
[bracketed material] = delete

1 board and complying with all renewal requirements. Licensees  
2 with even-numbered licenses shall renew in even-numbered  
3 years. Licensees with odd-numbered licenses shall renew in  
4 odd-numbered years. The board may authorize license renewal  
5 for one year to establish this renewal cycle and charge the  
6 proportionate license fee for that period.

7 B. A ninety-day grace period shall be allowed each  
8 licensee or registrant after the license or registration  
9 period, during which time licenses and [ ~~certificates~~]  
10 registration may be renewed upon payment of the renewal fee  
11 [~~the~~] and late fee and compliance with all renewal  
12 requirements.

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

underscored material = new  
[bracketed material] = delete

1 licensee to reapply and meet all current standards for  
2 licensure or certification.

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

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

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

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

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

25 C. for licensure or renewal as a clinical

underscored material = new  
[bracketed material] = delete

1 professional mental health counselor, marriage and family  
2 therapist or professional art therapist, four hundred twenty  
3 dollars (\$420);

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

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

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

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

16 H. reasonable administrative fees; and

17 I. for licensure, registration or renewal as an  
18 alcohol and drug abuse counselor, an independent alcohol abuse  
19 counselor [a] or an independent drug abuse counselor, [~~or a~~  
20 ~~substance abuse intern~~] two hundred dollars (\$200). "

21 Section 17. Section 61-9A-26 NMSA 1978 (being Laws 1993,  
22 Chapter 49, Section 26, as amended) is amended to read:

23 "61-9A-26. LICENSE AND REGISTRATION--DENIAL, FINES,  
24 REPRIMAND, SUSPENSION AND REVOCATION. --

25 A. In accordance with the procedures established

underscored material = new  
[bracketed material] = delete

1 by the Uniform Licensing Act, the board may deny, suspend or  
2 revoke any license or registration held or applied for under  
3 the Counseling and Therapy Practice Act, [~~or~~] fine or  
4 reprimand the licensee or take any other action provided for  
5 in the Uniform Licensing Act, upon grounds that the licensee,  
6 registrant or applicant:

7 (1) is guilty of fraud, deceit or  
8 misrepresentation in procuring or attempting to procure any  
9 license or registration provided for in the Counseling and  
10 Therapy Practice Act;

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

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

15 (4) is found guilty of unprofessional or  
16 unethical conduct;

17 (5) has been using any controlled substances,  
18 as defined in the Controlled Substances Act, or alcoholic  
19 beverage to an extent or in a manner dangerous to himself or  
20 any other person or the public or to an extent that the use  
21 impairs his ability to perform the work of a counselor or  
22 therapist practitioner;

23 (6) has violated any provision of the  
24 Counseling and Therapy Practice Act or regulations adopted by  
25 the board;

. 126218. 2

underscored material = new  
[bracketed material] = del ete

1 (7) is grossly negligent in practice [ ~~as a~~  
2 ~~professional counselor or therapist practitioner~~ ];

3 (8) willfully or negligently divulges a  
4 professional confidence;

5 (9) demonstrates marked incompetence in  
6 practice [ ~~as a professional counselor or therapist~~  
7 ~~practitioner or~~ ];

8 (10) has had a license or registration to  
9 practice as a counselor, therapist or other mental health  
10 practitioner revoked, suspended or denied in any jurisdiction,  
11 territory or possession of the United States or another  
12 country for acts of the licensee or registrant similar to acts  
13 described in this subsection; or

14 (11) knowingly and willfully practices beyond  
15 the scope of practice, as defined by the board.

16 B. A certified copy of the record of conviction  
17 shall be conclusive evidence of such conviction.

18 C. Disciplinary proceedings may be instituted by  
19 the sworn complaint of any person, including members of the  
20 board, and shall conform to 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 such copy.

23 D. A person who violates any provision of the  
24 Counseling and Therapy Practice Act is guilty of a misdemeanor  
25 and upon conviction shall be punished as provided in Section

underscored material = new  
[bracketed material] = del etc

1 31-19-1 NMSA 1978. "

2 Section 18. Section 61-9A-30 NMSA 1978 (being Laws 1993,  
3 Chapter 49, Section 30) is amended to read:

4 "61-9A-30. TERMINATION OF AGENCY LIFE--DELAYED REPEAL. --  
5 The counseling and therapy practice board is terminated on  
6 July 1, [~~1999~~] 2005 pursuant to the provisions of the Sunset  
7 Act. The board shall continue to operate according to the  
8 provisions of the Counseling and Therapy Practice Act until  
9 July 1, [~~2000~~] 2006. Effective July 1, [~~2000~~] 2006, the  
10 Counseling and Therapy Practice Act is repealed. "

11 Section 19. REPEAL. --Sections 61-9A-17 through  
12 61-9A-21.1 NMSA 1978 (being Laws 1993, Chapter 49, Sections 17  
13 through 21 and Laws 1996, Chapter 61, Section 9) are repealed.

14 Section 20. EFFECTIVE DATE. --The effective date of the  
15 provisions of this act is July 1, 1999.