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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/9/15

SPONSOR Clahchischilliage LAST UPDATED \_\_\_\_\_ HB 134

SHORT TITLE Social Work Practice Act Changes SB \_\_\_\_\_

ANALYST Elkins

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to HB 169

Relates to SB 256

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

Children, Youth, and Families Department (CYFD)

### SUMMARY

#### Synopsis of Bill

House Bill 134 amends the Social Work Practice Act in the following ways:

- Prohibits the practice of social work by unqualified persons;
- Defines client, consultation, continuing education, and supervision;
- Clarifies only licensed clinical social workers or licensed independent social worker can provide supervision for those social workers who are seeking supervision in order to become licensed as a licensed clinical social worker or a licensed independent social worker;
- Adds language to allow a student completing their required social work experience to use the term “social work intern”;
- Allows individuals interested in serving on the board to submit their resumes to the governor;
- Allows for electronic participation in board meetings;
- Adds language which allows the governor to remove any member of the board for social

work code of ethics or professional standards of practice violations in addition to the reasons previously listed;

- Requires board members named in or involved in a complaint presented to the social work board not participate in the discussion or decision making process of such complaint;
- Gives the board authority to issue a cease and desist order to an individual who is not a licensed social worker New Mexico but who is acting in a social work role or who is practicing social work;
- Broadens the board's authority to define what appropriate supervision for a person seeking independent or clinical licensure;
- Allows the board to determine the appropriate application of technology to social work practice;
- Deletes Section 61-31-9(D) NMSA 1978, which states, "Notwithstanding the provisions of this section, the board may grant a license on a case by case basis to those employees of an executive agency who are currently practicing social work as defined in Section 61-31-6 NMSA 1978 and have been so employed for at least ten years prior to the effective date of the Social Work Practice Act";
- Gives the board authority to require an applicant undergo a background check upon finding of good cause;
- Allows a bachelor's or master's degree in social work to obtain a provisional license for up to one year;
- Adds a section outlining the requirements to be licensed as an independent social worker. A licensed independent social worker shall be at least 18 years of age, possess at least a master's degree in social work, completed the number of hours required of postgraduate social work experience under appropriate supervision, completed training in New Mexico cultures as specified by the board, completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' advanced generalist examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a clinical social worker. A licensed clinical social worker shall be at least 18 years of age, possess at least a master's degree in social work, completed the number of hours required of postgraduate social work experience under appropriate supervision, completed training in New Mexico cultures as specified by the board, completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' clinical examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a master of social work. A licensed master of social work shall be at least 18 years of age, possess at least a master's degree in social work, completed training in New Mexico cultures as specified by the board, completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' master's examination or other examination approved by the board;
- Adds a section outlining the requirements to be licensed as a bachelor of social work. A licensed bachelor of social work shall be at least 18 years of age, possess at least a baccalaureate degree in social work, completed training in New Mexico cultures as specified by the board, completed a jurisprudence examination specified by the board, and passed the Association of Social Work Boards' bachelor's of social work examination or other examination approved by the board;
- Repeals Section 61-31-12 NMSA 1978, which allows licensure without written

- examinations if an applicant meets certain requirements; and
- Repeals Section 61-31-13.1 NMSA 1978, which allows temporary licensure for a period of 6 months or the amount of time necessary for the board to ensure the applicant has met the licensure requirements.

### **FISCAL IMPLICATIONS**

There are no identified fiscal implications.

### **SIGNIFICANT ISSUES**

RLD is concerned with the language that gives the board authority to require an applicant undergo a background check upon finding of good cause because there is no definition of good cause included in the bill.

The bill deletes Section 61-31-6(D) NMSA 1978, which states, “Notwithstanding the provisions of this section, the board may grant a license on a case by case basis to those employees of an executive agency who are currently practicing social work as defined in Section 61-31-6 NMSA 1978 and have been so employed for at least ten years prior to the effective date of the Social Work Practice Act.” It is unclear how those who were licensed prior to the act would be impacted.

CE/je