

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, 6/15/2001]

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, 6/15/2001; A, 7/1/2004; A, 2/10/2006]

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, 6/15/2001]

16.27.1.4 DURATION: Permanent
[16.27.1.4 NMAC - Rp 16 NMAC 27.1.4, 6/15/2001]

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, 6/15/2001]

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, 6/15/2001]

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 such as those listed in subsection D of this section.
- 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 semester graduate hours or 72 quarter graduate hours of coursework ~~[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.]~~ G. 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.]~~ H. Contact hour for professional training or client contact means sixty minutes equals an hour of training or contact.

~~[J.]~~ I. DSM means current diagnostic and statistical manual of mental disorders.

~~[K.]~~ J. [Face-to-face] Appropriate supervision, including electronic supervision, means either group or individual supervision where the supervisor is in the same physical location as the supervisee, ~~[and]~~ or virtually supervising in the same location as the supervisee. The supervisor is responsible for the direction and oversight of the development of counseling skills. Supervised contact hours shall become invalid after five years following the expiration of the limited license for new applicants.

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

K. Group supervision means face-to-face or electronic supervision, which includes no more than six individuals in the group.

L. Guidance counseling means a degree in guidance counseling, guidance and counseling, or counseling.

~~[M. ICD means international classification of diseases.]~~

M. Human and family studies means a degree in human services or family studies.

N. ICD means international classification of diseases.

~~[N.]~~ O. Individual supervision means face-to-face or electronic case consultation between the supervisor ~~[and]~~ with 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.]~~ in the group.

P. Mental health-community counseling means a degree in mental health, community counseling, or rehabilitation counseling.

~~[Q.]~~ Q. Postgraduate means training or coursework received after all master's or doctorate requirements for the qualifying degree 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.]~~ R. 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]~~ Licensed Alcohol and Drug Abuse Counselors shall demonstrate specialized knowledge and skills as pertains to substance use disorders according to current DSM or ICD. The ~~[counselor]~~ LADAC shall ~~[be able to]~~ demonstrate skill and interventions directly related to individuals, couples, families, and groups. The ~~[counselor]~~ LADAC shall ~~[be able to]~~ employ practice theory and research findings in all aspects of the licensee's practice. The ~~[counselor]~~ LADAC may supervise alcohol ~~[and/or]~~ or drug counselors if approved under ~~[-Part 10, Section 16.27.10.7]~~ section 8 of 16.27.13 NMAC.

~~[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 of alcohol abuse or drug abuse counseling is practicing under appropriate supervision with demonstrated specialized knowledge and skills as it pertains to alcohol use disorders according to current DSM

or ICD. The counselor shall demonstrate skill and knowledge of interventions directly related to individuals, couples, families, and groups. The counselor shall 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 abuse or 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. Psychopathology means mental disorders that meet the diagnostic criteria contained in the current DSM of the American psychiatric 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.

~~[T.]~~ U. 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 15 contact hours. 90 graduate quarter hours are equal to 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).

X. Cultural competency: counselors and therapists shall recognize that culture has an effect on the way in which clients' problems are defined and experienced. A client's cultural background and experiences shall be respected, recognized, acknowledged and considered by counselors and therapists when diagnosing and treating clients from diverse backgrounds.

Y. "disqualifying criminal conviction" has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978

Z. Telecommunication means distance, electronic, or virtual
[16.27.1.7 NMAC - Rp 16 NMAC 27.1.7, 6/15/2001; A, 7/1/2004; A, 2/10/2006]

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. The license number and license designation shall appear on the home page of the counselor or therapist's web page if a web page is maintained. 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, 6/15/2001]

16.27.1.9 BOARD ELECTIONS: ~~[At the first board meeting of each calendar year, the]~~ The board shall annually elect, by majority vote of the members present, the following officers: ~~[Chairman, secretary/treasurer and vice chairman]~~ Chairpersons and vice chairperson. 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, 6/15/2001]

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

[16.27.1.10 NMAC - Rp 16 NMAC 27.1.10, 6/15/2001]

16.27.1.11 ~~[TELEPHONE CONFERENCES]~~ VIRTUAL CONFERENCING: 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]~~ virtually (e.g. via telephone, computer link or other electronic devices). Each member participating ~~[by conference telephone must]~~ in this manner shall be identified ~~[when]~~ before 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 NMAC27.1.11, 6/15/2001]

16.27.1.12 BOARD MEETINGS: The board shall meet ~~[quarterly]~~ at least [twice] once a year and as often as necessary. ~~[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 NMAC27.1.12, 6/15/2001]

16.27.1.13 STANDARDS COMMITTEES: The board chair may appoint at least ~~[three]~~ one 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]~~ shall 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 NMAC27.1.13, 6/15/2001]

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 NMAC27.1.14, 6/15/2001]

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]~~ Sections 14-2-1 through 14-2-12, NMSA 1978. 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]~~ A request ~~[is made in writing, it]~~ must include the name, address and ~~[phone]~~ telephone number of the individual seeking ~~[access]~~ inspection. Requests ~~[for access to public records]~~ will be processed in a timely manner. If the inspection is not permitted within three business days, the custodian will notify the ~~[individual requesting access to the records]~~ requestor 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]~~ and records in an applicant's file ~~[is a matter of public record]~~ are subject to inspection except ~~[for the following:]~~ as provided by the Inspection of public records act.

- ~~[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 NMAC27.1.15, 6/15/2001]

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.]~~ All written and oral communication provided to the board or data and information acquired by the board, relating to actual or potential discipline shall be confidential and shall not be disclosed except:

- (1) as 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.

However, at the conclusion of any actual disciplinary action taken by the board against a person subject to the provisions of the Counseling and Therapy Practice Act, all data, communication and information acquired by the board shall be public.

[16.27.1.16 NMAC- Rp 16 NMAC27.1.16, 6/15/2001]

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, 7/1/2004; A, 2/10/2006]

16.27.1.18 CRIMINAL CONVICTIONS:

A. Convictions for any of the following offenses, or their equivalents in any other jurisdiction, are disqualifying criminal convictions that may disqualify an applicant from receiving or retaining a license issued by the board:

- (1) physical harm to another;
- (2) sexual harm to another;
- (3) alcohol or drug related offenses;
- (4) white collar crimes;
- (5) financial crimes;
- (6) property crimes; or
- (7) any conviction that could qualify as a violation under the New Mexico Counseling and Therapy Practice board's code of ethics outlined within 16.27.18 NMAC.

B. Having one of the above listed convictions may result in your application or license going before the Board for review. The Board may require a hearing before determining if the application or license should be denied, suspended, revoked, approved, or renewed.

C. The board shall not consider the fact of a criminal conviction as part of an application for licensure unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

D. The board shall not deny, suspend or revoke a license on the sole basis of a criminal conviction unless the conviction in question is one of the disqualifying criminal convictions listed in Subsection A of this rule.

E. Nothing in this rule prevents the board from denying an application or disciplining a licensee on the basis of an individual's conduct to the extent that such conduct violated the Counseling and Therapy Practice Act, regardless of whether the individual was convicted of a crime for such conduct or whether the crime for which the individual was convicted is listed as one of the disqualifying criminal convictions listed in Subsection A of this rule.

F. In connection with an application for licensure, the board shall not use, distribute, disseminate, or admit into evidence at an adjudicatory proceeding criminal records of any of the following:

- (1) an arrest not followed by a valid conviction;
- (2) a conviction that has been sealed, dismissed, expunged or pardoned;
- (3) a juvenile adjudication; or
- (4) a conviction for any crime other than the disqualifying criminal convictions listed in

Subsection A of this rule.

[16.27.1.18 NMAC- N, xx/xx/xxxx]

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, 3/24/1994.

Rule 2, Definitions, 3/24/1994

Rule2, Definitions, 3/20/1995

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.1, General Provisions - Repealed 6/15/2001