

HOUSE BILL 125

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

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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 [chairman]

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1 chair, vice [~~chairman~~] chair and secretary-treasurer. The  
2 board shall meet at other times as it deems necessary or  
3 advisable or as deemed necessary and advisable by the  
4 [~~chairman~~] chair or a majority of its members or the governor.  
5 Reasonable notice of all meetings shall be given in the manner  
6 prescribed by the board. A majority of the board constitutes a  
7 quorum at a meeting or hearing.

8 B. The board is authorized to:

9 (1) adopt and from time to time revise such  
10 rules [~~and regulations~~] not inconsistent with the law as may be  
11 necessary to carry into effect the provisions of the  
12 Professional Psychologist Act. The rules [~~and regulations~~]  
13 shall include a code of conduct for psychologists and  
14 psychologist associates in the state;

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

17 (3) examine for, approve, deny, revoke,  
18 suspend and renew the licensure of psychologist and  
19 psychologist associate applicants as provided in the  
20 Professional Psychologist Act;

21 (4) conduct hearings upon complaints  
22 concerning the disciplining of a psychologist or psychologist  
23 associate; and

24 (5) cause the prosecution and enjoinder of  
25 persons violating the Professional Psychologist Act and incur

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1 related necessary expenses [~~therefor~~].

2 C. Within sixty days after the close of each fiscal  
3 year, the board shall submit a written report, reviewed and  
4 signed by the board members, to the governor concerning the  
5 work of the board during the preceding fiscal year. The report  
6 shall include the names of psychologists and psychologist  
7 associates to whom licenses have been granted; cases heard and  
8 decisions rendered in relation to the work of the board; the  
9 recommendations of the board as to future policies, including  
10 the appropriate application of technology for supervision; and  
11 an account of all money received and expended by the board."

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

14 "61-9-10. LICENSURE OF PSYCHOLOGISTS FROM OTHER AREAS  
15 [~~RECIPROCITY~~].--Subject to the provisions of Section 61-9-10.1  
16 NMSA 1978, upon application accompanied by a fee as required by  
17 the Professional Psychologist Act, the board [~~may~~] shall,  
18 without written or oral examination, issue a license to a  
19 person who furnishes, upon a form and in such manner as the  
20 board prescribes, evidence [~~satisfactory~~] to the board that the  
21 person has been licensed or certified as a psychologist or  
22 prescribing psychologist by another state, a territorial  
23 possession of the United States, the District of Columbia or  
24 another country for [~~a minimum of~~] five years. An applicant  
25 seeking [~~reciprocity~~] a license shall demonstrate to [~~the~~

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1 ~~satisfaction of~~] the board that the training and education  
2 received by the applicant is equivalent to the requirements for  
3 a doctoral degree in psychology as provided in the Professional  
4 Psychologist Act."

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

7 "61-9-10.1. PROVISIONAL AND TEMPORARY LICENSURE.--

8 A. A temporary license may be issued to an  
9 applicant previously licensed in another jurisdiction and in  
10 good standing whose out-of-state license meets current  
11 licensing criteria for New Mexico. A temporary license shall  
12 be valid for six months and is not subject to extension or  
13 renewal, unless a federal or state public health emergency is  
14 declared pursuant to the Public Health Emergency Response Act;  
15 in which case, an applicant's temporary license shall be  
16 automatically extended for the duration of the public health  
17 emergency and for an additional six months, beginning on the  
18 day that the public health emergency ends.

19 B. The granting of a temporary license to the  
20 applicant does not include issuance of a conditional  
21 prescription certificate unless the board finds the applicant  
22 meets the requirements of Section 61-9-17.1 NMSA 1978.

23 ~~[B.]~~ C. A provisional license may be issued to an  
24 applicant never previously licensed and who does not meet New  
25 Mexico's experience requirements for psychology licensure, but

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1 who otherwise meets criteria for education and training. A  
2 provisionally licensed psychologist must practice under the  
3 supervision of a New Mexico licensed psychologist until fully  
4 licensed. A provisional license shall be valid for eighteen  
5 months and is not subject to extension or renewal, unless a  
6 federal or state public health emergency is declared pursuant  
7 to the Public Health Emergency Response Act; in which case, an  
8 applicant's provisional license shall be automatically extended  
9 for the duration of the public health emergency and for an  
10 additional six months, beginning on the day that the public  
11 health emergency ends."

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

14 "61-9-11. LICENSURE--EXAMINATION.--

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

21 (1) has reached the age of majority;

22 [~~(2) is of good moral character;~~

23 ~~(3)] (2) is not in violation of any of the~~

24 provisions of the Professional Psychologist Act and the rules

25 adopted pursuant to that act;

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1                    [~~(4)~~] (3) is a graduate of:

2                    (a) a doctoral program that is  
3 designated as a doctoral program in psychology by a nationally  
4 recognized designation system or that is accredited by a  
5 nationally recognized accreditation body and holds a degree  
6 with a major in clinical, counseling or school psychology from  
7 a university offering a full-time course of study in  
8 psychology; or

9                    (b) a doctoral program outside the  
10 United States or Canada that is equivalent to a program in  
11 Subparagraph (a) of this paragraph and holds a degree with a  
12 major in clinical, counseling or school psychology from a  
13 university offering a full-time course of study in psychology;  
14 the board shall promulgate by rule a list of board-approved  
15 credential inspection and verification services to appraise  
16 foreign degree programs;

17                    [~~(5)~~] (4) has had at least two years of  
18 supervised experience in psychological work [~~of a type~~  
19 ~~satisfactory to the board~~]; provided that:

20                    (a) up to one year of the supervised  
21 experience may be obtained in predoctoral practicum hours  
22 overseen by a graduate training program and consistent with the  
23 guidelines on practicum experience for licensure promulgated by  
24 the association of state and provincial psychology boards;

25                    (b) up to one year of the supervised

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1 experience may be obtained in a predoctoral internship approved  
2 by the American psychological association;

3 (c) up to one-half year of the  
4 supervised experience may be obtained in a predoctoral  
5 internship that is not approved by the American psychological  
6 association; and

7 (d) any portion of the required  
8 supervised experience not satisfied pursuant to Subparagraphs  
9 (a), (b) and (c) of this paragraph shall be obtained in  
10 postdoctoral psychological work;

11 [~~(6)~~] (5) demonstrates professional competence  
12 by passing the examination for professional practice in  
13 psychology promulgated by the association of state and  
14 provincial psychology boards with a total raw score of 140  
15 (seventy percent), before January 1, 1993 or, if after January  
16 1, 1993, a score equal to or greater than the passing score  
17 recommended by the association of state and provincial  
18 psychology boards;

19 [~~(7)~~] (6) demonstrates an awareness and  
20 knowledge of New Mexico cultures [~~as determined by~~] to the  
21 board; and

22 [~~(8)~~] (7) passes such jurisprudence  
23 examination as may be given by the board through an online  
24 testing and scoring mechanism.

25 B. Upon investigation of the application and other

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1 evidence submitted, including a criminal background check, the  
2 board shall, not less than thirty days prior to the  
3 examination, notify each applicant that the application and  
4 evidence submitted for licensure are satisfactory and accepted  
5 or unsatisfactory and rejected. If rejected, the notice shall  
6 state the reasons for rejection.

7 C. The place of examination shall be designated in  
8 advance by the board, and examinations shall be given at such  
9 time and place and under such supervision as the board may  
10 determine.

11 D. In the event an applicant fails to receive a  
12 passing grade, the applicant may apply for reexamination and  
13 shall be allowed to take a subsequent examination upon payment  
14 of the fee required by the Professional Psychologist Act.

15 E. The board shall keep a record of all  
16 examinations, and the grade assigned to each, as part of its  
17 records for at least two years subsequent to the date of  
18 examination."

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

21 "61-9-11.1. PSYCHOLOGIST ASSOCIATES--LICENSURE--  
22 EXAMINATION.--

23 A. The board shall issue a license as a  
24 psychologist associate to each applicant who files an  
25 application upon a form and in such manner as the board

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1 prescribes and, except as provided in Section 61-1-34 NMSA  
2 1978, accompanied by the fee required by the Professional  
3 Psychologist Act, and who furnishes evidence satisfactory to  
4 the board that the applicant:

5 (1) has reached the age of majority [~~is of~~  
6 ~~good moral character~~] and is not in violation of any of the  
7 provisions of the Professional Psychologist Act and the rules  
8 and regulations adopted pursuant to that act;

9 (2) holds a master's degree in psychology from  
10 a department of psychology of a school or college;

11 (3) demonstrates professional competence by  
12 passing the examination for professional practice in psychology  
13 promulgated by the association of state and provincial  
14 psychology boards with a score equivalent to or greater than  
15 the statistical mean as reported by the association of state  
16 and provincial psychology boards for all master's-level  
17 candidates taking the examination on that occasion;

18 (4) demonstrates awareness and knowledge of  
19 New Mexico cultures [~~as determined by~~] to the board; and

20 (5) passes such jurisprudence examination as  
21 may be given by the board through an online testing and scoring  
22 mechanism.

23 B. Upon investigation of the application and other  
24 evidence submitted, the board shall, not less than thirty days  
25 prior to the examination, notify each applicant that the

1 application and evidence submitted for licensure is  
2 satisfactory and accepted or unsatisfactory and rejected. If  
3 rejected, the notice shall state the reasons for rejection.

4 C. The place of examination shall be designated in  
5 advance by the board, and examinations shall be given at such  
6 time and place and under such supervision as the board may  
7 determine.

8 D. In the event an applicant fails to receive a  
9 passing grade, the applicant may apply for reexamination and  
10 shall be allowed to take a subsequent examination upon payment  
11 of the fee required by the Professional Psychologist Act.

12 E. The board shall keep a record of all  
13 examinations, and the grade assigned to each, as part of its  
14 records for at least two years subsequent to the date of  
15 examination.

16 F. The board may adopt reasonable rules and  
17 regulations classifying areas and conditions of practice  
18 permissible for psychologist associates."

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

21 "61-9A-7. BOARD CREATED--MEMBERS--APPOINTMENT--TERMS--  
22 COMPENSATION.--

23 A. There is created the "counseling and therapy  
24 practice board". The board is administratively attached to the  
25 department.

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1           B. The board consists of [~~nine~~] seven members who  
2 are United States citizens [~~and~~], have been New Mexico  
3 residents for at least five years prior to their appointment  
4 and maintain New Mexico residency during their appointment. Of  
5 the [~~nine~~] seven members:

6                   (1) five members shall be professional  
7 members, who shall be a professional mental health counselor, a  
8 professional clinical mental health counselor, a marriage and  
9 family therapist, a professional art therapist and an alcohol  
10 and drug abuse counselor, licensed under the Counseling and  
11 Therapy Practice Act and shall have engaged in a counselor and  
12 therapist practice for at least five years. The professional  
13 mental health counselor shall also represent the registered  
14 independent and licensed mental health counselors; and

15                   (2) [~~four~~] two members shall represent the  
16 public. The public members shall not have been licensed or  
17 have practiced as counselor or therapist practitioners or in  
18 any other regulated mental health profession, nor have any  
19 significant financial interest, either direct or indirect, in  
20 the professions regulated.

21           C. Members of the board shall be appointed by the  
22 governor for staggered terms of four years. A member shall  
23 hold office until [~~his~~] a successor is appointed. Vacancies  
24 shall be filled in the same manner as original appointments.  
25 No appointee shall serve more than two terms.

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1           D. The governor may appoint professional board  
2 members from a list of nominees submitted by qualified  
3 individuals and organizations, including the New Mexico  
4 counseling association, the New Mexico association for marriage  
5 and family therapy, the New Mexico art therapy association and  
6 the alcohol and drug directors association.

7           E. 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           F. The board shall elect annually from its  
11 membership a [~~chairman~~] chair and a secretary and other  
12 officers as necessary to carry out its duties.

13           G. The board shall meet [~~at least twice~~] once a  
14 year and at other times deemed necessary. Other meetings may  
15 be called by the [~~chairman~~] chair upon the written request of  
16 three members of the board. A simple majority of the board  
17 members shall constitute a quorum of the board.

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

- 22                   (1) extenuating circumstances beyond [~~his~~] the  
23 member's control, including illness;  
24                   (2) prearranged activities out of town; or  
25                   (3) other severe circumstances that do not

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1 allow a member to attend."

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

4 "61-9A-9. BOARD--POWERS AND DUTIES.--

5 A. The board may:

6 (1) adopt [~~in accordance with the Uniform~~  
7 ~~Licensing Act~~] and file in accordance with the State Rules Act  
8 rules necessary to carry out the provisions of the Counseling  
9 and Therapy Practice Act;

10 (2) select and provide for the administration  
11 of, at least, semiannual examinations for licensure;

12 (3) establish the passing scores for  
13 examinations;

14 (4) take any disciplinary action allowed by  
15 and in accordance with the Uniform Licensing Act and necessary  
16 to carry out the provisions of the Counseling and Therapy  
17 Practice Act;

18 (5) censure, reprimand or place a licensee or  
19 registrant on probation;

20 (6) require and establish criteria for  
21 continuing education;

22 (7) establish by rule procedures for  
23 receiving, investigating and resolving complaints;

24 (8) approve appropriate supervision, and  
25 postgraduate experience for persons seeking licensure or

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1 registration;

2 (9) provide for the issuance of licenses;

3 (10) determine eligibility of individuals for  
4 licensure or registration;

5 (11) set fees for administrative services and  
6 registration, as authorized by the Counseling and Therapy  
7 Practice Act, and authorize all disbursements necessary to  
8 carry out the provisions of that act;

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

14 (13) establish criteria for supervision and  
15 supervisory requirements, including the appropriate application  
16 of technology;

17 (14) establish a code of ethics; and

18 (15) establish committees.

19 B. The board may establish a standards committee  
20 for each licensed profession. The members of each standards  
21 committee shall be appointed by the board with the consent of  
22 the department and shall include at least one board member from  
23 the licensed profession and at least one public board member.  
24 The board member representing each respective profession shall  
25 chair its standards committee and the committee shall:

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

3 (2) review license applications and recommend  
4 approval or disapproval;

5 (3) develop criteria for supervision,  
6 including the appropriate application of technology; and

7 (4) recommend rules.

8 C. Members of the standards committees or other  
9 committees may be reimbursed as provided in the Per Diem and  
10 Mileage Act, but shall receive no other compensation,  
11 perquisite or allowance."

12 SECTION 8. Section 61-9A-11 NMSA 1978 (being Laws 1993,  
13 Chapter 49, Section 11, as amended) is amended to read:

14 "61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH  
15 COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a  
16 license as a professional clinical mental health counselor to  
17 ~~[any]~~ a person who files a completed application and, except as  
18 provided in Section 61-1-34 NMSA 1978, pays any required fees  
19 and who submits satisfactory evidence that the applicant:

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

21 B. holds a master's or doctoral degree in a  
22 counseling or counseling-related field, as defined by rule,  
23 from an accredited institution. The applicant shall have a  
24 master's degree and a total of no less than forty-eight  
25 graduate semester hours or seventy-two quarter hours in the

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1 mental health clinical core curriculum;

2 C. demonstrates professional competency by passing  
3 the required examination as prescribed by the board;

4 D. has a minimum of two years of professional  
5 clinical counseling experience, including at least three  
6 thousand clinical contact hours and at least one hundred hours  
7 of ~~[face-to-face]~~ appropriate supervision. One thousand client  
8 clinical contact hours may be submitted from the applicant's  
9 internship or practicum; and

10 E. ~~[is of good moral character with conduct~~  
11 ~~consistent with]~~ observes the code of ethics."

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

14 "61-9A-12. MARRIAGE AND FAMILY THERAPIST--REQUIREMENTS  
15 FOR LICENSURE.--The board shall issue a license as a marriage  
16 and family therapist to a person who files a completed  
17 application accompanied by the required fees and who submits  
18 satisfactory evidence that the applicant:

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

20 B. holds a master's or doctoral degree with a focus  
21 in marriage and family therapy and meets the requirements of  
22 the marriage and family therapy core curriculum, as defined by  
23 rule, in marriage and family therapy from an accredited  
24 institution;

25 C. demonstrates professional competency by passing

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1 the examinations as prescribed by the board;

2 D. has a minimum of two years of postgraduate  
3 marriage and family therapy experience consisting of one  
4 thousand client contact hours and two hundred hours of  
5 appropriate clinical supervision, of which one hundred hours of  
6 such supervision was on an individual basis; and

7 E. ~~[is of good moral character with conduct~~  
8 ~~consistent with]~~ observes the code of ethics."

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

11 "61-9A-12.1. LICENSED ASSOCIATE MARRIAGE AND FAMILY  
12 THERAPIST OR COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board  
13 shall issue a license as an associate marriage and family  
14 therapist or counselor to a person who files a completed  
15 application accompanied by the required fees and who submits  
16 satisfactory evidence that the applicant:

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

18 B. holds a master's or doctoral degree with a focus  
19 in marriage and family therapy or counselor from an accredited  
20 institution and meets the requirements of the marriage and  
21 family therapy or counselor core curriculum, as defined by  
22 rule;

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

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1           D. demonstrates professional competence by passing  
2 an examination within the applicant's discipline as prescribed  
3 by the board; and

4           E. ~~[is of good moral character with conduct~~  
5 ~~consistent with]~~ observes the code of ethics."

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

8           "61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR  
9 LICENSURE.--~~[A.]~~ The board shall issue a license as a  
10 professional art 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           ~~[(1)]~~ A. has reached the age of twenty-one;

14           ~~[(2)]~~ B. demonstrates professional competency by  
15 passing an examination as prescribed by the board;

16           ~~[(3)]~~ C. holds a master's or doctoral degree in art  
17 therapy, counseling or counseling-related field from an  
18 accredited institution or nationally approved art therapy  
19 program with a total of no less than forty-eight graduate  
20 semester hours or seventy-two quarter hours in the art therapy  
21 core curriculum;

22           ~~[(4)]~~ D. meets the art therapy core curriculum as  
23 defined by rule;

24           ~~[(5)]~~ E. has completed a minimum of two years post-  
25 graduate professional experience, three thousand client contact

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1 hours and one hundred hours of post-graduate [~~face-to-face~~]  
2 experience under appropriate supervision. Seven hundred  
3 clinical client contact hours may be from the applicant's  
4 internship or practicum program beyond the requirements in  
5 [~~Paragraph (3)~~] Subsection C of this subsection. Supervision  
6 shall be under a New Mexico-licensed professional art therapist  
7 or certified board therapist for at least fifty percent of the  
8 working hours; and

9 [~~(6) is of good moral character with conduct~~  
10 ~~consistent with~~] F. observes the code of ethics.

11 [~~B. Effective July 1, 2005, applicants must meet~~  
12 ~~the art therapy core curriculum, as defined by rule.~~]"

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

15 "61-9A-14. REQUIREMENTS FOR LICENSED MENTAL HEALTH  
16 COUNSELOR.--The board shall issue a license as a mental health  
17 associate to any person who files a completed application  
18 accompanied by the required fees and who submits satisfactory  
19 evidence that the applicant:

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

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

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

- 4 (1) professional art therapist;  
5 (2) professional mental health counselor; or  
6 (3) professional clinical mental health  
7 counselor;

8 D. demonstrates professional competence by passing  
9 an examination within the applicant's discipline as prescribed  
10 by the board; and

11 E. ~~[is of good moral character with conduct~~  
12 ~~consistent with]~~ observes the code of ethics."

13 SECTION 13. Section 61-9A-14.1 NMSA 1978 (being Laws  
14 1996, Chapter 61, Section 8, as amended) is amended to read:

15 "61-9A-14.1. SUBSTANCE ABUSE ASSOCIATE--REQUIREMENTS FOR  
16 LICENSURE.--

17 A. Effective July 1, 2005, the board shall license  
18 as a substance abuse associate any person who files a completed  
19 application accompanied by the required fees and who submits  
20 satisfactory evidence that the applicant as defined by rule:

21 (1) ~~[is of good moral character, with conduct~~  
22 ~~consistent with]~~ observes the code of ethics;

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

24 (3) holds an associate degree in a counseling,  
25 counseling-related field or substance abuse-related field from

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1 an accredited institution and has a total of ninety clock hours  
2 of education and training in the fields of alcohol and drug  
3 abuse counseling; and

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

7 B. The applicant shall also provide two letters  
8 of recommendation."

9 SECTION 14. Section 61-9A-14.2 NMSA 1978 (being Laws  
10 1999, Chapter 161, Section 15, as amended) is amended to read:

11 "61-9A-14.2. ALCOHOL AND DRUG ABUSE COUNSELOR--  
12 REQUIREMENTS FOR LICENSURE.--Effective July 1, 2005, the board  
13 shall license as an alcohol and drug abuse counselor a person  
14 who files a completed application accompanied by the required  
15 fees and who submits satisfactory evidence that the applicant,  
16 as defined by rule:

17 A. ~~[is of good moral character with conduct~~  
18 ~~consistent with]~~ observes the code of ethics;

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

20 C. demonstrates professional competency by passing  
21 the required examinations prescribed by the board; and

22 D. has one of the following combinations of  
23 education and experience:

24 (1) an associate degree in counseling, a  
25 counseling-related field or a substance abuse-related field

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1 from an accredited institution, and education and training that  
2 includes two hundred seventy-six clock hours with ninety hours  
3 in each of the fields of alcohol and drug abuse counseling, six  
4 hours of professional ethics, three years and three thousand  
5 client ~~[contract]~~ contact hours under appropriate supervision  
6 of experience in the practice of alcohol and drug abuse  
7 counseling and two hundred hours of ~~[face-to-face]~~ appropriate  
8 supervision;

9 (2) a baccalaureate degree in counseling, a  
10 counseling-related field or a substance abuse-related field, as  
11 defined by rule, from an accredited institution and education  
12 and training that includes two hundred seventy-six clock hours  
13 with ninety hours in each of the fields of alcohol and drug  
14 abuse counseling and six hours of professional ethics, two  
15 years and two thousand client contact hours under appropriate  
16 supervision of experience in the practice of alcohol and drug  
17 abuse counseling and one hundred hours of ~~[face-to-face]~~  
18 appropriate supervision; or

19 (3) a master's degree in counseling, a  
20 counseling-related field or a substance abuse-related field, as  
21 defined by rule, from an accredited institution, and education  
22 and training that includes two hundred seventy-six clock hours  
23 with ninety hours in each of the fields of alcohol and drug  
24 abuse counseling and six hours of professional ethics, one year  
25 and one thousand client contact hours under appropriate

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1 supervision of experience in the practice of alcohol and drug  
2 abuse counseling and fifty hours of [~~face-to-face~~] appropriate  
3 supervision hours."

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

6 "61-9A-22. LICENSURE BY CREDENTIALS [~~RECIPROCITY~~].--

7 A. The board [~~may~~] shall issue a license in the  
8 same licensure level to a person who:

9 (1) files a completed application accompanied  
10 by the required fees;

11 (2) submits [~~satisfactory~~] evidence that the  
12 applicant holds and has held for a minimum of [~~five~~] two years  
13 a current license issued by the appropriate examining board  
14 under the law of any other state or territory of the United  
15 States, the District of Columbia or any foreign nation;

16 (3) is in good standing with no disciplinary  
17 action pending or brought against the applicant within the past  
18 [~~five~~] two years; and

19 (4) possesses a master's or doctoral degree in  
20 counseling or a counseling-related field from an accredited  
21 institution.

22 B. Applicants who do not meet the licensure by  
23 credential must meet the current licensure requirements."

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

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1 "61-31-7. BOARD CREATED.--

2 A. There is created the "board of social work  
3 examiners".

4 B. The board shall be administratively attached to  
5 the department.

6 C. The board shall consist of seven members who are  
7 representative of the geographic and ethnic groups within New  
8 Mexico [~~and~~], who have been New Mexico residents prior to their  
9 appointment and maintain New Mexico residency during their  
10 appointment. Of the seven members:

11 (1) four members shall have been engaged in  
12 social work practice for at least five years; at least two of  
13 the four shall hold a master's degree in social work; and at  
14 least two shall hold a bachelor's degree in social work from  
15 schools of social work that are accredited by the council on  
16 social work education. At least one of these members shall be  
17 engaged primarily in clinical social work practice; one member  
18 shall be engaged primarily in education; one member shall be  
19 engaged primarily in administration or research in social work  
20 practice; and at least one member shall be engaged primarily in  
21 community organization, planning and development. These  
22 members may join professional organizations and associations  
23 organized exclusively to promote the improvement of the  
24 practice of social work for the protection of the health and  
25 welfare of the public or whose activities assist and facilitate

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1 the work of the board; and

2 (2) three members shall represent the public.

3 The public members shall not have been licensed or have  
4 practiced as social workers. Public members shall not have any  
5 significant financial interest, whether direct or indirect, in  
6 social work practice.

7 D. Members of the board shall be appointed by the  
8 governor for staggered terms of three years. Each member shall  
9 hold office until a successor is appointed. Vacancies shall be  
10 filled for the unexpired term in the same manner as original  
11 appointments.

12 E. Except for the representatives of the public on  
13 the board, the governor shall appoint board members from a list  
14 of nominees submitted by social work organizations and  
15 individual social work professionals or from a pool of resumes  
16 submitted to the governor by individuals applying for  
17 membership.

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

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

23 H. A simple majority of the board members currently  
24 serving shall constitute a quorum of the board.

25 I. The board shall meet at least once a year and at

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1 such other times as it deems necessary. Other meetings may be  
2 called by the chair upon the written request of a quorum of the  
3 board. The board may permit electronic participation in board  
4 meetings in accordance with the Open Meetings Act and board  
5 rules.

6 J. The governor may remove any member from the  
7 board for:

- 8 (1) the neglect of any duty required by law;  
9 (2) incompetence;  
10 (3) improper or unprofessional conduct as  
11 defined by board rule;  
12 (4) violation of the current professional code  
13 of ethics or professional standards promulgated by a national  
14 organization of social work professionals that provides  
15 guidance, research, advocacy and other services to social  
16 workers; or  
17 (5) any reason that would justify the  
18 suspension or revocation of that member's license to practice  
19 social work.

20 K. A board member shall not serve more than two  
21 consecutive terms, and any member failing to attend, after  
22 proper notice, three consecutive meetings shall automatically  
23 be removed as a board member, unless excused for reasons set  
24 forth in board rules.

25 L. In the event of a vacancy for any reason, the

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1 board secretary shall immediately notify the governor and the  
2 board of the vacancy and the reason for its occurrence to  
3 expedite the appointment of a new board member within a six-  
4 month period."

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

7 "61-31-11. PROVISIONAL LICENSURE.--Prior to examination,  
8 an applicant for licensure who holds a bachelor's degree or  
9 master's degree in social work may obtain a provisional license  
10 to engage in social work practice as long as the applicant  
11 meets all the requirements, except examination, pursuant to the  
12 Social Work Practice Act for the level of license sought. The  
13 provisional license is valid for a period not to exceed one  
14 year, unless a federal or state public health emergency is  
15 declared pursuant to the Public Health Emergency Response Act;  
16 in which case, an applicant's provisional license shall be  
17 automatically extended for the duration of the public health  
18 emergency and for an additional six months, beginning on the  
19 day that the public health emergency ends."

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

22 "61-31-13. LICENSURE BY CREDENTIALS [RECIPROCITY].--

23 A. The board [~~may~~] shall license an applicant for  
24 the licensure level sought, provided the applicant:

25 (1) possesses and has held for a minimum of

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1     ~~[five]~~ two and one-half years a valid social worker license  
2     issued by the appropriate examining board under the laws of any  
3     other state or territory of the United States, the District of  
4     Columbia or any foreign nation;

5                     (2) is in good standing with no disciplinary  
6     action pending or brought against the applicant within the past  
7     ~~[five]~~ two and one-half years;

8                     (3) possesses a bachelor's or master's degree  
9     in social work from a program of social work ~~[approved by the~~  
10    ~~board]~~ accredited by the council on social work education;

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

13                    (5) demonstrates an awareness and knowledge of  
14    New Mexico cultures ~~[as determined by]~~ to the board.

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