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HOUSE BILL 341

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Nick L. Salazar

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSURE; CHANGING
LICENSE RENEWAL CYCLE AND LICENSURE EXAMINATION REQUIREMENTS;
PROVIDING FOR PROVISIONAL AND TEMPORARY LICENSURE AND
RECIPROCITY; AMENDING AND ENACTING SECTIONS OF THE PROFESSIONAL
PSYCHOLOGIST ACT.

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

Section 1. Section 61-9-7 NMSA 1978 (being Laws 1963,
Chapter 92, Section 6, as amended) is amended to read:

"61-9-7. FEES--LICENSE RENEWAL.--

A. All fees from applicants seeking licensure under
the Professional Psychologist Act and all license renewal fees
received under the Professional Psychologist Act shall be
credited to the psychology fund. No fees shall be refunded.

B. The board shall set the charge for an

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1 application fee of up to [~~three hundred dollars (\$300)~~] six
2 hundred dollars (\$600) to applicants for licensure under
3 Sections 61-9-9 through 61-9-11.1 NMSA 1978.

4 C. The board may establish a method to provide for
5 staggered biennial terms. The board may authorize license
6 renewal for one year to establish the renewal cycle.

7 [~~C. Each~~] D. A licensee shall renew [his] a
8 license [annually] biennially on or before July 1 by remitting
9 to the board the renewal fee set by the board not exceeding
10 [~~three hundred dollars (\$300)~~] six hundred dollars (\$600) and
11 providing proof of continuing education as required by
12 regulation of the board. Any license issued by the board may
13 be suspended if the holder fails to renew [his] the license by
14 July 1 of any year. A license suspended for failure to renew
15 may be renewed within a period of one year after the suspension
16 upon payment of the renewal fee plus a late fee of one hundred
17 dollars (\$100), together with proof of continuing education
18 satisfactory to the board. The license shall be revoked if the
19 license has not been renewed within one year of the suspension
20 for failure to renew. Prior to issuing a new license, the
21 board may in its discretion require full or partial examination
22 of a former licensee whose license was revoked because of
23 failure to renew."

24 Section 2. Section 61-9-10 NMSA 1978 (being Laws 1963,
25 Chapter 92, Section 9, as amended) is amended to read:

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1 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER
2 AREAS--RECIPROCITY.--Upon application accompanied by [~~such~~] a
3 fee as [~~is~~] required by the Professional Psychologist Act, the
4 board may, without written or oral examination, issue a license
5 to [~~any~~] a person who furnishes, upon a form and in such manner
6 as the board prescribes, evidence satisfactory to the board
7 that [~~he~~] the person is licensed or certified as a psychologist
8 by another state, territorial possession of the United States,
9 District of Columbia or Commonwealth of Puerto Rico if the
10 requirements for [~~such~~] that license or certification are
11 deemed by the board equivalent to those contained in the
12 Professional Psychologist Act. The board shall promulgate
13 rules to ensure a process of reciprocity for licensure of
14 experienced practitioners from other states."

15 Section 3. Section 61-9-11 NMSA 1978 (being Laws 1963,
16 Chapter 92, Section 10, as amended) is amended to read:

17 "61-9-11. LICENSURE--EXAMINATION.--

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

- 24 (1) has reached the age of majority;
25 (2) is of good moral character;

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1 (3) is not in violation of any of the
2 provisions of the Professional Psychologist Act and the rules
3 adopted pursuant to that act;

4 (4) holds a doctoral degree based in part on a
5 psychological dissertation from a school or college;

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

12 (6) demonstrates professional competence by
13 passing [~~(a)~~] the examination for professional practice in
14 psychology promulgated by the association of state and
15 provincial psychology boards with a total raw score of 140
16 [~~(70%)~~] (seventy percent), before January 1, 1993 or, if after
17 January 1, 1993, a score equal to or greater than the passing
18 score recommended by the association of state and provincial
19 psychology boards [~~and~~

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

24 (7) demonstrates an awareness and knowledge of
25 New Mexico cultures as determined by the board; and

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1 (8) passes such jurisprudence examination as
2 may be given by the board through an on-line testing and
3 scoring mechanism.

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 are
8 satisfactory and accepted or unsatisfactory and rejected. If
9 rejected, the 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 at such
12 time and place and under such supervision as the board may
13 determine.

14 D. In the event an applicant fails to receive a
15 passing grade, ~~[he]~~ the applicant may apply for reexamination
16 and shall be allowed to take a subsequent examination upon
17 payment of the fee required by the Professional Psychologist
18 Act.

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

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

25 "61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--
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1 EXAMINATION.--

2 A. The board shall issue a license as a
3 psychologist associate to each applicant who files an
4 application upon a form and in such manner as the board
5 prescribes, accompanied by the fee required by the Professional
6 Psychologist Act, and who furnishes evidence satisfactory to
7 the board that ~~[he]~~ the applicant:

8 (1) has reached the age of majority, is of
9 good moral character and is not in violation of any of the
10 provisions of the Professional Psychologist Act and the rules
11 and regulations adopted pursuant to that act;

12 (2) holds a master's degree in psychology from
13 a department of psychology of a school or college; ~~[and]~~

14 (3) demonstrates professional competence by
15 passing ~~[(a)]~~ the examination for professional practice in
16 psychology promulgated by the association of state and
17 provincial psychology boards with a score equivalent to or
18 greater than the statistical mean as reported by the
19 association of state and provincial psychology boards for all
20 master's-level candidates taking the examination on that
21 occasion ~~[and]~~

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

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1 (4) demonstrates awareness and knowledge of
2 New Mexico cultures as determined by the board; and

3 (5) passes such jurisprudence examination as
4 may be given by the board through an on-line testing and
5 scoring mechanism.

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

12 C. The place of examination shall be designated in
13 advance by the board, and examinations shall be given at such
14 time and place and under such supervision as the board may
15 determine.

16 D. In the event an applicant fails to receive a
17 passing grade, ~~[he]~~ the applicant may apply for reexamination
18 and shall be allowed to take a subsequent examination upon
19 payment of the fee required by the Professional Psychologist
20 Act.

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

25 F. The board may adopt reasonable rules and

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1 regulations classifying areas and conditions of practice
2 permissible for psychologist associates."

3 Section 5. A new section of the Professional Psychologist
4 Act is enacted to read:

5 "[NEW MATERIAL] PROVISIONAL AND TEMPORARY LICENSURE.--

6 A. Prior to examination, an applicant for licensure
7 may obtain a provisional license to engage in the practice of
8 psychology if the person meets all the requirements, except
9 examination, as prescribed in Section 61-9-11 NMSA 1978. The
10 provisional license shall be valid no more than sixty days
11 after the results of the next examination become available.

12 B. Notwithstanding Subsection A of this section, as
13 deemed necessary by the board, an applicant for licensure
14 pursuant to the Professional Psychologist Act may be issued a
15 temporary license for a period not to exceed six months or for
16 a period of time necessary for the board to ensure that the
17 applicant has met licensure requirements as set out in that
18 act."