

AN ACT

RELATING TO LICENSURE; CHANGING PROVISIONS OF THE COUNSELING AND THERAPY PRACTICE ACT; ELIMINATING EXEMPTIONS FROM THE ACT; ELIMINATING CERTAIN GRANDFATHERING PROVISIONS; CHANGING TITLES; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

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

"61-9A-1. SHORT TITLE.--Chapter 61, Article 9A NMSA 1978 may be cited as the "Counseling and Therapy Practice Act"."

Section 2. Section 61-9A-3 NMSA 1978 (being Laws 1993, Chapter 49, Section 3, as amended) 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 regional accrediting agency of institutions of higher education;

B. "alcohol abuse counselor" means a person who engages in the practice of alcohol abuse counseling;

C. "alcohol and drug abuse counselor" means a person who engages in the practice of alcohol and drug abuse counseling;

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

E. "appropriate supervision" means supervision by a professional clinical mental health counselor, professional mental health counselor, marriage and family therapist, professional art therapist, psychiatrist, psychologist, alcohol and drug abuse counselor or independent social worker;

F. "board" means the counseling and therapy practice board;

G. "client contact hours" means the time spent with a client to appraise, diagnose and treat psychopathology;

H. "clinical counseling" means the rendering of counseling services involving the application of principles of psychotherapy, human development, learning theory, group dynamics and the etiology of mental illness and dysfunctional behavior to individuals, couples, families or groups for the

purpose of assessing and treating psychopathology and promoting optimal mental health;

I. "consulting" means the application of scientific principles and procedures in psychotherapeutic counseling, guidance and human development to provide assistance in understanding and solving a problem that the consultee may have in relation to a third party;

J. "counseling" means the application of scientific principles and procedures in therapeutic counseling, guidance and human development to provide assistance in understanding and solving a mental, emotional, physical, social, moral, educational, spiritual or career development and adjustment problem that a client may have;

K. "counseling and therapy practice" means the licensed or registered practice of professional art therapy, professional clinical mental health counseling, professional mental health counseling, independent mental health counseling, marriage and family therapy, alcohol abuse counseling, drug abuse counseling and alcohol and drug abuse counseling;

L. "counselor and therapist practitioners" means professional art therapists, professional clinical mental health counselors, professional mental health counselors, marriage and family therapists, registered mental health counselors, registered independent mental health counselors,

alcohol abuse counselors, drug abuse counselors and alcohol and drug abuse counselors as a group;

M. "department" means the regulation and licensing department or the division of the department designated to administer the counseling and therapy practice board;

N. "direct observation" means under supervision by an appropriate supervisor with the supervisee in one or more of the following settings: face-to-face, co-facilitation, one way mirrors or direct audio-visual;

O. "drug abuse counselor" means a person who engages in the practice of drug abuse counseling;

P. "marriage and family therapy" means the assessment, diagnosis and treatment of nervous and mental disorders, whether cognitive, affective or behavioral, within the context of marriage and family systems;

Q. "marriage and family therapist" means a person who is licensed for independent practice of marriage and family therapy;

R. "mental disorder" means any of several conditions or disorders that meet the diagnostic criteria contained in the diagnostic and statistical manual of the American psychiatric association or the world health organization's international classification of diseases manual;

S. "practice of alcohol or drug abuse counseling" means the licensed practice of counseling services, as defined by regulation of the board, to individuals, couples, families or groups. The services may include screening, assessment, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention, education, reporting and recordkeeping;

T. "practice of art therapy" means the licensed practice of counseling services to individuals, families or groups of services that use art media as a means of expression and communication to promote perceptive, intuitive, affective and expressive experiences that alleviate distress, reduce physical, emotional, behavioral and social impairment and lead to growth or reintegration of one's personality. Art therapy services include diagnostic evaluation, development of patient treatment plans, goals and objectives, case management services and therapeutic treatment as defined by regulation of the board;

U. "practice of marriage and family therapy" means the licensed practice of marriage and family therapy services to individuals, family groups and marital couples, singly or in groups. The "practice of marriage and family therapy" involves the professional application of psychotherapeutic and family systems theories and techniques, as defined by regulation of the board, in the delivery of

services to individuals, couples and families and involves the presence of a diagnosed mental or physical disorder in at least one member of the couple or family being treated;

V. "practice of professional clinical mental health counseling" means the licensed practice of mental health clinical counseling to individuals, couples, families or groups and the diagnosis and treatment of mental and emotional disorders as defined by the American psychiatric association or the world health organization. "Practice of professional clinical mental health counseling" includes development of patient treatment plans, goals and objectives, case management services, therapeutic treatment, research and clinical mental health appraisal, consulting, counseling and referral as defined by regulation of the board;

W. "practice of professional mental health counseling" means the licensed practice of a therapeutic counseling service that integrates a wellness and multicultural model of human behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by regulation of the board;

X. "practice of registered mental health counseling" means the registered practice, under appropriate supervision, of a therapeutic counseling service that integrates a wellness and multicultural model of human

behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by regulation of the board;

Y. "practice of registered independent mental health counseling" means the registered independent practice of a therapeutic counseling service that integrates a wellness and multicultural model of human behavior involving certain methods and techniques of appraisal, including consulting, counseling and referral as defined by regulation of the board;

Z. "professional art therapist" means a licensed person who engages in the practice of art therapy;

AA. "professional clinical mental health counselor" means a licensed person who engages in the independent practice of professional clinical mental health counseling without supervision;

BB. "professional mental health counselor" means a licensed person who engages in the practice of professional mental health counseling without supervision;

CC. "referral" means the evaluation of information to identify needs of the person being counseled to determine the advisability of sending the person being counseled to other specialists, informing the person being counseled of such judgment and communicating the information to other counseling services as deemed appropriate;

DD. "licensed mental health counselor" means a person who is licensed by the board and is authorized by the board to engage in the practice of mental health counseling under appropriate supervision;

EE. "registered independent mental health counselor" means an individual who is registered with the board and is authorized by the board to engage in the practice of mental health counseling without supervision;

FF. "substance abuse counselor" means a person who is licensed to practice alcohol and drug abuse counseling, alcohol abuse counseling or drug abuse counseling; and

GG. "substance abuse intern" means a person who is licensed to practice alcohol and drug abuse counseling, alcohol abuse counseling or drug abuse counseling under direct observation."

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

"61-9A-4. LICENSE OR REGISTRATION REQUIRED.--

A. Unless licensed or registered to practice under the Counseling and Therapy Practice Act, no person shall engage in the practice of:

- (1) professional mental health counseling;
- (2) professional clinical mental health

counseling;



- (3) marriage and family therapy;
- (4) professional art therapy;
- (5) counseling as a licensed mental health counselor; or
- (6) counseling as a registered independent mental health counselor.

B. Unless licensed to practice under the Counseling and Therapy Practice Act, no person shall engage in the practice of:

- (1) alcohol and drug abuse counseling;
- (2) alcohol abuse counseling;
- (3) drug abuse counseling; or
- (4) substance abuse counseling as a substance abuse intern."

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

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

A. For the purpose of the Counseling and Therapy Practice Act, a person is practicing as a professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse intern if he advertises; offers himself to practice; is employed in a

position described as professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor, registered mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse intern; or holds out to the public or represents in any manner that he is licensed or registered to practice as such in this state.

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

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

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

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

(1) a person who is licensed, certified or regulated under the laws of this state from engaging in activities consistent with the standards and ethics of his profession or practice; or

(2) an alternative, metaphysical or holistic

practitioner from engaging in nonclinical activities consistent with the standards and codes of ethics of that practice.

B. Specifically exempted from the Counseling and Therapy Practice Act are:

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

(2) peer counselors of domestic violence or independent-living peer counselors working under appropriate supervision in a nonprofit corporation, association or similar entity;

(3) duly ordained, commissioned or licensed ministers of a church or lay pastoral-care assistants providing pastoral services on behalf of a church;

(4) a person who is enrolled in an internship or practicum under appropriate supervision and is in the internship or practicum for the sole purpose of acquiring an advanced degree in mental health counseling, marriage and family therapy, art therapy or a degree in substance abuse counseling; and

(5) practitioners of Native American healing arts."

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

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

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

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

(1) five members shall be professional members, who shall be a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist and an alcohol and drug abuse counselor, licensed under the Counseling and Therapy Practice Act and shall have engaged in a counselor and therapist practice for at least five years. These members shall not hold any elected or appointed office in any professional organization of counseling, psychology or closely related field during their tenure on the board, nor shall they be school owners. The professional mental health counselor shall also represent the registered independent and licensed mental health counselors; and

(2) four members shall represent the public. The public members shall not have been licensed or have practiced as counselor or therapist practitioners or in any

other regulated mental health profession, nor have any significant financial interest, either direct or indirect, in the professions regulated.

C. All members of the board shall be appointed by the governor for staggered terms of four years. Each member shall hold office until his successor is appointed. Vacancies shall be filled in the same manner as original appointments. No appointee shall serve more than two terms.

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

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

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

G. The board shall meet at least twice a year and at other times deemed necessary. Other meetings may be called by the chairman upon the written request of three members of the board. A simple majority of the board members shall constitute a quorum of the board."

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

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

A. The board may:

(1) adopt in accordance with the Uniform Licensing Act and file in accordance with the State Rules Act rules necessary to carry out the provisions of the Counseling and Therapy Practice Act;

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

(3) establish the passing scores for examinations;

(4) take any disciplinary action allowed by and in accordance with the Uniform Licensing Act;

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

(6) require and establish criteria for continuing education;

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

(8) approve appropriate supervision and post-graduate experience for persons seeking licensure or registration;

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

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

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

(12) establish criteria for supervision and supervisory requirements;

(13) establish a code of ethics; and

(14) establish committees.

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

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

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

(3) develop criteria for supervision; and

(4) recommend rules and regulations.

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

Section 8. Section 61-9A-10 NMSA 1978 (being Laws 1993, Chapter 49, Section 10) is amended to read:

"61-9A-10. PROFESSIONAL MENTAL HEALTH COUNSELOR-- REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional mental health counselor to any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a master's or doctoral degree in counseling or an allied mental health field from an accredited institution;

C. demonstrates professional competency by passing an examination as prescribed by the board;

D. has completed one thousand client contact hours of postgraduate professional counseling experience under appropriate supervision consisting of at least one



hundred supervision hours; and

E. is of good moral character with conduct consistent with the code of ethics."

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

"61-9A-11. PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional clinical mental health counselor to any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a master's or doctoral degree in counseling or an allied mental health field from an accredited institution. Effective July 1, 1998, the applicant must have a master's degree and a total of no less than forty-eight graduate hours in the mental health clinical core curriculum;

C. demonstrates professional competency by passing an examination as prescribed by the board;

D. has a minimum of two years of professional clinical counseling experience, including at least three thousand clinical contact hours and at least one hundred hours of face-to-face supervision. One thousand client clinical contact hours may be submitted from the applicant's

internship or practicum; and

E. is of good moral character with conduct consistent with the code of ethics."

Section 10. A new section of the Counseling and Therapy Practice Act is enacted to read:

"PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR--  
REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional clinical mental health counselor to any person who files a completed application accompanied by the required fees within the July 1, 2000 through July 1, 2004 period and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. holds a grandfathered professional mental health counselor license that was applied for prior to July 1, 1994;

C. holds a master's or doctoral degree and a total of sixty graduate hours or more;

D. demonstrates professional competency by satisfactorily passing an examination as prescribed by the board, or documentation of ten thousand hours of client contact experience, including at least three hundred hours of face-to-face supervision of which at least one hundred hours are individual;

E. has a minimum of five thousand hours of client

contact experience, including at least two hundred hours of face-to-face supervision of which one hundred hours are individual; and

F. is of good moral character with conduct consistent with the code of ethics."

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

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

A. has reached the age of twenty-one;

B. holds a master's or doctoral degree with a focus in marriage and family therapy or meets the requirements of the core curriculum in marriage and family therapy from an accredited institution;

C. demonstrates professional competency by passing an examination as prescribed by the board;

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

E. is of good moral character with conduct

consistent with the code of ethics."

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

"61-9A-13. PROFESSIONAL ART THERAPIST--REQUIREMENTS FOR LICENSURE.--The board shall issue a license as a professional art therapist to any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

A. has reached the age of twenty-one;

B. demonstrates professional competency by passing an examination as prescribed by the board;

C. holds either:

(1) a master's or doctoral degree in art therapy that includes six hundred hours of supervised internship experience from an accredited institution; or

(2) a master's degree in a counseling related field, has a minimum of twenty-one semester hours of sequential course work in the history, theory and practice of art therapy and has completed six hundred hours of supervised internship experience from an accredited institution. The board may approve on a case-by-case basis applicants who have a master's degree or a doctoral degree from non-accredited institutions;

D. has completed one thousand client contact hours of postgraduate experience under appropriate

supervision beyond the requirements in Paragraph (1) of Subsection C of this section or two thousand client contact hours of postgraduate experience under appropriate supervision beyond the requirements in Paragraph (2) of Subsection C of this section. Supervision shall be under a nationally licensed or American art therapy association-certified art therapist for at least fifty percent of the working hours; and

E. is of good moral character with conduct consistent with the code of ethics."

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

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

A. has reached the age of twenty-one;

B. has obtained a master's or doctoral degree in counseling, marriage and family therapy or art therapy or meets the educational requirements for the terminal license;

C. has arranged for a board-approved supervisor and a postgraduate experience plan for working under the appropriate supervision to meet marriage and family therapist, professional art therapist or professional mental

health counselor requirements for licensure;

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

E. is of good moral character with conduct consistent with the code of ethics."

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

"61-9A-14.1 SUBSTANCE ABUSE INTERN--REQUIREMENTS FOR LICENSURE.--

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

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

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

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

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

(5) has a total of ninety clock hours of education and training in the fields of alcohol and drug

abuse;

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

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

B. Effective July 1, 2003, the board shall license as a substance abuse intern any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

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

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

(3) holds an associate degree in counseling or in a related mental health field from an accredited institution and has a total of ninety clock hours of education and training in the fields of alcohol and drug abuse;

(4) has arranged for a board-approved supervisor and experience plan for working under direct observation to meet the requirements for licensure as a substance abuse counselor;

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

(6) provides three letters of recommendation: one letter from a current supervisor, one

letter from a current employer and one letter from a professional substance abuse colleague."

Section 15. A new section of the Counseling and Therapy Practice Act is enacted to read:

"ALCOHOL AND DRUG ABUSE COUNSELOR--REQUIREMENTS FOR LICENSURE.--

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

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

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

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

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

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

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

(a) an associate degree or board-approved education and training that includes two hundred seventy-six clock hours with at least ninety hours in each of the fields of alcohol, drug and counseling and six hours of



training in professional ethics, four years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision and three hundred hours of approved practicum;

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

(c) a master's degree in a related mental health field, two hundred seventy-six clock hours of specific training that may be part of the degree program and that includes at least ninety hours in each of the fields of alcohol, drug and counseling and six hours of training in professional ethics and two years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision.

B. Effective July 1, 2003, the board shall license as an alcohol and drug abuse counselor any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

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

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

(3) holds a baccalaureate degree in counseling in a related mental health field from an accredited institution;

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

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

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

(a) a baccalaureate degree in a related mental health field, two hundred seventy-six clock hours of specific training that may be a part of the degree program and that includes at least ninety hours in each of the fields of alcohol, drug and counseling education and six clock hours of training in professional ethics and three hundred hours of approved practicum and three thousand client contact hours acquired within the last fifteen years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision; or

(b) a master's degree in a related mental health field, two hundred seventy-six clock hours of specific training that may be a part of the degree program

and that includes at least ninety hours in each of the fields of alcohol, drug and counseling education and six hours of training in professional ethics and three hundred hours of approved practicum and two thousand client contact hours acquired within the last five years of experience in the practice of alcohol and drug abuse counseling under appropriate supervision."

Section 16. Section 61-9A-22 NMSA 1978 (being Laws 1993, Chapter 49, Section 22) is amended to read:

"61-9A-22. LICENSURE BY CREDENTIALS.--The board may license an applicant without examination if the person possesses a valid regulatory document issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation that in the judgment of the board has requirements substantially equivalent to or exceeding those in the Counseling and Therapy Practice Act.

An applicant for licensing pursuant to this section shall be issued a temporary license by the department upon filing his application along with proof of a valid current regulatory document from another jurisdiction. This temporary license is valid only until the board considers and acts on the application. An applicant is entitled to only one temporary license pursuant to this provision."

Section 17. Section 61-9A-23 NMSA 1978 (being Laws

1993, Chapter 49, Section 23) is amended to read:

"61-9A-23. LICENSE AND REGISTRATION RENEWAL.--

A. Each licensee or registrant shall renew his license or registration biennially by submitting a renewal application on a form provided by the board and complying with all renewal requirements. Licensees with even-numbered licenses shall renew in even-numbered years. Licensees with odd-numbered licenses shall renew in odd-numbered years. The board may authorize license renewal for one year to establish this renewal cycle and charge the proportionate license fee for that period.

B. A ninety-day grace period shall be allowed each licensee or registrant after the license or registration period, during which time licenses and registrations may be renewed upon payment of the renewal fee and late fee and compliance with all renewal requirements.

C. Any license or registration granted by the board shall be automatically suspended if the holder fails to apply for the renewal license or registration provided for in this section within a period of three months after the renewal deadline; provided that any license or registration so suspended may be restored by the board upon payment of a reinstatement fee not to exceed one hundred dollars (\$100) in addition to any unpaid renewal or late fees. Failure to renew a license or registration within three months from the

date of suspension as provided in this section shall cause the license or registration to be automatically revoked. Reinstatement of a revoked license or registration will require the licensee to reapply and meet all current standards for licensure or registration.

D. A person licensed or registered under the Counseling and Therapy Practice Act who wishes to retire from practice shall notify the board in writing before the expiration of his current license or registration. If, within a period of five years from the year of retirement, the licensee or registrant wishes to resume practice, he shall so notify the board in writing, and upon giving proof of completing such continuing education as prescribed by rule of the board and the payment of an amount equivalent to all lapsed renewal fees, his license or registration shall be restored to him in full effect."

Section 18. Section 61-9A-24 NMSA 1978 (being Laws 1993, Chapter 49, Section 24, as amended) is amended to read:

"61-9A-24. LICENSE AND REGISTRATION FEES.--Applicants for licensure or registration shall pay biennial fees set by the board in an amount not to exceed:

A. for application for initial licensure or registration, seventy-five dollars (\$75.00), which is not refundable;

B. for licensure or renewal as a professional

mental health counselor, three hundred dollars (\$300);

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

D. for registration or renewal as a registered mental health counselor or registered independent mental health counselor, two hundred forty dollars (\$240);

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

F. for a duplicate or replacement license or registration, twenty-five dollars (\$25.00);

G. for failure to renew a license or registration within the allotted grace period, a late penalty fee not to exceed one hundred dollars (\$100);

H. reasonable administrative fees; and

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

Section 19. Section 61-9A-26 NMSA 1978 (being Laws 1993, Chapter 49, Section 26, as amended) is amended to read:

"61-9A-26. LICENSE AND REGISTRATION--DENIAL,

SUSPENSION AND REVOCATION--FINES AND REPRIMAND.--

A. In accordance with the procedures established by the Uniform Licensing Act, the board may deny, suspend or revoke a license or registration held or applied for under the Counseling and Therapy Practice Act, may fine or reprimand a licensee or registrant or take any other action provided for in the Uniform Licensing Act, upon grounds that the licensee, registrant or applicant:

(1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license or registration provided for in the Counseling and Therapy Practice Act;

(2) is adjudicated mentally incompetent by regularly constituted authorities;

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

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

(5) has been using any controlled substances, as defined in the Controlled Substances Act, or alcoholic beverage to an extent or in a manner dangerous to himself or any other person or the public or to an extent that the use impairs his ability to perform the work of a counselor or therapist practitioner;

(6) has violated any provision of the

Counseling and Therapy Practice Act or regulations adopted by the board;

(7) is grossly negligent in practice;

(8) willfully or negligently divulges a professional confidence;

(9) demonstrates marked incompetence in practice;

(10) has had a license or registration to practice as a counselor, therapist or other mental health practitioner revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee or registrant similar to acts described in this subsection; or

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

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

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

D. A person who violates any provision of the Counseling and Therapy Practice Act is guilty of a misdemeanor and upon conviction shall be punished as provided



in Section

31-19-1 NMSA 1978."

Section 20. Section 61-9A-30 NMSA 1978 (being Laws 1993, Chapter 49, Section 30) is amended to read:

"61-9A-30. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The counseling and therapy practice board is terminated on July 1, 2005 pursuant to the provisions of the Sunset Act. The board shall continue to operate according to the provisions of the Counseling and Therapy Practice Act until July 1, 2006. Effective July 1, 2006, the Counseling and Therapy Practice Act is repealed."

Section 21. REPEAL.--Sections 61-9A-17 through 61-9A-21.1 NMSA 1978 (being Laws 1993, Chapter 49, Sections 17 through 21 and Laws 1996, Chapter 61, Section 9) are repealed.

Section 22. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 1999. \_\_\_\_\_