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HOUSE BILL 168

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Terry T. Marquardt

AN ACT

RELATING TO MENTAL HEALTH; CLARIFYING THE SCOPE OF PRACTICE FOR ALCOHOL AND SUBSTANCE ABUSE COUNSELORS AND MENTAL HEALTH COUNSELORS; PROVIDING FOR SUBSTANCE ABUSE PEER COUNSELING WITHIN THE CORRECTIONS DEPARTMENT; CHANGING THE REQUIREMENTS FOR SUBSTANCE ABUSE INTERNS.

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

Section 1. Section 61-9A-5 NMSA 1978 (being Laws 1993, Chapter 49, Section 5, as amended) is amended to read:

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

A. For the purpose of the Counseling and Therapy Practice Act, a person is practicing as a professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor,

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~~[bracketed material] = delete~~

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[bracketed material] = delete

1 alcohol and drug abuse counselor, alcohol abuse counselor,
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, alcohol abuse
9 counselor, drug abuse counselor or substance abuse intern; or
10 holds out to the public or represents in any manner that he is
11 licensed or registered to practice as such in this state.

12 B. The scope of the practice of alcohol or drug
13 abuse counseling, or both, and of mental health counselors in
14 the screening, assessment and treatment of persons with a dual
15 diagnosis of mental illness and substance abuse shall be
16 promulgated by rule and consists of rendering counseling
17 services [~~as defined by regulation~~] to individuals, couples,
18 families or groups. The services may include screening,
19 assessment, consultation, development of treatment plans, case
20 management, counseling, referral, appraisal, crisis
21 intervention, education, reporting and [~~recordkeeping~~] record
22 keeping. "

23 Section 2. Section 61-9A-6 NMSA 1978 (being Laws 1993,
24 Chapter 49, Section 6, as amended) is amended to read:

25 "61-9A-6. EXEMPTIONS. --

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

3 (1) a person who is licensed, certified or
4 regulated under the laws of this state from engaging in
5 activities consistent with the standards and ethics of his
6 profession or practice; or

7 (2) an alternative, ~~metaphysical~~ or holistic
8 practitioner from engaging in nonclinical activities
9 consistent with the standards and codes of ethics of that
10 practice.

11 B. Specifically exempted from the Counseling and
12 Therapy Practice Act are:

13 (1) elementary and secondary school
14 counselors acting on behalf of their employer who are
15 otherwise regulated;

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

20 (3) duly ordained, ~~commissioned~~ or licensed
21 ministers of a church or lay pastoral-care assistants
22 providing pastoral services on behalf of a church;

23 (4) a person who is enrolled in an
24 internship or practicum under appropriate supervision and is
25 in the internship or practicum for the sole purpose of

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1 acquiring an advanced degree in mental health counseling,
2 marriage and family therapy or art therapy or a degree in
3 substance abuse counseling; [~~and~~]

4 (5) practitioners of Native American healing
5 arts; and

6 (6) a person in a corrections department
7 substance abuse treatment program or therapeutic community
8 program who is functioning as a peer counselor; provided that
9 the person is certified by a recognized forensic accreditation
10 program and acts under appropriate supervision. "

11 Section 3. Section 61-9A-14. 1. NMSA 1978 (being Laws
12 1996, Chapter 61, Section 8, as amended) is amended to read:

13 "61-9A-14. 1. SUBSTANCE ABUSE INTERN--REQUIREMENTS FOR
14 LICENSURE. --

15 A. The board shall license as a substance abuse
16 intern any person who files a completed application
17 accompanied by the required fees and who submits satisfactory
18 evidence that the applicant:

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

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

22 (3) possesses a high school diploma or its
23 equivalent;

24 (4) has arranged for a board-approved
25 supervisor and experience plan for working under appropriate

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1 supervision to meet the requirements for licensure as a
2 substance abuse counselor;

3 (5) has a total of ninety clock hours of
4 education and training in the fields of alcohol and drug
5 abuse;

6 (6) ~~[signs]~~ has signed a code of ethics
7 statement, as approved by the board; and

8 (7) ~~[provides]~~ has provided three letters of
9 recommendation as established by rule.

10 B. Effective July 1, 2003, the board shall license
11 as a substance abuse intern any person who files a completed
12 application accompanied by the required fees and who submits
13 satisfactory evidence that the applicant:

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

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

17 (3) ~~[holds an associate degree in counseling~~
18 ~~or in a related mental health field from an accredited~~

19 ~~institution and]~~ has a total of ninety clock hours of
20 education and training in the fields of alcohol and drug
21 abuse;

22 (4) has arranged for a board-approved
23 supervisor and experience plan for working under direct
24 observation to meet the requirements for licensure as a
25 substance abuse counselor;

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(5) [~~signs~~] has signed a code of ethics statement, as approved by the board; and

(6) [~~provides~~] has provided three letters of recommendation: one letter from a current supervisor, one letter from a current employer and one letter from a professional substance abuse colleague. "