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
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

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

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

1. professional clinical mental health counselor;
2. marriage and family therapist;
3. professional art therapist;
4. psychiatrist;
5. clinical psychologist;
6. clinical nurse specialist in psychiatry;
7. independent social worker with two years of mental health and supervised clinical experience; or
8. alcohol and drug abuse counselor. A licensed alcohol and drug abuse counselor shall have completed three years of work experience in the field of alcohol and drug abuse prior to providing supervision;

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

E. "approved clinical supervisor" means a person who is a licensed professional clinical mental health counselor or a therapist.
counselor, licensed marriage and family therapist, licensed
professional art therapist, licensed psychiatrist, licensed
clinical psychologist, clinical nurse specialist in
psychiatry or licensed independent social worker and provides
supervision to a licensed mental health counselor or
therapist;

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

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

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

I. "clinical counseling" means the rendering of
counseling services involving the application of principles
of psychotherapy, human development, learning theory,
diagnosis, treatment 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;

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

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

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

M. "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;

N. "counseling-related field" as defined by rule, means a degree in guidance counseling, mental health-
community counseling or agency counseling; psychology,
iclínical psychology or counseling psychology; human services;
family services; human and family studies; art therapy; or
art education with an emphasis in art therapy;

O. "defined by rule" means rules published by the
board to establish criteria, standards and procedures
relevant to application, licensing, administration and
enforcement of the Counseling and Therapy Practice Act;
P. "department" means the regulation and licensing
department or the division of the department designated to
administer the counseling and therapy practice board;
Q. "diagnosis and treatment planning" means
assessing, analyzing and providing diagnostic descriptions of
mental, emotional or behavioral conditions; exploring
possible solutions; and developing and implementing a
treatment plan for mental, emotional and psychosocial
adjustment or development. "Diagnosis and treatment
planning" shall not be construed to permit the performance of
any act that counselors or therapists are not educated,
trained and licensed to perform;
R. "evaluation" means the act of making informed
decisions based on the use and analysis of pertinent data;
S. "internship" means a distinctly defined, pre-
graduate, supervised clinical experience in which the student
refines, enhances and integrates professional knowledge with
basic counselor or therapist skills appropriate to the
student's program and preparation for postgraduate
professional placement;

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

U. "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;

V. "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 mental
disorders;

W. "practicum" means a distinctly defined,
supervised clinical experience in which the student develops
basic counselor or therapist skills and integrates
professional knowledge. Practicum is completed prior to or
concurrent with an internship;
X. "program" means a structured sequence of curricular and clinical experiences housed within an academic unit;

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

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

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

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

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

"61-9A-30. TERMINATION OF AGENCY LIFE--DELAYED REPEAL.--The counseling and therapy practice board is terminated on July 1, 2027 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, 2028. Effective July 1, 2028, the Counseling and Therapy Practice Act is repealed."
M Cutcheon, 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