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HOUSE BILL 253

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

INTRODUCED BY

Antonio Lujan

AN ACT

RELATING TO PROFESSIONAL AND OCCUPATIONAL LICENSES; CHANGING  
DEFINITIONS; EXPANDING BOARD DUTIES; PROVIDING FOR RECIPROCITY;  
ALLOWING FOR TEMPORARY LICENSURE; AMENDING AND ENACTING  
SECTIONS OF THE SOCIAL WORK PRACTICE ACT.

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

Section 1. Section 61-31-1 NMSA 1978 (being Laws 1989,  
Chapter 51, Section 1) is amended to read:

"61-31-1. SHORT TITLE.--~~[Sections 1 through 24 of this  
act]~~ Chapter 61, Article 31 NMSA 1978 may be cited as the  
"Social Work Practice Act"."

Section 2. Section 61-31-3 NMSA 1978 (being Laws 1989,  
Chapter 51, Section 3) is amended to read:

"61-31-3. DEFINITIONS.--As used in the Social Work  
Practice Act:

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1           A. "advisory committee" means an evaluation  
2 advisory committee;

3           B. "appropriate supervision" means supervision by  
4 an independent social worker or a master social worker with two  
5 years of supervised social work practice experience or other  
6 supervision which is deemed by the board to be equivalent to  
7 supervision by a master social worker;

8           C. "baccalaureate social worker" means a person who  
9 uses the title of social worker and has a bachelor's degree in  
10 social work from a program [~~accredited by the council on social~~  
11 ~~work education~~] approved by the board;

12           D. "board" means the board of social work  
13 examiners;

14           E. "department" means the regulation and licensing  
15 department;

16           F. "executive agency" means any agency within the  
17 executive branch of government;

18           G. "independent social worker" means a person who  
19 uses the title of social worker and has a master's degree in  
20 social work from a graduate school of social work [~~accredited~~  
21 ~~by the council on social work education~~] approved by the board  
22 and who has had two years of postgraduate social work practice  
23 under appropriate supervision;

24           H. "master social worker" means a person who uses  
25 the title of social worker and has a master's degree in social

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1 work from a graduate school of social work [~~accredited by the~~  
2 ~~council on social work education~~] approved by the board; and

3 I. "professional code of ethics" means a code of  
4 ethics and rules adopted by the board, designed to protect the  
5 public and to regulate the professional conduct of social  
6 workers."

7 Section 3. Section 61-31-7 NMSA 1978 (being Laws 1989,  
8 Chapter 51, Section 7, as amended) is amended to read:

9 "61-31-7. BOARD CREATED.--

10 A. There is created the "board of social work  
11 examiners".

12 B. The board shall be administratively attached to  
13 the department.

14 C. The board shall consist of seven members who are  
15 representative of the geographic and ethnic groups within New  
16 Mexico, who are United States citizens and who have been New  
17 Mexico residents for at least five years prior to their  
18 appointment. Of the seven members:

19 (1) four members shall have been engaged in  
20 social work practice for at least five years; at least two of  
21 the four shall hold a master's degree in social work; and at  
22 least two shall hold a bachelor's degree in social work from  
23 schools of social work that are [~~accredited by the council on~~  
24 ~~social work education~~] approved by the board. At least one of  
25 these members shall be engaged primarily in clinical social

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1 work practice; one member shall be engaged primarily in  
2 education; one member shall be engaged primarily in  
3 administration or research in social work practice; and at  
4 least one member shall be engaged primarily in community  
5 organization, planning and development. These members shall  
6 not hold office in any professional organization of social  
7 workers during their tenure on the board; and

8 (2) three members shall represent the public.

9 The public members shall not have been licensed or have  
10 practiced as social workers. Public members shall not have any  
11 significant financial interest, whether direct or indirect, in  
12 social work practice.

13 D. Members of the board shall be appointed by the  
14 governor for staggered terms of three years [~~except that, in~~  
15 ~~making the initial appointments, three members shall be~~  
16 ~~appointed for terms ending June 30, 1990; three members for~~  
17 ~~terms ending June 30, 1991; and four members for terms ending~~  
18 ~~June 30, 1992~~]. Each member shall hold office until [~~his~~] a  
19 successor is appointed. Vacancies shall be filled for the  
20 unexpired term in the same manner as original appointments.

21 E. Except for the representatives of the public on  
22 the board, the governor shall appoint board members from a list  
23 of nominees submitted by social work organizations and  
24 individual social work professionals.

25 F. Members of the board shall be reimbursed as

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1 provided in the Per Diem and Mileage Act and shall receive no  
2 other compensation, perquisite or allowance.

3 G. The board shall elect a [~~chairman~~] chair and  
4 other officers as deemed necessary to administer its duties.

5 H. A simple majority of the board members currently  
6 serving shall constitute a quorum of the board.

7 I. The board shall meet at least once a year and at  
8 such other times as it deems necessary. Other meetings may be  
9 called by the [~~chairman~~] chair upon the written request of a  
10 quorum of the board.

11 J. The governor may remove any member from the  
12 board for the neglect of any duty required by law, for  
13 incompetence, for improper or unprofessional conduct as defined  
14 by board [~~regulation~~] rule or for any reason that would justify  
15 the suspension or revocation of [~~his~~] that member's license to  
16 practice social work.

17 K. [~~No~~] A board member shall not serve more than  
18 two consecutive terms, and any member failing to attend, after  
19 proper notice, three [~~executive~~] consecutive meetings shall  
20 automatically be removed as a board member, unless excused for  
21 reasons set forth in board regulations.

22 L. In the event of a vacancy for any reason, the  
23 board secretary shall immediately notify the governor and the  
24 board of the vacancy and the reason for its occurrence to  
25 expedite the appointment of a new board member within a

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1 six-month period."

2 Section 4. Section 61-31-8 NMSA 1978 (being Laws 1989,  
3 Chapter 51, Section 8, as amended) is amended to read:

4 "61-31-8. BOARD'S AUTHORITY.--In addition to any  
5 authority provided by law, the board shall have the authority  
6 to:

7 A. adopt and file, in accordance with the State  
8 Rules Act, rules [~~and regulations~~] necessary to carry out the  
9 provisions of the Social Work Practice Act, in accordance with  
10 the provisions of the Uniform Licensing Act, including the  
11 procedures for an appeal of an examination failure;

12 B. select, prepare and administer, at least  
13 annually, written examinations for licensure [~~that shall~~  
14 ~~include a testing of the knowledge of New Mexico cultures~~];

15 C. adopt a professional code of ethics;

16 D. appoint advisory committees pursuant to Section  
17 61-31-19 NMSA 1978;

18 E. conduct hearings on an appeal of a denial of a  
19 license based on the applicant's failure to meet the minimum  
20 qualifications for licensure. The hearing shall be conducted  
21 pursuant to the Uniform Licensing Act;

22 F. require and establish criteria for continuing  
23 education;

24 G. issue subpoenas, statements of charges,  
25 statements of intent to deny licenses and orders and delegate

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1 in writing to a designee the authority to issue subpoenas,  
2 statements of charges and statements of intent to deny licenses  
3 and establish procedures for receiving, investigating and  
4 conducting hearings on complaints;

5 H. approve appropriate supervision for those  
6 persons seeking licensure as independent social workers;

7 I. issue provisional licenses, temporary licenses  
8 and licenses based on credentials to persons meeting the  
9 requirements set forth in the Social Work Practice Act;

10 J. determine qualifications for licensure,  
11 including the requirement to demonstrate an awareness and  
12 knowledge of New Mexico cultures;

13 K. set fees for licenses as authorized by the  
14 Social Work Practice Act and authorize all disbursements  
15 necessary to carry out the provisions of the Social Work  
16 Practice Act; and

17 L. keep a record of all proceedings and shall make  
18 an annual report to the governor."

19 Section 5. Section 61-31-9 NMSA 1978 (being Laws 1989,  
20 Chapter 51, Section 9) is amended to read:

21 "61-31-9. REQUIREMENTS FOR LICENSURE.--

22 A. The board shall issue a license as a  
23 baccalaureate social worker to any person who files a completed  
24 application, accompanied by the required fees, and who submits  
25 satisfactory evidence that the applicant:

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- 1 (1) has reached the age of majority;  
2 (2) has at least a bachelor's degree in social  
3 work from a program [~~accredited by the council on social work~~  
4 ~~education~~] approved by the board; and

5 (3) demonstrates professional competence by  
6 satisfactorily passing a written examination as prescribed by  
7 the board.

8 B. The board shall issue a license as a master  
9 social worker to any person who files a completed application,  
10 accompanied by the required fees, and who submits satisfactory  
11 evidence that the applicant:

- 12 (1) has reached the age of majority;  
13 (2) has obtained a master's degree in social  
14 work from a graduate school of social work [~~accredited by the~~  
15 ~~council on social work education~~] approved by the board; and

16 (3) demonstrates professional competence by  
17 satisfactorily passing a written examination as prescribed by  
18 the board.

19 C. The board shall issue a license as an  
20 independent social worker to any person who files a completed  
21 application, accompanied by the required fees, and who submits  
22 satisfactory evidence that the applicant:

- 23 (1) has reached the age of majority;  
24 (2) has obtained a master's degree in social  
25 work from a graduate school of social work [~~accredited by the~~



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1 ~~council on social work education]~~ approved by the board;

2 (3) has two years of postgraduate social work  
3 practice under appropriate supervision; and

4 (4) demonstrates professional competence by  
5 satisfactorily passing a written examination as prescribed by  
6 the board.

7 D. Notwithstanding the provisions of this section,  
8 the board may grant a license on a case-by-case basis to those  
9 employees of an executive agency who are currently practicing  
10 social work as defined in Section ~~[6 of the Social Work~~  
11 ~~Practice Act]~~ 61-31-6 NMSA 1978 and have been so employed for  
12 at least ten years prior to the effective date of ~~[that]~~ the  
13 Social Work Practice Act."

14 Section 6. Section 61-31-13 NMSA 1978 (being Laws 1989,  
15 Chapter 51, Section 13) is amended to read:

16 "61-31-13. LICENSURE BY CREDENTIALS--RECIPROCITY.--

17 A. The board may license an applicant ~~[without~~  
18 ~~written examination]~~ for the licensure level sought, provided  
19 ~~[that he]~~ the applicant:

20 (1) possesses and has held for a minimum of  
21 five years a valid social worker license issued by the  
22 appropriate examining board under the laws of any other state  
23 or territory of the United States, the District of Columbia or  
24 any foreign nation ~~[which, in the judgment of the board, has~~  
25 ~~requirements, including knowledge of New Mexico cultures,~~

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1 ~~substantially equivalent to or exceeding those in the Social~~  
2 ~~Work Practice Act for the licensure level sought];~~

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

6 (3) possesses a bachelor's or master's degree  
7 in social work from a program of social work approved by the  
8 board;

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

11 (5) demonstrates an awareness and knowledge of  
12 New Mexico cultures as determined by the board.

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

16 Section 7. Section 61-31-14 NMSA 1978 (being Laws 1989,  
17 Chapter 51, Section 14, as amended) is amended to read:

18 "61-31-14. LICENSE RENEWAL.--

19 A. Each licensee shall renew ~~[his]~~ the licensee's  
20 license [annually] biennially by submitting a renewal  
21 application on a form provided by the board. At the time of  
22 license renewal, the board shall require a licensee to produce  
23 evidence of continuing education, as prescribed by the board.  
24 The board may establish a method to provide for staggered  
25 biennial terms of licensure. The board may authorize license

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1 renewal for one year to establish the renewal cycle.

2 B. A thirty-day grace period shall be allowed each  
3 licensee after each annual licensing period, during which time  
4 licenses may be renewed upon payment of the renewal fee and  
5 providing evidence of continuing education as [~~required under~~  
6 ~~the Social Work Practice Act~~] prescribed by the board.

7 C. Any licensee who allows [~~his~~] the licensee's  
8 license to lapse for longer than three months shall have the  
9 license automatically revoked and [~~shall~~] may be required to  
10 take a written examination.

11 D. A late penalty fee shall be assessed after the  
12 thirty-day grace period has expired for anyone attempting to  
13 renew a license to practice social work."

14 Section 8. A new section of the Social Work Practice Act  
15 is enacted to read:

16 "[NEW MATERIAL] TEMPORARY LICENSURE.--An applicant for  
17 licensure pursuant to the Social Work Practice Act may be  
18 issued a temporary license for a period not to exceed six  
19 months or for a period of time necessary for the board to  
20 ensure that the applicant has met the licensure requirements  
21 set out in that act."