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HOUSE BILL 790

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY

THOMAS G. DOLLIVER

AN ACT

RELATING TO SUBSTANCE ABUSE; PROVIDING FOR THE LICENSURE OF
ALCOHOL AND DRUG ABUSE COUNSELORS; AMENDING AND ENACTING
SECTIONS OF THE COUNSELING AND THERAPY PRACTICE ACT.

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

Section 1. Section 61-9A-3 NMSA 1978 (being Laws 1993,
Chapter 49, Section 3) is amended to read:

"61-9A-3. DEFINITIONS. -- As used in the Counseling and
Therapy Practice Act:

A. "accredited institution" means a university or
college accredited by a nationally recognized accrediting agency
of institutions of higher education or an approved institution
or program as determined by the board;

B. "alcohol abuse counselor" means an individual who
engages in the practice of alcohol abuse counseling;

1 C. "alcohol and drug abuse counselor" means an
2 individual who engages in the practice of alcohol and drug abuse
3 counseling;

4 [~~B.~~] D. "appraisal" means selecting, administering,
5 scoring and interpreting instruments designed to assess an
6 individual's aptitudes, attitudes, abilities, achievements,
7 interests, personal characteristics and current emotional or
8 mental state by appropriately educated, trained and experienced
9 clinicians and the use of nonstandardized methods and techniques
10 for understanding human behavior in relation to coping with,
11 adapting to or changing life situations of a physical, mental or
12 emotional nature;

13 [~~C.~~] E. "appropriate supervision" means supervision
14 by a professional clinical mental health counselor, professional
15 mental health counselor, marriage and family therapist,
16 professional art therapist, psychiatrist, psychologist, social
17 worker, psychiatric nurse or other similar supervision approved
18 by the board;

19 [~~D.~~] F. "board" means the counseling and therapy
20 practice board;

21 [~~E.~~] G. "clinical counseling" means the rendering of
22 counseling services involving the application of principles of
23 psychotherapy, human development, learning theory, group
24 dynamics and the etiology of mental illness and dysfunctional
25 behavior to individuals, couples, families or groups for the

1 purpose of treating psychopathology and promoting optimal mental
2 health;

3 [F.] H. "consulting" means the application of
4 scientific principles and procedures in psychotherapeutic
5 counseling, guidance and human development to provide assistance
6 in understanding and solving a problem that the consultee may
7 have in relation to a third party;

8 [G.] I. "counseling" means the application of
9 scientific principles and procedures in therapeutic counseling,
10 guidance and human development to provide assistance in
11 understanding and solving a mental, emotional, physical, social,
12 moral, educational, spiritual or career development and
13 adjustment problem that a client may have;

14 [H. — "counselor and therapist practice"]

15 J. "counseling and therapy practice" means the
16 practice of professional art therapy, professional clinical
17 mental health counseling, professional mental health counseling,
18 [and] marriage and family therapy, alcohol abuse counseling,
19 drug abuse counseling and alcohol and drug abuse counseling;

20 [I.] K. "counselor and therapist practitioners"
21 means professional art therapists, professional clinical mental
22 health counselors, professional mental health counselors, [and]
23 marriage and family therapists, registered mental health
24 counselors, registered independent mental health counselors,
25 alcohol abuse counselors, drug abuse counselors and alcohol and

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1 drug abuse counselors as a group;

2 [J-] L. "department" means the regulation and
3 licensing department or the division of the department
4 designated to administer the counseling and therapy practice
5 board;

6 M "drug abuse counselor" means an individual who
7 engages in the practice of drug abuse counseling;

8 [K-] N. "[~~marital~~] marriage and family therapy"
9 means the diagnosis and treatment of nervous and mental
10 disorders, whether cognitive, affective or behavioral, within
11 the context of [~~marital~~] marriage and family systems;

12 [L-] O. "marriage and family therapist" means an
13 individual who engages in the practice of marriage and family
14 therapy;

15 [M-] P. "mental disorder" means any of several
16 conditions or disorders that meet the diagnostic criteria
17 contained in the diagnostic and statistical manual of the
18 American psychiatric association or the world health
19 organization's international classification of diseases manual;

20 Q. "practice of alcohol and drug abuse counseling"
21 means the rendering of counseling services, as defined by
22 regulation of the board, to individuals, couples, families or
23 groups. The services may include screening, assessment,
24 consultation, development of treatment plans, case management,
25 counseling, referral, appraisal, crisis intervention, education,

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1 reporting and record keeping:

2 [N-] R. "practice of art therapy" means the
3 rendering to individuals, families or groups of services that
4 use art media as a means of expression and communication to
5 promote perceptive, intuitive, affective and expressive
6 experiences that alleviate distress, reduce physical, emotional,
7 behavioral and social impairment and lead to growth or
8 reintegration of one's personality. Art therapy services
9 include, but are not limited to, diagnostic evaluation,
10 development of patient treatment plans, goals and objectives,
11 case management services and therapeutic treatment as defined by
12 regulation of the board;

13 [Ø-] S. "practice of marriage and family therapy"
14 means the rendering of [~~marital~~] marriage and family therapy
15 services to individuals, family groups and marital couples,
16 singly or in groups. The "practice of marriage and family
17 therapy" involves the professional application of
18 psychotherapeutic and family systems theories and techniques, as
19 defined by regulation of the board, in the delivery of services
20 to individuals, [~~marital~~] married couples and families and
21 involves the presence of a diagnosed mental or physical disorder
22 in at least one member of the couple or family being treated;

23 [P-] T. "practice of professional clinical mental
24 health counseling" means the rendering of mental health
25 counseling to individuals, couples, families or groups and the

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1 diagnosis and treatment of mental and emotional disorders,
2 including psychopathology as defined by the American psychiatric
3 association or the world health organization. "Practice of
4 professional clinical mental health counseling" includes, but is
5 not limited to, development of patient treatment plans, goals
6 and objectives, case management services, therapeutic treatment,
7 research and clinical mental health appraisal, consulting,
8 counseling and referral as defined by regulation of the board;

9 [Q.] U. "practice of professional mental health
10 counseling" means the rendering of a therapeutic counseling
11 service that integrates a wellness and multicultural model of
12 human behavior involving certain methods and techniques of
13 appraisal, including, but not limited to, consulting, counseling
14 and referral as defined by regulation of the board;

15 [R.] V. "practice of registered mental health
16 counseling" means the rendering, under appropriate supervision,
17 of a therapeutic counseling service that integrates a wellness
18 and multicultural model of human behavior involving certain
19 methods and techniques of appraisal, including, but not limited
20 to, consulting, counseling and referral as defined by regulation
21 of the board;

22 [S.] W. "professional art therapist" means an
23 individual who engages in the practice of art therapy;

24 [T.] X. "professional clinical mental health
25 counselor" means an individual who engages in the independent

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1 practice of professional clinical mental health counseling
2 without supervision;

3 [U-] Y. "professional mental health counselor" means
4 an individual who engages in the practice of professional mental
5 health counseling without supervision;

6 [V-] Z. "referral" means the evaluation of
7 information to identify needs of the person being counseled to
8 determine the advisability of sending the person being counseled
9 to other specialists, informing the person being counseled of
10 such judgment and communicating the information to other
11 counseling services as deemed appropriate; ~~and~~

12 ~~W-]~~ AA. "registered mental health counselor" means
13 an individual who is ~~[certified by]~~ registered with the board
14 and is authorized by the board to engage in the practice of
15 mental health counseling under appropriate supervision;

16 BB. "substance abuse counselor" means an individual
17 who is licensed to practice alcohol and drug abuse counseling.
18 alcohol abuse counseling or drug abuse counseling; and

19 CC. "substance abuse intern" means an individual who
20 is registered to practice alcohol and drug abuse counseling.
21 alcohol abuse counseling or drug abuse counseling under
22 appropriate supervision. "

23 Section 2. Section 61-9A-4 NMSA 1978 (being Laws 1993,
24 Chapter 49, Section 4) is amended to read:

25 "61-9A-4. LICENSE OR ~~[CERTIFICATE]~~ REGISTRATION

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1 REQUIRED. --

2 A. After July 1, 1994, unless licensed or
3 [~~certified~~] registered to practice under the Counseling and
4 Therapy Practice Act, no person shall engage in the practice of:

5 [A.] (1) professional mental health counseling;

6 [B.] (2) professional clinical mental health
7 counseling;

8 [C.] (3) marriage and family therapy;

9 [D.] (4) professional art therapy; or

10 [E.] (5) counseling as a registered mental health
11 counselor.

12 B. After January 1, 1998, unless licensed or
13 registered to practice under the Counseling and Therapy Practice
14 Act, no person shall engage in the practice of:

15 (1) alcohol and drug abuse counseling;

16 (2) alcohol abuse counseling;

17 (3) drug abuse counseling; or

18 (4) substance abuse counseling as a substance
19 abuse intern. "

20 Section 3. Section 61-9A-5 NMSA 1978 (being Laws 1993,
21 Chapter 49, Section 5) is amended to read:

22 "61-9A-5. SCOPE OF PRACTICE. --

23 A. For the purpose of the Counseling and Therapy
24 Practice Act, a person is practicing as a professional mental
25 health counselor, professional clinical mental health counselor,

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1 marriage and family therapist, professional art therapist, [~~or~~]
2 registered mental health counselor, alcohol and drug abuse
3 counselor, alcohol abuse counselor, drug abuse counselor or
4 substance abuse intern if he advertises; offers himself to
5 practice; is employed in a position described as professional
6 mental health counselor, professional clinical mental health
7 counselor, marriage and family therapist, professional art
8 therapist, [~~or~~] registered mental health counselor, alcohol and
9 drug abuse counselor, alcohol abuse counselor, drug abuse
10 counselor or substance abuse intern; or holds out to the public
11 or represents in any manner that he is licensed or [~~certified~~]
12 registered to practice as such in this state.

13 B. The scope of the practice of alcohol or drug
14 abuse counseling, or both, consists of rendering counseling
15 services, as defined by regulation, to individuals, couples,
16 families or groups. The services may include screening,
17 assessment, consultation, development of treatment plans, case
18 management, counseling, referral, appraisal, crisis
19 intervention, education, reporting and recordkeeping. "

20 Section 4. Section 61-9A-6 NMSA 1978 (being Laws 1993,
21 Chapter 49, Section 6) is amended to read:

22 "61-9A-6. EXEMPTIONS. --

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

25 (1) any individual who is licensed, certified

1 or regulated under the laws of this state from engaging in
2 activities consistent with the standards and ethics of his
3 profession or practice; or

4 (2) an alternative, ~~metaphysical~~ or holistic
5 practitioner from engaging in nonclinical activities consistent
6 with the standards and codes of ethics of that practice.

7 B. Specifically exempted from [~~this act~~] the
8 Counseling and Therapy Practice Act are:

9 (1) elementary and secondary school counselors
10 acting on behalf of their employer who are otherwise regulated;

11 [~~(2) alcohol or drug abuse counselors working~~
12 ~~under appropriate supervision for a nonprofit corporation,~~
13 ~~association or similar entity;~~

14 ~~(3)]~~ (2) peer counselors of domestic violence
15 or independent-living peer counselors working under appropriate
16 supervision in a nonprofit corporation, association or similar
17 entity;

18 [~~(4)]~~ (3) duly ordained, commissioned or
19 licensed ministers of a church or lay pastoral-care assistants
20 providing pastoral services on behalf of a church;

21 [~~(5) students enrolled in a graduate-level~~
22 ~~counselor and therapist training program and rendering services~~
23 ~~under supervision]~~

24 (4) a person who is enrolled in an organized
25 training program to qualify for licensure as a counselor or

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1 therapist and is under direct supervision of a licensed
2 counselor or therapist or other appropriate supervision, as
3 approved by the board;

4 [(6)] (5) hypnotherapists certified by the
5 American council of hypnotist examiners or the southwest
6 hypnotherapists examining board, providing nonclinical services
7 from July 1, 1994 to June 30, 1998;

8 [(7)] (6) pastoral counselors with master's or
9 doctoral degrees who are certified by the American association
10 of pastoral counselors from July 1, 1994 to June 30, 1998;

11 [(8)] (7) practitioners of Native American
12 healing arts; and

13 [(9)] (8) state employees at the discretion of
14 the [~~department secretary~~] head of the employing agency."

15 Section 5. Section 61-9A-7 NMSA 1978 (being Laws 1993,
16 Chapter 49, Section 7) is amended to read:

17 "61-9A-7. BOARD CREATED-- MEMBERS-- APPOINTMENT-- TERMS--
18 COMPENSATION.--

19 A. There is created the "counseling and therapy
20 practice board", which is administratively attached to the
21 department.

22 B. The board shall consist of [~~eight~~] nine
23 members who are United States citizens and have been New Mexico
24 residents for at least five years prior to their appointment.
25 Of the [~~eight~~] nine members:

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1 (1) [~~four~~] five members shall be professional
2 members, who shall be a professional mental health counselor, a
3 professional clinical mental health counselor, a marriage and
4 family therapist [~~and~~], a professional art therapist and an
5 alcohol and drug abuse counselor, licensed under the Counseling
6 and Therapy Practice Act and shall have engaged in a counselor
7 and therapist practice for at least five years. These members
8 shall not hold any elected or appointed office in any
9 professional organization of counseling, psychology or closely
10 related field during their tenure on the board, nor shall they
11 be school owners. The initial [~~four~~] professional members shall
12 meet requirements for licensure and be licensed within one year
13 after the effective date of the [~~Counseling and Therapy Practice~~
14 ~~Act~~] licensure requirements. The professional mental health
15 counselor shall also represent the registered mental health
16 counselors; and

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

23 C. All members of the board shall be appointed by
24 the governor for staggered terms of four years, except that the
25 initial board shall be appointed so that the terms of one

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1 professional and one public member expire June 30, 1994, the
2 terms of one professional and one public member expire June 30,
3 1995, the terms of one professional and one public member expire
4 on June 30, 1996 and the terms of one professional and one
5 public member expire June 30, 1997. The alcohol and drug abuse
6 counselor shall be appointed to a four-year term beginning July
7 1, 1996. Each member shall hold office until his successor is
8 appointed. Vacancies shall be filled in the same manner as
9 original appointments. No appointee shall serve more than two
10 terms.

11 D. The governor may appoint professional board
12 members from a list of nominees submitted by qualified
13 individuals and organizations, including the New Mexico
14 counseling association, the New Mexico association for marriage
15 and family therapy [~~and~~], the New Mexico art therapy association
16 and the alcohol and drug directors association.

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

20 F. The board shall elect annually from its
21 membership a chairman and a secretary and other officers as
22 necessary to carry out its duties.

23 G. The board shall meet at least twice a year and at
24 other times deemed necessary. Other meetings may be called by
25 the chairman upon the written request of three members of the

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1 board. A simple majority of the board members shall constitute
2 a quorum of the board. "

3 Section 6. Section 61-9A-8 NMSA 1978 (being Laws 1993,
4 Chapter 49, Section 8) is amended to read:

5 "61-9A-8. DEPARTMENT DUTIES. --The department, with the
6 consultation of the board, shall:

7 A. process applications and conduct and review the
8 required examinations;

9 B. issue licenses and certificates of registration
10 to applicants who meet the requirements of the Counseling and
11 Therapy Practice Act;

12 C. administer, coordinate and enforce the provisions
13 of the Counseling and Therapy Practice Act and investigate
14 persons engaging in practices [~~whi-eh~~] that may violate the
15 provisions of that act;

16 D. hire staff as necessary to carry out the
17 provisions of the Counseling and Therapy Practice Act;

18 E. maintain records, including financial records;
19 and

20 F. maintain a current register of licensees and
21 registrants as a matter of public record. "

22 Section 7. Section 61-9A-9 NMSA 1978 (being Laws 1993,
23 Chapter 49, Section 9) is amended to read:

24 "61-9A-9. BOARD-- POWERS AND DUTIES. --

25 A. The board shall have the power to:

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1 (1) adopt in accordance with the Uni form
2 Licensing Act and file in accordance with the State Rules Act
3 rules and regulations necessary to carry out the provisions of
4 the Counseling and Therapy Practice Act;

5 (2) select and provide for the administration
6 of, at least, [~~semi-annually~~] semi annual examinations for
7 licensure;

8 (3) establish [~~by rule~~] the passing scores for
9 examinations;

10 (4) [~~deny, suspend or revoke a license or~~
11 ~~certificate of registration in accordance with~~] take any
12 disciplinary action allowed by and in accordance with the
13 Uniform Licensing Act;

14 (5) censure, reprimand or place a licensee or
15 registrant on probation for a period not to exceed one year;

16 (6) require and establish criteria for
17 continuing education;

18 (7) establish by rule procedures for receiving,
19 investigating and resolving complaints;

20 (8) approve appropriate supervision and
21 postgraduate experience for persons seeking licensure or
22 [~~certification~~] registration;

23 (9) provide for the issuance of licenses and
24 certificates of registration;

25 (10) determine eligibility of individuals for

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1 licensure or ~~[certification]~~ registration;

2 (11) set fees for administrative services,
3 licenses and ~~[certificates of]~~ registration, as authorized by
4 the Counseling and Therapy Practice Act, and authorize all
5 disbursements necessary to carry out the provisions of that act;

6 (12) establish criteria for supervision ~~[of~~
7 ~~registered mental health counselors and professional mental~~
8 ~~health counselors in training to become professional clinical~~
9 ~~mental health counselors;~~

10 ~~(13) adopt rules implementing an "impaired~~
11 ~~counselor and therapist practitioner treatment program";~~

12 ~~(14) approve supervisors for registered mental~~
13 ~~health counselors and professional mental health counselors in~~
14 ~~training to become clinical mental health counselors] and~~
15 supervisory requirements; and

16 ~~[(15)]~~ (13) establish ~~[professional codes]~~ a
17 code of ethics ~~[except for registered mental health counselors~~
18 ~~who shall adhere to the professional mental health counselor~~
19 ~~code of ethics].~~

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

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1 chair its standards committee and the committee shall:

2 (1) recommend [~~a professional~~] and periodically
3 review a code of ethics;

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

6 (3) develop criteria for supervision; and

7 (4) recommend rules and regulations.

8 [~~(5) create long-term professional development~~
9 ~~goals; and~~

10 ~~(6) periodically review the professional code~~
11 ~~of ethics.]~~

12 C. Members of the standards committees may be
13 reimbursed as provided in the Per Diem and Mileage Act, but
14 shall receive no other compensation, perquisite or allowance.
15 These members shall not hold any elected office in any
16 professional organization of counseling, psychology or closely
17 related field during their tenure on the standards committees."

18 Section 8. A new section of the Counseling and Therapy
19 Practice Act is enacted to read:

20 "[NEW MATERIAL] SUBSTANCE ABUSE COUNSELORS-- REQUIREMENTS
21 FOR LICENSURE. --

22 A. The board shall license as a substance abuse
23 intern any person who files a completed application accompanied
24 by the required fees and who submits satisfactory evidence that
25 the applicant:

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

3 (2) is at least eighteen years of age;

4 (3) possesses a high school diploma or its
5 equivalent;

6 (4) has arranged for a board-approved
7 supervisor and experience plan for working under appropriate
8 supervision to meet the requirements for licensure as a
9 substance abuse counselor;

10 (5) demonstrates knowledge of a working
11 definition of substance abuse treatment and recovery;

12 (6) signs a code of ethics statement, as
13 approved by the board; and

14 (7) provides three letters of recommendation as
15 established by rule.

16 B. The board shall license as an alcohol and drug
17 abuse counselor any person who files a completed application
18 accompanied by the required fees and who submits satisfactory
19 evidence that the applicant:

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

22 (2) is at least eighteen years of age;

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

25 (4) has passed an examination, as approved by

1 the board;

2 (5) signs a code of ethics statement, as
3 approved by the board; and

4 (6) has one of the following combinations of
5 education and experience:

6 (a) an associate degree or board-approved
7 education and training that includes two hundred seventy clock
8 hours with at least ninety hours in each of the fields of
9 alcohol, drug and counseling education and training in
10 professional ethics, four years of experience in the practice of
11 alcohol and drug abuse counseling under appropriate supervision
12 and three hundred hours of approved practicum;

13 (b) a baccalaureate degree in a related
14 mental health field, two hundred seventy clock hours of specific
15 training that may be part of the degree program and that
16 includes at least ninety hours in each of the fields of alcohol,
17 drug and counseling education and training in professional
18 ethics and three years of experience in the practice of alcohol
19 and drug abuse counseling under appropriate supervision; or

20 (c) a master's degree in a related mental
21 health field, two hundred seventy clock hours of specific
22 training that may be part of the degree program and that
23 includes at least ninety hours in each of the fields of alcohol,
24 drug and counseling education and training in professional
25 ethics and two years of experience in the practice of alcohol

1 and drug abuse counseling under appropriate supervision.

2 C. The board shall license as an alcohol abuse
3 counselor any person who files a completed application
4 accompanied by the required fees and who submits satisfactory
5 evidence that the applicant:

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

8 (2) is at least eighteen years of age;

9 (3) possesses a high school diploma or its
10 equivalent;

11 (4) has passed an examination, as approved by
12 the board;

13 (5) signs a code of ethics statement, as
14 approved by the board; and

15 (6) has one of the following combinations of
16 education and experience:

17 (a) an associate degree or board approved
18 education and training that includes one hundred eighty clock
19 hours with at least ninety hours in each of the fields of
20 alcohol and counseling education and training in professional
21 ethics, four years of experience in the practice of alcohol
22 abuse counseling under appropriate supervision and three hundred
23 hours of approved practicum;

24 (b) a baccalaureate degree in a related
25 mental health field, one hundred eighty clock hours of specific

1 training that may be part of the degree program and that
2 includes at least ninety hours in each of the fields of alcohol
3 and counseling education and training in professional ethics and
4 three years of experience in the practice of alcohol abuse
5 counseling under appropriate supervision; or

6 (c) a master's degree in a related mental
7 health field, one hundred eighty clock hours of specific
8 training that may be part of the degree program and that
9 includes at least ninety hours in each of the fields of alcohol
10 and counseling education and training in professional ethics and
11 two years of experience in the practice of alcohol abuse
12 counseling under appropriate supervision.

13 D. The board shall license as a drug abuse counselor
14 any person who files a completed application accompanied by the
15 required fees and who submits satisfactory evidence that the
16 applicant:

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

19 (2) is at least eighteen years of age;

20 (3) possesses a high school diploma or its
21 equivalent;

22 (4) has passed an examination, as approved by
23 the board;

24 (5) signs a code of ethics statement, as
25 approved by the board; and

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1 (6) has one of the following combinations of
2 education and experience:

3 (a) an associate degree or board-
4 approved education and training that includes one hundred eighty
5 clock hours with at least ninety hours in each of the fields of
6 drug and counseling education and training in professional
7 ethics, four years of experience in the practice of drug abuse
8 counseling under appropriate supervision and three hundred hours
9 of approved practicum;

10 (b) a baccalaureate degree in a related
11 mental health field, one hundred eighty clock hours of specific
12 training that may be part of the degree program and that
13 includes at least ninety hours in each of the fields of drug and
14 counseling education and training in professional ethics and
15 three years of experience in the practice of drug abuse
16 counseling under appropriate supervision; or

17 (c) a master's degree in a related mental
18 health field, one hundred eighty clock hours of specific
19 training that may be part of the degree program and that
20 includes at least ninety hours in each of the fields of drug and
21 counseling education and training in professional ethics and two
22 years of experience in the practice of drug abuse counseling
23 under appropriate supervision. "

24 Section 9. A new section of the Counseling and Therapy
25 Practice Act is enacted to read:

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1 " [NEW MATERIAL] SUBSTANCE ABUSE COUNSELORS-- LICENSURE
2 WITHOUT EXAMINATION. --An applicant for licensure as an alcohol
3 and drug abuse counselor, an alcohol abuse counselor or a drug
4 abuse counselor may be licensed without examination if the
5 applicant files a completed application postmarked on or before
6 January 1, 1997, accompanied by the required fees, and if the
7 board determines that the applicant meets the following
8 requirements for licensure:

9 A. for licensure as an alcohol and drug abuse
10 counselor:

11 (1) the applicant submits verification of
12 current nationally certified alcohol and drug abuse counselor
13 certification or its equivalent; or

14 (2) the applicant meets the educational
15 requirements set forth in the Counseling and Therapy Practice
16 Act and has been engaged in the practice of alcohol and drug
17 abuse counseling for three of the previous four years or has
18 acquired four thousand client contact hours under appropriate
19 supervision primarily in the practice of alcohol and drug abuse
20 counseling and is of good moral character;

21 B. for licensure as an alcohol abuse counselor:

22 (1) the applicant submits verification of
23 current nationally certified alcohol abuse counselor
24 certification or its equivalent; or

25 (2) the applicant meets the educational

1 requirements set forth in the Counseling and Therapy Practice
2 Act and has been engaged in the practice of alcohol abuse
3 counseling for three of the previous four years or has acquired
4 four thousand client contact hours primarily in the practice of
5 alcohol abuse counseling and is of good moral character; or

6 C. for licensure as a drug abuse counselor:

7 (1) the applicant submits verification of
8 current nationally certified alcohol and drug abuse counselor
9 certification or its equivalent; or

10 (2) the applicant meets the educational and
11 training requirements set forth in the Counseling and Therapy
12 Practice Act and has been engaged in the practice of drug abuse
13 counseling for three of the previous four years or has acquired
14 four thousand client contact hours primarily in the practice of
15 drug abuse counseling and is of good moral character. "

16 Section 10. Section 61-9A-15 NMSA 1978 (being Laws 1993,
17 Chapter 49, Section 15) is amended to read:

18 "61-9A-15. EXAMINATIONS. --

19 A. Applicants who have met the requirements for
20 licensure shall be scheduled for the next appropriate
21 examination following the approval of the application. The
22 board shall establish by rule the examination application
23 deadline and the requirements for re-examination if the
24 applicant has failed the examination.

25 B. The examination shall cover subjects appropriate

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1 to the scope of practice as a professional mental health
2 counselor, a professional clinical mental health counselor, a
3 marriage and family therapist [~~or~~], a professional art therapist
4 or a substance abuse counselor. "

5 Section 11. Section 61-9A-24 NMSA 1978 (being Laws 1993,
6 Chapter 49, Section 24) is amended to read:

7 "61-9A-24. LICENSE AND [~~CERTIFICATION~~] REGISTRATION
8 FEES.--Applicants for licensure or [~~certification~~] registration
9 shall pay biennial fees set by the board in an amount not to
10 exceed:

11 A. for application for initial licensure or
12 [~~certification~~] registration, seventy-five dollars (\$75.00),
13 which is not refundable;

14 B. for licensure or renewal as a professional mental
15 health counselor, three hundred dollars (\$300);

16 C. for licensure or renewal as a clinical mental
17 health counselor, marriage and family therapist or professional
18 art therapist, four hundred twenty dollars (\$420);

19 D. for [~~certification~~] registration or renewal as a
20 registered mental health counselor or registered independent
21 mental health counselor, two hundred forty dollars (\$240);

22 E. for all examinations, seventy-five dollars
23 (\$75.00) or, if a national examination is used, an amount that
24 shall not exceed the national examination costs by more than
25 twenty-five percent;

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1 F. for a duplicate or replacement license or
2 [~~certificate~~] registration, twenty-five dollars (\$25.00);

3 G. for failure to renew a license or [~~certificate~~]
4 registration within the allotted grace period, a late penalty
5 fee not to exceed one hundred dollars (\$100); [~~and~~]

6 H. reasonable administrative fees; and

7 I. for licensure, registration or renewal as an
8 alcohol and drug abuse counselor, an alcohol abuse counselor, a
9 drug abuse counselor or a substance abuse intern, two hundred
10 dollars (\$200). "

11 Section 12. Section 61-9A-26 NMSA 1978 (being Laws 1993,
12 Chapter 49, Section 26) is amended to read:

13 "61-9A-26. LICENSE AND REGISTRATION--DENIAL, SUSPENSION
14 AND REVOCATION.--

15 A. In accordance with the procedures established by
16 the Uniform Licensing Act, the board may deny, suspend or revoke
17 any license or [~~certificate~~] registration held or applied for
18 under the Counseling and Therapy Practice Act, or take any other
19 action provided for in the Uniform Licensing Act, upon grounds
20 that the licensee, registrant or applicant:

21 (1) is guilty of fraud, deceit or
22 misrepresentation in procuring or attempting to procure any
23 license or [~~certificate~~] registration provided for in the
24 Counseling and Therapy Practice Act;

25 (2) is adjudicated mentally incompetent by

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1 regularly constituted authorities;

2 (3) is found guilty of a felony or misdemeanor
3 involving moral turpitude;

4 (4) is found guilty of unprofessional or
5 unethical conduct;

6 (5) has been using any controlled substances,
7 as defined in the Controlled Substances Act, or alcoholic
8 beverage to an extent or in a manner dangerous to himself or any
9 other person or the public or to an extent that the use impairs
10 his ability to perform the work of [~~a professional mental health~~
11 ~~counselor, professional clinical mental health counselor,~~
12 ~~marriage and family therapist, professional art therapist or~~
13 ~~registered mental health counselor safely to the public] a
14 counselor or therapist practitioner;~~

15 (6) has violated any provision of the
16 Counseling and Therapy Practice Act or regulations adopted by
17 the board;

18 (7) is grossly negligent in practice as a
19 professional counselor or therapist practitioner;

20 (8) willfully or negligently divulges a
21 professional confidence;

22 (9) demonstrates marked incompetence in
23 practice as a professional counselor or therapist practitioner;
24 or

25 (10) has had a license or [~~certificate~~]

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1 registration to practice as a [~~professional mental health~~
2 ~~counselor, professional clinical mental health counselor,~~
3 ~~marriage and family therapist, art therapist or registered~~
4 ~~mental health counselor~~] counselor, therapist or other mental
5 health practitioner revoked, suspended or denied in any
6 jurisdiction, territory or possession of the United States or
7 another country for acts of the licensee or registrant similar
8 to acts described in this subsection; or

9 (11) knowingly and willfully practices beyond
10 the scope of practice, as defined by the board.

11 B. A certified copy of the record of conviction
12 shall be conclusive evidence of such conviction.

13 C. Disciplinary proceedings may be instituted by the
14 sworn complaint of any person, including members of the board,
15 and shall conform to the provisions of the Uniform Licensing
16 Act. Any party to a hearing may obtain a copy of the hearing
17 record upon payment of costs for such copy.

18 D. A person who violates any provision of the
19 Counseling and Therapy Practice Act is guilty of a misdemeanor
20 and upon conviction shall be punished as provided in Section
21 31-19-1 NMSA 1978. "

22 Section 13. EFFECTIVE DATE. -- The effective date of the
23 provisions of this act is July 1, 1996.

State of New Mexico
House of Representatives

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 11, 1996

Mr. Speaker:

Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
been referred

HOUSE BILL 790

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
JUDICIARY COMMITTEE.

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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Respectfully submitted,

Fred Luna, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against
Yes: 7
No: Corley, Gurule, J.G. Taylor
Excused: None
Absent: Gubbels, Varela

H0790BI1

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State of New Mexico House of Representatives

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 13, 1996

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 790

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Cisco McSorley, Chairman

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FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

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Adopted _____ Not Adopted _____

(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Baca, Sanchez, R. G.

Absent: None

H0790JC1

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

February 14, 1996

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 790

has had it under consideration and reports same with recommendation that it DO PASS.

Respectfully submitted,

Shannon Robinson, Chairman

Adopted _____ Not Adopted _____

Underscored material = new
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FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: Robinson, Garcia, Smith, Howes, Wiener, Naranjo, Rhodes

No: None

Excused: E. Jennings

Absent: None

H0790PA1

Underscored material = new
[bracketed material] = delete