

**ARTICLE 31**  
**SOCIAL WORK PRACTICE**

Section

- 61-31-1. Short title. (Repealed effective July 1, 2022.)
- 61-31-2. Purpose. (Repealed effective July 1, 2022.)
- 61-31-3. Definitions. (Repealed effective July 1, 2022.)
- 61-31-4. License required. (Repealed effective July 1, 2022.)
- 61-31-5. Exemptions. (Repealed effective July 1, 2022.)
- 61-31-6. Scope of practice. (Repealed effective July 1, 2022.)
- 61-31-7. Board created. (Repealed effective July 1, 2022.)
- 61-31-8. Board's authority. (Repealed effective July 1, 2022.)
- 61-31-9. Requirements for licensure. (Repealed effective July 1, 2022.)
- 61-31-10. Written examination. (Repealed effective July 1, 2022.)
- 61-31-11. Provisional licensure. (Repealed effective July 1, 2022.)
- 61-31-12. Licensure without written examination. (Repealed effective July 1, 2022.)
- 61-31-13. Licensure by credentials. (Repealed effective July 1, 2022.)
- 61-31-14. License renewal. (Repealed effective July 1, 2022.)
- 61-31-15. License fees. (Repealed effective July 1, 2022.)
- 61-31-16. Fund established. (Repealed effective July 1, 2016.)
- 61-31-17. License denial, suspension or revocation. (Repealed effective July 1, 2022.)
- 61-31-18. Impaired social workers. (Repealed effective July 1, 2022.)
- 61-31-19. Impaired social workers' program. (Repealed effective July 1, 2022.)
- 61-31-20. Provision for hearing. (Repealed effective July 1, 2022.)
- 61-31-21. Criminal offender's character evaluation. (Repealed effective July 1, 2022.)
- 61-31-22. Penalties. (Repealed effective July 1, 2022.)
- 61-31-23. Injunctive proceedings. (Repealed effective July 1, 2022.)
- 61-31-24. Privileged communications. (Repealed effective July 1, 2022.)
- 61-31-25. Termination of agency life; delayed repeal. (Repealed effective July 1, 2022.)

**61-31-1. Short title. (Repealed effective July 1, 2022.)**

Chapter 61, Article 31 NMSA 1978 may be cited as the "Social Work Practice Act".

**61-31-2. Purpose. (Repealed effective July 1, 2022.)**

The profession of social work profoundly affects the lives of the people of this state; therefore, to safeguard the public health, safety and welfare of the people of New Mexico against the unregulated practice of social work, the legislature finds it necessary that a proper regulatory authority be established for persons who seek to engage in the practice of social work.

**61-31-3. Definitions. (Repealed effective July 1, 2022.)**

As used in the Social Work Practice Act [61-31-1 NMSA 1978]:

- A. "advisory committee" means an evaluation advisory committee;
- B. "appropriate supervision" means supervision by an independent social worker or a master social worker with two years of supervised social work practice experience or other supervision which is deemed by the board to be equivalent to supervision by a master social worker;
- C. "baccalaureate social worker" means a person who uses the title of social worker and has a bachelor's degree in social work from a program accredited by the council on social work education;
- D. "board" means the board of social work examiners;
- E. "department" means the regulation and licensing department;
- F. "executive agency" means any agency within the executive branch of government;

G. "independent social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education and who has had two years of postgraduate social work practice under appropriate supervision;

H. "master social worker" means a person who uses the title of social worker and has a master's degree in social work from a graduate school of social work accredited by the council on social work education; and

I. "professional code of ethics" means a code of ethics and rules adopted by the board, designed to protect the public and to regulate the professional conduct of social workers.

**61-31-4. License required. (Repealed effective July 1, 2022.)**

A. Effective January 1, 1990, unless licensed to practice social work under the Social Work Practice Act [61-31-1 NMSA 1978], no person shall:

(1) practice as an independent social worker as defined in the Social Work Practice Act; or

(2) use the title or represent himself as a licensed social worker or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed as a social worker.

B. Notwithstanding the provisions of Subsection A of this section, any individual who is employed in an executive agency on or after the effective date of the Social Work Practice Act under the title of social worker or other title which is deemed to be social work practice by the board and who has a bachelor's degree or higher in a field other than social work shall not be required to be licensed until July 1, 1992; provided any employee of an executive agency who qualifies for licensure under the provisions of the Social Work Practice Act shall apply for licensure as provided in that act.

**61-31-5. Exemptions. (Repealed effective July 1, 2022.)**

Nothing in the Social Work Practice Act [61-31-1 NMSA 1978] shall be construed to prevent qualified members of other recognized professions that are licensed, certified or regulated under New Mexico law or regulation from rendering services within the scope of their license, certification or regulation, provided they do not represent themselves as licensed social workers.

**61-31-6. Scope of practice. (Repealed effective July 1, 2022.)**

A. For the purposes of the Social Work Practice Act [61-31-1 NMSA 1978], a person is practicing social work if he advertises, offers himself to practice, is employed in a position described as social work or holds out to the public or represents in any manner that he is licensed to practice social work in this state.

B. Social work practice means a professional service and emphasizes the use of specialized knowledge of social resources, social systems and human capabilities to effect change in human behavior, emotional responses and social conditions. Services may be rendered through direct assistance to individuals, couples, families, groups and community organizations. Social work practice focuses on both direct and indirect services to facilitate change on the intrapersonal, interpersonal and systemic levels. Areas of specialization that address these include but are not limited to the following:

(1) clinical social work practice, which is the professional application of social work theory and methods in the diagnosis, treatment and prevention of psychosocial dysfunction, disability or impairment, including but not limited to emotional and mental disorders. It is based on knowledge of one or more theories of human development within a psychosocial context. Clinical social work includes interventions directed to interpersonal interactions, intrapsychic dynamics or life support and management issues. Clinical social work services consist of assessment, diagnosis and treatment, including psychotherapy and counseling, client-centered advocacy, consultation and evaluation;

(2) social work research practice, which is the professional study of human

capabilities and practice of social work specialties, including direct and indirect practice, through the formal organization and the methodology of data collection and the analysis and evaluation of social work data;

(3) social work community organization, planning and development practice, which is a conscious process of social interaction and method of social work concerned with the meeting of broad needs and bringing about and maintaining adjustment between needs and resources in a community or other areas; helping people to deal more effectively with their problems and objectives by helping them develop, strengthen and maintain qualities of participation, self-direction and cooperation; and bringing about changes in community and group relationships and in the distribution of decision-making power. The community is the primary client in community organizations. The community may be an organization, neighborhood, city, county, state or national entity;

(4) social work administration, which is the practice that is concerned primarily with translating laws, technical knowledge and administrative rulings into organizational goals and operational policies to guide organizational behavior; designing organizational structure and procedures or processes through which social work goals can be achieved; and securing resources in the form of material, staff, clients and societal legitimation necessary for goal attainment and organizational survival; and

(5) university social work faculty, which provides an equal quality of social work education in identified areas of content; prepares graduates to practice in a range of geographic areas with diverse populations; and establishes the foundation for practitioners' professional futures, exposing them to the best of current knowledge and developing in them the ability to continue questioning and learning, as well as an awareness of their responsibility to continue this professional development.

**61-31-7. Board created. (Repealed effective July 1, 2022.)**

A. There is created the "board of social work examiners".

B. The board shall be administratively attached to the department.

C. The board shall consist of seven members who are representative of the geographic and ethnic groups within New Mexico, who are United States citizens and who have been New Mexico residents for at least five years prior to their appointment. Of the seven members:

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

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

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

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

F. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978] and shall receive no other compensation, perquisite or allowance.

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

H. A simple majority of the board members currently serving shall constitute a quorum of the board.

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

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

K. A board member shall not serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board regulations.

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

**61-31-8. Board's authority. (Repealed effective July 1, 2022.)**

In addition to any authority provided by law, the board shall have the authority to:

A. adopt and file, in accordance with the State Rules Act [14-4-1 NMSA 1978], rules necessary to carry out the provisions of the Social Work Practice Act [61-31-1 NMSA 1978], in accordance with the provisions of the Uniform Licensing Act [61-1-1 NMSA 1978], including the procedures for an appeal of an examination failure;

B. select, prepare and administer, at least annually, written examinations for licensure;

C. adopt a professional code of ethics;

D. appoint advisory committees pursuant to Section 61-31-19 NMSA 1978;

E. conduct hearings on an appeal of a denial of a license based on the applicant's failure to meet the minimum qualifications for licensure. The hearing shall be conducted pursuant to the Uniform Licensing Act;

F. require and establish criteria for continuing education;

G. issue subpoenas, statements of charges, statements of intent to deny licenses and orders and delegate in writing to a designee the authority to issue subpoenas, statements of charges and statements of intent to deny licenses and establish procedures for receiving, investigating and conducting hearings on complaints;

H. approve appropriate supervision for those persons seeking licensure as independent social workers;

I. issue provisional licenses, temporary licenses and licenses based on credentials to persons meeting the requirements set forth in the Social Work Practice Act;

J. determine qualifications for licensure, including the requirement to demonstrate an awareness and knowledge of New Mexico cultures;

K. set fees for licenses as authorized by the Social Work Practice Act and authorize all disbursements necessary to carry out the provisions of the Social Work Practice Act; and

L. keep a record of all proceedings and shall make an annual report to the governor.

**61-31-9. Requirements for licensure. (Repealed effective July 1, 2022.)**

A. The board shall issue a license as a baccalaureate social worker to any 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 majority;

(2) has at least a bachelor's degree in social work from a program accredited by the council on social work education; and

(3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

B. The board shall issue a license as a master social worker to any 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 majority;
- (2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education; and
- (3) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

C. The board shall issue a license as an independent social worker to any 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 majority;
- (2) has obtained a master's degree in social work from a graduate school of social work accredited by the council on social work education;
- (3) has two years of postgraduate social work practice under appropriate supervision; and
- (4) demonstrates professional competence by satisfactorily passing a written examination as prescribed by the board.

D. Notwithstanding the provisions of this section, the board may grant a license on a case-by-case basis to those employees of an executive agency who are currently practicing social work as defined in Section 61-31-6 NMSA 1978 and have been so employed for at least ten years prior to the effective date of the Social Work Practice Act [61-31-1 NMSA 1978].

**61-31-10. Written examination. (Repealed effective July 1, 2022.)**

The date and location of the written examination shall be established by the board. Applicants who have been found to meet the education and experience requirements for licensure shall be scheduled for the next examination following the filing of the application. The board shall establish by rule the examination application deadline and other rules relating to the retaking of the licensure examination.

**61-31-11. Provisional licensure. (Repealed effective July 1, 2022.)**

Prior to examination, an applicant for licensure may obtain a provisional license to engage in social work practice as long as the applicant meets all the requirements, except examination, as prescribed in Section 61-31-10 NMSA 1978 for the level of license sought. The provisional license is valid for a period not to exceed one year.

**61-31-12. Licensure without written examination. (Repealed effective July 1, 2022.)**

A. An applicant for licensure under Section 61-31-9 NMSA 1978 may be licensed without written examination if the applicant:

- (1) meets all other requirements for licensure as a baccalaureate social worker, independent social worker or master social worker and files his application within one year of the effective date of the Social Work Practice Act [61-31-1 NMSA 1978];
- (2) has a bachelor's degree in a field other than social work, has been employed for one year immediately preceding the effective date of the Social Work Practice Act in a private agency or public agency other than an executive agency in a position as described in any of the areas of specialization pursuant to Subsection B of Section 61-31-6 NMSA 1978 under the title of social worker or other title under which he is deemed by the board to be practicing social work and has filed his application within one year of the effective date of the Social Work Practice Act; or
- (3) has a bachelor's degree or higher in a field other than social work, has been employed in an executive agency under the title of social worker or other title under which he is deemed by the board to be practicing social work and has filed his application within three years of the effective date of the Social Work Practice Act.

B. An applicant for licensure under Section 61-31-9 NMSA 1978 who has a master's or doctoral degree in a closely related field other than social work may be licensed as a master social worker if he has been employed for one year immediately preceding the effective date of the Social Work Practice Act in a private agency or public agency other than an executive agency in a position as described in any of the areas of specialization pursuant to Subsection B of Section 61-31-6 NMSA 1978, under the title of social worker or other title under which he is deemed by the board to be practicing social work, has filed his application within one year of the effective date of that act and passes a written examination as prescribed by the board in accordance with Paragraph (3) of Subsection B of Section 61-31-9 NMSA 1978.

**61-31-13. Licensure by credentials; reciprocity. (Repealed effective July 1, 2022.)**

A. The board may license an applicant for the licensure level sought, provided the applicant:

- (1) possesses and has held for a minimum of five years a valid social worker license issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation;
- (2) is in good standing with no disciplinary action pending or brought against the applicant within the past five years;
- (3) possesses a bachelor's or master's degree in social work from a program of social work approved by the board;
- (4) verifies that the applicant has taken and passed the national examination as defined by rule; and
- (5) demonstrates an awareness and knowledge of New Mexico cultures as determined by the board.

B. The applicant will not have to further verify the applicant's experience, schooling or degrees if the criteria pursuant to Subsection A of this section are met.

**61-31-13.1. Temporary licensure. (Repealed effective July 1, 2022.)**

An applicant for licensure pursuant to the Social Work Practice Act [61-31-1 NMSA 1978] 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 the licensure requirements set out in that act.

**61-31-14. License renewal. (Repealed effective July 1, 2022.)**

A. Each licensee shall renew the licensee's license biennially by submitting a renewal application on a form provided by the board. At the time of license renewal, the board shall require a licensee to produce evidence of continuing education, as prescribed by the board. The board may establish a method to provide for staggered biennial terms of licensure. The board may authorize license renewal for one year to establish the renewal cycle.

B. A thirty-day grace period shall be allowed each licensee after each annual licensing period, during which time licenses may be renewed upon payment of the renewal fee and providing evidence of continuing education as prescribed by the board.

C. Any licensee who allows the licensee's license to lapse for longer than three months shall have the license automatically revoked and may be required to take a written examination.

D. A late penalty fee shall be assessed after the thirty-day grace period has expired for anyone attempting to renew a license to practice social work.

**61-31-15. License fees. (Repealed effective July 1, 2022.)**

Applicants for licensure shall pay fees set by the board, not to exceed:

A. for written examination for any level of licensure other than initial licensure, two hundred dollars (\$200);

B. for initial licensure following a written examination as a baccalaureate social worker, two hundred dollars (\$200);

- C. for initial licensure following a written examination as a master social worker, three hundred dollars (\$300);
- D. for initial licensure following a written examination as an independent social worker, three hundred dollars (\$300);
- E. for licensure by credentials at any level, three hundred dollars (\$300);
- F. for licensure without written examination, including a provisional license, as a baccalaureate social worker, one hundred fifty dollars (\$150);
- G. for licensure without written examination, including a provisional license, as a master social worker, two hundred fifty dollars (\$250);
- H. for licensure without written examination, including a provisional license, as an independent social worker, three hundred dollars (\$300);
- I. for renewal of a license as a baccalaureate social worker, one hundred dollars (\$100);
- J. for renewal of a license as a master social worker, two hundred dollars (\$200);
- K. for renewal of a license as an independent social worker, three hundred dollars (\$300);
- L. for a late fee for failure to renew within the allotted grace period, one hundred dollars (\$100); and
- M. for a duplicate license, twenty-five dollars (\$25.00).

**61-31-16. Fund established. (Repealed effective July 1, 2022.)**

- A. There is created in the state treasury the "board of social work examiners fund".
- B. All money received by the board under the Social Work Practice Act [61-31-1 NMSA 1978] shall be deposited with the state treasurer for credit to the fund. The state treasurer shall invest the fund as other state funds are invested, and all income derived from investment of the fund shall be credited to the fund. All balances in the fund shall remain in the fund and shall not revert to the general fund.
- C. Money in the fund is appropriated to the board and shall be used only for the purpose of meeting the necessary expenses incurred in carrying out the provisions of the Social Work Practice Act.

**61-31-17. License denial, suspension or revocation. (Repealed effective July 1, 2022.)**

- A. In accordance with procedures contained in the Uniform Licensing Act [61-1-1 NMSA 1978], the board may deny, revoke or suspend any license held or applied for under the Social Work Practice Act [61-31-1 NMSA 1978], upon grounds that the licensee or applicant:
  - (1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license or certification provided for in the Social Work Practice Act;
  - (2) has been adjudicated as mentally incompetent by regularly constituted authorities;
  - (3) has been convicted of a felony;
  - (4) is guilty of unprofessional or unethical conduct;
  - (5) is habitually or excessively using controlled substances or alcohol;
  - (6) has repeatedly and persistently violated any of the provisions of the Social Work Practice Act or regulations of New Mexico or any other state or territory and has been convicted thereof;
  - (7) has been convicted of the commission of any illegal operation;
  - (8) is grossly negligent or incompetent in the practice of social work; or
  - (9) has had a license to practice social work revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this subsection. A certified copy of the record of the jurisdiction, territory or possession of the United States or another country making such revocation, suspension or denial shall be conclusive evidence thereof.
- B. Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the board, and shall conform with 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.

**61-31-18. Impaired social workers. (Repealed effective July 1, 2022.)**

The license of any social worker to practice in this state shall be subject to restriction, suspension or revocation in case of inability of the licensee to practice social work with reasonable skill and safety to clients by reason of one or more of the following:

- A. mental disability; or
- B. habitual or excessive use of controlled substances, as defined in the Controlled Substances Act [30-31-1 NMSA 1978], or alcohol.

**61-31-19. Impaired social workers' program. (Repealed effective July 1, 2022.)**

A. The board shall establish a process by which social workers who may be impaired because of a mental disability or habitual or excessive use of controlled substances or alcohol may seek rehabilitation. The intent of the process is to provide impaired social workers the opportunity to voluntarily enter a treatment program as an alternative to disciplinary action, while providing adequate safeguards to the public.

B. The board shall appoint evaluation advisory committees as appropriate to the specific disability of a social worker. Each advisory committee shall be composed of at least three members. One member of an advisory committee shall be a licensed physician, one a certified psychologist or a licensed psychiatrist and one licensed to practice social work in New Mexico. No member of an advisory committee shall be a member of the board.

C. An advisory committee shall function under the direction of the board and in accordance with regulations of the board. The regulations shall include directions to the advisory committee to:

- (1) develop criteria for admission to and continuance in a treatment program for board approval;
- (2) review complaints against a licensed social worker involving habitual or excessive use of controlled substances or alcohol;
- (3) review voluntary requests of each social worker seeking admission to treatment program as an alternative to disciplinary action;
- (4) develop and submit to the board for approval a written treatment agreement setting forth the requirements that shall be met by the social worker and the conditions under which the treatment program may be successfully completed or terminated;
- (5) recommend to the board in favor of or against an individual social worker's admission into or release from a treatment program;
- (6) receive and review all reports regarding an individual social worker's progress in treatment and recovery;
- (7) report violations to the board; and
- (8) submit statistical reports to the board.

D. Files of social workers referred to an advisory committee and admitted to a treatment program shall be maintained in the office of the board and shall be confidential. Files are not confidential if they contain reports to the board concerning social workers who have not cooperated or complied with treatment agreements, or who have refused to participate in a program after having been accepted for admission into the program or reports used as evidence in a disciplinary proceeding. Such files may be made available to other states' social worker boards or law enforcement agencies upon request to the board if the social worker leaves the state prior to successful completion of the program and shall be subject to discovery by subpoena.

E. Any person who makes a report to the board regarding a social worker suspected of practicing while mentally disabled or under the influence of alcohol or controlled substances or who makes a report of a social worker's progress or lack of progress in a treatment program shall be immune from civil action for defamation or other causes of action resulting from such reports, provided that such reports are made in good faith and with some reasonable basis in fact.

F. After an appropriate treatment period, to be approved by the board, the advisory committee shall refer to the board for formal disciplinary action, including suspension or removal of license, a social worker who fails to respond to treatment. The board may on its own initiative or at the recommendation of the advisory committee immediately proceed with disciplinary actions against any social worker previously admitted to and released from a treatment program who has subsequently relapsed into a mental disability or abuse of alcohol or a controlled substance.

**61-31-20. Provision for hearing. (Repealed effective July 1, 2022.)**

The board shall, before taking any disciplinary action, set any matter for a hearing pursuant to the provisions of the Uniform Licensing Act [61-1-1 NMSA 1978].

**61-31-21. Criminal offender's character evaluation. (Repealed effective July 1, 2022.)**

The provisions of the Criminal Offender Employment Act [28-2-1 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Social Work Practice Act [61-31-1 NMSA 1978].

**61-31-22. Penalties. (Repealed effective July 1, 2022.)**

Any person who violates any provision of the Social Work Practice Act [61-31-1 NMSA 1978] is guilty of a misdemeanor.

**61-31-23. Injunctive proceedings. (Repealed effective July 1, 2022.)**

The board may apply for an injunction in the district court of the first judicial district to enjoin any person from committing any act prohibited by the Social Work Practice Act [61-31-1 NMSA 1978].

**61-31-24. Privileged communications. (Repealed effective July 1, 2022.)**

A. A licensed social worker shall not be examined 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 social worker be examined without the consent of his employer concerning any fact, the knowledge of which he has acquired in that capacity; nor shall any person who has participated in any social work 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 licensed social worker may disclose any information he has acquired from a person consulting him in his professional capacity, unless:

- (1) he has the written consent of the client or, in the case of death or disability, of his personal representative, any other person authorized to sue or the beneficiary of any insurance policy on his life, health or physical condition;
- (2) such communication reveals the contemplation of a crime or harmful act;
- (3) the client is under the age of sixteen years or an adult who is mentally fragile and the information acquired indicates that the child or adult was the victim or subject of a crime, in which case the social worker may be required to testify fully in relation to the crime in any examination, trial or other proceeding in which the commission of the crime is a subject of inquiry; or
- (4) the person waives the privilege by bringing charges against the social worker.

C. Nothing in this section shall be construed to prohibit a licensed social worker from disclosing information in court hearings concerning matters of adoption, child abuse, child neglect or other matters pertaining to the welfare of children as stipulated in the Children's Code [32A-1-1 NMSA 1978] or to those matters pertaining to citizens protected under the Adult Protective Services Act [27-7-14 NMSA 1978].

**61-31-25. Termination of agency life; delayed repeal. (Repealed effective July 1, 2022.)**

The board of social work examiners is terminated on July 1, 2015 pursuant to the Sunset Act [12-9-11 NMSA 1978]. The board shall continue to operate according to the provisions of the Social Work Practice Act [61-31-1 NMSA 1978] until July 1, 2016. Effective July 1, 2016, the Social Work Practice Act is repealed.