

**PUBLIC RULE HEARING AND REGULAR BOARD MEETING**

The New Mexico Counseling and Therapy Practice Board (“Board”) will hold a rule hearing on Friday, May 8, 2020, at 9:00 a.m. Following the rule hearing, the Board will convene a board meeting to consider adoption of the rules and address regular business. The rule hearing and board meeting will be held at the New Mexico Regulation and Licensing Department at 5500 San Antonio Dr., NE, Albuquerque, New Mexico, in the Sandia Room.

The purpose of the rule hearing is to consider proposed amendments to the following New Mexico Administrative Code (NMAC) rules:

- 16.27.1 – General Provisions;
- 16.27.2 – Mental Health Core Curriculum Requirements;
- 16.27.3 – Application Procedures, Initial Licenses, and License Period;
- 16.27.4 – Requirements for Licensure as a Professional Clinical Mental Health Counselor;
- 16.27.6 – Requirements for Licensure and a Marriage and Family Therapist;
- 16.27.7 – Requirements for Licensure as a Professional Art Therapist;
- 16.27.9 – Requirements for Licensure as a Mental Health Counselor;
- 16.27.11 – Requirements for Licensure with examination as an Alcohol and Drug Abuse Counselor;
- 16.27.13 – Requirements for Licensure as a Substance Abuse Associate;
- 16.27.14 – Temporary License;
- 16.27.15 – Examinations;
- 16.27.16 – Continuing Education;
- 16.27.17 – Fees;
- 16.27.18 – Code of Ethics;
- 16.27.19 – Approved Supervision;
- 16.27.20 – Parental Responsibility Act Compliance;
- 16.27.21 – Emergency Licensure;
- 16.27.22 – Requirements for Licensure as an Associate Marriage and Family Therapist;
- 16.27.23 – Licensure as an Alcohol and Drug Abuse Counselor (LADAC) for Current Credential Alcohol and Drug Abuse Counselor (CADAC); and
- 16.27.24 – Licensure for Military Service Members, Spouses, and Veterans

To obtain and review copies of the proposed changes you may go to the Board’s website at: [http://www.rld.state.nm.us/boards/Counseling\\_and\\_Therapy\\_Practice\\_Members\\_and\\_Meetings.aspx](http://www.rld.state.nm.us/boards/Counseling_and_Therapy_Practice_Members_and_Meetings.aspx), or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Lori Sciacca, Board Administrator, via electronic mail at [counseling.board@state.nm.us](mailto:counseling.board@state.nm.us) or by regular mail at PO Box 25101, Santa Fe, NM 87504, no later than Thursday, May 7, 2020. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted to the Board’s website at: [http://www.rld.state.nm.us/boards/Counseling\\_and\\_Therapy\\_Practice\\_Rules\\_and\\_Laws.aspx](http://www.rld.state.nm.us/boards/Counseling_and_Therapy_Practice_Rules_and_Laws.aspx), no more than three business days following receipt to allow for public view.

The agenda for the Regular Board Meeting following the Rules Hearing will be posted and available at least 72 hours before the meeting on the Board’s website at: [http://www.rld.state.nm.us/boards/Counseling\\_and\\_Therapy\\_Practice.aspx](http://www.rld.state.nm.us/boards/Counseling_and_Therapy_Practice.aspx). Copies may also be obtained by contacting Lori Sciacca, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Lori Sciacca, Board Administrator at (505) 476-4622.

**Statutory Authority:** The Counseling and Therapy Practice Act, Sections 61-9A-1 to -30, NMSA 1978, among other provisions, specifically authorizes the Board to “adopt and file rules necessary to carry out the provisions of the Counseling and Therapy Practice Act.”

**Summary of Proposed Changes:**

The purpose of the amendments is to revise and update the Counseling and Therapy Practice rules to better reflect changes within the profession. The amendments are intended to clarify licensing, supervision requirements and continuing education requirements, adds definitions and repeals and replaces the rules of ethics. The amendments are also intended to clean up language and statutory authority citations, statutory and rule citations and grammar currently existing in the rules to ensure uniformity in the application of the rules. In addition to making minor clarification changes, the proposed rules are summarized as follows:

**16.27.1 – General Provisions**

The amendments to Part 1 correct typographical and grammatical errors, amends definitions for institutions of higher education, human family studies, the practice of alcohol abuse and drug abuse counseling, guidance counseling, mental health-community counselor, cultural competency, courses hours for LPCC, contact hours, group supervision, face-to-face supervision, virtual conferencing, non-public records, and postgraduate. Amendments also delete the definition of substance abuse related field, and requires license number and license designation appear on licensee’s website if a website is maintained, changes the number of required meetings per year to twice annually, and reduces requirements for appointed committee members to subcommittees.

**16.27.2 – Mental Health Core Curriculum Requirements**

The amendments to Part 2 correct typographical and grammatical errors.

**16.27.3 – Application Procedures, Initial Licenses, and License Period**

The amendments to Part 3 correct typographical and grammatical errors, revises submission of application procedures, changes the period of time an application for license is valid from six months to twelve months and deletes the automatic expiration of inactive statute licenses.

**16.27.4 – Requirements for Licensure as a Professional Clinical Mental Health Counselor**

The amendments to Part 4 correct typographical and grammatical errors, deletes appropriate supervision adding language making supervision unnecessary for independently licensed counselors.

**16.27.6 – Requirements for Licensure and a Marriage and Family Therapist**

The amendments to Part 6 correct typographical and grammatical errors, changes the core curriculum requirements, clarifies how electives are applied, deletes appropriated supervision requirements, deletes PES and adds “national” to modify examination, deletes option of submitting affidavits when a supervisor’s statement is not available, and modifies procedures when submitting graduate course work with a license application.

**16.27.7 – Requirements for Licensure as a Professional Art Therapist**

The amendments to Part 7 correct typographical and grammatical errors, deletes appropriated supervision requirements and deletes requirement for inclusion of the syllabus with the application and repeals and replaces the core curriculum for the art therapy license.

**16.27.9 – Requirements for Licensure as a Mental Health Counselor**

The amendments to Part 7 correct typographical and grammatical errors, adds hours to the core curriculum, invalidates supervised contact hours after two years following a limited license for new applicants, modifies appropriated supervision requirements and replaces professional clinical mental health counselor with marriage and family therapist.

**16.27.11 – Requirements for Licensure with examination as an Alcohol and Drug Abuse Counselor**

The amendments to Part 11 correct typographical and grammatical errors, deletes appropriated supervision requirements for LADACs with an independent license and amends the number of training hours required in professional ethics.

**16.27.13 – Requirements for Licensure as a Substance Abuse Associate**

The amendments to Part 13 correct typographical and grammatical errors and adds the requirement for applicants holding an unrelated field degree to complete two three semester credit hours specific to substance abuse and two three semester credit courses to counseling addition in addition to the 90 clock hours of education and training to qualify for a license.

#### **16.27.14 – Temporary License**

The amendments to Part 14 correct typographical and grammatical errors, amends temporary license procedures, deletes tutorial class requirements, clarifying language concerning qualifications for temporary license, restricting issuance of temporary licenses to three per application and prohibits prior clinical supervision or clinical hours from being applied toward the reapplication for license.

#### **16.27.15 – Examinations**

The amendments to Part 15 correct typographical and grammatical errors, adds clarifying language that the applicant must hold a valid license from another jurisdiction and may retest as long as the applicant currently holds a valid license and deletes language concerning applicants who fail the examination from having to reapply for a license.

#### **16.27.16 – Continuing Education**

The amendments to Part 16 correct typographical and grammatical errors. They also increase the number of required hours for continuing education in ethics, defines how to calculate continuing education units, adds psychiatric nurse specialist as an approved presenter for continuing education courses, revises the registration process for continuing education providers and allows continuing education credits through pro bono work. Additionally, it deletes the approval of continuing education courses from certain international, national, regional, state mental health associations, social work associations, substance abuse government agencies, and online and home study credits. Other changes amend the requirement that continuing education sponsors be certified by the board, or certain identified organizations; amends notification by the board of approval or denial of credits; and amends the one time extension for completing continuing education requirements.

#### **16.27.17 – Fees**

The amendments to Part 17 deletes renewal extension penalty and adds a continuing education unit extension fee, and adds a continuing education administrative late fee and a fee for incorrectly issuing continuing education credits by continuing education provider.

#### **16.27.18 – Code of Ethics**

Part 18 is repealed and replaced to bring the rule current and reflect changes within the profession.

#### **16.27.19 – Approved Supervision**

The amendments to Part 19 correct typographical and grammatical errors, redefines supervisor, and clarifies who may provide supervision. Amendments also add a subsection permitting electronic and telephonic supervision that may be used toward supervised hours, requires supervisors to monitor qualifications of supervisees, clarifies the three years of experience is calculated from the initial licensing of the licensee, and requires supervisors to be independently licensed and complete supervisor continuing education units prior to supervising. An amendment also restricts supervised contact hours to forty hours or less a week.

#### **16.27.20 – Parental Responsibility Act Compliance**

The amendments to Part 20 correct typographical and grammatical errors and grants RLD the authority to enforce the Act on behalf to the board.

#### **16.27.21 – Emergency Licensure**

The amendments to Part 21 correct typographical and grammatical errors and deletes professional mental health counselor from emergency licensure.

#### **16.27.22 – Requirements for Licensure as an Associate Marriage and Family Therapist**

The amendments to Part 22 correct typographical and grammatical error, amends examination and reapplication requirements and prohibits clinical supervision or clinical hours from being applied toward the reapplication for license.

**16.27.23 – Licensure as an Alcohol and Drug Abuse Counselor (LADAC) for Current Credential Alcohol and Drug Abuse Counselor (CADAC)**

Part 23 is repealed.

**16.27.24 – Licensure for Military Service Members, Spouses, and Veterans**

The amendments to Part 24 deletes statutory definitions for military service member and recent veteran.