

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, 16.27.1.1 NMAC, 11/30/2021]

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, 16.27.1.2 NMAC, 11/30/2021]

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, 16.27.1.3 NMAC, 11/30/2021]

16.27.1.4 DURATION: Permanent

[16.27.1.4 NMAC - Rp, 16.27.1.4 NMAC, 11/30/2021]

16.27.1.5 EFFECTIVE DATE: November 28, 2021, unless a later date is cited at the end of a section.

[16.27.1.5 NMAC - Rp, 16.27.1.5 NMAC, 11/30/2021]

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, 16.27.1.6 NMAC, 11/30/2021]

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 a course of study equivalent to no less than 48 semester graduate hours or 72 quarter graduate hours of course work 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. Clinical client contact hours means the time spent with a client to appraise, diagnose and treat psychopathology as determined by the scope of practice.

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

I. DSM means current diagnostic and statistical manual of mental disorders.

J. Appropriate supervision, including electronic supervision, means either group or individual supervision where the supervisor is in the same physical location as the supervisee, 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 two years following the expiration of the limited license for new applicants.

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

N. ICD means international classification of diseases.

O. Individual supervision means face-to-face or electronic case consultation between the supervisor with no more than two supervisees in the group.

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

Q. Postgraduate means training or coursework received after all master's or doctorate requirements for the qualifying degree have been completed.

R. Practice of 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 LADAC shall demonstrate skill and interventions directly related to individuals, couples, families, and groups. The LADAC shall employ practice theory and research findings in all aspects of the licensee's practice. The LADAC may supervise alcohol or drug counselors if approved under 16.27.13.8 NMAC.

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.

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.

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

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, 16.27.1.7 NMAC, 11/30/2021]

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 with the contact information on the counselor's 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, 16.27.1.9 NMAC, 11/30/2021]

16.27.1.9 BOARD ELECTIONS: The board shall annually elect, by majority vote of the members present, the following officers: Chairperson 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, 16.27.1.9 NMAC, 11/30/2021]

16.27.1.10 QUORUM: A quorum of the board is four members. A quorum is necessary to conduct official business.
[16.27.1.10 NMAC - Rp, 16.27.1.10 NMAC, 11/30/2021]

16.27.1.11 VIRTUAL CONFERENCING: If it is difficult or impossible for a member of the board to attend a meeting in person, the member may participate virtually (e.g. via telephone, computer link or other electronic devices). Each member participating in this manner shall be identified 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, 16.27.1.11 NMAC, 11/30/2021]

16.27.1.12 BOARD MEETINGS: The board shall meet at least once a year and as often as necessary. Meetings may be convened at the call of the chair, or upon written request of three board members.
[16.27.1.12 NMAC - Rp, 16.27.1.12 NMAC, 11/30/2021]

16.27.1.13 STANDARDS COMMITTEES: The board chair may appoint at least 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. The board member representing the licensed profession shall chair the committee and a public board member 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. Individuals may only serve on one standards committee.
[16.27.1.13 NMAC - Rp, 16.27.1.13 NMAC, 11/30/2021]

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, 16.27.1.14 NMAC, 11/30/2021]

16.27.1.15 INSPECTION OF PUBLIC RECORDS: The board operates in compliance with the Inspection of Public Records Act, 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. A request must include the name, address and telephone number of the individual seeking inspection. Requests will be processed in a timely manner. If the inspection is not permitted within three business days, the custodian will notify the requestor in writing when the records will be made available. The board may request payment of a reasonable copying fee. No person shall remove original board documents from the board office. The board maintains files for

all applicants and records in an applicant's file are subject to inspection except as provided by the Inspection of public records act.

[16.27.1.15 NMAC - Rp, 16.27.1.15 NMAC, 11/30/2021]

16.27.1.16 NON-PUBLIC RECORDS: 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:

- A.** as necessary to carry out the board's functions;
- B.** as needed for judicial review of the board's actions; or
- C.** 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, 16.27.1.16 NMAC, 11/30/2021]

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 - Rp, 16.27.1.17 NMAC, 11/30/2021]

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 section.

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 section.

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 section.

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 section.

[16.27.1.18 NMAC - N, 11/30/2021]

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

Other History:

16.27.1 NMAC – General Provisions filed 6/15/2001 was repealed and replaced by 16.27.1 NMAC- General Provisions, effective 11/30/2021.