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SENATE BILL 407

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Gay G. Kernan

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING PROVISIONS
RELATING TO SUBSTANCE ABUSE ASSOCIATE SCOPE OF PRACTICE.

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

SECTION 1. 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
college accredited by an accrediting agency of institutions of
higher education;

B. "appraisal" means selecting, administering,
scoring and interpreting instruments designed to assess a
person's aptitudes, attitudes, abilities, achievements,
interests, personal characteristics and current emotional or

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1 mental state by appropriately educated, trained and experienced
2 clinicians and the use of nonstandardized methods and
3 techniques for understanding human behavior in relation to
4 coping with, adapting to or changing life situations of a
5 physical, mental or emotional nature; "appraisal" shall not be
6 construed to permit the performance of any act that a counselor
7 or a therapist is not educated, trained and licensed to
8 perform;

9 C. "appropriate clinical supervision" means as
10 defined by rule, supervision provided by a licensed:

- 11 (1) professional clinical mental health
12 counselor;
- 13 (2) marriage and family therapist;
- 14 (3) professional art therapist;
- 15 (4) psychiatrist;
- 16 (5) clinical psychologist;
- 17 (6) clinical nurse specialist in psychiatry;
- 18 (7) independent social worker with two years
19 of mental health and supervised clinical experience; or
- 20 (8) alcohol and drug abuse counselor. A
21 [~~licenced~~] licensed alcohol and drug abuse counselor must have
22 completed three years of work experience in the field of
23 alcohol and drug abuse [~~experience~~] prior to providing
24 supervision;

25 D. "appropriate clinical supervisor for substance

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1 abuse associate" means a person who has education and
2 experience specific to the career track of the associate and
3 has training in transmitting knowledge, skills and attitudes
4 through a relational process [~~that includes direct oversight of~~
5 ~~the clinical work~~];

6 E. "approved clinical supervisor" means a person
7 who is a licensed professional clinical mental health
8 counselor, licensed marriage and family therapist, licensed
9 professional art therapist, licensed psychiatrist, licensed
10 clinical psychologist, clinical nurse specialist in psychiatry
11 or licensed independent social worker and provides supervision
12 to a licensed mental health counselor or therapist;

13 F. "art therapy" means the rendering of art therapy
14 principles whereby communication is facilitated through
15 therapeutic counseling and art media. This involves the
16 application of the principles of human development and
17 psychological theories, which are implemented in the full
18 spectrum of models of assessment and treatment, including
19 psychodynamics and cognitive, interpersonal and other
20 therapeutic means to individuals, couples, families, groups and
21 communities for the promotion of optimal mental health;

22 G. "board" means the counseling and therapy
23 practice board;

24 H. "client contact hours" means the face-to-face
25 time spent with a client to appraise, assess, evaluate,

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1 diagnose, treat psychopathology and provide counseling
2 services;

3 I. "clinical counseling" means the rendering of
4 counseling services involving the application of principles of
5 psychotherapy, human development, learning theory, diagnosis,
6 treatment and the etiology of mental illness and dysfunctional
7 behavior to individuals, couples, families or groups for the
8 purpose of assessing and treating psychopathology and promoting
9 optimal mental health;

10 J. "consultation" means the voluntary,
11 nonsupervisory relationship between professionals or other
12 pertinent persons, in application of scientific counseling,
13 guidance and human development principles and procedures to
14 provide assistance in understanding and resolving a current or
15 potential problem that the consultee may have in relation to a
16 third party, be it an individual, group, family or
17 organization;

18 K. "counselor training and education" means a
19 process that prepares counselors and therapists in both
20 didactic and clinical aspects of counseling;

21 L. "course" means an integrated, organized course
22 of study, which encompasses a minimum of one school semester or
23 equivalent hours;

24 M. "counseling" means the application of scientific
25 principles and procedures in therapeutic counseling, guidance

1 and human development to provide assistance in understanding
2 and solving a mental, emotional, physical, social, moral,
3 educational, spiritual or career development and adjustment
4 problem that a client may have;

5 N. "counseling-related field" as defined by rule,
6 means a degree in guidance counseling, mental health-community
7 counseling or agency counseling; psychology, clinical
8 psychology, counseling psychology; human and family studies;
9 art therapy; and art education with an emphasis in art therapy;

10 O. "defined by rule" means rules and regulations
11 published by the board to establish criteria, standards and
12 procedures relevant to application, licensing, administration
13 and enforcement of the Counseling and Therapy Practice Act;

14 P. "department" means the regulation and licensing
15 department or the division of the department designated to
16 administer the counseling and therapy practice board;

17 Q. "diagnosis and treatment planning" means
18 assessing, analyzing and providing diagnostic descriptions of
19 mental, emotional or behavioral conditions; exploring possible
20 solutions; and developing and implementing a treatment plan for
21 mental, emotional and psychosocial adjustment or development.

22 "Diagnosis and treatment planning" shall not be construed to
23 permit the performance of any act that counselors or therapists
24 are not educated, trained and licensed to perform;

25 R. "evaluation" means the act of making informed

1 decisions based on the use and analysis of pertinent data;

2 S. "internship" means a distinctly defined, pre-
3 graduate, supervised clinical experience in which the student
4 refines, enhances and integrates professional knowledge with
5 basic counselor or therapist skills appropriate to the
6 student's program and preparation for postgraduate professional
7 placement;

8 T. "licensure" means the process by which a state
9 agency or government grants permission to an individual to
10 engage in a given profession and to use the designated title of
11 that profession after the applicant has attained the minimal
12 degree of competency necessary to ensure that the public
13 health, safety and welfare are reasonably well protected;

14 U. "marriage and family therapy" means the
15 assessment, diagnosis and treatment of nervous and mental
16 disorders, whether cognitive, affective or behavioral, within
17 the context of marriage and family systems;

18 V. "mental disorder" means any of several
19 conditions or disorders that meet the diagnostic criteria
20 contained in the diagnostic and statistical manual of the
21 American psychiatric association or the world health
22 organization's international classification of mental
23 disorders;

24 W. "practicum" means a distinctly defined,
25 supervised clinical experience in which the student develops

1 basic counselor or therapist skills and integrates professional
2 knowledge. Practicum is completed prior to or concurrent with
3 an internship;

4 X. "program" means a structured sequence of
5 curricular and clinical experiences housed within an academic
6 unit;

7 Y. "referral" means evaluating and identifying the
8 needs of a client to determine the advisability of referrals to
9 other specialists, advising the client of such judgments and
10 communicating as requested or deemed appropriate to such
11 referral sources;

12 Z. "research" means a systematic effort to collect,
13 analyze and interpret quantitative or qualitative data that
14 describe how social characteristics, behavior, emotions,
15 cognition, disabilities, mental disorders and interpersonal
16 transactions among individuals, couples, families and
17 organizations interact;

18 AA. "standard" means a minimal criterion that must
19 be met; and

20 BB. "substance abuse-related fields" means a degree
21 in guidance counseling, mental health-community counseling,
22 agency counseling, psychology, clinical psychology, counseling
23 psychology, human and family studies, social work, art therapy
24 and art education with appropriate clinical background and two
25 hundred seventy-six clock hours in education or training in

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1 alcohol and drug abuse counseling."

2 SECTION 2. Section 61-9A-5 NMSA 1978 (being Laws 1993,
3 Chapter 49, Section 5, as amended) is amended to read:

4 "61-9A-5. SCOPES OF PRACTICE.--

5 A. For the purpose of the Counseling and Therapy
6 Practice Act, a person is practicing as a professional mental
7 health counselor, professional clinical mental health
8 counselor, marriage and family therapist, professional art
9 therapist, registered independent mental health counselor,
10 registered mental health counselor, licensed mental health
11 counselor, licensed associate marriage and family therapist,
12 alcohol and drug abuse counselor, alcohol abuse counselor, drug
13 abuse counselor or substance abuse associate if the person
14 advertises, offers to practice, is employed in a position
15 described as professional mental health counselor, professional
16 clinical mental health counselor, marriage and family
17 therapist, professional art therapist, registered independent
18 mental health counselor, alcohol and drug abuse counselor,
19 alcohol abuse counselor, drug abuse counselor or substance
20 abuse counselor associate, or holds out to the public or
21 represents in any manner that the person is licensed or
22 registered to practice as a counselor or therapist enumerated
23 in this section in this state.

24 B. "Practice of professional clinical mental health
25 counseling" means the application of mental health,

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1 psychotherapeutic and human development principles through a
2 therapeutic relationship to:

3 (1) achieve the mental, emotional, physical,
4 social, moral, educational, spiritual or career-related
5 development and adjustment of the client throughout the
6 client's life;

7 (2) diagnose, evaluate, prevent and treat
8 mental, emotional or behavioral disorders and associated
9 distresses that interfere with mental health;

10 (3) conduct appraisal, assessments and
11 evaluations to establish treatment goals and objectives; and

12 (4) plan, implement and evaluate treatment
13 plans using counseling treatment interventions and strategies.

14 C. "Practice of professional art therapy" means the
15 licensed practice of counseling or therapy services to
16 individuals, families or groups, of services that use art media
17 as a means of expression and communication to:

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

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

25 (3) conduct appraisal, assessments and

1 evaluations to establish treatment goals and objectives; and

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

5 D. "Practice of marriage and family therapy" means
6 the licensed practice of marriage and family therapy services
7 delivered to persons, couples and families treated singly or in
8 groups within the context of family systems to:

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

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

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

18 (4) plan, implement and evaluate treatment
19 plans using marriage and family therapy treatment interventions
20 and strategies.

21 E. "Practice of licensed professional mental health
22 counselor, licensed mental health counselor, registered
23 independent counselor and licensed associate marriage and
24 family therapist under an appropriate clinical supervisor"
25 consists of rendering counseling services, which may include

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1 evaluation, assessment, consultation, diagnosing, development
2 of treatment plans, case management counseling referral,
3 appraisal, crisis intervention education, reporting and record
4 keeping to individuals, couples, families or groups as defined
5 by rule.

6 F. The scopes of practice of alcohol and drug abuse
7 counseling, or both, consists of rendering treatment and
8 intervention services specific to alcohol and other drug use
9 disorders to persons, couples, families or groups. The
10 services may include evaluation, assessment, diagnosis of
11 chemical abuse and chemical dependency disorders only,
12 consultation, development of treatment plans, case management-
13 counseling, referral, appraisal, crisis intervention,
14 education, reporting and record keeping. Nothing in this scope
15 of practice shall be construed as preventing licensed alcohol
16 and drug abuse counselors from providing screening and
17 referrals for mental health disorders. However, assessment,
18 treatment and diagnosis for such disorders is not within the
19 scope of practice of this license. The practice of these
20 activities will be limited to the individual's level of
21 training, education and supervised experience. The alcohol and
22 drug abuse counselor may provide therapeutic services that may
23 include treatment of clients with co-occurring disorders or
24 dual diagnosis in an integrated behavioral health setting in
25 which a multidisciplinary team has developed a

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1 multidisciplinary treatment plan that is co-authorized by an
2 independently licensed counselor or therapist. The treatment
3 of a mental health disorder shall be supervised by an
4 independently licensed counselor or therapist.

5 G. The scope of practice of a substance abuse
6 associate under the supervision by an appropriate supervisor is
7 limited to supervised work in a public or private institution,
8 which shall include a combination of administrative, clinical
9 and supportive supervision. The associate may be involved in
10 taking social histories or conducting home studies. The
11 associate utilizes the basic problem-solving process of
12 gathering information, assessing that information at a
13 beginning professional level and developing an intervention
14 plan. The associate may implement the plan and conduct follow-
15 ups pertaining specifically to alcohol and drug abuse
16 counseling. The associate may provide client education and
17 assist a licensed counselor-therapist with group or individual
18 counseling sessions. A substance abuse associate shall not
19 practice independently as a private practitioner."

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