

**NEW MEXICO BOARD
OF
COUNSELING AND THERAPY
PRACTICES**



RULES AND STATUTES

NEW MEXICO COUNSELING AND THERAPY PRACTICE BOARD

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 1 GENERAL PROVISIONS

16.27.1.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.1.1 NMAC - Rp 16 NMAC 27.1.1, 6-15-01]

16.27.1.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, and licensed mental health counselors, licensed associate marriage and family therapists, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates.
[16.27.1.2 NMAC - Rp 16 NMAC 27.1.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.1.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1 through 61-9A-30 NMSA 1978.
[16.27.1.3 NMAC - Rp 16 NMAC 27.1.3, 6-15-01]

16.27.1.4 DURATION: Permanent
[16.27.1.4 NMAC - Rp 16 NMAC 27.1.4, 6-15-01]

16.27.1.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.1.5 NMAC - Rp 16 NMAC 27.1.5, 6-15-01]

16.27.1.6 OBJECTIVE: The objective of Part 1 is to define terms relevant to applications, licensing, administrations and enforcement of the Counseling and Therapy Practice Act.
[16.27.1.6 NMAC - Rp 16 NMAC 27.1.6, 6-15-01]

16.27.1.7 DEFINITIONS:

- A. AATA means the American art therapy association.
- B. AAMFT means the American association for marriage and family therapy.
- C. Accredited institution means a university or college accredited by a regional accrediting agency of institutions of higher education.
- D. Accredited means a college or university that was accredited at the time of the applicant's graduation by one of the following:
 - (1) the New England association of schools and colleges;
 - (2) the middle states association of colleges and schools;
 - (3) the north central association of colleges and schools;
 - (4) the northwest association of schools and colleges;
 - (5) the southern association of schools and colleges; or
 - (6) the western association of schools and colleges.
- E. Counseling related field means counseling guidance and counseling, mental health/community counseling or agency counseling; psychology, clinical psychology, counseling psychology; family studies; art therapy, or art education whose curriculum for training counselors provides a course of study equivalent to no less than 48 graduate hours and required to meet in the mental health clinical core curriculum and 9 semester hours or 12 quarter hours of practicum, and additional hours required for the professional clinical mental health counselor (LPCC) license.
- F. Education and training for substance abuse counselors means formal classroom education, workshops, seminars, institutes, in-service training programs, professional continuing education and coursework from accredited and non-accredited institutions. Practicum as it relates to the substance abuse counselor includes 300 hours in the twelve core functions listed below.
 - (1) screening
 - (2) intake
 - (3) orientation
 - (4) assessment
 - (5) treatment planning

- (6) counseling
- (7) case management
- (8) crisis intervention
- (9) client education
- (10) referral
- (11) reports and record keeping
- (12) consultation with professionals

G. Substance abuse-related field means a degree in guidance counseling, mental health-community counseling, agency counseling, psychology, clinical psychology, counseling, agency counseling, psychology, human and family studies, social work, art therapy and art education with appropriate clinical background.

H. Clinical client contact hours means the time spent with a client to appraise, diagnose and treat psychopathology as determined by the scope of practice.

I. Contact hour for professional training or client contact means sixty minutes equals an hour of training or contact.

J. DSM means diagnostic and statistical manual of mental disorders.

K. Face-to-face supervision means either group or individual supervision where the supervisor is in the same physical location as the supervisee, and is responsible for the direction and oversight of the development of counseling skills.

L. Group supervision means face to face supervision, which includes no more than 10 individuals in the group;

M. ICD means international classification of diseases.

N. Individual supervision means face-to-face case consultation between the supervisor and no more than two supervisees related only to the supervisee's cases for a continuous 50 to 60 minutes, or for one supervisee for a continuous 25 to 30 minutes.

O. Postgraduate means after all master's or doctorate requirements have been completed.

P. Psychopathology means mental disorders that meet the diagnostic criteria contained in the DSM of the American psychological association or the world health organization's international classification of diseases and the problems in living associated with these conditions that are created over time or etiology and life effects.

Q. Practice of alcohol and drug abuse counseling as independent practice is only at the level of approved supervisors as determined by Part 10, Section 16.27.10.7. The counselor has the ability to demonstrate specialized knowledge and skills as pertains to substance use disorders according to current DSM or ICD. The counselor shall be able to demonstrate skill and interventions directly related to individuals, couples, families, and groups. The counselor shall be able to employ practice theory and research findings in all aspects of the licensee's practice. The counselor may supervise alcohol and/or drug counselors if approved under. Part 10, Section 16.27.10.7.

R. Practice of alcohol abuse/drug abuse counseling is practice under appropriate supervision and the ability to demonstrate specialized knowledge skills as pertains to alcohol use disorders according to current DSM or ICD. The counselor shall be able to demonstrate skill and interventions directly related to individuals, couples, families, and groups. The counselor shall be able to employ practice theory and research findings in all aspects of the licensee's practice. The services may include screening, assessment, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention, education, reporting and record keeping as pertains specifically to alcohol and drug abuse counseling.

S. Practice as a substance abuse associate appropriate supervision. Practice is limited as an employee in a public or private institution. The associate provides generalist services in the role of educator, assistant, and mediator. The associate may be involved in taking social histories and/or conducting home studies. The associate utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, and developing an intervention plan. The associate in the role of educator, assistant and mediator, shall implement the plan and conduct follow-ups as it pertains specifically to alcohol and/or drug abuse counseling.

T. Registered independent mental health counselor means an individual who is certified to practice without supervision.

U. Semester hour for the purpose of continuing education means one semester credit hour is equal to fifteen (15) contact hours. Ninety (90) graduate quarter hours are equal to sixty (60) graduate semester hours.

V. Supervision means face-to-face contact between the individual and the appropriate supervisor during which the supervisor monitors, guides and evaluates the ability to interact, diagnose and treat each client.

W. Co-occurring disorders: Concurrent substance-related and mental disorder; having co-existing mental health and substance use disorders; Co-occurring disorders may include any combination of two or more substance abuse disorders and mental disorders identified in the diagnostic and statistical manual of mental disorders - IV (DSM-IV).

[16.27.1.7 NMAC - Rp 16 NMAC 27.1.7, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.1.8 LICENSE DISPLAY: A valid license must be displayed and must be visible to the public in the primary place of employment or business of the counselor or therapist. A licensee must practice counseling or therapy under the name inscribed on the license.

[16.27.1.8 NMAC - Rp 16 NMAC 27.1.8, 6-15-01]

16.27.1.9 BOARD ELECTIONS: At the first board meeting of each calendar year, the board shall elect, by majority vote of the members present, the following officers: Chairman, secretary/treasurer and vice chairman. Officers will serve a one-year term of office. A vacancy that occurs in any office shall be filled by a majority vote of the board members present, at the first board meeting following the vacancy.

[16.27.1.9 NMAC - Rp 16 NMAC 27.1.9, 6-15-01]

16.27.1.10 QUORUM: A quorum of the board is five members. A quorum is necessary to conduct official business.

[16.27.1.10 NMAC - Rp 16 NMAC 27.1.10, 6-15-01]

16.27.1.11 TELEPHONE CONFERENCES: If it is difficult or impossible for a member of the board to attend a meeting in person, the member may participate through a conference telephone. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.

[16.27.1.11 NMAC - Rp 16 NMAC 27.1.11, 6-15-01]

16.27.1.12 BOARD MEETINGS: The board shall meet quarterly. Additional meetings shall be held as necessary to conduct the business of the board. Meetings may be convened at the call of the chair, or upon written request of three board members.

[16.27.1.12 NMAC - Rp 16 NMAC 27.1.12, 6-15-01]

16.27.1.13 STANDARDS COMMITTEES: The board chair may appoint at least three and no more than five additional members to the following standards committees: Clinical mental health counselors, professional mental health counselors, marriage and family therapy, art therapy, and substance abuse. Committees may be appointed at the first meeting held in each calendar year. The board member representing the licensed profession shall chair the committee and a public board member will serve on each committee. Committee members who do not serve on the board shall be licensed in the same professional category as the committee or be an educator in that profession, and shall have practiced in New Mexico for at least one year. Committee members serve at the pleasure of the board; however, they may be appointed for terms not to exceed two years and may serve no more than two consecutive terms. Initial appointments to the standards committees will be staggered so that no more than a quorum of the members expires in any one year. Individuals may only serve on one standards committee.

[16.27.1.13 NMAC - Rp 16 NMAC 27.1.13, 6-15-01]

16.27.1.14 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.

[16.27.1.14 NMAC - Rp 16 NMAC 27.1.14, 6-15-01]

16.27.1.15 INSPECTION OF PUBLIC RECORDS: The board operates in compliance with the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through 14-2-16. The board administrator is the custodian of the board's records. Individuals may make oral or written request to inspect the public records of the board. If the request is made in writing, it must include the name, address and phone number of the individual seeking access. Requests for access to public records will be processed in a timely manner. If the inspection is not permitted within three (3) business days, the custodian will notify the individual requesting access to the records in writing and explain when the records will be made available. The board may provide copies of public records upon

request and upon payment of a reasonable copying fee, except as may be ordered by a court of competent jurisdiction. No person shall remove original board documents from the board office. The board maintains files for all applicants. Information in an applicant's file is a matter of public record except for the following:

- A. letters of reference, if applicable;
- B. medical reports and/or records of chemical dependency, physical or mental examinations or treatment as outlined in the rules governing the impaired counselor and therapists treatment program; and
- C. examination scores.

[16.27.1.15 NMAC - Rp 16 NMAC 27.1.15, 6-15-01]

16.27.1.16 NON-PUBLIC RECORDS: The contents of any examination used to test for an individual's knowledge or competence, 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 the board attorney and board chair.

[16.27.1.16 NMAC - Rp 16 NMAC 27.1.16, 6-15-01]

16.27.1.17 LICENSEE CHANGE INFORMATION: All name changes and address changes must be submitted to the board in writing or by e-mail.

[16.27.1.17 NMAC - N, 7-1-04; A, 2-10-06]

HISTORY OF 16.27.1 NMAC:

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

Rule 1, General Provisions, 3-24-94.

Rule 2, Definitions, 3-24-94

Rule2, Definitions, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.1, General Provisions - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 2 MENTAL HEALTH CORE CURRICULUM REQUIREMENTS

16.27.2.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.2.1 NMAC - N, 6-15-01]

16.27.2.2 SCOPE: All individuals applying for licensure as professional clinical mental health counselors, professional mental health counselors, and licensed mental health counselors.
[16.27.2.2 NMAC - N, 6-15-01]

16.27.2.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the counselor and Therapist Practice Act, Section 61-9A-1, 3, 5, 11 and 15, NMSA 1978.
[16.27.2.3 NMAC - N, 6-15-01]

16.27.2.4 DURATION: Permanent
[16.27.2.4 NMAC - N, 6-15-01]

16.27.2.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.2.5 NMAC - N, 6-15-01]

16.27.2.6 OBJECTIVE: The objective of Part 2 is to define the mental health core curriculum.
[16.27.2.6 NMAC - N, 6-15-01]

16.27.2.7 DEFINITIONS: Mental health clinical core curriculum as used in Part 4, Part 8, and Part 9 means a curriculum for training counselors that includes graduate-level coursework within 10 core curriculum areas. Course work that makes up the 48 hours to meet the statutory requirement includes - 33 clinical semester hours including 9 semester hours of practicum - The remaining course work needed to complete the 48 graduate hours is to be distributed as electives among the 10 core curriculum areas derived from program approved courses.
[16.27.2.7 NMAC - N, 6-15-01; A, 7-1-04]

16.27.2.8 MENTAL HEALTH CLINICAL CORE CURRICULUM: The core curriculum must be met using only transcribed courses dedicated to the required course area, thesis or dissertation will not be accepted, partitioning, divisioning, or sectioning of courses into various core course areas will not be accepted. The 11 core curriculum graduate areas of study include the following: Applies to applicants who hold a related-field degree.

A. Human growth and development: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of the nature and needs of individuals at all developmental levels. Essential components include, the following:

- (1) theories of individual development and transitions across the life-span;
- (2) theories of learning and personality development;
- (3) human behavior including an understanding of developmental crises, disability, addictive behavior, psychopathology, and environmental factors as they affect both normal and abnormal behavior;
- (4) strategies for facilitating development over the life span.

B. Social and cultural foundations: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of issues and trends with multicultural and diverse populations. Essential components include, the following.

- (1) theories of multicultural counseling;
- (2) prejudicial attitudes and behavior based on such factors as age, race, religious preference, physical disability, sexual orientation, ethnicity and culture, family patterns, gender, socioeconomic status, and intellectual ability;
- (3) individual, family, and group strategies with diverse populations.

C. Helping relationships: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of counseling and consultation processes. Essential components include, the following:

- (1) counseling and consultation theories including both individual and systems perspectives;

(2) counselor or consultant characteristics and behaviors that influence helping processes, including age, gender and ethnic differences, and personal characteristics;

(3) client or consultee characteristics and behaviors that influence helping processes, including age, gender and ethnic differences, verbal and nonverbal behaviors and personal characteristics, traits, capabilities, and life circumstances.

D. Group work: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of group development, dynamics, counseling theories, group counseling methods and skills, and other group work approaches. Essential components include, the following:

(1) theories of group dynamics including group process, developmental stages, and group members roles and behaviors;

(2) group leadership styles and approaches including the various types of groups;

(3) staged appropriate group counseling techniques and methods of evaluating effectiveness.

E. Career and lifestyle development: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of career development and related life factors. Essential components include, the following:

(1) career development theories and decision-making models;

(2) labor market information resources, and including accessing computer-based career information systems;

(3) career development program planning, organization, implementation, administration, and evaluation;

(4) interrelationships among work, family, and other life roles and factors, including multicultural

and gender issues as they relate to career development;

(5) assessment instruments and techniques relevant to career planning and decision-making[; and].

F. Appraisal: A minimum of 3 semester hours or 4 quarter hours of graduate coursework in studies that provide an understanding of individual and group approaches to assessment and evaluation. Essential components include, the following:

(1) theoretical and historical bases for assessment;

(2) selection, administration and interpretation of psychological tests considering examinee characteristics such as age, gender and cultural background;

(3) validity and reliability of appraisal instruments;

(4) psychometric statistics, including types of assessment scores, measures of central tendency, indices of variability, standard errors, and correlation's;

(5) age, gender, ethnicity, language, disability, and culture factors related to the assessment and evaluation of individuals and groups;

(6) strategies for selecting, administering, interpreting and using assessment and evaluation instruments and techniques in counseling.

G. Research methods: A minimum of 3 semester hours or 4 quarter hours of graduate coursework and studies that provide an understanding of types of research methods, basic statistics, and ethical and legal considerations in research. Essential components include, the following:

(1) basic types of research methods to include qualitative and quantitative research designs;

(2) uses of statistics software programs.

H. Professional orientation: A minimum of 3 semester hours 4 quarter hours of graduate coursework in studies that provide an understanding of all aspects of professional functioning including history, roles, organizational structures, ethics, standards, and credentialing. Essential components include the following:

(1) history of the helping professions;

(2) professional roles scope of practice, including similarities and differences with other types of professionals;

(3) professional organizations, primarily the American counseling association, its divisions, branches, and affiliates, including membership benefits, activities, services to members, and current emphases;

(4) ethical standards of the American counseling association and related entities, ethical and legal issues, and their applications to various professional activities;

(5) professional credentialing including certification, licensure and accreditation practices and standards.

I. Specialized clinical studies: A minimum of 12 semester hours or 18 quarter hours of graduate coursework in studies that provide an understanding of all aspects of diagnosis and treatment of mental disorders. Studies in this area to include but are not limited to, the following:

- (1) clinical case study
- (2) psychodynamics and psychotherapy
- (3) treatment planning
- (4) clinical supervision
- (5) psychopharmacology
- (6) advanced testing
- (7) addictions
- (8) psychopathology
- (9) clinical theory and practice

J. Supervised practicum: A minimum of 9 semester or 12 quarter hours of graduate coursework in practicum and/or internship. The practicum and/or internship training shall focus on the provision of counseling services within a professional setting under the direction of a faculty member and/or on-site supervisor designated by the college or university.

[16.27.2.8 NMAC - Rp 16 NMAC 27.1.7.24, 6-15-01; A, 7-1-04; A, 11-19-07]

HISTORY OF 16.27.2 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 3 APPLICATION PROCEDURES, INITIAL LICENSES, AND LICENSE PERIOD

16.27.3.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.3.1 NMAC - Rp 16 NMAC 27.3.1, 6-15-01]

16.27.3.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, licensed associate marriage and family therapist, licensed mental health counselors, alcohol and drug abuse counselors, and substance abuse associate.
[16.27.3.2 NMAC - Rp 16 NMAC 27.3.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.3.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3, 5, 11, 12, 13, 14, 15, and 22 NMSA 1979
[16.27.3.3 NMAC - Rp 16 NMAC 27.3.3, 6-15-01]

16.27.3.4 DURATION: Permanent
[16.27.3.4 NMAC - Rp 16 NMAC 27.3.4, 6-15-01]

16.27.3.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.3.5 NMAC - Rp 16 NMAC 27.3.5, 6-15-01]

16.27.3.6 OBJECTIVE: The objective of Part 3 is to outline what constitutes a complete application and to outline the initial license process and the initial licensing period.
[16.27.3.6 NMAC - Rp 16 NMAC 27.3.6, 6-15-01]

16.27.3.7 DEFINITIONS: [Reserved]

16.27.3.8 APPLICATIONS FOR LICENSURE

- A. All applicants must submit the following documentation to the board:
- (1) a completed application, signed by the applicant, and notarized (applied date, is the date the application is received and stamped in board office);
 - (2) a 2" inch by 2" inch photograph of the applicant taken within the preceding six months, affixed to the application;
 - (3) an application fee of \$75 as provided in Part 10;
 - (4) other documentation required in Parts 4 through 8 and Parts 18 through 23 to document supervision, any additional training or coursework, work experience and client contact hours.
- B. The applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree, or associate, baccalaureate, masters degree for substance abuse licensure. The transcript must be submitted with the application. Also required is a statement from each supervisor in a sealed envelope on a form provided by the board (attachment B) verifying the applicant's supervised experience and setting forth the nature and extent of such supervision must be submitted with the application (unopened).
- C. Applications will be valid for a period not to exceed six months after the first initial review. An applicant wishing to re-apply after six months must submit a new application, including the application fee and all documentation.
- D. Applicants who are found ineligible because of experience or education deficiencies may request licensure at another level. This request shall be from the applicant in writing from the date the applicant was notified they are ineligible for which the original level applied. A \$25 application re-review fee is required.
[16.27.3.8 NMAC - Rp 16 NMAC 27.3.8, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.3.9 INITIAL LICENSE: The board shall inform an applicant who has been approved for licensure of the required fees. If the applicant fails to pay all required fees within 60 days of notification of approval, the application shall be deemed withdrawn. The applicant shall then be required to reapply and pay the application fee.
[16.27.3.9 NMAC - Rp 16 NMAC 27.3.9, 6-15-01; A, 2-10-06]

16.27.3.10 INITIAL LICENSE PERIOD: The initial license will be issued for a period not to exceed 24 months. The expiration date will be no more than 24 months after the application is approved. The date of approval will be the end of the month in which the applicant was notified.
[16.27.3.10 NMAC - Rp 16 NMAC 27.3.10, 6-15-01]

16.27.3.11 RETIREMENT STATUS:

- A. A licensed person may request retirement status by notifying the board in writing before the expiration of the current New Mexico license.
- B. A retired license may be restored within five (5) years after being placed on retirement status by notifying the board in writing.
 - (1) Along with the completed reinstatement application, the licensee must include the renewal fees, reinstatement fee, and proof of 40 hours of continuing education courses to include 6 hours of ethics.
 - (2) Reinstatement of a retired license that has been less than one year shall submit 20 hours of continuing education, to include 6 hours of ethics.
 - (3) Continuing education must be acquired after the license has been placed on retirement status and must comply with the continuing education requirements.

[16.27.3.11 NMAC - Rp 16 NMAC 27.3.11, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.3.12 INACTIVE STATUS:

- A. A licensed person may request inactive status by notifying the board in writing before the expiration of the retirement status license.
- B. Along with the completed inactive renewal application, the licensee must show proof of ten (10) hours of continuing education and an inactive fee of \$100.00.
- C. Inactive renewals expire on September 30 of your licensing year.

[16.27.3.12 NMAC - N, 11-19-07]

HISTORY OF 16.27.3 NMAC:

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

- Rule 3, Application Procedures, Initial Licenses, License Period, 3-24-94
- Rule 3, Application Procedures, Initial Licenses, License Period, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.3, Application Procedures, Initial Licenses, License Period - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 4 REQUIREMENTS FOR LICENSURE AS A PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR (LPCC)

16.27.4.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.4.1 NMAC - Rp 16 NMAC 16.27.4.1, 6-15-01]

16.27.4.2 SCOPE: All individuals applying for licensure as professional clinical mental health counselors.
[16.27.4.2 NMAC - Rp 16 NMAC 16.27.4.2, 6-15-01]

16.27.4.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1, 3, 5, 11 and 15, NMSA 1978.
[16.27.4.3 NMAC - Rp 16 NMAC 16.27.4.3, 6-15-01]

16.27.4.4 DURATION: Permanent
[16.27.4.4 NMAC - Rp 16 NMAC 16.27.4.4, 6-15-01]

16.27.4.5 EFFECTIVE DATE: June 15, 2001, unless a later date is cited at the end of a section.
[16.27.4.5 NMAC - Rp 16 NMAC 16.27.4.5, 6-15-01]

16.27.4.6 OBJECTIVE: The objective of Part 4 is to state the minimum requirements for licensure as a professional clinical mental health counselor and to list the documentation required for application.
[16.27.4.6 NMAC - Rp 16 NMAC 16.27.4.2, 6-15-01]

16.27.4.7 DEFINITIONS: [Reserved]

16.27.4.8 APPROPRIATE SUPERVISION:

A. Supervision must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist, or licensed independent social worker (LISW). Appropriate supervisors must have education and experience in clinical mental health counseling;

B. It is the responsibility of the individual seeking supervision to ensure that the supervision is acceptable for the level of licensure that will be requested at the completion of the required supervision. The relationship between the supervisor and the applicant must promote the development of skill and responsibility in the delivery of counseling or therapy services.

C. Client contact and supervision hours prior to being licensed will not be acceptable for licensure.
[16.27.4.8 NMAC - Rp 16 NMAC 16.27.1.7.5, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.4.9 APPLICANTS FOR LICENSURE: AS A PROFESSIONAL CLINICAL MENTAL HEALTH COUNSELOR (LPCC) MUST POSSESS THE FOLLOWING QUALIFICATIONS AND PROVIDE THE REQUIRED DOCUMENTATION WITH THE APPLICATION:

A. Age requirement. Be at least 21 years of age.

B. Applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.

C. Education requirement. Hold a master's or doctoral degree in counseling or a counseling-related field from an accredited institution. Applicants who hold a degree in a related-field must complete attachment E, provide syllabus and actual catalog course descriptions.

D. Applicants must have a masters or doctoral degree in counseling or a counseling-related field and a total of no less than forty-eight (48) graduate semester hours or seventy-two (72) quarter graduate hours in the mental health clinical core curriculum as defined in 16.27.2 NMAC. The hours must be acquired as a part of a master's or doctoral degree, or acquired as additional graduate education to complete the required 48 clinical core curriculum hours.

E. Experience requirements.

(1) A minimum of two years' postgraduate professional clinical counseling experience.

(2) Evidence of having participated in a total of three thousand (3,000) hours of postgraduate clinical client contact and 100 hours of appropriate face to face postgraduate supervision. One thousand (1,000) clinical client contact hours may be from the applicant's internship or practicum.

F. Application fee of \$75.00.

[16.27.4.9 NMAC - Rp 16 NMAC 16.27.4.8, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.4.10 EXAMINATION: Applicants must demonstrate professional competency by passing the national counselor examination (NCE) and the national clinical mental health counseling examination (NCMHCE).

[16.27.4.10 NMAC - Rp 16 NMAC 16.27.4.9, 6-15-01; A, 2-10-06]

16.27.4.11 DOCUMENTATION REQUIRED FOR LICENSURE:

A. A completed application as specified in 16.27.3.8 NMAC.

B. Proof of education and experience requirements:

(1) The applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree, a total of no less than forty-eight (48) graduate semester hours or seventy-two (72) quarter graduate hours which includes the required 48 clinical core curriculum.

(2) A statement from each supervisor in a sealed envelope on a form provided by the board (attachment B) verifying the applicant's supervised experience and setting forth the nature and extent of such supervision must be submitted with the application. The statement shall verify that the applicant's performance was in accordance with adequate counseling and therapy standards of practice. If a supervisor's statement is not available, the applicant may submit documentation explaining why the supervisor's statement is not available and sworn affidavits from other individuals verifying that supervision took place and describing the nature and the extent of the supervision.

(3) Documentation of 3,000 hours of postgraduate clinical client contact and 100 hours of appropriate face to face postgraduate supervision.

(4) Attachment E, listing only specific graduate coursework. A course syllabus and actual course catalogue descriptions for all courses must be included (applies only to applicants who hold a counseling related-field degree).

(5) Documentation of the applicant's licensure, registration or certification status must be submitted on attachment form A which must be sent directly to the board by the jurisdiction in which the applicant is licensed, certified or registered.

[16.27.4.11 NMAC - Rp 16 NMAC 27.4.11, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.4.12 LICENSURE BY RECIPROCITY:

A. A completed application as specified in 16.27.3.8 NMAC.

B. Verification (attachment A) that the applicant holds and has held a current license for five years issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation.

C. Verification that the applicant is in good standing with no disciplinary action pending or brought against the applicant within the past five years.

D. Holds masters or doctoral degree in counseling or a counseling-related field from an accredited institution.

E. Application fee of \$75.00.

F. Applicants who do not meet the licensure by reciprocity must meet the current licensure requirements.

[16.27.4.12 NMAC - Rp 16 NMAC 16.27.9, 8 & 9, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07]

HISTORY OF 16.27.4 NMAC:

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

Rule 4, Requirements for Licensure as a Professional Clinical Mental Health Counselor, 3-24-94

Rule 4, Requirements for Licensure as a Professional Clinical Mental Health Counselor, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.4, Requirements for Licensure as a Professional Clinical Mental Health Counselor - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 5 [REPEALED]

[This part was repealed on November 19, 2007]

HISTORY OF 16.27.5 NMAC:

History of Repealed Material:

16 NMAC 27.25, Requirements for Licensure as a Professional Clinical Mental Health Counselor for LPC's who were Grandfathered, filed 11-29-99 - Repealed 6-15-2001.

16.27.5 NMAC, Requirements for Licensure as a Professional Clinical Mental Health Counselor for Current Licensed LPC's, filed 5-15-2001 - Repealed 11-19-2007

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 6 REQUIREMENTS FOR LICENSURE AS A MARRIAGE AND FAMILY THERAPIST
(LMFT)

16.27.6.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board

[16.27.6.1 NMAC - Rp 16 NMAC 27.5.1, 6-15-01]

16.27.6.2 SCOPE: All individuals applying for licensure as professional marriage and family therapists.

[16.27.6.2 NMAC - Rp 16 NMAC 27.5.2, 6-15-01]

16.27.6.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3, 5, 12 and 15 NMSA 1978.

[16.27.6.3 NMAC - Rp 16 NMAC 27.5.3, 6-15-01]

16.27.6.4 DURATION: Permanent

[16.27.6.4 NMAC - Rp 16 NMAC 27.5.4, 6-15-01]

16.27.6.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.

[16.27.6.5 NMAC - Rp 16 NMAC 27.5.5, 6-15-01]

16.27.6.6 OBJECTIVE: The objective of Part 6 is to state the minimum requirements for licensure as a marriage and family therapist and to list the documentation required for application.

[16.27.6.6 NMAC - Rp 16 NMAC 27.5.6, 6-15-01]

16.27.6.7 DEFINITIONS: [Reserved]

16.27.6.8 SUPERVISION:

A. Appropriate supervision.

(1) Supervision must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist, licensed independent social worker (LISW). Appropriate supervisors must have education and experience in marriage and family therapy.

(2) It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure that will be requested at the completion of the required supervision. The relationship between the supervisor and the applicant must promote the development of skill and responsibility in the delivery of counseling or therapy services.

(3) Client contact and supervision hours prior to being licensed will not be acceptable for licensure.

B. Marriage and family therapy core curriculum, means a curriculum for training marriage and family therapists that includes 45 semester hours or 67.5 quarter hours of graduate level coursework that embraces a family systems perspective and consists of the following areas of graduate study:

(1) Marriage and family studies- a minimum of 9 semester hours or 12 quarter-hours of graduate coursework. Course content in this area may include the study of the family life cycle, family development, family subsystems, family theories, blended families, gender issues and families, cultural issues and families, contemporary families, family and interpersonal relationships and family crisis. All courses in this area must come from a systems perspective where systems theory is a major focus of the course.

(2) Marriage and family therapy - a minimum of 9 semester hours or 12 quarter hours of graduate coursework in family therapy assessment, treatment and intervention methods. Major theoretical approaches that may be studied include: strategic, structural, object relations family therapy, behavioral family therapy, communication family therapy, intergenerational family therapy and systemic sex therapy. Courses should have a major focus on family systems theory and systemic interventions.

(3) Human development - a minimum of 9 semester hours or 12 quarter hours of graduate coursework. Courses in human development across the life span including special issues (e.g., culture, gender, human sexuality) would be appropriate. Topic areas may include human development, infant/child/adolescent

development, psychopathology, personality theory, and human sexuality. Courses should have a systemic focus. Testing and measurement courses are NOT acceptable in this area.

(4) Multicultural studies - a minimum of 3 semester hours or 4 quarter hours of graduate coursework, includes a systemic orientation relevant to diverse racial ethnic populations.

(5) Professional studies- a minimum of 3 semester hours or 4 quarter hours of graduate coursework. Areas of study include legal issues and responsibilities, professional liabilities, and ethics related to the practice of marriage and family therapy. Religious ethics and moral theology courses are NOT acceptable in this area.

(6) Research a minimum of 3 semester hours or 4 quarter hours of graduate coursework. Courses in this area should assist the student in understanding and performing research. Topical areas may include: research design and methodology, quantitative methods and statistics. Personality and test and measurement courses are NOT accepted in this area.

(7) Supervised practicum - a minimum of 6 semester hours or 8 quarter hours of graduate coursework. As part of the 6 semester hours or 8 quarter hours of coursework, there must be a minimum of 300 hours of supervised direct client contact, for a period of at least 12 months. Practicum students may only count hours in which they work directly with individuals, couples, and families for the purpose of assessment, diagnosis and treatment in marriage and family related issues.

(8) Electives from any area listed above satisfy the 45 semester-hour requirement. Remaining course work would be distributed as electives among the above areas.

[16.27.6.8 NMAC - Rp 16 NMAC 27.1.7.5, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.6.9 APPLICANTS FOR LICENSURE: As a marriage and family therapist (LMFT) must possess the following qualifications and provide the required documentation with the application:

A. Age requirement. Be at least 21 years of age.
B. Applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.

C. Hold a master's or doctoral degree from a accredited institution in marriage and family therapy, meets the requirements of the core curriculum in marriage and family therapy.

D. Experience requirements.

(1) A minimum of two years' postgraduate marriage and family therapy experience.

(2) Evidence of having participated in a total of at least 1,000 hours of postgraduate marriage and family clinical client contact.

(3) 200 hours of appropriate postgraduate marriage and family supervision, including at least 100 hours of individual supervision. The appropriate supervision must be received from an individual who has education, clinical experience and supervisory experience in the field of marriage and family therapy.

E. Application fee of \$75.00.

[16.27.6.9 NMAC - Rp 16 NMAC 27.5.8, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.6.10 EXAMINATION: Applicants must demonstrate professional competency by passing the examination for marital and family therapy (PES).

[16.27.6.10 NMAC - Rp 16 NMAC 27.5.9, 6-15-01; A, 2-10-06]

16.27.6.11 DOCUMENTATION REQUIRED FOR LICENSURE:

A. A completed application as specified in 16.27.3.8 NMAC.

B. Proof of education and experience requirements:

(1) the applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree; the transcript must be submitted with the application; applicants educated in foreign institutions who are unable to submit certified official transcripts shall submit a statement explaining why such transcripts are not available and shall submit certified copies of the degree certificates granted, information on the curricula offered, and any other documentation requested by the board; and

(2) a statement from each supervisor in a sealed envelope on a form provided by the board (attachment B) verifying the applicant's supervised experience and setting forth the nature and extent of such supervision must be submitted with the application; the statement shall verify that the applicant's performance was in accordance with adequate counseling and therapy standards of practice; if a supervisor's statement is not available, the applicant may submit documentation explaining why the supervisor's statement is not available and

sworn affidavits from other individuals verifying that supervision took place and describing the nature and the extent of the supervision;

(3) documentation of 1,000 hours of postgraduate client contact hours in marriage and family therapy and 200 hours of appropriate postgraduate supervision in marriage and family therapy;

(4) attachment D, listing only specific graduate coursework;

(5) documentation of the applicant's licensure, registration or certification status must be submitted on application attachment form A, which must be sent directly to the board by the jurisdiction in which the applicant is licensed, certified, or registered.

[16.27.6.11 NMAC - Rp 16 NMAC 27.5.10, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.6.12 LICENSURE BY RECIPROCITY:

A. Submit a completed application per 16.27.3.8 NMAC.

B. Verification on (attachment A) that the applicant holds and has held a current license for five years issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation.

C. Verification that the applicant is in good standing with no disciplinary action pending or brought against the applicant within the past five years.

D. Holds masters or doctoral degree in marriage and family therapy, counseling or a counseling-related field from an accredited institution.

E. Application fee of \$75.00.

F. Applicants who do not meet the licensure by reciprocity must meet the current licensure requirements.

[16.27.6.12 NMAC - Rp 16 NMAC 27.9.8&9, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07]

HISTORY OF 16.27.6 NMAC:

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

Rule 2, Definitions, 3-24-94

Rule2, Definitions, 3-20-95

Rule 5, Requirements for Licensure as a Marriage and Family Therapist, 3-24-94

Rule 5, Requirements for Licensure as a Marriage and Family Therapist, 3-20-95

Rule 9, Licensure Without Examination, 3-24-94

Rule 9, Licensure by Credentials, 3-20-95

Rule 10, Licensure by Credentials, 3-24-94

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.5, Requirements for Licensure as a Marriage and Family Therapist - Repealed 6-15-01

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 7 REQUIREMENTS FOR LICENSURE AS A PROFESSIONAL ART THERAPIST (LPAT)

16.27.7.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.7.1 NMAC - Rp 16 NMAC 27.6.1, 6-15-01]

16.27.7.2 SCOPE: All individuals applying for licensure as professional art therapists.
[16.27.7.2 NMAC - Rp 16 NMAC 27.6.2, 6-15-01]

16.27.7.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3, 5, 13, and 15, NMSA 1978.
[16.27.7.3 NMAC - Rp 16 NMAC 27.6.3, 6-15-01]

16.27.7.4 DURATION: Permanent
[16.27.7.4 NMAC - Rp 16 NMAC 27.6.4, 6-15-01]

16.27.7.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.7.5 NMAC - Rp 16 NMAC 27.6.5, 6-15-01]

16.27.7.6 OBJECTIVE: The objective of Part 7 is to state the minimum requirements for licensure as a professional art therapist and to list the documentation required for application.
[16.27.7.6 NMAC - Rp 16 NMAC 27.6.6, 6-15-01]

16.27.7.7 DEFINITIONS: [Reserved]

16.27.7.8 APPROPRIATE SUPERVISION:

A. Supervision must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed art therapist (LPAT), licensed psychologist, licensed psychiatrist, or licensed independent social worker (LISW). Appropriate supervisors must have education and experience in art therapy.

B. It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure.

[16.27.7.9 NMAC - Rp 16 NMAC 27.1.7.5, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07]

16.27.7.9 [Reserved]

16.27.7.10 APPLICANTS FOR LICENSURE: AS A PROFESSIONAL ART THERAPIST (LPAT) MUST POSSESS THE FOLLOWING QUALIFICATIONS AND PROVIDE THE REQUIRED DOCUMENTATION WITH THE APPLICATION:

A licensed professional art therapist (LPAT) must possess the following qualifications and provide the required documentation with the application:

A. Age requirement. Be at least 21 years of age.

B. Applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.

C. Education requirements. Holds a masters or doctoral degree in art therapy, counseling or counseling related field from an accredited institution or nationally approved art therapy program with a total of no less than forty eight (48) graduate semester hours or seventy-two (72) quarter hours in the art therapy core curriculum as defined in 16.27.7.11 NMAC:

D. Experience requirements:

(1) a minimum of two years postgraduate professional art therapy experience;

(2) evidence of having participated in a total of three thousand (3,000) hours of postgraduate clinical client contact and one hundred (100) hours of appropriate face-to-face postgraduate supervision; seven hundred (700) clinical client contact hours may be from the applicant's internship or practicum.

E. Application fee of \$75.00.

F. Is of good moral character with conduct consistent with the code of ethics.
[16.27.7.10 NMAC - Rp 16 NMAC 27.6.8, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07; A, 11-19-07]

16.27.7.11 ART THERAPY CORE CURRICULUM: Means a curriculum for training art therapists that includes a minimum of forty-eight (48) semester graduate hours or seventy-two (72) quarter hours of graduate level coursework and consists of the following areas of graduate studies.

A. History of art therapy: A minimum of 3 semester hours or 4 quarter hours of graduate coursework. Course content deals with origins, historical development, and major theoretical trends in art therapy.

B. Theories of art therapy: A minimum of 3 semester hours or 4 quarter hours of graduate coursework. Included in the course content are differentiation of art therapy from other mental health and educational professions, major theories, and practical applications.

C. Techniques in art therapy: A minimum of 3 semester hours or 4 quarter hours of graduate coursework which explores various art therapy techniques and interventions. The coursework may examine art therapy processes and approaches appropriate for different diagnostic and presenting problems based on the DSM IV criteria and/or art based assessments.

D. Application of art therapy with different populations in a variety of treatment settings: A minimum of 3 semester hours or 4 quarter hours of graduate coursework which examines the therapeutic relationship in working with various client populations using art therapy. The coursework may examine individual, group, conjoint, and family art therapy as it applies to child, adolescent, and adult populations.

E. Art therapy assessment: A minimum of 3 semester hours or 4 quarter hours of graduate coursework which introduces clinical diagnostic profiles and criteria as it applies to the art image.

F. Ethical and legal issues of art therapy practice: A minimum of 3 semester hours or 4 quarter hours of graduate coursework which explores the philosophical origins and clinical application of professional ethics.

G. Standards of practice in art therapy: A minimum of 3 semester hours or 4 quarter hours of graduate coursework designed to review art therapy practice procedures and case consultation. The coursework may include therapeutic processes, legal considerations, licensure requirements, self care, and case collaborations.

H. Cultural diversity issues relevant to art therapy practice: A minimum of 3 semester hours or 4 quarter hours of graduate coursework which studies the practice of art therapy in the context of cultural diversity. Content includes assessment, therapeutic strategies, and creative interventions appropriate for different cultural populations.

I. Thesis or written and oral comps.

J. Related core curriculum: The remaining graduate coursework includes psychopathology and diagnostics, human growth and development, group dynamics, research, and studio art to satisfy the 45-hour requirement.

[16.27.7.11 NMAC - N, 6-15-01; A, 1-15-07; A, 11-19-07]

16.27.7.12 EXAMINATION: Applicants must demonstrate professional competency by passing the art therapy credentials board certification examination (ATCBE).

[16.27.7.12 NMAC - Rp 16 NMAC 27.6.9, 6-15-01; A, 2-10-06]

16.27.7.13 DOCUMENTATION REQUIRED FOR LICENSURE:

A. A completed application as specified in 16.27.3.8 NMAC.

B. Proof of education and experience:

(1) The applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree a total of no less than forty-eight (48) semester hours or seventy two (72) quarter hours which includes the required 48 clinical core curriculum.

(2) A statement from each supervisor in a sealed envelope on a form provided by the board (attachment B) verifying the applicant's supervised experience and setting forth the nature and extent of such supervision must be submitted with the application; the statement shall verify that the applicant's performance was in accordance with adequate counseling and therapy standards of practice; if a supervisor's statement is not available, the applicant may submit documentation explaining why the supervisor's statement is not available and sworn affidavits from other individuals verifying that supervision took place and describing the nature and the extent of the supervision.

(3) Documentation of three thousand (3000) client contact hours and one hundred (100) hours of appropriate face-to-face supervision.

(4) Attachment E, listing only specific graduate coursework. A course syllabus and actual course catalogue descriptions for all courses must be included (applies only to applicants who hold counseling or counseling related field degree).

(5) Documentation of the applicant's licensure, registration or certification status must be submitted on application attachment form A, which must be sent directly to the board by the jurisdiction in which the applicant is licensed, certified, or registered.

(6) Application fee of \$75.00.

[16.27.7.13 NMAC - Rp 16 NMAC 27.6.10, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07; A, 11-19-07]

16.27.7.14 LICENSURE BY RECIPROCITY:

A. Submit a completed application per 16.27.3.8 NMAC.

B. Verification (attachment A) that the applicant holds and has held a current license for five years issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation.

C. Verification that the applicant is in good standing with no disciplinary action pending or brought against the applicant within the past five years.

D. Holds masters or doctoral degree in counseling or a counseling-related field from an accredited institution.

E. Application fee of \$75.00.

F. Applicants who do not meet the licensure by reciprocity must meet the current licensure requirements.

[16.27.7.14 NMAC - Rp 16 NMAC 27.9.8&9, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07]

HISTORY OF 16.27.7 NMAC:

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

Rule 6, Requirements for Licensure as a Professional Art Therapist, 3-24-94

Rule 6, Requirements for Licensure as a Professional Art Therapist, 3-20-95

History of Repealed Material:

16 NMAC 27.6, Requirements for Licensure as a Professional Art Therapist - Repealed 6-15-01

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 8 [REPEALED]

[This part was repealed on November 19, 2007]

HISTORY OF 16.27.8 NMAC:

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

Rule 7, Requirements for Licensure as a Professional Mental Health Counselor, 3-24-94

Rule 7, Requirements for Licensure as a Professional Mental Health Counselor, 3-20-95

History of Repealed Material:

16 NMAC 27.7, Requirements for Licensure as a Professional Mental Health Counselor, filed 8-30-96 - Repealed 6-15-2001.

16 NMAC 27.9, Licensure by Credentials, filed 8-30-96 - Repealed 6-15-2001.

16.27.8 NMAC, Requirements for Licensure as a Professional Mental Health Counselor (LPC), filed 5-15-2001 - Repealed 11-19-2007.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 9 REQUIREMENTS FOR LICENSURE AS A MENTAL HEALTH COUNSELOR
(LMHC, Practice under Supervision)

16.27.9.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board

[16.27.9.1 NMAC - Rp 16 NMAC 27.8.1, 6-15-01]

16.27.9.2 SCOPE: All individuals applying for licensure as entry level licensed mental health counselors.

[16.27.9.2 NMAC - Rp 16 NMAC 27.8.2, 6-15-01]

16.27.9.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3, 5, and 14, NMSA 1978.

[16.27.9.3 NMAC - Rp 16 NMAC 27.8.3, 6-15-01]

16.27.9.4 DURATION: Permanent

[16.27.9.4 NMAC - Rp 16 NMAC 27.8.1, 6-15-01]

16.27.9.5 EFFECTIVE DATE: June 15, 2001 unless a different date is cited at the end of a section.

[16.27.9.5 NMAC - Rp 16 NMAC 27.8.1, 6-15-01]

16.27.9.6 OBJECTIVE: The objective of Part 9 is to state the minimum requirements for entry-level licensure as a professional mental health counselor and list the documentation required for application.

[16.27.9.6 NMAC - Rp 16 NMAC 27.8.1, 6-15-01]

16.27.9.7 DEFINITIONS: [Reserved]

16.27.9.8 SUPERVISION:

A. Supervision must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist, or licensed independent social worker (LISW). The licensed mental health counselor (LMHC) or the licensed professional mental health counselor (LPC) must practice under supervision at all times. Once the licensed mental health counselor or the licensed professional mental health counselor acquired the official LPCC, LMFT or LPAT license then the licensee may practice independently without supervision.

B. It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure that will be requested at the completion of the required supervision. The relationship between the supervisor and the applicant must promote the development of skill and responsibility in the delivery of counseling or therapy services.

C. Client contact and supervision hours prior to being licensed will not be acceptable for licensure.

[16.27.9.8 NMAC - N, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.9.9 LICENSED MENTAL HEALTH COUNSELOR (MENTAL HEALTH SPECIALTY OR ART THERAPY SPECIALTY):

A. LMHC is intended as a transition between the required degree and the completion of supervised training required for licensure as a professional mental health counselor, a professional clinical mental health counselor, or a professional art therapist. All work must be under appropriate clinical supervision. Applicants must assure that their education and experience are appropriate for the level of licensure they will seek upon completion of supervised training. There is no time limit as a licensed mental health counselor, but all work at this level must be done under clinical supervision.

B. Qualifications for entry level licensure. An applicant for licensure as an entry-level mental health counselor (LMHC) must possess the following qualifications:

(1) be at least 21 years of age; and

(2) applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics;

(3) holds a masters or doctoral degree in a counseling or counseling related field with no less than 48 graduate hours and 9 practicum hours;

(4) have arranged for appropriate clinical supervision, including a postgraduate experience plan, which includes one hour of face-to-face supervision for every ten hours of client contact.

[16.27.9.9 NMAC - Rp 16 NMAC 27.8.8, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.9.10 DOCUMENTATION REQUIRED:

A. A completed application as specified in 16.27.3.8 NMAC.

B. The applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree. The transcript must be submitted with the application. Applicants educated in foreign institutions who are unable to submit certified official transcripts shall submit a statement explaining why such transcripts are not available and shall submit certified copies of the degree certificates granted, information on the curricula offered, and any other documentation requested by the board.

C. A statement from each supervisor in a sealed envelope on a form provided by the board (attachment C) verifying the applicant's has arranged for appropriate supervision supervised experience and setting forth the nature and extent of such supervision must be submitted with the application.

D. Applicant with the mental health specialty must complete attachment E and art therapy specialty must complete attachment F.

E. Application fee of \$75.00.

[16.27.9.10 NMAC - Rp 16 NMAC 27.8.9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.9.11 EXAMINATION: Applicants must demonstrate professional competency by passing the national counselors exam (NCE) or (NCC) and art therapy specialty must demonstrate professional competency by passing the art therapy credentialing board (ATCB) exam.

[16.27.9.11 NMAC - Rp 16 NMAC 27.8.10, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.9.12 LICENSURE BY CREDENTIALS: [Reserved]

[16.27.9.12 NMAC - Rp 16 NMAC 27.9.8&9, 6-15-01; A, 7-1-04]

HISTORY OF 16.27.9 NMAC:

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

Rule 8, Requirements for Licensure as a Mental Health Counselor (Practice Under Supervision), 3-24-94

Rule 8, Requirements for Licensure as a Mental Health Counselor (Practice Under Supervision), 3-20-95

History of Repealed Material

16 NMAC 27.8, Requirements for Licensure as a Mental Health Counselor (Practice Under Supervision) - Repealed 6-15-01

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 10 [REPEALED]

[This part was repealed on February 10, 2006.]

HISTORY OF 16.27.10 NMAC:

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

Rule 2, Definitions, 3-24-94

Rule 2, Definitions, 3-20-95

Rule 9, Licensure Without Examination, 3-24-94

Rule 9, Licensure by Credentials, 3-20-95

History of Repealed Material:

16 NMAC 27.21, Requirements for Licensure with Examination as an Alcohol and Drug Abuse Counselor on or after January 2, 1997 - Repealed 6-15-2001

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-2001

16.27.10 NMAC, Requirements for Licensure with Examination as an Alcohol and Drug Abuse Counselor Effective July 2005, is repealed, effective 2-10-2006.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 11 REQUIREMENTS FOR LICENSURE WITH EXAMINATION AS AN ALCOHOL AND
DRUG ABUSE COUNSELOR (LADAC) EFFECTIVE JULY 1, 2005

16.27.11.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.11.1 NMAC - Rp 16 NMAC 27.26.1, 6-15-01]

16.27.11.2 SCOPE: All individuals applying for licensure by examination as an alcohol and drug abuse counselor.
[16.27.11.2 NMAC - Rp 16 NMAC 27.26.2, 6-15-01]

16.27.11.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3 through 61-9A-7 NMSA 1978.
[16.27.11.3 NMAC - Rp 16 NMAC 27.26.3, 6-15-01]

16.27.11.4 DURATION: Permanent
[16.27.11.4 NMAC - Rp 16 NMAC 27.26.4, 6-15-01]

16.27.11.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.11.5 NMAC - Rp 16 NMAC 27.26.5, 6-15-01]

16.27.11.6 OBJECTIVE: The objective of Part 11 is to state the minimum requirements for licensure with examination as an alcohol and drug abuse counselor and list the documentation required for application effective July 1, 2003.
[16.27.11.6 NMAC - Rp 16 NMAC 27.26.6, 6-15-01]

16.27.11.7 DEFINITIONS: [Reserved]

16.27.11.8 SUPERVISION:
A. Supervision for alcohol and drug abuse counselors must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist, licensed alcohol and drug abuse counselor (LADAC) with three years of alcohol and drug abuse experience acquired after licensure, clinical nurse specialist in substance abuse or licensed independent social worker (LISW). Supervisors must have experience in alcohol and drug abuse counseling. Effective July 1, 2007, the alcohol and drug counselor may provide therapeutic services that may include treatment of clients with co-occurring disorders or dual diagnosis in an integrated behavioral health setting in which a multidisciplinary team has developed a multidisciplinary treatment plan that is co-authorized by an independently licensed counselor or therapist. The treatment of a mental health disorder must be supervised by an independently licensed counselor or therapist.

B. It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure that will be requested at the completion of the required supervision. The relationship between the supervisor and the applicant must promote the development of skill and responsibility in the delivery of counseling or therapy services.

C. Client contact and supervision hours acquired prior to being licensed will not be acceptable for licensure.

[16.27.11.8 NMAC - Rp 16 NMAC 27.1.7.5.3&4, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.11.9 APPLICANTS FOR LICENSURE: An alcohol and drug abuse counselor (LADAC) must possess the following qualifications and provide the required documentation with the application.

A. Age requirement: Be at least 21 years of age.

B. Applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.

C. Applicant must demonstrate professional competency by passing the national certification examination for addiction counselors (NCAC level 1).

D. Education requirements

(1) Holds an associate degree in counseling, counseling related field or a substance abuse related field from an accredited institution. The board may approve, on a case-by-case basis, applicants whose education is not a counseling related field, and education and training to include 276 clock hours in the following areas:

- (a) 90 hours in the field of alcohol abuse
- (b) 90 hours in the field of drug abuse
- (c) 90 hours in the field of counseling
- (d) 6 hours that pertain specifically to alcohol and drug counseling ethics training.

(2) Holds a baccalaureate degree in a counseling related field or a substance abuse related field from an accredited institution. The board may approve, on a case-by-case basis, applicants whose education is not in a counseling related field; and to include 276 clock hours in the following areas:

- (a) 90 hours in the field of alcohol abuse
- (b) 90 hours in the field of drug abuse
- (c) 90 hours in the field of counseling
- (d) 6 hours that pertain specifically to alcohol and drug counseling ethics training, (must be acquired two years prior to submission of an application).

(3) Holds a masters or doctoral degree in counseling, a counseling related field or a substance abuse related field from an accredited institution and education and training that includes 276 clock hours with 90 hours in each area of alcohol, drug abuse, counseling and 6 hours of professional ethics. One year and 1,000 client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and fifty hours of face to face supervision. The board may approve, on a case-by-case basis, applicants whose education is not in a counseling related field or substance abuse related field and to include 276 clock hours in education or training.

E. Experience requirements.

(1) associate degree requires a minimum of three years and three thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and two hundred hour of face-to-face supervision; or

(2) a baccalaureate degree requires a minimum of two years and two thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and one hundred hours of face-to-face supervision under appropriate supervision; or

(3) a masters or doctoral degree requires a minimum of one year and one thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and fifty hours of face-to-face supervision.

F. Documentation required for licensure:

(1) a completed application as specified in 16.27.3.8 NMAC, and

(2) proof of completed education and experience requirements:

(a) the applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's associate, baccalaureate, or masters degree; the official transcript must be submitted with the application; applicants educated in foreign institutions who are unable to submit certified official transcripts shall submit a statement explaining why such transcripts are not available and shall submit certified copies of the degree certificates granted, information on the curricula offered, and any other documentation requested by the board, and

(b) documentation of required drug, alcohol, counseling and ethics training (attachment D) shall include:

- (i) transcripts from the college or university, or
- (ii) the date, course title, course description, number of hours attended and certificate of attendance, and

(c) a statement from each supervisor in a sealed envelope on a form provided by the board (attachment B) verifying the applicant's supervised experience and setting forth the nature and extend of such supervision must be submitted with the application; the statement shall verify that the applicant's performance was in accordance with adequate counseling standards of alcohol and drug practice; if a supervisor's statement is not available, the applicant may submit documentation explaining why the supervisor's statement is not available and sworn affidavits from other individuals verifying that supervision took place and describing the nature and the extent of supervision, and

(3) applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics, and

(4) verification of the applicant's licensure, registration, or certification status must be submitted on attachment form A, which must be sent directly to the board by the jurisdiction in which the applicant is licensed, certified or registered.

[16.27.11.8 NMAC - Rp 16 NMAC 27.26.8, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.11.10 LICENSURE BY CREDENTIALS:

A. A completed application as specified in 16.27.3.8 NMAC.

B. Verification (attachment A) that the applicant holds a current license or certification issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation.

C. Verification directly from the national certification examination board (NCAC) that the applicant has taken and passed the national certification examination for addiction counselors (NCAC level 1) or the international certification and reciprocity consortium (ICRC).

[16.27.11.9 NMAC - Rp 16 NMAC 27.9.8&9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.11.11 ALCOHOL AND DRUG ABUSE COUNSELOR: Requirements for grandfathered licensure.

A. Effective July 1, 2007 through July 1, 2010, the board shall license as an alcohol and drug abuse counselor a person who holds a current certified alcohol and drug abuse counselor certification (CADAC) issued between July 1, 1996 and July 1, 2010 and files a completed application accompanied by the required fees and 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) has submitted evidence of having participated in a total of six thousand client contact hours and three hundred supervised face-to-face hours; and

(4) has completed two hundred seventy-six clock hours of education or training that includes ninety hours in each area of the fields of alcohol, drug abuse and counseling and six hours of training in professional ethics acquired, within two years of receipt of the application.

B. An applicant who meets the requirements of Subsection A of this section will not be required to complete an examination.

[16.27.11.11 NMAC - N, 11-19-07]

HISTORY OF 16.27.11 NMAC:

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

Rule 2, Definitions, 3-24-94

Rule 2, Definitions, 3-20-95

Rule 9, Licensure without Examination, 3-24-94

Rule 9, Licensure by Credentials, 3-20-95

History of Repealed Material:

16 NMAC 27.26, Requirements for Licensure with Examination as an Alcohol and Drug Abuse Counselor Effective July 1, 2003 - Repealed 6-15-01

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 12 [REPEALED]

[This part was repealed on February 10, 2006.]

HISTORY OF 16.27.12 NMAC:

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

Rule 2, Definitions, 3-24-94

Rule 2, Definitions, 3-20-95

Rule 9, Licensure Without Examination, 3-24-94

Rule 9, Licensure by Credentials, 3-20-95

History of Repealed Material:

16 NMAC 27.24, Requirements for Licensure as a Substance Abuse Intern - Repealed 6-15-2001

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-2001

16.27.12 NMAC, Requirements for Licensure as a Substance Abuse Trainee Effective July 1, 2003, is repealed, effective 2-10-2006.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 13 REQUIREMENTS FOR LICENSURE AS A SUBSTANCE ABUSE ASSOCIATE (LSAA)
EFFECTIVE JULY 1, 2005

16.27.13.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.13.1 NMAC - Rp 16 NMAC 27.27.1, 6-15-01]

16.27.13.2 SCOPE: All individuals applying for licensure as a substance abuse associate.
[16.27.13.2 NMAC - Rp 16 NMAC 27.27.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.13.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3 through 61-9A-7 NMSA 1978.
[16.27.13.3 NMAC - Rp 16 NMAC 27.27.3, 6-15-01]

16.27.13.4 DURATION: Permanent

16.27.13.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.13.5 NMAC - Rp 16 NMAC 27.27.5, 6-15-01]

16.27.13.6 OBJECTIVE: The objective of Part 13 is to state the minimum requirements for licensure as a substance abuse associate and list the documentation required for application effective July 1, 2005.
[16.27.13.6 NMAC - Rp 16 NMAC 27.27.6, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.13.7 DEFINITIONS: [Reserved]

16.27.13.8 SUPERVISION:

A. Supervision received for substance abuse associate must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LFMT), licensed professional art therapist (LPAT), licensed psychologist, licensed clinical psychiatrist, licensed alcohol and drug abuse counselor (LADAC) with three years of alcohol and drug abuse experience acquired after licensure, clinical nurse specialist in psychiatry or licensed independent social worker (LISW). Supervisors must have experience in alcohol and drug abuse counseling. A licensed substance abuse associate must practice under supervision at all times. If the associate has completed the requirements for LADAC the associate must continue practicing under supervision until the associate has acquired the official LADAC license.

B. It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure.
[16.27.13.8 NMAC - Rp 16 NMAC 27.1.7.5.3&4, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.13.9 APPLICANTS FOR LICENSURE: A substance abuse associate (LSAA) must possess the following qualifications and provide the required documentation with the application.

A. Age requirement: Be at least 21 years of age.

B. Applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.

C. Supervisory requirements: Applicant must have arranged for appropriate supervision, including an experience plan.

D. Holds an associate degree in counseling, counseling related field, or a substance abuse related field from an accredited institution and has a total of ninety (90) clock hours of education and training in the areas of alcohol, drug, and counseling. The board may approve, on a case-by-case basis, applicants whose education is not in counseling, counseling related field, or substance related field.

E. Documentation required for licensure:

(1) a completed application as specified in 16.27.3.8 NMAC, and

(2) proof of completed education requirements: the applicant is required to submit an official transcript in a sealed envelope from each institution associate, baccalaureate, masters or doctoral degree; the transcript must be submitted with the application; and

(3) verification of associates degree in counseling, a counseling-related field, or substance abuse related field and 90 clock hours of education and training in the fields of alcohol and/or drug abuse, and

(4) verification on attachment C that an appropriate supervisor has been obtained and an experience plan has been established and a signed statement is provided by the supervisor indicating the associate shall only participate in alcohol and drug abuse counseling sessions.

[16.27.13.9 NMAC - Rp 16 NMAC 27.27.8, 6-15-01; A, 7-1-04; A, 2-10-06; A, 11-19-07]

16.27.13.10 [Reserved]

[16.27.13.9 NMAC - Rp 16 NMAC 27.9.8&9, 6-15-01; Repealed 7-1-04]

HISTORY OF 16.27.13 NMAC:

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

Rule 2, Definitions, 3-24-94

Rule2, Definitions, 3-20-95

Rule 9, Licensure without examination, 3-24-94

Rule 9, Licensure by credentials, 3-20-95

Rule 10, Licensure by credentials, 3-24-94

History of Repealed Material:

16 NMAC 27.27, Requirements for licensure as a Substance Abuse Intern Effective July 1, 2003- Repealed 6-15-01

16 NMAC 27.9, Licensure by Credentials - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 14 TEMPORARY LICENSE

16.27.14.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.14.1 NMAC - Rp 16 NMAC 27.15.1, 6-15-01]

16.27.14.2 SCOPE: All individuals approved for examinations for licensure as professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, licensed mental health counselors, licensed associate marriage and family therapist and alcohol and drug abuse counselors.
[16.27.14.2 NMAC - Rp 16 NMAC 27.15.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.14.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1 through 61-9A-30 NMSA 1978.
[16.27.14.3 NMAC - Rp 16 NMAC 27.15.3, 6-15-01]

16.27.14.4 DURATION: Permanent
[16.27.14.4 NMAC - Rp 16 NMAC 27.15.4, 6-15-01]

16.27.14.5 EFFECTIVE DATE: June 15, 2001 unless a different date is cited at the end of a section.
[16.27.14.4 NMAC - Rp 16 NMAC 27.15.5, 6-15-01]

16.27.14.6 OBJECTIVE: The objective of Part 14 is to outline who is eligible for a temporary license.
[16.27.14.1 NMAC - Rp 16 NMAC 27.15.6, 6-15-01]

16.27.14.7 DEFINITIONS: [Reserved]

16.27.14.8 TEMPORARY LICENSES:

A. Will be granted to individuals meeting all requirements except the prescribed examination. The temporary license will be valid no more than sixty days after the results of the next examination become available. The temporary license of an individual shall automatically expire upon failure to take or to pass the required examination and cannot be reissued. (The temporary license must be returned to the board office). Individuals practicing under a temporary license shall not provide supervision.

B. A temporary license will be granted for a period not to exceed six months or for a period of time necessary for the board to ensure that the applicant has met licensure requirements as set out in that act.

C. Effective July 1, 2006, the board will grant a temporary license once the applicant has met the licensure requirements. If the applicant fails the first (1st) exam, the board will reschedule the applicant to re-take the examination and will re-issue a second temporary license. If the applicant fails the exam a second (2nd) time, the board may re-issue a third temporary license. The applicant must provide proof of registration on a tutorial class. The board will not issue more than three (3) temporary licenses.

[16.27.14.8 NMAC - Rp 16 NMAC 27.15.8, 6-15-01; A, 7-1-04; A, 2-10-06; A, 1-15-07]

HISTORY OF 16.27.14 NMAC:

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

Rule 15, Temporary license, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.15, Temporary License- Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 15 EXAMINATIONS

16.27.15.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.15.1 NMAC - Rp 16 NMAC 27.12.1, 6-15-01]

16.27.15.2 SCOPE: All examination candidates for licensure as professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, licensed mental health counselors, associate marriage and family therapist and alcohol and drug abuse.
[16.27.15.2 NMAC - Rp 16 NMAC 27.12.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.15.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A -10, 11, 12, 13, and 15, NMSA 1978.
[16.27.15.3 NMAC - Rp 16 NMAC 27.12.3, 6-15-01]

16.27.15.4 DURATION: Permanent
[16.27.15.4 NMAC - Rp 16 NMAC 27.12.4, 6-15-01]

16.27.15.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.15.5 NMAC - Rp 16 NMAC 27.12.5, 6-15-01]

16.27.15.6 OBJECTIVE: The objective of Part 15 is to outline the examination process.
[16.27.15.6 NMAC - Rp 16 NMAC 27.12.6, 6-15-01]

16.27.15.7 DEFINITIONS: [Reserved]

16.27.15.8 EXAMINATION CANDIDATES: Each applicant who has completed the educational and supervision requirements for licensure as a professional clinical mental health counselor, professional marriage and family therapist, professional art therapist, professional mental health counselor, mental health counselor, and alcohol and drug abuse counselor, shall be required to pass the board approved examination(s).
[16.27.15.8 NMAC - Rp 16 NMAC 27.12.8, 6-15-01; A, 7-1-04]

16.27.15.9 APPLICATION FOR EXAMINATION: Complete applications for licensure must be approved by the board no later than 90 days prior to the next available examination.
[16.27.15.9 NMAC - Rp 16 NMAC 27.12.9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.15.10 REGISTRATION FOR EXAMINATION: Upon approval to sit for examination the individual will be informed of requirements to register for the examination. The applicant must register for the examination for the exam 60 days prior to the examination date.
[16.27.15.10 NMAC - Rp 16 NMAC 27.12.10, 6-15-01; A, 7-1-04]

16.27.15.11 EXAMINATION FEE: The examination fee is to be paid within a minimum of 30 days prior to examination date. An individual who fails the examination must pay the examination fee if he/she is to retake the examination.
[16.27.15.11 NMAC - Rp 16 NMAC 27.12.11, 6-15-01; A, 7-1-04]

16.27.15.12 FREQUENCY: Prescribed examinations shall be given at least once a year. Examination information will be made available to qualified applicants.
[16.27.15.12 NMAC - Rp 16 NMAC 27.12.12, 6-15-01]

16.27.15.13 EXAMINATION SPECIFICS: Individuals will be informed of examination specifics, such as location and time of the examination, upon registration.

- A. Individuals who arrive late will be admitted. However, additional time will not be granted.

B. Individuals who have previously taken the approved examinations for licensure will not be required to test.
[16.27.15.13 NMAC - Rp 16 NMAC 27.12.13, 6-15-01; A, 7-1-04]

16.27.15.14 REPEATED EXAMINATIONS:

A. Qualified applicants who fail to obtain the minimum required passing score for an exam must surrender their temporary license immediately. An applicant is eligible to sit for the next exam without incurring further application fees; however, applicant is responsible for all new exam related fees. Applicants must pay the examination fee for each scheduled examination.

B. Applicants who cannot sit for the examinations due to circumstances beyond their control must submit a written request 30 days prior to the scheduled examination. Extenuating circumstances include illness, death in immediate family, military service, or other severe circumstances which do not allow an applicant to attend the scheduled examination. Applicant must provide documentation of extenuating circumstances.

C. Applicants who fail the examinations or fails to sit for scheduled examinations without prior notification must submit a new application, including the application fee, and all documentation.
[16.27.15.14 NMAC - Rp 16 NMAC 27.12.14, 6-15-01; A, 7-1-04]

16.27.15.15 SPECIAL ACCOMMODTIONS: An American Disability Act (ADA) covered applicant who requests special accommodation (particularly when the request involves assistance in taking the examination) must make the request in writing; must support the request with a medical statement confirming the need for the accommodation and the basis of the need; and must state with specificity the nature of the requested accommodation. In its sole discretion, the board will either grant or deny the request. Requests must be submitted with the application. The board will consider each request on a case-by-case basis.
[16.27.15.15 NMAC - Rp 16 NMAC 27.12.15, 6-15-01; A, 2-10-06]

16.27.15.16 NOTIFICATION: The board office will notify the applicant of the results of the examination in writing of their final score within 60 days of receipt of examination results from the examining organization. Score results will not be given orally.
[16.27.15.16 NMAC - Rp 16 NMAC 27.12.16, 6-15-01; A, 7-1-04]

HISTORY OF 16.27.15 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:
Rule 12, Examinations, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.12, Examinations - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 16 CONTINUING EDUCATION

16.27.16.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.16.1 NMAC - Rp 16 NMAC 27.11.1, 6-15-01]

16.27.16.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, registered independent counselors, licensed mental health counselors, licensed associate marriage and family therapists, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates.
[16.27.16.2 NMAC - Rp 16 NMAC 27.11.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.16.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-9 NMSA 1978.
[16.27.16.3 NMAC - Rp 16 NMAC 27.11.3, 6-15-01]

16.27.16.4 DURATION: Permanent
[16.27.16.4 NMAC - Rp 16 NMAC 27.11.4, 6-15-01]

16.27.16.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.16.5 NMAC - Rp 16 NMAC 27.11.5, 6-15-01]

16.27.16.6 OBJECTIVE: The objective of Part 16 is to inform licensees of continuing education hours required for license renewal. Additionally, Part 16 established acceptable continuing education.
[16.27.16.6 NMAC - Rp 16 NMAC 27.11.5, 6-15-01]

16.27.16.7 DEFINITIONS: [Reserved]

16.27.16.8 CONTINUING EDUCATION REQUIREMENT: Continuing education credit. Effective for the renewal period beginning October 1, 1997 forty (40) contact hours of continuing education approved by the New Mexico counseling and therapy practice board will be required to be documented during each two-year renewal period.

- A. Continuing education must be acquired during the expiring licensing period.
- B. One contact hour of continuing education is sixty minutes.
- C. Specific continuing education which must be obtained and verified:
 - (1) six hours of ethics related to counseling/mental health for all licensees;
 - (2) three hours in supervision related to counseling/mental health for all licensees who are supervisors.

[16.27.16.8 NMAC - Rp 16 NMAC 27.11.8, 6-15-01; A, 2-10-06]

16.27.16.9 ACCEPTABLE CONTINUING EDUCATION COURSES:

- A. approved by certifying groups such as the national board for certified counselors, American marriage and family therapy regulatory board, American art therapy, association international certification reciprocity consortium, national association of alcohol and drug abuse council;
- B. approved by other regulatory boards of related mental health or substance abuse fields, including psychiatry, psychology and social work;
- C. sponsored by international, national, regional or state mental health professional associations including psychiatry, psychology and social work, or state and federal divisions of substance abuse; or
- D. publication of professional writings and presenting board approved educational courses shall be awarded in a manner consistent with Part 16, section 16.27.16.8 and shall not exceed 20 hours for a license renewal period.
- E. approved by the New Mexico counseling and therapy practice board;
- F. internet continuing education correspondence shall not exceed 12 hours for a license renewal period.

G. home studies continuing education shall not exceed 12 hours for a license renewal period.
[16.27.16.9 NMAC - Rp 16 NMAC 27.11.9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.16.10 DOCUMENTATION OF PARTICIPATION: The licensee shall be responsible for submitting proof of attendance of all continuing education hours at the time of license renewal. All continuing education hours must be documented at the time the license is renewed. The board reserves the right to require additional documentation of participation. The board will notify the licensee of approval or disapproval of continuing education hours within 30 days after receiving documentation.
[16.27.16.10 NMAC - Rp 16 NMAC 27.11.10, 6-15-01]

16.27.16.11 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS: The board will refuse to renew the licensee's license in accordance with the Uniform Licensing Act NMSA 1978 sections 61-1-1 through 61-1-31. If continuing education units requirements are not completed within the licensing period and by the expiration date, the licensee or registrant will be considered expired and will refrain from practicing. Individuals unable to meet continuing education requirements due to circumstances beyond their control must submit a written request for a waiver sixty (60) days prior to their renewal date. Extenuating circumstances include illness, death in immediate family, military service, or other severe circumstances, which do not allow an applicant to meet continuing education requirements. The applicant may request a one-time extension approved by the board and must pay an additional \$300.00 fee. The board will review each request on a case-by-case basis.
[16.27.16.11 NMAC - Rp 16 NMAC 27.11.11, 6-15-01; A, 7-1-04; A, 11-19-07]

HISTORY OF 16.27.16 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:
Rule 11, Continuing Education, 3-20-95

History of Repealed Material:

16 NMAC 27.11, Continuing Education - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 17 FEES

16.27.17.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.17.1 NMAC - Rp 16 NMAC 27.10.1, 6-15-01]

16.27.17.2 SCOPE: All applicants applying for licensure as professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, licensed mental health counselors, associate marriage and family therapists, alcohol and drug abuse counselors, and substance abuse associates.
[16.27.17.2 NMAC- Rp 16 NMAC 27.10.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.17.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-24 NMSA 1978.
[16.27.17.3 NMAC- Rp 16 NMAC 27.10.3, 6-15-01]

16.27.17.4 DURATION: Permanent
[16.27.17.4 NMAC - Rp 16 NMAC 27.10.4, 6-15-01]

16.27.17.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.17.5 NMAC - Rp 16 NMAC 27.10.5, 6-15-01]

16.27.17.6 OBJECTIVE: The objective of Part 17 is to outline fees for application, licensure, license renewal and administrative fees.
[16.27.17.6 NMAC - Rp 16 NMAC 27.10.6, 6-15-01]

16.27.17.7 DEFINITIONS: [Reserved]

16.27.17.8 APPLICATION FEE: Applicants for licensure or certification shall pay a \$75.00 application fee for each level of licensure, which is due at the time of initial application and is non-refundable. There is an additional re-review fee of \$25.00 for review of applications which have been denied at the initial level requested and as defined in Part 3, section 16.27.3.8.D.
[16.27.17.8 NMAC - Rp 16 NMAC 27.10.8, 6-15-01]

16.27.17.9 INITIAL LICENSE FEE: Individuals accepted for licensure shall pay an initial licensure fee. This fee is based on the biennial cost of the license and must be paid in full before a license can be issued and is non-refundable.

- A. Fee for initial licensure as a mental health counselor and associate marriage and family therapist is \$75. This fee must be paid in full before a license can be issued and is non-refundable.
- B. Fee for initial licensure as a professional mental health counselor is \$150. This fee must be paid in full before a license can be issued and is non-refundable.
- C. Fee for initial licensure as a clinical mental health counselor, a marriage and family therapist or an art therapist is \$220. This fee must be paid in full before a license can be issued and is non-refundable.
- D. Fee for initial licensure as an alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor is \$150. This fee must be paid in full before a license can be issued and is non-refundable.
- E. Fee for initial licensure as a substance abuse associate is \$75. This fee must be paid in full before a license can be issued and is non-refundable.

[16.27.17.9 NMAC - Rp 16 NMAC 27.10.9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.17.10 RENEWAL FEES: The fees are as listed below and are non-refundable:

- A. licensed mental health counselor, \$75.00,
- B. registered independent mental health counselor, \$150.00.
- C. professional mental health counselor, \$150.00.
- D. clinical mental health counselor, \$220.00.
- E. marriage and family therapist, \$220.00.
- F. professional art therapist, \$220.00.

- G. alcohol and drug abuse counselor, \$150.00.
- H. alcohol abuse counselor, \$150.00.
- I. drug abuse counselor, \$150.00.
- J. substance abuse associate, \$75.00.
- K. licensed associate marriage and family therapist, \$75.00
- L. renew extension penalty fee, \$300.00

[16.27.17.10 NMAC- Rp 16 NMAC 27.10.10, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.17.11 [RESERVED]

[16.27.17.11 NMAC- Rp 16 NMAC 27.10.11, 6-15-01]

16.27.17.12 LICENSURE UPGRADE: Individuals who are currently licensed or registered by the board may, upon approval, upgrade the category of licensure or registration by submitting a new application and required documentation, accompanied by the application fee.

[16.27.17.12 NMAC- Rp 16 NMAC 27.10.12, 6-15-01; A, 2-10-06]

16.27.17.13 DUPLICATE OR REPLACEMENT LICENSE OR CERTIFICATE FEE: A duplicate or replacement fee of twenty-five dollars (25.00) must be paid at the time of request and must include a notarized affidavit of need and is non-refundable.

[16.27.17.13 NMAC - Rp 16 NMAC 27.10.13, 6-15-01]

16.27.17.14 LATE FEE: Any renewal application, including fee, not postmarked by the license expiration date is considered expired. Renewal after the expiration date, but during the 30-day period, is subject to a late fee of \$100 which is non-refundable.

[16.27.17.14 NMAC - Rp 16 NMAC 27.10.14, 6-15-01; A, 2-10-06]

16.27.17.15 [RESERVED]

[16.27.17.15 NMAC - Rp 16 NMAC 27.10.15, 6-15-01; A, 7-1-04; Repealed, 2-10-06]

16.27.17.16 ADMINISTRATIVE FEES: The board will charge the following administrative fees, which are non-refundable:

- A. \$10.00 (ten dollars) for file copies.
- B. \$10.00 (ten dollars) for written license verification.
- C. \$250.00 (two hundred fifty dollars) for address labels of New Mexico licensed counselors and therapists.
- D. 150.00 (one hundred fifty dollars) for an address list of New Mexico licensed counselors and therapists.
- E. \$300.00 (three hundred dollars) for electronic list of New Mexico licensed counselors and therapists.
- F. \$25.00 (twenty-five dollars) charge for returned checks.
- G. \$100.00 (one hundred dollars) for pre-approved continuing education provider number.
- H. \$20.00 (twenty dollars) administrative NCAC examination fees.
- I. \$25.00 (twenty-five dollars) administrative NCE, NCMHCE, marriage and family therapist, art therapist, and NCAC examinations fees.

[16.27.17.16 NMAC - Rp 16 NMAC 27.10.16, 6-15-01; A, 7-1-04; A, 2-10-06]

HISTORY OF 16.27.17 NMAC:

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

- Rule 2, Definitions, 3-24-94
- Rule2, Definitions, 3-20-95
- Rule 11, Fees, 3-24-94
- Rule 10, Fees; 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.10, Fees - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 18 CODE OF ETHICS

16.27.18.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.18.1 NMAC- Rp 16 NMAC 27.14.1, 6-15-01]

16.27.18.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, registered independent mental health counselors, licensed mental health counselors, associate marriage and family therapists, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates.
[16.27.18.2 NMAC- Rp 16 NMAC 27.14.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.18.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1 through 61-9A-30 NMSA 1978.
[16.27.18.3 NMAC- Rp 16 NMAC 27.14.3, 6-15-01]

16.27.18.4 DURATION: Permanent
[16.27.18.4 NMAC- Rp 16 NMAC 27.14.4, 6-15-01]

16.27.18.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.18.5 NMAC- Rp 16 NMAC 27.14.5, 6-15-01]

16.27.18.6 OBJECTIVE: The objective of Part 18 is to outline the code of ethics all applicants and licensed professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, registered independent mental health counselors, associate marriage and family therapists, licensed mental health counselors, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates must adhere to as licensed professionals. Failure to adhere to the code of ethics may result in disciplinary action by the board.
[16.27.18.6 NMAC- Rp 16 NMAC 27.14.6, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.18.7 DEFINITIONS: [Reserved]

16.27.18.8 WHO MUST ADHERE TO THE CODE OF ETHICS: The counseling & therapy practice board code of ethics for professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, associate marriage and family therapist, registered independent mental health counselor, licensed mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor, and substance abuse associate and approved supervisors. Licensure/registration is binding to all individuals holding licensure in the state of New Mexico.
[16.27.18.8 NMAC- Rp 16 NMAC 27.14.8, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.18.9 SCOPE: This code of ethics regulates the ethical and professional conduct of:
A. all licensed and registered individuals;
B. all applicants for licensure;
C. licensed mental health counselors, licensed associate marriage and family therapists and substance abuse associates and supervisors during their education, practicum and postgraduate training; and
D. expert witnesses: it applies to all licensed or registered individuals, in direct contact with clients, as well as during education, training, and research endeavors.
[16.27.18.9 NMAC- Rp 16 NMAC 27.14.9, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.18.10 PURPOSES: The purpose of this code of ethics is to provide clear guidelines for the New Mexico counseling and therapy practice board to assess the professional conduct of licensed or registered individuals. Standardization eliminates confusion and misinterpretation of ethical behavior within the profession and by the public.
[16.27.18.10 NMAC- Rp 16 NMAC 27.14.10, 6-15-01]

16.27.18.11 VIOLATIONS:

A. A violation of a code of ethics is referred to as "unprofessional" or "unethical" conduct. It constitutes sufficient grounds for disciplinary action by the board.

B. Costs of disciplinary proceedings: Licensees or applicants shall bear all costs of disciplinary proceedings unless they are excused by the board from paying all or part of the fees, or if they prevail at the hearing and an action in section 61-1-3 of the Uniform Licensing Act is not taken by the board.

[16.27.18.11 NMAC- Rp 16 NMAC 27.14.11, 6-15-01]

16.27.18.12 INTEGRITY: A licensed or registered individual is expected to behave according to the standards of professional integrity and competence as defined by rule or law. A licensed or registered individual must not condone, associate with, or participate in dishonest, fraudulent, or deceitful behavior. A licensed or registered individual must not misrepresent themselves, their training, or their services. It is the responsibility of licensees and registered mental health counselors to be completely informed about this code of ethics by which they are governed.

[16.27.18.12 NMAC- Rp 16 NMAC 27.14.12, 6-15-01]

16.27.18.13 AIDS TO INTERPRETATION: Code of ethics and standards for providers promulgated by the American mental health counselors association (AMHCA), the American counseling association (ACA), the American association of marriage and family therapy (AAMFT), the American art therapy association (AATA), national association of alcoholism and drug abuse counselors (NAADAC) and other relevant professional groups shall be used as an aid in resolving ambiguities which may arise in the interpretation of this code of ethics, except that this code of ethics shall prevail whenever any conflict exists between this code and any professional association standard.

[16.27.18.13 NMAC- Rp 16 NMAC 27.14.13, 6-15-01]

16.27.18.14 CLIENT: Means a recipient of counseling or therapy services. A corporate entity or other organization can be a client when the professional contract is to provide services of benefit primarily to the organization rather than individuals. In the case of individuals with legal guardians, including persons under the age of consent and legally incompetent adults, the legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the client for:

A. issues directly affecting the physical or emotional safety of the individual, such a sexual or other exploitive dual relationships, and

B. issues specifically reserved to the individual, and agreed to by the guardian prior to the rendering of services, such as confidential communication in a therapy relationship.

[16.27.18.14 NMAC- Rp 16 NMAC 27.14.14, 6-15-01]

16.27.18.15 CONFIDENTIAL INFORMATION: Means information revealed by a client(s) or otherwise obtained by a counselor or therapist, within the therapeutic context. The information shall not be disclosed by the counselor or therapist without the informed written consent of the client(s). When the client is a corporation or organization, the confidential relationship is between the counselor or therapist and the corporation/organization and not between the counselor or therapist and the employee/individual. Information obtained from the employee by the counselor or therapist shall be available to the organization unless such information was obtained in a separate therapeutic context which is subject to confidentiality requirements.

[16.27.18.15 NMAC- Rp 16 NMAC 27.14.15, 6-15-01]

16.27.18.16 PROFESSIONAL COMPETENCE, CONDUCT & INTEGRITY:

A. A licensed or registered individual shall not misrepresent his or her credentials, degrees, or competencies either through spoken word, written, or electronically transmitted material.

B. A licensed or registered individual, when interacting with a client or former client to whom the counselor or therapist has at anytime within the previous 60 months rendered counseling or therapy, shall not:

(1) engage in sexual intercourse, contact or other physical intimacies with the client; or

(2) enter into a financial or other potentially exploitive relationship with the client.

C. The prohibitions set out in 16.27.18.16 above shall not be limited to the 60-month period but shall extend indefinitely if the client is proven to be clearly vulnerable, by reason of emotional or cognitive disorder, to exploitive influence by the counselor or therapist. The counselor or therapist who engages in such activity after

the 60-month period following cessation or termination of treatment bears the burden of providing proof that there has been no exploitation, in light of all relevant factors, including

- (1) the amount of time that has passed since therapy terminated;
- (2) the nature and duration of the therapy;
- (3) the circumstances of termination;
- (4) the patient's or client's personal history;
- (5) the patient's or client's mental status;
- (6) the likelihood of adverse impact on the patient or client and others; and
- (7) any statements or actions made by the counselor or therapist during the course of therapy

suggesting or inviting the possibility of a post termination relationship with the patient or client.

D. A licensed or registered individual shall not undertake or continue a professional relationship with a client when the counselor or therapist is impaired due to mental, emotional, physiological, or substance abuse conditions.

E. A licensed or registered individual is in violation of this code and subject to loss of licensure or other disciplinary action if they:

- (1) are convicted of a felony or misdemeanor related to their qualifications or functions, or;
- (2) are disciplined by other state licensing boards for acts which would be a violation under this code of ethics, statutes or regulations, or;
- (3) are no longer competent to practice, or;
- (4) fail to cooperate with the state at any point from the inception of a conduct complaint through the completion of all proceedings regarding that complaint.

F. Licensed or registered individuals shall only perform counseling or therapy services within the scope of practice for their license. Licensed or registered individuals shall only perform testing and assessment services for which they are authorized under the act.

G. Licensed or registered individuals shall not use advertising, which is misleading, deceptive or false. All and any announcements of services shall include state designation and license number.

H. A licensed or registered individual, when developing competency in a service or technique that is either new to the counselor or therapist, or new to the profession, shall engage in ongoing consultation with other relevant professionals and shall seek appropriate education and training in the new area. The counselor or therapist, shall inform the client of the innovative nature and the known risks associated with the services, so that the client can exercise freedom of choice concerning the services.

[16.27.18.16 NMAC- Rp 16 NMAC 27.14.16, 6-15-01; A, 7-1-04]

16.27.18.17 CONFIDENTIALITY AND DATA PRIVACY:

A. The counselor or therapist shall safeguard the confidential information obtained in the course of practice, teaching, research or other professional services. This includes a counselor or therapist's employees and professional associates as defined by law. The counselor or therapist shall disclose confidential information to others only with the informed written consent of the client.

B. A licensed or registered individual shall inform a client of limitations of confidentiality. These limitations include, but are not limited to:

- (1) Limitations mandated by the law.
- (2) When the counselor or therapist judges that disclosure is necessary to protect against a clear and substantial risk of imminent serious harm being inflicted by the client on the client or another person(s).
- (3) When the counselor or therapist is a defendant in a civil, criminal, or disciplinary action arising from the therapy, in which case, client confidences may be disclosed in the course of that action.
- (4) When a written waiver has been obtained, all information revealed must be in accordance with the terms of the waiver. If there is more than one party involved in the therapy, the waiver must be signed by all members legally competent to execute such a waiver (i.e., couples, marital couples, family, group).
- (5) When release of information pertaining to a client under the age of consent is requested, it must be signed by a parent or guardian. The counselor or therapist, to the extent the client can understand, shall inform the minor client of the limit the law imposes on his/her right of confidentiality.
- (6) Reporting of abuse of children and vulnerable adults. The counselor or therapist shall be familiar with any relevant law, and shall comply with such laws.
- (7) Limitations mandated by employing agencies.

C. A licensed or registered individual shall ensure that all records and written data are stored using reasonable security measures that prevent access to records by unauthorized persons.

D. A licensed or registered individual shall ensure that the content and disposition of all records is in compliance with the relevant state laws and parts.

E. A licensed or registered individual shall continue to treat information regarding a client as confidential after the professional relationship between the counselor or therapist and the client has ceased.

F. A licensed or registered individual shall exercise reasonable care to ensure that confidential information is appropriately disguised to prevent client identification when used as a basis of supervision, teaching, research or other published reports.

G. A licensed or registered individual shall, clarify to the client the limitations and foreseeable uses of confidential information.

H. Record retention

(1) A licensed or registered individual rendering professional services to an individual client or billed to a third party payor, shall maintain professional records that include:

- (a) the presenting problem(s) or purpose or diagnosis,
- (b) the fee arrangement,
- (c) the date and substance of each billed service,
- (d) any test results or other evaluative results obtained and any basis test data from which they were derived,

- (e) notation and results of formal consultations with other providers,

(f) a copy of all tests or other evaluative reports prepared as part of the professional relationship.

(2) A licensed or registered individual shall assure that all client professional records are maintained for a period of not less than six years after the last date that professional services was rendered.

(3) A licensed or registered individual shall store and dispose of written, electronic data and other recorded information in such a manner as to ensure their confidentiality.

(4) A licensed or registered individual may not withhold records under their control that are requested for a client's treatment solely because payment has not been received, except as otherwise provided by law.

[16.27.18.17 NMAC- Rp 16 NMAC 27.14.17, 6-15-01]

16.27.18.18 RESPONSIBILITY TO CLIENTS:

A. A licensee shall inform clients before or at the time of the initial counseling session with the licensee of the following:

- (1) professional education, training and experience of the licensee;
- (2) fees and arrangements for payment;
- (3) counseling purposes, goals, and techniques;
- (4) any restrictions placed on the license by the board;
- (5) the limits on confidentiality;
- (6) any intent of the licensee to use another individual to provide counseling services to the client;

and

(7) supervision of the licensee by another licensed health care professional, including the name and qualifications of the supervisor.

- (8) A licensee shall inform the client of any changes to the items above prior to initiating the change.

B. A licensed or registered individual shall not discriminate against or refuse professional services to anyone on the basis of race, color, gender, religion, national origin, ancestry, disability, socioeconomic status, sexual orientation, or any basis proscribed by law.

C. A licensed or registered individual shall not impose on the client any stereotypes of behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual orientation, or diagnosis which would interfere with the objective provision of counseling or therapy services.

D. A licensed or registered individual shall not enter into a sexual or other dual relationship with a client, as specified in Section 16.27.18.16 D of this code of ethics.

E. A licensed or registered individual shall continue therapeutic relationships only so long as it is reasonably clear that a therapeutic context exists.

F. A licensed or registered individual shall give a truthful, understandable, and appropriate account of the nature of the client's condition to the client or to those responsible for the care of the client.

G. A licensed or registered individual shall not mislead or withhold information about the cost of his/her professional services.

H. A licensed or registered individual shall keep the client fully informed as to the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided.

I. A licensed or registered individual providing services to a client shall make an appropriate referral of the client to another professional when requested to do so by the client or in the best interest of the client.

J. A licensed or registered individual shall not abandon or neglect clients in treatment without making reasonable arrangements for the continuation of such treatment. Counselors or therapists shall assist persons in obtaining other therapeutic services if the counselor or therapist is unable or unwilling, for appropriate reasons, to provide professional help.

K. A licensed or registered individual providing services to an individual client shall not induce that client to solicit business on behalf of the counselor or therapist.

L. When consulting with colleagues,

(1) a licensed or registered individual shall not share confidential information that reasonably could lead to the identification of a patient, client, research participant, or other person or organization with whom they have a confidential relationship unless they have obtained the prior consent of the person or organization or the disclosure cannot be avoided, and

(2) they share information only to the extent necessary to achieve the purposes of the consultation.

M. A licensed or registered individual shall obtain written informed consent from clients before videotaping, audio recording, or permitting third party observation.

N. A licensed or registered individual who uses the designation of "Doctor" in their title shall disclose to their client the area of education.

O. A licensee shall not knowingly offer or provide counseling or therapy to an individual concurrently receiving counseling from another mental health services provider except with that provider's knowledge. If a licensee learns of such concurrent therapy, the licensee shall take immediate and reasonable action to resolve the situation.

P. A licensee shall not enter into a professional therapeutic relationship with immediate family members, personal friends, or business associates.

Q. A licensee shall bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual agreement.

(1) Actual provider of services must be reflected on billing documents.

(2) On the written request of a client, or a client's legal guardian, a licensee shall provide, in plain language, a written explanation of the charges for counseling services previously made on a bill or statement for the client. This requirement applies even if the charges are to be paid by a third party.

(3) A licensee may not overcharge a client.

(4) A licensee may not submit to a client or third payer a bill for counseling or therapy that the licensee knows were not provided or knows were improper, unreasonable, or medically or clinically unnecessary. [16.27.18.18 NMAC- Rp 16 NMAC 27.14.18, 6-15-01]

16.27.18.19 RESPONSIBILITY TO THE PROFESSION:

A. A licensed or registered individual shall not aid or abet another person in misrepresenting his/her professional credentials or illegally engaging in the practice of counseling or therapy.

B. A licensed or registered individual shall not delegate professional responsibilities to a person not appropriately qualified to provide such services.

C. A licensed or registered individual shall exercise appropriate supervision over supervisees, as set forth in the Parts and regulations of the board.

D. Licensed or registered individuals who have substantial reason to believe that there has been a violation of the statutes or parts of the board which presents eminent danger to the licensee, client or the public shall so inform the board in writing. If this information is obtained in a professional relationship with a client, the written permission of the client will be needed before reporting it. Counselors or therapists shall not file or encourage the filing of ethical complaints that are frivolous or are intended to harm the licensee rather than protect the public.

E. Licensed or registered individuals shall be familiar with this code of ethics, and its application to counselors or therapists' work. Lack of awareness or misunderstanding of the conduct standards is not itself a defense to a charge of unethical conduct.

F. When licensed or registered individuals are uncertain whether a particular situation or course of action would violate this code of ethics, the counselor or therapist shall consult with the board's ethics committees.

G. Licensed or registered individuals shall cooperate in ethics investigations, proceedings, and resulting requirements of this code. Release of confidential information in an investigation by the board does not constitute a violation of confidentiality. Failure to cooperate in an investigation is itself an ethics violation.
[16.27.18.19 NMAC- Rp 16 NMAC 27.14.19, 6-15-01]

16.27.18.20 INVESTIGATIONS: If a licensed or registered individual voluntarily surrenders their license or registration in anticipation of or during the course of an investigation, the complaint committee will continue to completion its investigation. Any publication of action taken by the committee and the counseling and therapy practice board will include the fact that the licensed or registered individual voluntarily surrendered their license or registration during the investigation.
[16.27.18.20 NMAC- Rp 16 NMAC 27.14.20, 6-15-01]

HISTORY OF 16.27.18 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:
Rule 14, Code of Ethics, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.14, Code of Ethics - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 19 APPROVED SUPERVISORS

16.27.19.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.19.1 NMAC- Rp 16 NMAC 27.16.1, 6-15-01]

16.27.19.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, alcohol and drug abuse counselors, who are acting as supervisors.
[16.27.19.2 NMAC- Rp 16 NMAC 27.16.2, 6-15-01]

16.27.19.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1 through 61-9A-30 NMSA 1978.
[16.27.19.3 NMAC- Rp 16 NMAC 27.16.3, 6-15-01]

16.27.19.4 DURATION: Permanent
[16.27.19.4 NMAC- Rp 16 NMAC 27.16.4, 6-15-01]

16.27.19.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.19.5 NMAC- Rp 16 NMAC 27.16.5, 6-15-01]

16.27.19.6 OBJECTIVE: The objective of Part 19 is to provide guidelines for a supervisor.
[16.27.19.6 NMAC- Rp 16 NMAC 27.16.6, 6-15-01]

16.27.19.7 DEFINITIONS: Approved supervisor definitions.

- A. Administrative supervision means those supervisory activities, which increase the efficiency and management of the delivery of counseling services.
- B. Clinical supervision means the supportive and educative activities of the supervisor designed to improve the application of counseling theory and technique directly to clients. Clinical supervision is the only supervision acceptable for licensure.
- C. Applied counseling settings means public, state/federal agencies, or private organizations of counselors and therapists such as community mental health counselors, hospitals, schools, and group or individual private practice settings.
- D. Supervisees means licensed mental health counselors, associate marriage and family therapist or substance abuse associates, or licensees who are working with clients in an applied counseling settings.
- E. Supervisors means counselors and therapists or other approved supervisors who within applied counseling settings oversee the professional clinical work of registered mental health counselors or licensees or substance abuse associates.

[16.27.19.7 NMAC- Rp 16 NMAC 27.16.7, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.19.8 SUPERVISEE'S WELFARE AND RIGHTS:

- A. Supervisors shall instruct supervisees to notify clients that they are being supervised and that observation and/or recordings of the session may be reviewed by the supervisor.
- B. Supervisors who are licensed counselors and therapists and are conducting supervision to aid a supervisee to become licensed shall instruct the supervisee not to communicate or in anyway convey to the supervisee's clients or to other parties that the supervisee is himself/herself licensed as independent practitioners.
- C. Supervisors shall instruct supervisees of clients' rights, including protecting clients' right to privacy and confidentiality in the counseling/therapy relationship and the information resulting from it, and to notify clients that their right to privacy and confidentiality will not be violated by the supervisory relationship.
- D. Records of the counseling/therapy relationship, including interview notes, test data, correspondence, the electronic storage of these documents, and audio and videotape recordings are considered to be confidential professional information. Supervisors shall assure that these materials are used in counseling/therapy, research, and training and supervision of counselors and therapists with the full knowledge of the client and that

permission to use these materials is granted by the applied counseling setting offering service to the client. This professional information is to be used for the full protection of the client.

E. Written consent from the client (or legal guardian, if a minor) shall be secured prior to the use of such information for instructional, supervisory, and/or research purposes. Policies of the applied counseling setting regarding client records also shall be followed.

F. Supervisors shall adhere to current professional and legal guidelines when conducting research with human participants.

G. Supervisors are responsible for making every effort to monitor both the professional actions, and failures to take action, of their supervisees.

[16.27.19.8 NMAC- Rp 16 NMAC 27.16.8, 6-15-01]

16.27.19.9 SUPERVISORY ROLE.

A. The primary obligation of supervisors is to train counselors and therapists so that they respect the integrity and promote the welfare of the client. Inherent and integral to the role of supervisor are responsibilities for:

- (1) monitoring client welfare;
- (2) encouraging compliance with relevant legal, ethical, and professional standards for clinical practice;
- (3) monitoring clinical performance and professional development of supervisees; and
- (4) evaluating and certifying current performance and potential of supervisees for academic, screening, selection, placement, employment, and credentialing purposes.

B. Supervisors should have 3 years training and experience in their field prior to initiating their role as supervisors. Supervisors will acquire three hours of continuing education relative to supervision prior to initiating their role as supervisors.

C. Supervisors shall obtain professional and personal continuing education activities such as advanced courses, seminars, and professional conferences. Supervisors are required to obtain and document three hours of continuing education pertaining to supervision topics and skills per renewal period.

D. Supervisors shall inform their supervisees of professional and ethical standards and legal responsibilities of the counseling/therapy profession.

E. Supervisors of postgraduate counselors and therapists who are seeking state licensure should encourage these counselors and therapists to adhere to the standards for practice established by the state licensure board of the state in which they practice.

F. Procedures for contacting the supervisor, or an alternative supervisor, to assist in handling crisis situations shall be established and communicated to supervisees.

G. Actual work samples via session process notes, audio and/or video tape or live observation in addition to case notes shall be reviewed by the supervisor as a regular part of the ongoing supervisory process.

H. Supervisors shall meet regularly in face-to-face sessions with their supervisees.

I. Supervisors shall provide supervisees with ongoing feedback on their performance. This feedback should take a variety of forms, both formal and informal, and should include verbal and written evaluations. It should be formative during the supervisory experience and summative at the conclusion of the experience.

J. Supervisors who have multiple roles (e.g., teacher, clinical supervisor, administrative supervisor, etc.) with supervisees shall minimize potential conflicts. Where possible, the roles should be divided among several and it should be conveyed to the supervisee as to the expectations and responsibilities associated with each supervisory role.

K. Supervisors shall not participate in any form of sexual contact with supervisees. Dual relationships with supervisees that might impair the supervisor's objectivity and professional judgment should be avoided and/or the supervisory relationship terminated.

L. Supervisors shall not establish a psychotherapeutic relationship as a substitute for supervision. Personal issues should be addressed in supervision only in terms of the impact of these issues on clients and on professional functioning.

M. Supervisors, through ongoing supervisee assessment and evaluation, should be aware of any personal or professional limitations of supervisees which are likely to impede future professional performance. Supervisors have the responsibility of recommending remedial assistance to the supervisee and of screening from the training program, applied counseling setting, or state licensure those supervisees who are unable

to provide competent professional services. These recommendations should be clearly and professionally explained in writing to the supervisees who are so evaluated.

N. Supervisors shall not endorse a supervisee for certification, licensure, completion of an academic training program, or continued employment if the supervisor believes the supervisee is impaired in any way that would interfere with the performance of counseling/therapy duties. The presence of any such impairment should begin a process of feedback and remediation wherever possible so that the supervisee understands the nature of the impairment and has the opportunity to remedy the problem and continue with his/her professional development.

O. Supervisors shall supervise clinical work only in areas where they are fully competent, and experienced.

P. Supervisors shall inform supervisees of the goals, policies, theoretical orientations toward counseling/therapy, training, and supervision model or approach on which the supervision is based.

Q. Supervisors shall use the following prioritized sequence in resolving conflicts among the needs of the client, the needs of the supervisee, and the needs of the program or agency. Insofar as the client must be protected, it shall be understood that client welfare is usually subsumed in federal and state laws such that these statutes should be the first point of reference. Where laws and ethical standards are not present or are unclear, the good judgment of the supervisor shall be guided by the following list:

- (1) relevant legal and ethical standards (e.g. duty to warn, state child abuse laws, etc.);
- (2) client welfare;
- (3) supervisee welfare;
- (4) supervisor welfare; and
- (5) program and/or agency service and administrative needs.

[16.27.19.9 NMAC- Rp 16 NMAC 27.16.9, 6-15-01; A, 2-10-06]

HISTORY OF 16.27.19 NMAC:

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

Rule 16, Approved Supervisors, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.16, Approved Supervisors - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 20 PARENTAL RESPONSIBILITY ACT COMPLIANCE

16.27.20.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.20.1 NMAC - Rp 16 NMAC 27.17.1, 6-15-01]

16.27.20.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, registered independent mental health counselors, associate marriage and family therapists, licensed mental health counselors, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates.
[16.27.20.2 NMAC - Rp 16 NMAC 27.17.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.20.3 STATUTORY AUTHORITY: The board adopts this section pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995).
[16.27.20.3 NMAC - Rp 16 NMAC 27.17.3, 6-15-01]

16.27.20.4 DURATION: Permanent
[16.27.20.4 NMAC - Rp 16 NMAC 27.17.4, 6-15-01]

16.27.20.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.20.5 NMAC - Rp 16 NMAC 27.17.5, 6-15-01]

16.27.20.6 OBJECTIVE: The objective of Part 20 is to outline action to be taken by the board if applicants or licensees are in violation of the Parental Responsibility Act.
[16.27.20.6 NMAC - Rp 16 NMAC 27.17.6, 6-15-01]

16.27.20.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this Section. As used in this section:
A. "HSD" means the New Mexico human services department;
B. "statement of compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and
C. "statement of non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and an order for support.
[16.27.20.7 NMAC - Rp 16 NMAC 27.17.7, 6-15-01]

16.27.20.8 DISCIPLINARY ACTION: If an applicant or licensee is not in compliance with a judgment and order for support, the board:
A. shall deny an application for a license;
B. shall deny the renewal of a license; and
C. has grounds for suspension or revocation of the license.
[16.27.20.8 NMAC - Rp 16 NMAC 27.17.8, 6-15-01]

16.27.20.9 CERTIFIED LIST: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board licensees and applicants. Upon the later receipt of an application for license or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and licensees who are on the certified list and the action the board has taken in connection with such applicants and licensees.
[16.27.20.9 NMAC - Rp 16 NMAC 27.17.9, 6-15-01]

16.27.20.10 INITIAL ACTION: Upon determination that an applicant or licensee appears on the certified list, the board shall:
A. commence a formal proceeding under Part 20 to take the appropriate action under Part 20; or

B. For current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the board with a subsequent statement of compliance from HSD by the earlier of the application for license renewal or a specified date not to exceed (30 days, 60 days). If the licensee fails to provide this statement, the board shall commence a formal proceeding under Part 20.
[16.27.20.10 NMAC - Rp 16 NMAC 27.17.10, 6-15-01]

16.27.20.11 NOTICE OF CONTEMPLATED ACTION: Prior to taking any action specified in Part 20, the board shall serve upon the applicant or licensee a written notice stating that:

A. The board has grounds to take such action, and that the board shall take such action unless the licensee or applicant:

(1) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or

(2) provides the board, within thirty (30) days of the date of the notice, with a statement of compliance from HSD;

B. If the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD child support enforcement division.

[16.27.20.11 NMAC - Rp 16 NMAC 27.17.11, 6-15-01]

16.27.20.12 EVIDENCE AND PROOF: In any hearing under Part 20, relevant evidence is limited to the following:

A. A statement of non-compliance is conclusive evidence that requires the board to take the appropriate action under Part 20 of this section, unless:

B. The applicant or licensee provides the board with a subsequent statement of compliance, which shall preclude the board from taking any action under this Part 20.

[16.27.20.12 NMAC - Rp 16 NMAC 27.17.12, 6-15-01]

16.27.20.13 ORDER: When a disciplinary action is taken under this Part 20 solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for re-applications or reinstatement of lapsed licensees.

[16.27.20.13 NMAC - Rp 16 NMAC 27.17.13, 6-15-01]

16.27.20.14 PROCEDURES: Proceedings under Part 20 shall be governed by the Uniform Licensing Act, Section 61- 1-1, et seq.

[16.27.20.14 NMAC - Rp 16 NMAC 27.17.14, 6-15-01]

HISTORY OF 16.27.20 NMAC:

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

Rule 17, Parental Responsibility Act Compliance, 10-2-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.17, Parental Responsibility Act Compliance - Repealed 6-15-01

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 21 EMERGENCY LICENSURE

16.27.21.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.21.1 NMAC - N, 2-10-06]

16.27.21.2 SCOPE: An individual wishing to practice as a professional mental health counselor (LPC), professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), alcohol and drug abuse counselor (LADAC) and licensed art therapist (LPAT) following a federally declared disaster.
[16.27.21.2 NMAC - N, 2-10-06]

16.27.21.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3 through 61-9A-7 NMSA 1978.
[16.27.21.3 NMAC - N, 2-10-06]

16.27.21.4 DURATION: Permanent
[16.27.21.4 NMAC - N, 2-10-06]

16.27.21.5 EFFECTIVE DATE: February 10, 2006, unless a later date is cited at the end of a section.
[16.27.21.5 NMAC - N, 2-10-06]

16.27.21.6 OBJECTIVE: The objective of Part 21 is to outline requirements, procedures, and criteria for issuance of an emergency license.
[16.27.21.6 NMAC - N, 2-10-06]

16.27.21.7 DEFINITIONS: [RESERVED]

16.27.21.8 PROVISIONS FOR EMERGENCY LICENSURE:

A. An applicant affected in a federal disaster currently licensed as a counselor or therapist in another jurisdiction and is in good standing and otherwise meets the requirements for New Mexico licensure may be licensed in New Mexico during the four months following the declared federal disaster at no cost upon satisfying the following requirements:

- (1) be at least 21 years of age; and
- (2) applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics;
- (3) a completed application, signed, dated, and notarized;
- (4) proof of identity, which may include a copy of a driver's license, passport or other photo identification issued by a governmental entity;
- (5) sworn affidavit statement that because of circumstance arising out of a declared area the applicant is unable to obtain proof documentation otherwise required by rules by the board;
- (6) refer to 16.27.4 NMAC, requirements for licensure as a professional clinical mental health counselor (LPCC);
- (7) refer to 16.27.6 NMAC, requirements for licensure as a marriage and family therapist (LMFT);
- (8) refer to 16.27.7 NMAC, requirements for licensure as a professional art therapist (LPAT);
- (9) refer to 16.27.8 NMAC, requirements for licensure as a professional mental health counselor (LPC);
- (10) refer to 16.27.10 NMAC, requirements for licensure as an alcohol and drug abuse counselor (LADAC); and
- (11) verification of current licensure or certification (no access to national database, board staff will verify).

B. The board may waive submission of the specific forms only if the applicant is unable to obtain the required document from an affected federally declared disaster area:

- (1) verification of supervised hours (attachment B);
- (2) official university transcripts;

(3) attachment E (mental health clinical core curriculum), attachment D (marriage and family core curriculum), attachment F (art therapy core curriculum), attachment D (alcohol and drug education and training hours), and letters of reference for alcohol and drug abuse counselors.

C. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.27.4 NMAC, 16.27.6 NMAC, 16.27.7 NMAC, 16.27.8 NMAC, and 16.27.10 NMAC.

D. Emergency licensure shall expire on September 30, unless renewed by the board. Application for renewal shall consist of the following:

- (1) completed application, signed by the applicant and notarized;
- (2) a 2"x 2" photograph of the applicant;
- (3) an application fee of \$75.00;
- (4) other documentation required in all parts of these rules, also to include but not limited to, documents regarding supervision, any additional training or coursework, work experience, and client contact hours;
- (5) official transcripts in a sealed envelope from each institution contributing to the applicant's master or doctoral degree; the transcript must be submitted with the application;
- (6) a statement from each supervisor in a sealed envelope on form attachment B, verifying the applicant's supervised experience and setting forth the nature and extend of such supervision must be submitted with the application;
- (7) completion of a core curriculum worksheet;
- (8) completion of training and education hours for alcohol and drug abuse counselors; and
- (9) letters of reference.

E. Examination: an applicant who has completed the educational and supervision requirements for licensure as a professional clinical mental health counselor (LPCC), professional marriage and family therapist (LMFT), professional art therapist (LPAT), professional mental health counselor (LPC), and alcohol and drug abuse counselor (LADAC), shall be required to pass the board approved examination(s).
[16.27.21.8 NMAC - N, 2-10-06]

16.27.21.9 EMERGENCY LICENSE TERMINATION: In accordance with the procedures established by the Uniform Licensing Act, 61-1-1 to 61-11-31 NMSA 1978, the board may deny, suspend or revoke a license held or applied for under the Counseling and Therapy Practice Act, and may fine or reprimand a licensee or take any other action provided for in the Uniform Licensing Act, upon grounds that the licensee:

- A. is guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure any license provided for the counseling and therapy practice board;
- B. failure to apply or renew for permanent licensure;
- C. termination of an emergency license shall not preclude applicant from permanent licensure.

[16.27.21.9 NMAC - N, 2-10-06]

HISTORY OF 16.27.21 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 22 REQUIREMENTS FOR LICENSURE AS AN ASSOCIATE MARRIAGE AND FAMILY THERAPIST (LAMFT)

16.27.22.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.22.1 NMAC - N, 2-10-06]

16.27.22.2 SCOPE: All individuals applying for licensure as an associate marriage and family therapist.
[16.27.22.2 NMAC - N, 2-10-06]

16.27.22.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-3 through 61-9A-7 NMSA 1978.
[16.27.22.3 NMAC - N, 2-10-06]

16.27.22.4 DURATION: Permanent
[16.27.22.4 NMAC - N, 2-10-06]

16.27.22.5 EFFECTIVE DATE: February 10, 2006, unless a later date is cited at the end of a section.
[16.27.22.5 NMAC - N, 2-10-06]

16.27.22.6 OBJECTIVE: The objective of Part 10 is to state the minimum requirements for licensure as an associate marriage and family therapist and list the documentation required for application.
[16.27.22.6 NMAC - N, 2-10-06]

16.27.22.7 DEFINITIONS: [Reserved]

16.27.22.8 SUPERVISION:

A. Supervision must be provided by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist or licensed independent social worker (LISW).

B. It is the responsibility of the individual seeking supervision to assure the supervision is acceptable for the level of licensure. The relationship between the supervisor and the applicant must promote the development of skill and responsibility in the delivery of counseling or therapy services.

C. Client contact and supervision hours prior to being licensed will not be accepted for licensure.
[16.27.22.8 NMAC - N, 2-10-06]

16.27.22.9 LICENSED ASSOCIATE MARRIAGE AND FAMILY THERAPIST (LAMFT):

A. LAMFT is intended as a transition between the required degree and the completion of supervised training required for licensure as a marriage and family therapist. Work must be under appropriate clinical supervision. Applicants must assure that their education and experience are appropriate for the level of licensure. There is no time limit as a licensed associate marriage and family therapist, but all work at this level must be done under clinical supervision.

B. Qualifications for entry-level licensure. An applicant for licensure as an entry-level licensed associate marriage and family therapist (LAMFT) must possess the following qualifications:

- (1) be at least 21 years of age; and
- (2) applicant must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics; and
- (3) hold a masters or doctoral degree in a counseling related field from an accredited institution; and
- (4) have arranged for appropriate clinical supervision, including a postgraduate experience plan, which includes one hour of face-to-face supervision for every ten hours of client contact; and
- (5) meet the marriage and family clinical core curriculum.

[16.27.22.9 NMAC - N, 2-10-06]

16.27.22.10 DOCUMENTATION REQUIRED:

- A. a completed application as specified in 16.27.3.8 NMAC; and
 - B. the applicant is required to submit an official transcript in a sealed envelope from each institution contributing to the applicant's master or doctoral degree; the transcript must be submitted with the application; and
 - C. a statement from each supervisor in a sealed envelope on a form provided by the board (attachment C) verifying the applicant has arranged for appropriate clinical supervision, supervised experience and setting forth the nature and extent of such supervision must be submitted with the application; and
 - D. applicant must complete and meet the marriage and family core curriculum (form D); and
 - E. application fee of \$75.00.
- [16.27.22.10 NMAC - N, 2-10-06]

16.27.22.11 EXAMINATION: Applicants must demonstrate professional competency by passing national marriage and family therapy professional examination (PES).
[16.27.22.11 NMAC - N, 2-10-06]

HISTORY OF 16.27.22 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 23 LICENSURE AS AN ALCOHOL AND DRUG ABUSE COUNSELOR (LADAC) FOR
CURRENT CREDENTIAL ALCOHOL AND DRUG ABUSE COUNSELOR (CADAC)

16.27.23.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.23.1 NMAC - N, 11-19-07]

16.27.23.2 SCOPE: All individuals applying for licensure through grandfathering as an alcohol and drug abuse counselor who hold a current CADAC.
[16.27.23.2 NMAC - N, 11-19-07]

16.27.23.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-9 NMSA 1978.
[16.27.23.3 NMAC - N, 11-19-07]

16.27.23.4 DURATION: Permanent
[16.27.23.4 NMAC - N, 11-19-07]

16.27.23.5 EFFECTIVE DATE: November 19, 2007 unless a later date is cited at the end of a section.
[16.27.23.5 NMAC - N, 11-19-07]

16.27.23.6 OBJECTIVE: The objective of Part 23 is to state the minimum requirements for licensure as an alcohol and drug abuse counselor and list the documentations required for application.
[16.27.23.6 NMAC - N, 11-19-07]

16.27.23.7 DEFINITIONS: [Reserved]

16.27.23.8 APPLICANTS FOR LICENSURE: As a pre-approved continuing education provider must possess the following qualifications and provide the required documentation with the application.

- A. Age requirement. Must be at least 21 years of age.
- B. Applicant/presenter must sign a statement provided in the application indicating the applicant has read the code of ethics and agrees to be bound and governed by the code of ethics.
- C. Education requirements. Holds masters or doctoral degree in counseling or a counseling-related field from an accredited institution.
- D. Applicants/presenter must hold a current license in the following disciplines:
 - (1) licensed professional clinical mental health counselor;
 - (2) licensed marriage and family therapist;
 - (3) licensed art therapist;
 - (4) licensed psychiatrist;
 - (5) licensed psychologist;
 - (6) licensed independent social worker; or
 - (7) licensed alcohol and drug abuse counselor with a masters degree.
- E. Application fee of \$100.00.

[16.27.23.8 NMAC - N, 11-19-07]

HISTORY OF 16.27.23 NMAC: [Reserved]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 24 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.27.24.1 ISSUING AGENCY: Regulation and Licensing Department - Counseling and Therapy Practice Board.
[16.27.24.1 NMAC - N, 10-15-14]

16.27.24.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.
[16.27.24.2 NMAC - N, 10-15-14]

16.27.24.3 STATUTORY AUTHORITY: Part 23 of Chapter 16 is promulgated pursuant to and in accordance with the Counseling and Therapy Practice Act, Sections 61-9A-1 to 30 NMSA 1978 (specific authority to promulgate rules is 61-9A-9 and Section 61-1- 34 NMSA 1978.
[16.27.24.3 NMAC - N, 10-15-14]

16.27.24.4 DURATION: Permanent.
[16.27.24.4 NMAC - N, 10-15-14]

16.27.24.5 EFFECTIVE DATE: October 15, 2014, unless a later date is cited at the end of a section.
[16.27.24.5 NMAC - N, 10-15-14]

16.27.24.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, their spouses and veterans pursuant to Subsection 34, of Section 1 of Chapter 61 NMSA 1978.
[16.27.24.6 NMAC - N, 10-15-14]

16.27.24.7 DEFINITIONS:
A. "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.
B. "Recent veteran" means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.
[16.27.24.7 NMAC - N, 10-15-14]

16.27.24.8 APPLICATION REQUIREMENTS:
A. Applications for registration shall be completed on a form provided by the board.
B. The applicant shall provide:
 (1) a completed application and corresponding fee pursuant to 16.27.17.9 NMAC;
 (2) satisfactory evidence that the applicant is currently licensed in another jurisdiction, including a branch of the United States armed forces, and holds a current license in good standing; the applicant further must provide satisfactory evidence that the applicant has met the minimal licensing requirements in that jurisdiction and that they are substantially equivalent to the licensing requirements for New Mexico licensees in counseling and therapy practice; and
 (3) proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.
C. Electronic signatures will be acceptable for applications submitted pursuant to Section 14-16-1 through Section 14-16-19 NMSA 1978.
[16.27.24.8 NMAC - N, 10-15-14]

16.27.24.9 RENEWAL REQUIREMENTS:
A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance of a license set forth in 16.27.4 through 16.27.13 and 16.27.22 NMAC and for the renewal of a license set forth in 16.27.3 and 16.27.16 NMAC.
B. A license issued pursuant to this section shall be valid for two years or until the next renewal cycle.

C. The board office mails license renewal notifications to licensees before the license expiration date. Failure to receive the renewal notification shall not relieve the licensee of the responsibility of renewing the license by the expiration date.

D. The renewal application will be available online at the board's website and in paper copy if requested from the board office and must be received at the board office on or before September 30.

E. To renew a license, the licensee must submit the following documentation on or before September 30: a completed license renewal application, verification of continuing education, and the applicable renewal fee at the time of renewal.
[16.27.24.9 NMAC - N, 10-15-14]

History of 16.27.24 NMAC: [RESERVED]

Counseling and Therapy Practice Board Statutes

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ARTICLE 9A
Counseling and Therapy

61-9A-1. Short title. (Repealed effective July 1, 2022.)

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

61-9A-2. Purpose. (Repealed effective July 1, 2022.)

In the interest of public health, safety and welfare and to protect the public from unprofessional, improper, incompetent and unlawful counseling and therapy practice, it is necessary to provide laws and regulations to govern the practice of counseling and therapy. The primary responsibility and obligation of the counseling and therapy practice board is to protect the public.

61-9 A-3. Definitions. (Repealed effective July 1, 2022.)

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 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 licenced [licensed] alcohol and drug abuse counselor must have completed three years of alcohol and drug abuse experience 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, 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, clinical psychology, counseling psychology; human and family studies; art therapy; and art education with an emphasis in art therapy;

O. "defined by rule" means rules and regulations 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 fields" means a degree in guidance counseling, mental health-community counseling, agency counseling, psychology, clinical psychology, counseling psychology, human and family studies, social work, art therapy and art education with appropriate clinical background and two hundred seventy-six clock hours in education or training in alcohol and drug abuse counseling.

61-9 A-4. License or registration required. (Repealed effective July 1, 2022.)

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

- (1) the practice of professional mental health counseling;
- (2) the practice of professional clinical mental health counseling;
- (3) marriage and family therapy;
- (4) professional art therapy;
- (5) counseling as a licensed mental health counselor;
- (6) counseling as a licensed associate marriage and family therapist; or
- (7) 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:

- (1) the practice of alcohol and drug abuse counseling;
- (2) the practice of alcohol abuse counseling;
- (3) the practice of drug abuse counseling; or
- (4) substance abuse counseling as a substance abuse associate.

61-9 A-5. Scopes of practice. (Repealed effective July 1, 2022.)

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, registered mental health counselor, licensed mental health counselor, licensed associate marriage and family therapist, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse associate if the person advertises, offers 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, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse counselor associate, or holds out to the public or represents in any manner that the person is licensed or registered to practice as a counselor or therapist enumerated in this section in this state.

B. "Practice of professional clinical mental health counseling" means the application of mental health, psychotherapeutic and human development principles through a therapeutic relationship to:

(1) achieve the mental, emotional, physical, social, moral, educational, spiritual or career-related development and adjustment of the client throughout the client's life;

(2) diagnose, evaluate, prevent and treat mental, emotional or behavioral disorders and associated distresses that interfere with mental health;

(3) conduct appraisal, assessments and evaluations to establish treatment goals and objectives; and

(4) plan, implement and evaluate treatment plans using counseling treatment interventions and strategies.

C. "Practice of professional art therapy" means the licensed practice of counseling or therapy services to individuals, families or groups, of services that use art media as a means of expression and communication to:

(1) achieve the mental, emotional, physical, social, moral, educational, spiritual or career-related development and adjustment of the client throughout the client's life;

(2) diagnose, evaluate, prevent and treat mental, emotional or behavioral disorders and associate distresses that interfere with mental health;

(3) conduct appraisal, assessments and evaluations to establish treatment goals and objectives; and

(4) plan, implement and evaluate treatment plans using counseling or therapy treatment interventions and strategies.

D. "Practice of marriage and family therapy" means the licensed practice of marriage and family therapy services delivered to persons, couples and families treated singly or in groups within the context of family systems to:

(1) achieve the mental, emotional, physical, social, moral, educational, spiritual or career-related development and adjustment of the client throughout the client's life;

(2) diagnose, evaluate, prevent and treat mental, emotional or behavioral disorders and associate distresses that interfere with mental health;

(3) conduct appraisal, assessments and evaluations to establish treatment goals and objectives; and

(4) plan, implement and evaluate treatment plans using marriage and family therapy

treatment interventions and strategies.

E. "Practice of licensed professional mental health counselor, licensed mental health counselor, registered independent counselor and licensed associate marriage and family therapist under an appropriate clinical supervisor" consists of rendering counseling services, which may include evaluation, assessment, consultation, diagnosing, development of treatment plans, case management counseling referral, appraisal, crisis intervention education, reporting and record keeping to individuals, couples, families or groups as defined by rule.

F. The scopes of practice of alcohol and drug abuse counseling, or both, consists of rendering treatment and intervention services specific to alcohol and other drug use disorders to persons, couples, families or groups. The services may include evaluation, assessment, diagnosis of chemical abuse and chemical dependency disorders only, consultation, development of treatment plans, case management-counseling, referral, appraisal, crisis intervention, education, reporting and record keeping. Nothing in this scope of practice shall be construed as preventing licensed alcohol and drug abuse counselors from providing screening and referrals for mental health disorders. However, assessment, treatment and diagnosis for such disorders is not within the scope of practice of this license. The practice of these activities will be limited to the individual's level of training, education and supervised experience. The alcohol and drug abuse counselor may provide therapeutic services that may include treatment of clients with co-occurring disorders or dual diagnosis in an integrated behavioral health setting in which a multidisciplinary team has developed a multidisciplinary treatment plan that is co-authorized by an independently licensed counselor or therapist. The treatment of a mental health disorder shall be supervised by an independently licensed counselor or therapist.

G. The scope of practice of a substance abuse associate under the supervision by an appropriate supervisor is limited to supervised work in a public or private institution. The associate may be involved in taking social histories or conducting home studies. The associate utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level and developing an intervention plan. The associate may implement the plan and conduct follow-ups pertaining specifically to alcohol and drug abuse counseling. The associate may provide client education and assist a licensed counselor-therapist with group or individual counseling sessions. A substance abuse associate shall not practice independently as a private practitioner.

61-9 A-6. Exemptions. (Repealed effective July 1, 2022.)

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 the person's 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 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 or art therapy or a degree in substance abuse counseling;
- (5) practitioners of Native American healing arts; and
- (6) individuals who serve as peer counselors for a twelve-step recovery program or a similar self-help chemical dependency recovery program that:
 - (a) does not offer chemical dependency treatment;
 - (b) does not charge program participants a fee; and
 - (c) allows program participants to maintain anonymity.

C. Nothing in this section shall be construed to allow an individual whose license has been lost or suspended by the New Mexico counseling and therapy practice board or the New Mexico state board of psychology examiners to avoid such loss or suspension by utilizing this exemption.

61-9A-7. Board created; members; appointment; terms; compensation. (Repealed effective July 1, 2022.)

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

B. The board consists 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. 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. Members of the board shall be appointed by the governor for staggered terms of four years. A 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 [10-8-1 through 10-8-8 NMSA 1978] 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.

H. Any member failing to attend three meetings after proper notice shall be automatically recommended for removal as a board member, unless excused by the board chair for one of the following reasons:

- (1) extenuating circumstances beyond his control, including illness;
- (2) prearranged activities out of town; or
- (3) other severe circumstances that do not allow a member to attend.

61-9A-7.1. Actions of board; immunity; certain records not public records. (Repealed effective July 1, 2022.)

A. No member of the board or person working on behalf of the board shall be civilly liable or subject to civil damages for any good-faith action undertaken or performed within the proper functions of the board.

B. All written and oral communication made by a person to the board relating to actual or potential disciplinary action shall be confidential communication and are not public records for the purposes of the Public Records Act [Chapter 14, Article 3 NMSA 1978]. All data, communication and information acquired by the board relating to actual or potential disciplinary action shall not be disclosed except:

- (1) to the extent necessary to carry out the board's functions;
- (2) as needed for judicial review of the board's actions; or
- (3) pursuant to a court order issued by a court of competent jurisdiction.

C. Notwithstanding the provisions of Subsection B of this section, at the conclusion of an actual disciplinary action by the board, all data, communication and information acquired by the board relating to an actual disciplinary action taken against a person subject to the provisions of the Counseling and Therapy Practice Act shall be public records, pursuant to the provisions of the Public Records Act.

61-9 A-8. Department duties. (Repealed effective July 1, 2022.)

The department, with the consultation of the board, shall:

- A. process applications;
- B. conduct and review the required examinations;
- C. issue licenses and certificates of registration to applicants who meet the requirements of the Counseling and Therapy Practice Act;
- D. administer, coordinate and enforce the provisions of the Counseling and Therapy Practice Act and investigate persons engaging in practices that may violate the provisions of that act;
- E. approve the selection of primary staff assigned to the board;
- F. maintain records, including financial records; and
- G. maintain a current register of licensees and registrants as a matter of public record.

61-9 A-9. Board; powers and duties. (Repealed effective July 1, 2022.)

A. The board may:

- (1) adopt in accordance with the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978] and file in accordance with the State Rules Act [Chapter 14, Article 4 NMSA 1978] 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;
- (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;
- (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.

C. Members of the standards committees or other committees may be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 through 10-8-8 NMSA 1978], but shall receive no other compensation, perquisite or allowance.

61-9 A-10. Professional mental health counselor; requirements for licensure. (Repealed effective July 1, 2022.)

Effective July 1, 2007, the board will no longer license professional mental health counselors. Prior to the effective date, 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 a counseling-related field from an accredited institution and has a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the mental health clinical core curriculum;
- C. demonstrates professional competency by passing the required examinations prescribed by the board;
- D. has completed one thousand client contact hours of postgraduate professional counseling experience under appropriate clinical supervision consisting of at least one hundred supervision hours; and
- E. is of good moral character with conduct consistent with the code of ethics.

61-9 A-11. Professional clinical mental health counselor; requirements for licensure. (Repealed effective July 1, 2022.)

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 a counseling or counseling-related field, as defined by rule, from an accredited institution. The applicant must have a master's degree and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the mental health clinical core curriculum;
- C. demonstrates professional competency by passing the required 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.

61-9 A-11.1. Professional clinical mental health counselor; requirements for licensure. (Repealed effective July 1, 2022.)

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, 2005 through July 1, 2007 period and who submits satisfactory evidence that the applicant:

- A. has reached the age of twenty-one;
- B. holds a current professional mental health counselor license;
- C. holds a master's or doctoral degree from an accredited institution;
- D. demonstrates professional competency by satisfactorily passing the required examinations as prescribed by the board;

E. has a minimum of three thousand hours of client contact experience, including at least one hundred hours of face-to-face supervision or a minimum of ten thousand hours of client contact experience, including at least two hundred hours of face-to-face supervision; and

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

61-9A-11.2. Repealed.

61-9 A-12. Marriage and family therapist; requirements for licensure. (Repealed effective July 1, 2022.)

The board shall issue a license as a marriage and family therapist to a 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 and meets the requirements of the marriage and family therapy core curriculum, as defined by rule, in marriage and family therapy from an accredited institution;
- C. demonstrates professional competency by passing the examinations 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 clinical 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.

61-9 A-12.1. Licensed associate marriage and family therapist or counselor; requirements for licensure. (Repealed effective July 1, 2022.)

The board shall issue a license as an associate marriage and family therapist or counselor to a 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 counselor from an accredited institution and meets the requirements of the marriage and family therapy or counselor core curriculum, as defined by rule;
- C. has arranged for appropriate clinical supervision, as defined by rule, to meet the requirements for a licensed associate marriage and family therapist;
- 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.

61-9 A-13. Professional art therapist; requirements for licensure. (Repealed effective July 1, 2022.)

A. The board shall issue a license as a professional art therapist to a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant:

- (1) has reached the age of twenty-one;
- (2) demonstrates professional competency by passing an examination as prescribed by the board;
- (3) holds a master's or doctoral degree in art therapy, counseling or counseling-related field from an accredited institution or nationally approved art therapy program with a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the art therapy core curriculum;
- (4) meets the art therapy core curriculum as defined by rule;

(5) has completed a minimum of two years post-graduate professional experience, three thousand client contact hours and one hundred hours of post-graduate face-to-face experience under appropriate supervision. Seven hundred clinical client contact hours may be from the applicant's internship or practicum program beyond the requirements in Paragraph (3) of this subsection. Supervision shall be under a New Mexico-licensed professional art therapist or certified board therapist for at least fifty percent of the working hours; and

(6) is of good moral character with conduct consistent with the code of ethics.

B. Effective July 1, 2005, applicants must meet the art therapy core curriculum, as defined by rule.

61-9 A-14. Requirements for licensed mental health counselor. (Repealed effective July 1, 2022.)

The board shall issue a license as a mental health associate 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 either a master's or doctoral degree from an accredited institution in a counseling or counseling-related field, as defined by rule and a total of no less than forty-eight graduate semester hours or seventy-two quarter hours in the core curriculum;
- C. has arranged for an appropriate clinical supervision plan and a postgraduate experience plan, as defined by rule, to meet the licensing requirements for a:
 - (1) professional art therapist;
 - (2) professional mental health counselor; or
 - (3) professional clinical mental health counselor;
- 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.

61-9 A-14.1. Substance abuse associate; requirements for licensure. (Repealed effective July 1, 2022.)

A. Effective July 1, 2005, the board shall license as a substance abuse associate any person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant as defined by rule:

- (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 a counseling, counseling-related field or substance abuse-related 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 counseling; and
 - (4) has arranged for an appropriate supervision plan, as defined by rule, to meet the requirements for licensure as a substance abuse associate.
- B. The applicant shall also provide two letters of recommendation.

61-9 A-14.2. Alcohol and drug abuse counselor; requirements for licensure. (Repealed effective July 1, 2022.)

Effective July 1, 2005, the board shall license as an alcohol and drug abuse counselor a person who files a completed application accompanied by the required fees and who submits satisfactory evidence that the applicant, as defined by rule:

- A. is of good moral character with conduct consistent with the code of ethics;
- B. has reached the age of twenty-one;
- C. demonstrates professional competency by passing the required examinations prescribed by the board; and

D. has one of the following combinations of education and experience:

(1) an associate degree in counseling, a counseling-related field or a substance abuse- related field from an accredited institution, and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling, six hours of professional ethics, three years and three thousand client contact [contact] hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and two hundred hours of face-to-face supervision;

(2) a baccalaureate degree in counseling, a counseling-related field or a substance abuse-related field, as defined by rule, from an accredited institution and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling and six hours of professional ethics, two years and two thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and one hundred hours of face-to-face supervision; or

(3) a master's degree in counseling, a counseling-related field or a substance abuse- related field, as defined by rule, from an accredited institution, and education and training that includes two hundred seventy-six clock hours with ninety hours in each of the fields of alcohol and drug abuse counseling and six hours of professional ethics, one year and one thousand client contact hours under appropriate supervision of experience in the practice of alcohol and drug abuse counseling and fifty hours of face-to-face supervision hours.

61-9 A-14.3. Alcohol and drug abuse counselor; requirements for grandfathered licensure. (Repealed effective July 1, 2022.)

A. Effective July 1, 2007 through July 1, 2010, the board shall license as an alcohol and drug abuse counselor a person who holds a current certified alcohol and drug abuse counselor certification issued between July 1, 1996 and July 1, 2010 and files a completed application accompanied by the required fees and 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) has submitted evidence of having participated in a total of six thousand client contact hours and three hundred supervised face-to-face hours; and
- (4) has completed two hundred seventy-six clock hours of education or training that includes ninety hours in each area of the fields of alcohol and drug abuse counseling and six hours of training in professional ethics acquired within two years of receipt of the application.

B. An applicant who meets the requirements of Subsection A of this section will not be required to complete an examination.

61-9 A-14.4. Licensed substance abuse associates; medical assistance; reimbursement for services.

The secretary of human services shall adopt and promulgate rules to allow a behavioral health agency employing a substance abuse associate licensed in accordance with the Counseling and Therapy Practice Act to be reimbursed for the following services provided to medical assistance recipients within the licensed substance abuse associate's scope of practice under clinical supervision:

- A. providing interventions directly to individuals, couples, families and groups;
- B. employing practice theory and research findings;
- C. providing screening, assessment, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention, education, reporting or recordkeeping pertaining specifically to alcohol and drug abuse counseling;
- D. providing generalist services in the role of educator, assistant or mediator;
- E. taking a social history; and
- F. conducting a home study.

61-9 A-15. Examinations. (Repealed effective July 1, 2022.)

A. Applicants who have met the requirements for licensure shall be scheduled for the next appropriate examinations following the approval of the application. The board shall establish the board-approved examinations application deadline and the requirements for reexamination if the applicant has failed the examinations.

B. The examinations shall cover subjects appropriate to the scope of practice as a licensed mental health counselor, a licensed associate marriage and family therapist, a professional mental health counselor, a professional clinical mental health counselor, a marriage and family therapist, a professional art therapist or an alcohol and drug abuse counselor.

61-9 A-16. Temporary licensure. (Repealed effective July 1, 2022.)

A. Prior to examination, an applicant for licensure may obtain a temporary license to engage in any counselor and therapist practice if the person meets all of the requirements, except examination, provided

for in Section 61-9A-10, 61-9A-11, 61-9A-11.1, 61-9A-12, 61-9A-12.1, 61-9A-13, 61-9A-14, 61-9A-14.1 or 61-9A-14.2 NMSA 1978. The temporary license shall be valid no more than sixty days after the results of the next examination become available. If the individual should fail to take or pass those examinations, the temporary license shall automatically expire and the applicant will not be reissued a temporary license.

B. Notwithstanding the provisions of Subsection A of this section, as deemed necessary by the board, an applicant for licensure pursuant to the Counseling and Therapy Practice Act may be issued a temporary license for a period not to exceed six months or for a period of time necessary for the board to ensure that the applicant has met licensure requirements as set out in that act.

61-9A-17 to 61-9A-21.1. Repealed.

61-9 A-22. Licensure by credentials; reciprocity. (Repealed effective July 1, 2022.)

- A. The board may issue a license in the same licensure level to a person who:
- (1) files a completed application accompanied by the required fees;
 - (2) submits satisfactory evidence that the applicant holds and has held for a minimum of five years a current license issued by the appropriate examining board under the law of any other state or territory of the United States, the District of Columbia or any foreign nation;
 - (3) is in good standing with no disciplinary action pending or brought against the applicant within the past five years; and
 - (4) possesses a master's or doctoral degree in counseling or a counseling-related field from an accredited institution.
- B. Applicants who do not meet the licensure by credential must meet the current licensure requirements.

61-9 A-23. License and registration renewal. (Repealed effective July 1, 2022.)

- 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. The board may establish a method to provide for staggered biennial terms. The board may authorize license renewal for one year to establish this renewal cycle and charge the proportionate license fee for that period.
- B. If a license is not renewed by the expiration date, the licensee or registrant will be considered expired and will refrain from practicing. The licensee or registrant may renew within a thirty-day grace period by submitting payment of the renewal fee, late fee and compliance with all renewal requirements. Upon receipt of payment and continuing education unit requirements, the licensee and registrant may resume practice. Failure to receive renewal notice and application for renewal of license from the board does not excuse a licensed professional counselor from the requirements for renewal.
- C. If continuing education unit requirements are not completed within the licensing period and by the expiration date, the license or registration will be considered expired and the licensee or registrant will refrain from practicing.
- D. Failure to renew a license or registration within thirty days from the date of expiration as provided in this section shall cause the license or registration to automatically expire. Reinstatement of an expired license or registration will require the licensee to reapply, submit all necessary documentation and meet all current standards for licensure.
- E. 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, the licensee or registrant 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 a renewal license fee and reinstatement fee, his license or registration shall be restored to him in full effect.

61-9 A-24. License and registration fees. (Repealed effective July 1, 2022.)

Applicants for licensure or registration shall pay fees set by the board in an amount not to exceed:

- A. for application for initial licensure, seventy-five dollars (\$75.00), which is not refundable;
- B. for licensure or renewal as a professional mental health counselor or registered independent 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, licensed mental health counselor, licensed associate marriage and family therapist 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 associate, two hundred dollars (\$200).

61-9 A-25. Fund created. (Repealed effective July 1, 2022.)

A. There is created in the state treasury the "counseling and therapy practice board fund".

B. All money received by the board under the Counseling and Therapy Practice Act shall be deposited with the state treasurer for credit to the counseling and therapy practice board fund. The state treasurer shall invest the fund as all other state funds are invested and income from investment of the fund shall be credited to the fund. Balances in the fund remaining at the end of any fiscal year shall not revert to the general fund.

C. Money in the counseling and therapy practice board fund is appropriated to the board and shall be used for the purpose of carrying out the provisions of the Counseling and Therapy Practice Act.

61-9 A-26. License and registration; denial, suspension and revocation. (Repealed effective July 1, 2022.)

A. In accordance with the procedures established by the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978], the board may deny, suspend or revoke any license or registration held or applied for under the Counseling and Therapy Practice Act, 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 illicitly been using any controlled substances, as defined in the Controlled Substances Act [Chapter 30, Article 31 NMSA 1978], or using a mood-altering substance or alcoholic beverage to an extent or in a manner dangerous to the licensee, registrant or applicant or any other person or the public or to an extent that the use impairs the licensee's, registrant's or applicant's 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 as a professional counselor or therapist practitioner;

(8) willfully or negligently divulges a professional confidence;

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

(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;

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

(12) uses conversion therapy on a minor.

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.

E. As used in this section:

(1) "conversion therapy" means any practice or treatment that seeks to change a person's sexual orientation or gender identity, including any effort to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward persons of the same sex. "Conversion therapy" does not mean:

(a) counseling or mental health services that provide acceptance, support and understanding of a person without seeking to change gender identity or sexual orientation; or

(b) mental health services that facilitate a person's coping, social support, sexual orientation or gender identity exploration and development, including an intervention to prevent or address unlawful conduct or unsafe sexual practices, without seeking to change gender identity or sexual orientation;

(2) "gender identity" means a person's self-perception, or perception of that person by another, of the person's identity as a male or female based upon the person's appearance, behavior or physical characteristics that are in accord with or opposed to the person's physical anatomy, chromosomal sex or sex at birth;

(3) "minor" means a person under eighteen years of age; and

(4) "sexual orientation" means heterosexuality, homosexuality or bisexuality, whether actual or perceived.

61-9 A-27. Privileged communications. (Repealed effective July 1, 2022.)

A. No counselor and therapist practitioner, or person providing appropriate supervision for licensure or certification requirements or supervisee participating in obtaining supervision and practice experience requirements, shall be examined in nonjudicial proceedings without the consent of his client concerning any communication made by the client to him or any advice given to the client in the course of professional employment; nor shall the secretary, stenographer or clerk of a counselor and therapist practitioner or supervisor be examined without the consent of the counselor and therapist practitioner concerning any fact, the knowledge of which he acquired in that capacity; nor shall any person who has participated in any counseling practice conducted under the supervision of a person authorized by law to conduct such practice, including group therapy sessions, be examined concerning any knowledge gained during the course of the practice without the consent of the person to whom the testimony sought relates.

B. No counselor and therapist practitioner shall disclose any information acquired from a person who has consulted him in his professional capacity, unless:

(1) he has the written consent of the client or in the case of death or disability the client's personal representative or any other person authorized to sue for the beneficiary of any insurance policy on the client's life, health or physical condition;

(2) such communication reveals the contemplation of a crime or act harmful to the person's self or others;

(3) the information acquired indicates the person was the victim or subject of a crime required to be reported by law; or

(4) the person, family or legal guardian waives the privilege by bringing charges against a counselor and therapist practitioner as defined in the Counseling and Therapy Practice Act.

C. Nothing in this section shall be construed to prohibit a counselor and therapist practitioner from disclosing information in a court hearing concerning matters of adoption, child abuse, child neglect or other matters pertaining to the welfare of children as stipulated in the Children's Code [Chapter 32A NMSA 1978] or to those matters pertaining to citizens as protected under the Adult Protective Services Act [27-7-14 through 27-7-31 NMSA 1978].

61-9A-28. Criminal offender's character evaluation. (Repealed effective July 1, 2022.)

The provisions of the Criminal Offender Employment Act [28-2-1 to 28-2-6 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Counseling and Therapy Practice Act.

61-9A-29. Injunctive proceedings. (Repealed effective July 1, 2022.)

The board may apply for an injunction in a district court to enjoin any person from committing any act prohibited by the Counseling and Therapy Practice Act.

61-9A-30. Termination of agency life; delayed repeal. (Repealed effective July 1, 2022.)

The counseling and therapy practice board is terminated on July 1, 2021 pursuant to the provisions of the Sunset Act [12-9-11 through 12-9-21 NMSA 1978]. The board shall continue to operate according to the provisions of the Counseling and Therapy Practice Act until July 1, 2022. Effective July 1, 2022, the Counseling and Therapy Practice Act is repealed.