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FISCAL IMPACT REPORT

ORIGINAL DATE 02/07/07

SPONSOR Griego LAST UPDATED _____ HB _____

SHORT TITLE Counseling and Therapy Licensure Requirements SB 494

ANALYST Hanika Ortiz

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$.1 see narrative		recurring	Counseling & Therapy Prac- tice Board Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation & Licensing Department (RLD)

SUMMARY

Synopsis of Bill

Senate Bill 494 amends 61-9A-5 within scopes of practice; 61-9A-13 relating to licensure requirements for Art Therapists; 61-9A-14.2 relating to licensure of Alcohol and Drug Abuse Counselors, and enacts a new section 61-9A-14.3 relating to grandfathered licensure within the Counseling and Therapy Practice Act.

- Allows experienced and qualified Certified Alcohol and Drug Abuse Counselors (CADACs), as defined in the bill, to be grandfathered into the system as Licensed Alcohol and Drug Abuse Counselors (LADACs) starting July 1, 2007, increasing access for providers to Medicaid reimbursable behavioral health services in rural and tribal areas of the state.
- Expands the scope of practice of LADACs to include individuals with co-occurring disorders relating to substance abuse and mental health. Currently, the scope of practice of LADACs is limited to treatment only of individuals with substance abuse disorders. The bill requires that the LADACs only provide services to individuals with a co-occurring

disorder within a multi-disciplinary team and when supervised by an independently licensed counselor.

- Restates requirements for licensure as a professional Art Therapist to include no less than a master degree with a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the art therapy core curriculum and has completed two years post-graduate professional experience with three thousand client contact hours and one hundred hours of post-graduate experience with supervision. This section of the Act is consistent with standards of requirements for other types of counselors.

FISCAL IMPLICATIONS

After July 1, 2007 fees will be paid to the Licensing and Therapy Board by individuals seeking licensure as LADACs. The current licensure, registration and renewal fees for alcohol and drug abuse counselors is \$200.

Under current Medicaid reimbursement, behavioral health services provided by LADACs are limited to services provided to clients under age 21. The reimbursement rate is approximately \$50 per hour, with payment being made to the agency for which the LADAC works. Behavioral health services provided by CADACs are currently not reimbursable under Medicaid.

LADAC services provided through Indian Health Service (IHS) and/or Tribal Behavioral Health programs are reimbursed at the Office of Management and Budget (OMB) all-inclusive rate of \$242 per visit. CADACs are currently not reimbursed under the Medicaid program for services they provide at IHS or Tribal behavioral health programs. If CADAC services were to be provided by IHS, the payments to the facility will be 100% of federal funds through the Medicaid Program.

SIGNIFICANT ISSUES

RLD reports rural and frontier communities of the state face severe shortages of behavioral health practitioners, which continues to be a deterrent to improving behavioral health services. Providing mechanisms to make obtaining certification or licensures less onerous for trained and experienced behavioral health practitioners, while maintaining high standards of competency, is part of a larger initiative to remove barriers to licensing and increase the number of behavioral health practitioners in rural and frontier areas.

PERFORMANCE IMPLICATIONS

In 2004, through Executive Order 2004-062, the Governor and Legislature committed to behavioral health services that work towards the recovery and resiliency of children, youth and adults with mental illness, emotional disturbance or addictive disorders. This legislation fits into the Governor's performance and accountability to improve behavioral health services access for rural and tribal areas of the state.

The New Mexico Interagency Behavioral Health Collaborative, the New Mexico Counseling and Therapy Board, the Behavioral Health Planning Counseling and its Native American Subcommittee support passage of this bill.

ADMINISTRATIVE IMPLICATIONS

In New Mexico, CADACs are currently certified through two independent agencies: the Albuquerque Area Inter-Tribal Council on Substance Abuse Certification Board or the New Mexico Credentialing Board for Behavioral Health Professionals. The certification process has for many years certified CADACs through a mandatory process that includes passing written and oral exams that mirror the LADAC requirements. The certification process will remain unchanged by the law.

Licensure of alcohol and drug abuse counselors will be administered under RLD over the proposed three-year timeframe. Because the number of CADACs is relatively small, the Department believes this will have minimal implications on staffing.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates HB 713

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The number of LADACs will not increase with the passage of this bill, which is the intended purpose of the legislation. Services that could be provided to individuals with substance abuse and co-occurring disorders will not be delivered as they are needed.

AHO/sb