

The Legislature
of the
State of New Mexico

55th Legislature, 1st Session

LAWS 2021

CHAPTER 99

HOUSE BILL 178

Introduced by

REPRESENTATIVE D. WONDA JOHNSON



CHAPTER 99

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING A SECTION OF THE COUNSELING AND THERAPY PRACTICE ACT TO UPDATE DEFINITIONS RELATING TO EDUCATION AND EXPERIENCE REQUIREMENTS; EXTENDING THE TERMINATION DATE OF THE COUNSELING AND THERAPY PRACTICE BOARD.

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, 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 an accrediting agency of institutions of higher education;

B. "appraisal" means selecting, administering, scoring and interpreting instruments designed to assess a person'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; "appraisal" shall not be construed to permit the performance of any act that a

1 counselor or a therapist is not educated, trained and
2 licensed to perform;

3 C. "appropriate clinical supervision" means as
4 defined by rule, supervision provided by a licensed:

- 5 (1) professional clinical mental health
6 counselor;
- 7 (2) marriage and family therapist;
- 8 (3) professional art therapist;
- 9 (4) psychiatrist;
- 10 (5) clinical psychologist;
- 11 (6) clinical nurse specialist in psychiatry;
- 12 (7) independent social worker with two years
13 of mental health and supervised clinical experience; or
- 14 (8) alcohol and drug abuse counselor. A

15 licensed alcohol and drug abuse counselor shall have
16 completed three years of work experience in the field of
17 alcohol and drug abuse prior to providing supervision;

18 D. "appropriate clinical supervisor for substance
19 abuse associate" means a person who has education and
20 experience specific to the career track of the associate and
21 has training in transmitting knowledge, skills and attitudes
22 through a relational process that includes direct oversight
23 of the clinical work;

24 E. "approved clinical supervisor" means a person
25 who is a licensed professional clinical mental health

1 counselor, licensed marriage and family therapist, licensed
2 professional art therapist, licensed psychiatrist, licensed
3 clinical psychologist, clinical nurse specialist in
4 psychiatry or licensed independent social worker and provides
5 supervision to a licensed mental health counselor or
6 therapist;

7 F. "art therapy" means the rendering of art
8 therapy principles whereby communication is facilitated
9 through therapeutic counseling and art media. This involves
10 the application of the principles of human development and
11 psychological theories, which are implemented in the full
12 spectrum of models of assessment and treatment, including
13 psychodynamics and cognitive, interpersonal and other
14 therapeutic means to individuals, couples, families, groups
15 and communities for the promotion of optimal mental health;

16 G. "board" means the counseling and therapy
17 practice board;

18 H. "client contact hours" means the face-to-face
19 time spent with a client to appraise, assess, evaluate,
20 diagnose, treat psychopathology and provide counseling
21 services;

22 I. "clinical counseling" means the rendering of
23 counseling services involving the application of principles
24 of psychotherapy, human development, learning theory,
25 diagnosis, treatment and the etiology of mental illness and

1 dysfunctional behavior to individuals, couples, families or
2 groups for the purpose of assessing and treating
3 psychopathology and promoting optimal mental health;

4 J. "consultation" means the voluntary,
5 nonsupervisory relationship between professionals or other
6 pertinent persons, in application of scientific counseling,
7 guidance and human development principles and procedures to
8 provide assistance in understanding and resolving a current
9 or potential problem that the consultee may have in relation
10 to a third party, be it an individual, group, family or
11 organization;

12 K. "counselor training and education" means a
13 process that prepares counselors and therapists in both
14 didactic and clinical aspects of counseling;

15 L. "course" means an integrated, organized course
16 of study, which encompasses a minimum of one school semester
17 or equivalent hours;

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

24 N. "counseling-related field" as defined by rule,
25 means a degree in guidance counseling, mental health-

1 community counseling or agency counseling; psychology,
2 clinical psychology or counseling psychology; human services;
3 family services; human and family studies; art therapy; or
4 art education with an emphasis in art therapy;

5 O. "defined by rule" means rules published by the
6 board to establish criteria, standards and procedures
7 relevant to application, licensing, administration and
8 enforcement of the Counseling and Therapy Practice Act;

9 P. "department" means the regulation and licensing
10 department or the division of the department designated to
11 administer the counseling and therapy practice board;

12 Q. "diagnosis and treatment planning" means
13 assessing, analyzing and providing diagnostic descriptions of
14 mental, emotional or behavioral conditions; exploring
15 possible solutions; and developing and implementing a
16 treatment plan for mental, emotional and psychosocial
17 adjustment or development. "Diagnosis and treatment
18 planning" shall not be construed to permit the performance of
19 any act that counselors or therapists are not educated,
20 trained and licensed to perform;

21 R. "evaluation" means the act of making informed
22 decisions based on the use and analysis of pertinent data;

23 S. "internship" means a distinctly defined, pre-
24 graduate, supervised clinical experience in which the student
25 refines, enhances and integrates professional knowledge with

1 basic counselor or therapist skills appropriate to the
2 student's program and preparation for postgraduate
3 professional placement;

4 T. "licensure" means the process by which a state
5 agency or government grants permission to an individual to
6 engage in a given profession and to use the designated title
7 of that profession after the applicant has attained the
8 minimal degree of competency necessary to ensure that the
9 public health, safety and welfare are reasonably well
10 protected;

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

15 V. "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 mental
20 disorders;

21 W. "practicum" means a distinctly defined,
22 supervised clinical experience in which the student develops
23 basic counselor or therapist skills and integrates
24 professional knowledge. Practicum is completed prior to or
25 concurrent with an internship;

1 X. "program" means a structured sequence of
2 curricular and clinical experiences housed within an academic
3 unit;

4 Y. "referral" means evaluating and identifying the
5 needs of a client to determine the advisability of referrals
6 to other specialists, advising the client of such judgments
7 and communicating as requested or deemed appropriate to such
8 referral sources;

9 Z. "research" means a systematic effort to
10 collect, analyze and interpret quantitative or qualitative
11 data that describe how social characteristics, behavior,
12 emotions, cognition, disabilities, mental disorders and
13 interpersonal transactions among individuals, couples,
14 families and organizations interact;

15 AA. "standard" means a minimal criterion that must
16 be met; and

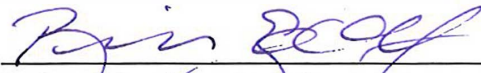
17 BB. "substance abuse-related field" means a degree
18 in guidance counseling, mental health-community counseling,
19 agency counseling, psychology, clinical psychology,
20 counseling psychology, human services, family services, human
21 and family studies, social work, art therapy or art education
22 with appropriate clinical background and two hundred seventy-
23 six clock hours in education or training in alcohol and drug
24 abuse counseling."

1 Chapter 49, Section 30, as amended) is amended to read:

2 "61-9A-30. TERMINATION OF AGENCY LIFE--DELAYED
3 REPEAL.--The counseling and therapy practice board is
4 terminated on July 1, 2027 pursuant to the provisions of the
5 Sunset Act. The board shall continue to operate according to
6 the provisions of the Counseling and Therapy Practice Act
7 until July 1, 2028. Effective July 1, 2028, the Counseling
8 and Therapy Practice Act is repealed."

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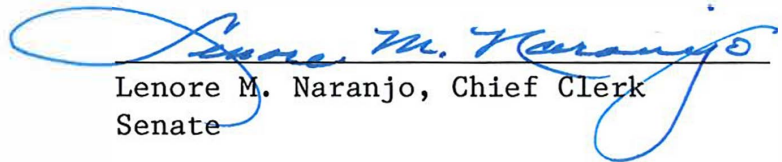


Brian Egolf, Speaker
House of Representatives

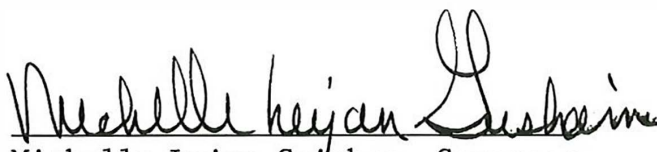

Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives



Howie C. Morales, President
Senate


Lenore M. Naranjo, Chief Clerk
Senate

Approved by me this 6th day of April, 2021


Michelle Lujan Grisham, Governor
State of New Mexico