

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 1 GENERAL PROVISIONS

16.63.1.1 ISSUING AGENCY: Regulation and Licensing Department - Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.1.1 NMAC - Rn, 16 NMAC 63.1.1, 06/19/02]

16.63.1.2 SCOPE: All baccalaureate social workers, master social workers, and independent/clinical social workers.
[9/8/96; 16.63.1.2 NMAC - Rn, 16 NMAC 63.1.2, 06/19/02; A, 09/01/14]

16.63.1.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.1.3 NMAC - Rn, 16 NMAC 63.1.3, 06/19/02]

16.63.1.4 DURATION: Permanent.
[9/8/96; 16.63.1.4 NMAC - Rn, 16 NMAC 63.1.4, 06/19/02]

16.63.1.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.1.5 NMAC - Rn & A, 16 NMAC 63.1.5, 06/19/02]

16.63.1.6 OBJECTIVE: To define terms relevant to social work licensing, public versus non-public records, license display, gender clause, and requirements for board members to attend meetings.
[9/8/96; 16.63.1.6 NMAC - Rn, 16 NMAC 63.1.6, 06/19/02]

16.63.1.7 DEFINITIONS:

A. Appropriate supervision:

(1) Supervision shall be provided by an individual qualified by the board of social work examiners. Applicants and supervisors will engage in the process of supervision in accordance with the guidelines established by the board.

(2) Supervision for licensed masters level social workers aspiring to achieve licensure at an independent clinical level shall be provided by an independent social worker licensed at the LISW or LCSW level who is engaged in direct clinical practice or by a licensed clinical professional approved by the board.

(3) Supervision for master level social workers practicing clinical social work, not aspiring to achieve licensure at the clinical independent level, shall be provided by an independent social worker licensed at the LISW or LCSW level who is engaged in direct clinical practice, or other supervision approved by the board.

(4) The relationship between the supervisor and supervisee must be designed to promote the development of professional social work skills for the delivery of social work services. These skills include the integration of theory and practice, the development and application of intervention techniques, the development and constant improvement of social work standards and ethics, and the continued acquisition of professional knowledge. Within the limits set forth by the board, teleconferencing and group supervision will be accepted.

(5) Supervisors shall evaluate and oversee the manner in which the above skills development is reflected in the supervisee's practice. The supervisor's responsibility insures that the supervisee acquires the necessary skills required for advanced and professional social work practice. Supervisors shall immediately notify the board if there is a problem in the supervisory process or if the supervisor sees the applicant as unsuitable for this highest level of licensure.

(6) Supervisors who are overseeing supervision of individuals licensed as masters social workers (LMSW) after May 1, 2015 and aspiring to achieve licensure at the independent clinical level must comply with the board's supervisory requirements as follows:

(a) Complete a three (3) hour administrative course on supervision that may be used as continuing education;

(b) Submit an application that includes a curriculum vitae (resume) to the board for approval, prior to commencing supervision of the applicant; and

(c) Submit a plan for supervision to the board to include the frequency of supervision and the type of supervision i.e., individual, group, teleconferencing that will be employed throughout the supervisory period.

(7) Direct supervision: means face to face supervision, which may include video-teleconferencing. At least 70 of the 90 required hours must be obtained through direct supervision.

(8) Group Supervision: means supervision rendered to no more than six (6) individuals per group at a time. No more than 20 hours of the 90 required hours may be obtained through group supervision.

(9) Interdisciplinary Supervision: upon a written request and a showing of extraordinary circumstances, the board may accept supervision by other licensed clinical professionals to include, clinical psychologists, psychiatrists and professional clinical counselors. The supervising individual must be in good standing with their own professional licensing board. Board approval must be received prior to the commencement of supervision and no more than 30 hours of the required 90 hours may be obtained through non LISW/LCSW supervision.

(10) When a LCSW applicant seeks board approval for supervision from either an LCSW at the place of employment or from an outside supervisor who is not employed at the same agency as the LMSW seeking licensure, a signed agreement must be made between all parties. The agreement must include a statement that all client information is to be confidential and recognize that the decisions regarding clinical care rests with the agency/organization. The employing agency shall be kept informed of any changes in the supervisory process.

B. Licensed Clinical Social Worker: an independent social worker with a clinical specialty is equivalent to an independent clinical social worker (LCSW). The LCSW title captures the intent of being able to practice "independently" in providing clinical services.

C. Qualified applicants:

(1) Means graduates from those programs having received accreditation by CSWE and those programs having candidacy status, conditional status, or under review status with CSWE.

(2) For those applicants who graduated from an institution of higher education before CSWE began to accredit programs (prior to 1974), the New Mexico board of social work examiners will require:

(a) a letter from the university's registrar's office stating that the applicant's course of study culminated in a degree which was the equivalent of an emphasis or major in social work;

(b) demonstrated social work experience;

(c) documentation of social work licensure in a previous state; and

(d) concurrence among the majority of professional members of the board that the transcripts reflect sufficient coursework in social work.

D. CSWE (council on social work education) accreditation: means those programs having received accreditation by CSWE and those programs having candidacy status or under review status with CSWE.

[1/1/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.1.7 NMAC - Rn, 16 NMAC 63.1.7, 06/19/02; A, 04/24/06; A, 01/17/08; A, 12/31/08; A, 09/01/14]

16.63.1.8 PUBLIC RECORDS: Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record as of the time of filing with the board. Any information covered in this section may be released to the disciplinary action reporting system ("DARS") of the association of social work boards "ASWB".

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.8 NMAC - Rn & A, 16 NMAC 63.1.8, 06/19/02; A, 04/24/06]

16.63.1.9 INSPECTION OF PUBLIC RECORDS: Any citizen of the state may examine all public records in the board's custody. People requesting inspection of public records shall provide reasonable notice to the board's administrator. When the records requested are in active use, the requestor must notify the administrator five (5) days in advance. The board may provide copies of public records upon request and upon payment of a reasonable copying fee. No person shall remove board documents from the board office. The board maintains files for all applicants. Information in the applicant's file is a matter of public record except for the following:

A. letters of reference;

B. medical reports and/or records of chemical dependency, physical or mental examinations or treatment as outlined in the Social Work Practice Act 61-31-19d.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.9 NMAC - Rn, 16 NMAC 63.1.9, 06/19/02]

16.63.1.10 NON-PUBLIC RECORDS: All complaints against social workers, investigative files, and matters of opinion are confidential and are not subject to public inspection. Only board members and employees may access non-public records unless approved by board attorney and board chairman.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.10 NMAC - Rn, 16 NMAC 63.1.10, 06/19/02]

16.63.1.11 LICENSE DISPLAY: The valid license must be displayed and must be visible to the public in the primary place of social work employment or business. A licensee must practice social work under the name inscribed on the license.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.11 NMAC - Rn, 16 NMAC 63.1.11, 06/19/02]

16.63.1.12 BOARD GOVERNANCE:

A. There is created the board of social work examiners.
B. The board shall be administratively attached to the regulation and licensing department.
C. The board shall consist of seven members who are representative of the geographic and ethnic groups within New Mexico, who are United States citizens and who have been New Mexico residents for at least five years prior to their appointment. Of the seven members:

(1) four shall have been engaged in social work practice for at least five years; at least two of the four shall hold a master's degree in social work; and at least two shall hold a bachelor's degree in social work from schools of social work that are accredited by the council on social work education; at least one of these members shall be engaged primarily in clinical social work practice; one member shall be engaged primarily in education; one member shall be engaged primarily in administration or research in social work practice; and at least one member shall be engaged primarily in community organization, planning and development; these members shall hold a current New Mexico social work license and shall not hold office in any professional organization of social workers during their tenure on the board; and

(2) three members shall represent the public; the public members shall not have been licensed or have practiced as social workers; public member shall not have any significant financial interest, whether direct or indirect, in social work practice.

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

E. Except for the representatives of the public on the board, the governor shall appoint board members from a list of nominees submitted by social work organizations and individual social work professionals.

F. 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.

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

H. A simple majority of the board members currently serving shall constitute a quorum of the board. A board member may participate in a board meeting by means of conference call or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that the member participating by conference call can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.

I. The board shall meet at least once a year and at such other times as it deems necessary. Other meetings may be called by the chairman upon the written request of a quorum of the board.

J. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board regulation or for any reason that would justify the suspension or revocation of his license to practice social work.

K. No board member shall serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board regulation.

L. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor and the board of the vacancy and the reason for its occurrence to expedite the appointment of a new board member within a six-month period.

M. Board members may be excused from attending board meetings for any of the reasons set forth below:

- (1) illness;
- (2) death in the immediate family;
- (3) military service;
- (4) inclement weather;
- (5) any other reason deemed appropriate by the chairperson of the board.

[1/5/95, 5/1/99; 16.63.1.12 NMAC - Rn, 16 NMAC 63.1.12, 06/19/02]

16.63.1.13 COOPERATION WITH THE BOARD:

A. A social worker shall give full cooperation and assistance to the board of social work examiners and to its committees, functions and duties with respect to licensing and disciplinary matters. Applicants and licensees shall respond promptly to any matter or inquiry by the board.

B. Failure to cooperate with the board in an investigation as required by 16.63.13 NMAC herein will constitute unprofessional behavior and may result in disciplinary action, including but not limited to suspension, revocation or denial of license, as provided by the Social Work Practice Act, Sections 61-31-1 through 61-31-25 NMSA 1978, as amended.

[6/22/92, 5/1/99; 16.63.1.13 NMAC - Rn, 16 NMAC 63.1.13, 06/19/02]

16.63.1.14 [RESERVED]

HISTORY OF 16.63.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

Rule 1, General Provisions, 12/1/89.

Rule 1, General Provisions, 8/13/90.

Rule 1, General Provisions, 4/15/91.

Rule 1, General Provisions, 5/22/92.

Rule 1, General Provisions, 12/5/94.

Rule 2, Definitions, 12/1/89.

Rule 2, Definitions, 4/15/91.

Rule 2, Definitions, 5/22/92.

Rule 2, Definitions, 12/5/94.

History of Repealed Material: [RESERVED]