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AN ACT

RELATING TO LICENSING; MODIFYING LICENSING REQUIREMENTS FOR CERTAIN BEHAVIORAL HEALTH PRACTITIONERS; AMENDING THE PROFESSIONAL PSYCHOLOGIST ACT AND THE COUNSELING AND THERAPY PRACTICE ACT TO ALLOW THE APPLICATION OF TECHNOLOGY TO SUPERVISION; CHANGING THE COMPOSITION OF THE COUNSELING AND THERAPY PRACTICE BOARD; ADDING STATE RESIDENCY REQUIREMENTS FOR MEMBERS OF THE COUNSELING AND THERAPY PRACTICE BOARD AND THE BOARD OF SOCIAL WORK EXAMINERS.

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

SECTION 1. Section 61-9-6 NMSA 1978 (being Laws 1963, Chapter 92, Section 5, as amended) is amended to read:

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

A. The board shall, annually in the month of July, hold a meeting and elect from its membership a chair, vice chair and secretary-treasurer. The board shall meet at other times as it deems necessary or advisable or as deemed necessary and advisable by the chair or a majority of its members or the governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board constitutes a quorum at a meeting or hearing.

B. The board is authorized to:

(1) adopt and from time to time revise such

1 rules not inconsistent with the law as may be necessary to
2 carry into effect the provisions of the Professional
3 Psychologist Act. The rules shall include a code of conduct
4 for psychologists and psychologist associates in the state;

5 (2) adopt a seal, and the administrator
6 shall have the care and custody of the seal;

7 (3) examine for, approve, deny, revoke,
8 suspend and renew the licensure of psychologist and
9 psychologist associate applicants as provided in the
10 Professional Psychologist Act;

11 (4) conduct hearings upon complaints
12 concerning the disciplining of a psychologist or psychologist
13 associate; and

14 (5) cause the prosecution and enjoinder of
15 persons violating the Professional Psychologist Act and incur
16 related necessary expenses.

17 C. Within sixty days after the close of each
18 fiscal year, the board shall submit a written report,
19 reviewed and signed by the board members, to the governor
20 concerning the work of the board during the preceding fiscal
21 year. The report shall include the names of psychologists
22 and psychologist associates to whom licenses have been
23 granted; cases heard and decisions rendered in relation to
24 the work of the board; the recommendations of the board as to
25 future policies, including the appropriate application of

1 technology for supervision; and an account of all money
2 received and expended by the board."

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

5 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER
6 AREAS.--Subject to the provisions of Section 61-9-10.1 NMSA
7 1978, upon application accompanied by a fee as required by
8 the Professional Psychologist Act, the board shall, without
9 written or oral examination, issue a license to a person who
10 furnishes, upon a form and in such manner as the board
11 prescribes, evidence to the board that the person has been
12 licensed or certified as a psychologist or prescribing
13 psychologist by another state, a territorial possession of
14 the United States, the District of Columbia or another
15 country for two years. An applicant seeking a license shall
16 demonstrate to the board that the training and education
17 received by the applicant is equivalent to the requirements
18 for a doctoral degree in psychology as provided in the
19 Professional Psychologist Act."

20 SECTION 3. Section 61-9-10.1 NMSA 1978 (being Laws
21 2006, Chapter 6, Section 5) is amended to read:

22 "61-9-10.1. PROVISIONAL AND TEMPORARY LICENSURE.--

23 A. A temporary license may be issued to an
24 applicant previously licensed in another jurisdiction and in
25 good standing whose out-of-state license meets current

1 licensing criteria for New Mexico. A temporary license shall
2 be valid for six months and is not subject to extension or
3 renewal, unless a federal or state public health emergency is
4 declared pursuant to the Public Health Emergency Response Act
5 and directly impacts the applicant; in which case, an
6 applicant's temporary license shall be automatically extended
7 for the duration of the public health emergency and for an
8 additional six months, beginning on the day that the public
9 health emergency ends.

10 B. The granting of a temporary license to the
11 applicant does not include issuance of a conditional
12 prescription certificate unless the board finds the applicant
13 meets the requirements of Section 61-9-17.1 NMSA 1978.

14 C. A provisional license may be issued to an
15 applicant never previously licensed and who does not meet New
16 Mexico's experience requirements for psychology licensure,
17 but who otherwise meets criteria for education and training.
18 A provisionally licensed psychologist must practice under the
19 supervision of a New Mexico licensed psychologist until fully
20 licensed. A provisional license shall be valid for eighteen
21 months and is not subject to extension or renewal, unless a
22 federal or state public health emergency is declared pursuant
23 to the Public Health Emergency Response Act and directly
24 impacts the applicant; in which case, an applicant's
25 provisional license shall be automatically extended for the

1 duration of the public health emergency and for an additional
2 six months, beginning on the day that the public health
3 emergency ends."

4 SECTION 4. Section 61-9-11 NMSA 1978 (being Laws 1963,
5 Chapter 92, Section 10, as amended) is amended to read:

6 "61-9-11. LICENSURE--EXAMINATION.--

7 A. The board shall issue a license as a
8 psychologist to an applicant who files an application upon a
9 form and in such manner as the board prescribes and, except
10 as provided in Section 61-1-34 NMSA 1978, pays any fee
11 required by the Professional Psychologist Act, and who
12 furnishes evidence to the board that the applicant:

13 (1) has reached the age of majority;

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

17 (3) is a graduate of:

18 (a) a doctoral program that is
19 designated as a doctoral program in psychology by a
20 nationally recognized designation system or that is
21 accredited by a nationally recognized accreditation body and
22 holds a degree with a major in clinical, counseling or school
23 psychology from a university offering a full-time course of
24 study in psychology; or

25 (b) a doctoral program outside the

1 United States or Canada that is equivalent to a program in
2 Subparagraph (a) of this paragraph and holds a degree with a
3 major in clinical, counseling or school psychology from a
4 university offering a full-time course of study in
5 psychology; the board shall promulgate by rule a list of
6 board-approved credential inspection and verification
7 services to appraise foreign degree programs;

8 (4) has had at least two years of supervised
9 experience in psychological work; provided that:

10 (a) up to one year of the supervised
11 experience may be obtained in predoctoral practicum hours
12 overseen by a graduate training program and consistent with
13 the guidelines on practicum experience for licensure
14 promulgated by the association of state and provincial
15 psychology boards;

16 (b) up to one year of the supervised
17 experience may be obtained in a predoctoral internship
18 approved by the American psychological association;

19 (c) up to one-half year of the
20 supervised experience may be obtained in a predoctoral
21 internship that is not approved by the American psychological
22 association; and

23 (d) any portion of the required
24 supervised experience not satisfied pursuant to Subparagraphs

25 (a), (b) and (c) of this paragraph shall be obtained in

1 postdoctoral psychological work;

2 (5) demonstrates professional competence by
3 passing the examination for professional practice in
4 psychology promulgated by the association of state and
5 provincial psychology boards with a total raw score of 140
6 (seventy percent), before January 1, 1993 or, if after
7 January 1, 1993, a score equal to or greater than the passing
8 score recommended by the association of state and provincial
9 psychology boards;

10 (6) demonstrates an awareness and knowledge
11 of New Mexico cultures to the board; and

12 (7) passes such jurisprudence examination as
13 may be given by the board through an online testing and
14 scoring mechanism.

15 B. Upon investigation of the application and other
16 evidence submitted, including a criminal background check,
17 the board shall, not less than thirty days prior to the
18 examination, notify each applicant that the application and
19 evidence submitted for licensure are satisfactory and
20 accepted or unsatisfactory and rejected. If rejected, the
21 notice shall state the reasons for rejection.

22 C. The place of examination shall be designated in
23 advance by the board, and examinations shall be given at such
24 time and place and under such supervision as the board may
25 determine.

1 D. In the event an applicant fails to receive a
2 passing grade, the applicant may apply for reexamination and
3 shall be allowed to take a subsequent examination upon
4 payment of the fee required by the Professional Psychologist
5 Act.

6 E. The board shall keep a record of all
7 examinations, and the grade assigned to each, as part of its
8 records for at least two years subsequent to the date of
9 examination."

10 **SECTION 5.** Section 61-9-11.1 NMSA 1978 (being Laws
11 1983, Chapter 334, Section 4, as amended) is amended to read:

12 "61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--
13 EXAMINATION.--

14 A. The board shall issue a license as a
15 psychologist associate to each applicant who files an
16 application upon a form and in such manner as the board
17 prescribes and, except as provided in Section 61-1-34 NMSA
18 1978, accompanied by the fee required by the Professional
19 Psychologist Act, and who furnishes evidence satisfactory to
20 the board that the applicant:

21 (1) has reached the age of majority and is
22 not in violation of any of the provisions of the Professional
23 Psychologist Act and the rules and regulations adopted
24 pursuant to that act;

25 (2) holds a master's degree in psychology

1 from a department of psychology of a school or college;

2 (3) demonstrates professional competence by
3 passing the examination for professional practice in
4 psychology promulgated by the association of state and
5 provincial psychology boards with a score equivalent to or
6 greater than the statistical mean as reported by the
7 association of state and provincial psychology boards for all
8 master's-level candidates taking the examination on that
9 occasion;

10 (4) demonstrates awareness and knowledge of
11 New Mexico cultures to the board; and

12 (5) passes such jurisprudence examination as
13 may be given by the board through an online testing and
14 scoring mechanism.

15 B. Upon investigation of the application and other
16 evidence submitted, the board shall, not less than thirty
17 days prior to the examination, notify each applicant that the
18 application and evidence submitted for licensure is
19 satisfactory and accepted or unsatisfactory and rejected. If
20 rejected, the notice shall state the reasons for rejection.

21 C. The place of examination shall be designated in
22 advance by the board, and examinations shall be given at such
23 time and place and under such supervision as the board may
24 determine.

25 D. In the event an applicant fails to receive a

1 passing grade, the applicant may apply for reexamination and
2 shall be allowed to take a subsequent examination upon
3 payment of the fee required by the Professional Psychologist
4 Act.

5 E. The board shall keep a record of all
6 examinations, and the grade assigned to each, as part of its
7 records for at least two years subsequent to the date of
8 examination.

9 F. The board may adopt reasonable rules and
10 regulations classifying areas and conditions of practice
11 permissible for psychologist associates."

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

14 "61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--
15 COMPENSATION.--

16 A. There is created the "counseling and therapy
17 practice board". The board is administratively attached to
18 the department.

19 B. The board consists of seven members who are
20 United States citizens, have been New Mexico residents for at
21 least five years prior to their appointment and maintain New
22 Mexico residency during their appointment. Of the seven
23 members:

24 (1) five members shall be professional
25 members, who shall be a professional mental health counselor,

1 a professional clinical mental health counselor, a marriage
2 and family therapist, a professional art therapist and an
3 alcohol and drug abuse counselor, licensed under the
4 Counseling and Therapy Practice Act and shall have engaged in
5 a counselor and therapist practice for at least five years.
6 The professional mental health counselor shall also represent
7 the registered independent and licensed mental health
8 counselors; and

9 (2) two members shall represent the public.

10 The public members shall not have been licensed or have
11 practiced as counselor or therapist practitioners or in any
12 other regulated mental health profession, nor have any
13 significant financial interest, either direct or indirect, in
14 the professions regulated.

15 C. Members of the board shall be appointed by the
16 governor for staggered terms of four years. A member shall
17 hold office until a successor is appointed. Vacancies shall
18 be filled in the same manner as original appointments. No
19 appointee shall serve more than two terms.

20 D. The governor may appoint professional board
21 members from a list of nominees submitted by qualified
22 individuals and organizations, including the New Mexico
23 counseling association, the New Mexico association for
24 marriage and family therapy, the New Mexico art therapy
25 association and the alcohol and drug directors association.

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

4 F. The board shall elect annually from its
5 membership a chair and a secretary and other officers as
6 necessary to carry out its duties.

7 G. The board shall meet once a year and at other
8 times deemed necessary. Other meetings may be called by the
9 chair upon the written request of three members of the board.
10 A simple majority of the board members shall constitute a
11 quorum of the board.

12 H. Any member failing to attend three meetings
13 after proper notice shall be automatically recommended for
14 removal as a board member, unless excused by the board chair
15 for one of the following reasons:

16 (1) extenuating circumstances beyond the
17 member's control, including illness;

18 (2) prearranged activities out of town; or

19 (3) other severe circumstances that do not
20 allow a member to attend."

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

23 "61-9A-9. BOARD--POWERS AND DUTIES.--

24 A. The board may:

25 (1) adopt and file in accordance with the

1 State Rules Act rules necessary to carry out the provisions
2 of the Counseling and Therapy Practice Act;

3 (2) select and provide for the
4 administration of, at least, semiannual examinations for
5 licensure;

6 (3) establish the passing scores for
7 examinations;

8 (4) take any disciplinary action allowed by
9 and in accordance with the Uniform Licensing Act and
10 necessary to carry out the provisions of the Counseling and
11 Therapy Practice Act;

12 (5) censure, reprimand or place a licensee
13 or registrant on probation;

14 (6) require and establish criteria for
15 continuing education;

16 (7) establish by rule procedures for
17 receiving, investigating and resolving complaints;

18 (8) approve appropriate supervision, and
19 postgraduate experience for persons seeking licensure or
20 registration;

21 (9) provide for the issuance of licenses;

22 (10) determine eligibility of individuals
23 for licensure or registration;

24 (11) set fees for administrative services
25 and registration, as authorized by the Counseling and Therapy

1 Practice Act, and authorize all disbursements necessary to
2 carry out the provisions of that act;

3 (12) except as provided in Section 61-1-34
4 NMSA 1978, set fees for licenses, as authorized by the
5 Counseling and Therapy Practice Act, and authorize all
6 disbursements necessary to carry out the provisions of that
7 act;

8 (13) establish criteria for supervision and
9 supervisory requirements, including the appropriate
10 application of technology;

11 (14) establish a code of ethics; and

12 (15) establish committees.

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

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

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

25 (3) develop criteria for supervision,

1 including the appropriate application of technology; and

2 (4) recommend rules.

3 C. Members of the standards committees or other
4 committees may be reimbursed as provided in the Per Diem and
5 Mileage Act, but shall receive no other compensation,
6 perquisite or allowance."

7 SECTION 8. Section 61-9A-11 NMSA 1978 (being Laws 1993,
8 Chapter 49, Section 11, as amended) 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 a person who files a completed application and, except as
13 provided in Section 61-1-34 NMSA 1978, pays any required fees
14 and who submits satisfactory evidence that the applicant:

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

16 B. holds a master's or doctoral degree in a
17 counseling or counseling-related field, as defined by rule,
18 from an accredited institution. The applicant shall have a
19 master's degree and a total of no less than forty-eight
20 graduate semester hours or seventy-two quarter hours in the
21 mental health clinical core curriculum;

22 C. demonstrates professional competency by passing
23 the required examination as prescribed by the board;

24 D. has a minimum of two years of professional
25 clinical counseling experience, including at least three

1 thousand clinical contact hours and at least one hundred
2 hours of appropriate supervision. One thousand client
3 clinical contact hours may be submitted from the applicant's
4 internship or practicum; and

5 E. observes the code of ethics."

6 SECTION 9. Section 61-9A-12 NMSA 1978 (being Laws 1993,
7 Chapter 49, Section 12, as amended) is amended to read:

8 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS
9 FOR LICENSURE.--The board shall issue a license as a marriage
10 and family therapist to a person who files a completed
11 application accompanied by the required fees and who submits
12 satisfactory evidence that the applicant:

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

14 B. holds a master's or doctoral degree with a
15 focus in marriage and family therapy and meets the
16 requirements of the marriage and family therapy core
17 curriculum, as defined by rule, in marriage and family
18 therapy from an accredited institution;

19 C. demonstrates professional competency by passing
20 the examinations as prescribed by the board;

21 D. has a minimum of two years of postgraduate
22 marriage and family therapy experience consisting of one
23 thousand client contact hours and two hundred hours of
24 appropriate clinical supervision, of which one hundred hours
25 of such supervision was on an individual basis; and

1 E. observes the code of ethics."

2 SECTION 10. Section 61-9A-12.1 NMSA 1978 (being Laws
3 2005, Chapter 210, Section 11) is amended to read:

4 "61-9A-12.1. LICENSED ASSOCIATE MARRIAGE AND FAMILY
5 THERAPIST OR COUNSELOR--REQUIREMENTS FOR LICENSURE.--The
6 board shall issue a license as an associate marriage and
7 family therapist or counselor to a person who files a
8 completed application accompanied by the required fees and
9 who submits satisfactory evidence that the applicant:

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

11 B. holds a master's or doctoral degree with a
12 focus in marriage and family therapy or counselor from an
13 accredited institution and meets the requirements of the
14 marriage and family therapy or counselor core curriculum, as
15 defined by rule;

16 C. has arranged for appropriate clinical
17 supervision, as defined by rule, to meet the requirements for
18 a licensed associate marriage and family therapist;

19 D. demonstrates professional competence by passing
20 an examination within the applicant's discipline as
21 prescribed by the board; and

22 E. observes the code of ethics."

23 SECTION 11. Section 61-9A-13 NMSA 1978 (being Laws
24 1993, Chapter 49, Section 13, as amended) is amended to read:

25 "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR

1 LICENSURE.--The board shall issue a license as a professional
2 art therapist to a person who files a completed application
3 accompanied by the required fees and who submits satisfactory
4 evidence that the applicant:

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

6 B. demonstrates professional competency by passing
7 an examination as prescribed by the board;

8 C. holds a master's or doctoral degree in art
9 therapy, counseling or counseling-related field from an
10 accredited institution or nationally approved art therapy
11 program with a total of no less than forty-eight graduate
12 semester hours or seventy-two quarter hours in the art
13 therapy core curriculum;

14 D. meets the art therapy core curriculum as
15 defined by rule;

16 E. has completed a minimum of two years post-
17 graduate professional experience, three thousand client
18 contact hours and one hundred hours of post-graduate
19 experience under appropriate supervision. Seven hundred
20 clinical client contact hours may be from the applicant's
21 internship or practicum program beyond the requirements in
22 Subsection C of this subsection. Supervision shall be under
23 a New Mexico-licensed professional art therapist or certified
24 board therapist for at least fifty percent of the working
25 hours; and

1 F. observes the code of ethics."

2 SECTION 12. Section 61-9A-14 NMSA 1978 (being Laws
3 1993, Chapter 49, Section 14, as amended) is amended to read:

4 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH
5 COUNSELOR.--The board shall issue a license as a mental
6 health associate to any person who files a completed
7 application accompanied by the required fees and who submits
8 satisfactory evidence that the applicant:

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

10 B. holds either a master's or doctoral degree from
11 an accredited institution in a counseling or counseling-
12 related field, as defined by rule and a total of no less than
13 forty-eight graduate semester hours or seventy-two quarter
14 hours in the core curriculum;

15 C. has arranged for an appropriate clinical
16 supervision plan and a postgraduate experience plan, as
17 defined by rule, to meet the licensing requirements for a:

18 (1) professional art therapist;

19 (2) professional mental health counselor; or

20 (3) professional clinical mental health
21 counselor;

22 D. demonstrates professional competence by passing
23 an examination within the applicant's discipline as
24 prescribed by the board; and

25 E. observes the code of ethics."

1 SECTION 13. Section 61-9A-14.1 NMSA 1978 (being Laws
2 1996, Chapter 61, Section 8, as amended) is amended to read:

3 "61-9A-14.1. SUBSTANCE ABUSE ASSOCIATE--REQUIREMENTS
4 FOR LICENSURE.--

5 A. Effective July 1, 2005, the board shall license
6 as a substance abuse associate any person who files a
7 completed application accompanied by the required fees and
8 who submits satisfactory evidence that the applicant as
9 defined by rule:

10 (1) observes the code of ethics;

11 (2) has reached the age of twenty-one;

12 (3) holds an associate degree in a
13 counseling, counseling-related field or substance abuse-
14 related field from an accredited institution and has a total
15 of ninety clock hours of education and training in the fields
16 of alcohol and drug abuse counseling; and

17 (4) has arranged for an appropriate
18 supervision plan, as defined by rule, to meet the
19 requirements for licensure as a substance abuse associate.

20 B. The applicant shall also provide two letters
21 of recommendation."

22 SECTION 14. Section 61-9A-14.2 NMSA 1978 (being Laws
23 1999, Chapter 161, Section 15, as amended) is amended to
24 read:

25 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--

1 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the
2 board shall license as an alcohol and drug abuse counselor a
3 person who files a completed application accompanied by the
4 required fees and who submits satisfactory evidence that the
5 applicant, as defined by rule:

6 A. observes the code of ethics;

7 B. has reached the age of twenty-one;

8 C. demonstrates professional competency by passing
9 the required examinations prescribed by the board; and

10 D. has one of the following combinations of
11 education and experience:

12 (1) an associate degree in counseling, a
13 counseling-related field or a substance abuse-related field
14 from an accredited institution, and education and training
15 that includes two hundred seventy-six clock hours with ninety
16 hours in each of the fields of alcohol and drug abuse
17 counseling, six hours of professional ethics, three years and
18 three thousand client contact hours under appropriate
19 supervision of experience in the practice of alcohol and drug
20 abuse counseling and two hundred hours of appropriate
21 supervision;

22 (2) a baccalaureate degree in counseling, a
23 counseling-related field or a substance abuse-related field,
24 as defined by rule, from an accredited institution and
25 education and training that includes two hundred seventy-six

1 clock hours with ninety hours in each of the fields of
2 alcohol and drug abuse counseling and six hours of
3 professional ethics, two years and two thousand client
4 contact hours under appropriate supervision of experience in
5 the practice of alcohol and drug abuse counseling and one
6 hundred hours of appropriate supervision; or

7 (3) a master's degree in counseling, a
8 counseling-related field or a substance abuse-related field,
9 as defined by rule, from an accredited institution, and
10 education and training that includes two hundred seventy-six
11 clock hours with ninety hours in each of the fields of
12 alcohol and drug abuse counseling and six hours of
13 professional ethics, one year and one thousand client contact
14 hours under appropriate supervision of experience in the
15 practice of alcohol and drug abuse counseling and fifty hours
16 of appropriate supervision hours."

17 SECTION 15. Section 61-9A-22 NMSA 1978 (being Laws
18 1993, Chapter 49, Section 22, as amended) is amended to read:

19 "61-9A-22. LICENSURE BY CREDENTIALS.--

20 A. The board shall issue a license in the same
21 licensure level to a person who:

22 (1) files a completed application
23 accompanied by the required fees;

24 (2) submits evidence that the applicant
25 holds and has held for a minimum of two years a current

1 license issued by the appropriate examining board under the
2 law of any other state or territory of the United States, the
3 District of Columbia or any foreign nation;

4 (3) is in good standing with no disciplinary
5 action pending or brought against the applicant within the
6 past two years; and

7 (4) possesses a master's or doctoral degree
8 in counseling or a counseling-related field from an
9 accredited institution.

10 B. Applicants who do not meet the licensure by
11 credential must meet the current licensure requirements."

12 SECTION 16. Section 61-31-7 NMSA 1978 (being Laws 1989,
13 Chapter 51, Section 7, as amended) is amended to read:

14 "61-31-7. BOARD CREATED.--

15 A. There is created the "board of social work
16 examiners".

17 B. The board shall be administratively attached to
18 the department.

19 C. The board shall consist of seven members who
20 are representative of the geographic and ethnic groups within
21 New Mexico, who have been New Mexico residents prior to their
22 appointment and maintain New Mexico residency during their
23 appointment. Of the seven members:

24 (1) four members shall have been engaged in
25 social work practice for at least five years; at least two of

1 the four shall hold a master's degree in social work; and at
2 least two shall hold a bachelor's degree in social work from
3 schools of social work that are accredited by the council on
4 social work education. At least one of these members shall
5 be engaged primarily in clinical social work practice; one
6 member shall be engaged primarily in education; one member
7 shall be engaged primarily in administration or research in
8 social work practice; and at least one member shall be
9 engaged primarily in community organization, planning and
10 development. These members may join professional
11 organizations and associations organized exclusively to
12 promote the improvement of the practice of social work for
13 the protection of the health and welfare of the public or
14 whose activities assist and facilitate the work of the board;
15 and

16 (2) three members shall represent the
17 public. The public members shall not have been licensed or
18 have practiced as social workers. Public members shall not
19 have any significant financial interest, whether direct or
20 indirect, in social work practice.

21 D. Members of the board shall be appointed by the
22 governor for staggered terms of three years. Each member
23 shall hold office until a successor is appointed. Vacancies
24 shall be filled for the unexpired term in the same manner as
25 original appointments.

1 E. Except for the representatives of the public on
2 the board, the governor shall appoint board members from a
3 list of nominees submitted by social work organizations and
4 individual social work professionals or from a pool of
5 resumes submitted to the governor by individuals applying for
6 membership.

7 F. Members of the board shall be reimbursed as
8 provided in the Per Diem and Mileage Act and shall receive no
9 other compensation, perquisite or allowance.

10 G. The board shall elect a chair and other
11 officers as deemed necessary to administer its duties.

12 H. A simple majority of the board members
13 currently serving shall constitute a quorum of the board.

14 I. The board shall meet at least once a year and
15 at such other times as it deems necessary. Other meetings
16 may be called by the chair upon the written request of a
17 quorum of the board. The board may permit electronic
18 participation in board meetings in accordance with the Open
19 Meetings Act and board rules.

20 J. The governor may remove any member from the
21 board for:

- 22 (1) the neglect of any duty required by law;
23 (2) incompetence;
24 (3) improper or unprofessional conduct as
25 defined by board rule;

1 (4) violation of the current professional
2 code of ethics or professional standards promulgated by a
3 national organization of social work professionals that
4 provides guidance, research, advocacy and other services to
5 social workers; or

6 (5) any reason that would justify the
7 suspension or revocation of that member's license to practice
8 social work.

9 K. A board member shall not serve more than two
10 consecutive terms, and any member failing to attend, after
11 proper notice, three consecutive meetings shall automatically
12 be removed as a board member, unless excused for reasons set
13 forth in board rules.

14 L. In the event of a vacancy for any reason, the
15 board secretary shall immediately notify the governor and the
16 board of the vacancy and the reason for its occurrence to
17 expedite the appointment of a new board member within a six-
18 month period."

19 **SECTION 17.** Section 61-31-11 NMSA 1978 (being Laws
20 1989, Chapter 51, Section 11, as amended) is amended to read:

21 "61-31-11. PROVISIONAL LICENSURE.--Prior to
22 examination, an applicant for licensure who holds a
23 bachelor's degree or master's degree in social work may
24 obtain a provisional license to engage in social work
25 practice as long as the applicant meets all the requirements,

1 except examination, pursuant to the Social Work Practice Act
2 for the level of license sought. The provisional license is
3 valid for a period not to exceed one year, unless a federal
4 or state public health emergency is declared pursuant to the
5 Public Health Emergency Response Act and directly impacts the
6 applicant; in which case, an applicant's provisional license
7 shall be automatically extended for the duration of the
8 public health emergency and for an additional six months,
9 beginning on the day that the public health emergency ends."

10 SECTION 18. Section 61-31-13 NMSA 1978 (being Laws
11 1989, Chapter 51, Section 13, as amended) is amended to read:

12 "61-31-13. LICENSURE BY CREDENTIALS.--

13 A. The board shall license an applicant for the
14 licensure level sought, provided the applicant:

15 (1) possesses and has held for a minimum of
16 two and one-half years a valid social worker license issued
17 by the appropriate examining board under the laws of any
18 other state or territory of the United States, the District
19 of Columbia or any foreign nation;

20 (2) is in good standing with no disciplinary
21 action pending or brought against the applicant within the
22 past two and one-half years;

23 (3) possesses a bachelor's or master's
24 degree in social work from a program of social work
25 accredited by the council on social work education;

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(4) verifies that the applicant has taken
and passed the national examination as defined by rule; and

(5) demonstrates an awareness and knowledge
of New Mexico cultures to the board.

B. The applicant will not have to further verify
the applicant's experience, schooling or degrees if the
criteria pursuant to Subsection A of this section are met."