

HOUSE BILL 178

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

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AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING A SECTION OF THE
COUNSELING AND THERAPY PRACTICE ACT TO UPDATE DEFINITIONS
RELATING TO EDUCATION AND EXPERIENCE REQUIREMENTS; EXTENDING
THE TERMINATION DATE OF THE COUNSELING AND THERAPY PRACTICE
BOARD.

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,

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1 scoring and interpreting instruments designed to assess a
2 person's aptitudes, attitudes, abilities, achievements,
3 interests, personal characteristics and current emotional or
4 mental state by appropriately educated, trained and experienced
5 clinicians and the use of nonstandardized methods and
6 techniques for understanding human behavior in relation to
7 coping with, adapting to or changing life situations of a
8 physical, mental or emotional nature; "appraisal" shall not be
9 construed to permit the performance of any act that a counselor
10 or a therapist is not educated, trained and licensed to
11 perform;

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

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

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1 field of alcohol and drug abuse [~~experience~~] prior to providing
2 supervision;

3 D. "appropriate clinical supervisor for substance
4 abuse associate" means a person who has education and
5 experience specific to the career track of the associate and
6 has training in transmitting knowledge, skills and attitudes
7 through a relational process that includes direct oversight of
8 the clinical work;

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

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

25 G. "board" means the counseling and therapy

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1 practice board;

2 H. "client contact hours" means the face-to-face
3 time spent with a client to appraise, assess, evaluate,
4 diagnose, treat psychopathology and provide counseling
5 services;

6 I. "clinical counseling" means the rendering of
7 counseling services involving the application of principles of
8 psychotherapy, human development, learning theory, diagnosis,
9 treatment 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 promoting
12 optimal mental health;

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

21 K. "counselor training and education" means a
22 process that prepares counselors and therapists in both
23 didactic and clinical aspects of counseling;

24 L. "course" means an integrated, organized course
25 of study, which encompasses a minimum of one school semester or

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1 equivalent hours;

2 M. "counseling" means the application of scientific
3 principles and procedures in therapeutic counseling, guidance
4 and human development to provide assistance in understanding
5 and solving a mental, emotional, physical, social, moral,
6 educational, spiritual or career development and adjustment
7 problem that a client may have;

8 N. "counseling-related field" as defined by rule,
9 means a degree in guidance counseling, mental health-community
10 counseling or agency counseling; psychology, clinical
11 psychology or counseling psychology; human services; family
12 services; human and family studies; art therapy; [~~and~~] or art
13 education with an emphasis in art therapy;

14 O. "defined by rule" means rules [~~and regulations~~]
15 published by the board to establish criteria, standards and
16 procedures relevant to application, licensing, administration
17 and enforcement of the Counseling and Therapy Practice Act;

18 P. "department" means the regulation and licensing
19 department or the division of the department designated to
20 administer the counseling and therapy practice board;

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

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

4 R. "evaluation" means the act of making informed
5 decisions based on the use and analysis of pertinent data;

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

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

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

22 V. "mental disorder" means any of several
23 conditions or disorders that meet the diagnostic criteria
24 contained in the diagnostic and statistical manual of the
25 American psychiatric association or the world health

1 organization's international classification of mental
2 disorders;

3 W. "practicum" means a distinctly defined,
4 supervised clinical experience in which the student develops
5 basic counselor or therapist skills and integrates professional
6 knowledge. Practicum is completed prior to or concurrent with
7 an internship;

8 X. "program" means a structured sequence of
9 curricular and clinical experiences housed within an academic
10 unit;

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

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

22 AA. "standard" means a minimal criterion that must
23 be met; and

24 BB. "substance abuse-related [~~fields~~] field" means
25 a degree in guidance counseling, mental health-community

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1 counseling, agency counseling, psychology, clinical psychology,
2 counseling psychology, human services, family services, human
3 and family studies, social work, art therapy [~~and~~] or art
4 education with appropriate clinical background and two hundred
5 seventy-six clock hours in education or training in alcohol and
6 drug abuse counseling."

7 SECTION 2. Section 61-9A-30 NMSA 1978 (being Laws 1993,
8 Chapter 49, Section 30, as amended) is amended to read:

9 "61-9A-30. TERMINATION OF AGENCY LIFE--DELAYED
10 REPEAL.--The counseling and therapy practice board is
11 terminated on July 1, [~~2021~~] 2027 pursuant to the provisions of
12 the Sunset Act. The board shall continue to operate according
13 to the provisions of the Counseling and Therapy Practice Act
14 until July 1, [~~2022~~] 2028. Effective July 1, [~~2022~~] 2028, the
15 Counseling and Therapy Practice Act is repealed."

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