

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, 16.27.19.1 NMAC, 11/30/2021]

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, 16.27.19.2 NMAC, 11/30/2021]

16.27.19.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Sections 61-9A-1, 61-9A-3, 61-9A-5 and 61-9A-9 through 61-9A-30 NMSA 1978.

[16.27.19.3 NMAC- Rp, 16.27.19.3 NMAC, 11/30/2021]

16.27.19.4 DURATION: Permanent.

[16.27.19.4 NMAC- Rp, 16.27.19.4 NMAC, 11/30/2021]

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

[16.27.19.5 NMAC- Rp, 16.27.19.5 NMAC, 11/30/2021]

16.27.19.6 OBJECTIVE: The objective of Part 19 is to provide guidelines for a supervisor.

[16.27.19.6 NMAC- Rp, 16.27.19.6 NMAC, 11/30/2021]

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 independently licensed alcohol and drug abuse counselors (LADAC), professional art therapists (LPAT), licensed professional clinical mental health counselors (LPCC), licensed clinical social workers (LCSW), licensed marriage and family therapists (LMFT), and licensed psychologists having completed the requisite nine continuing education units in supervision and having registered as supervisors with the New Mexico counseling and therapy practice board.

F. “Electronic and telephonic supervision” means supervision of counseling and psychotherapy services provided by supervisors either electronically or telephonically. Virtually supervised contact hours are subject to the supervision requirements required for services supervised in-person.

[16.27.19.7 NMAC- Rp, 16.27.19.7 NMAC, 11/30/2021]

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 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 licensed as independent practitioners.

C. Supervisors shall instruct supervisees of clients' rights, including protecting clients' right to privacy and confidentiality in the counseling and 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 and 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, 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.

H. Supervised clinical client contact hours shall not exceed 40 hours per week.
[16.27.19.8 NMAC- Rp, 16.27.19.8 NMAC, 11/30/2021]

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, qualifications and professional development of supervisees;
- (4) evaluating and certifying current performance and potential of supervisees for academic, screening, selection, placement, employment, and credentialing purposes ;
- (5) tracking supervisee's professionalism and ethical conduct; and
- (6) documentation to include a supervisory agreement and a supervision log to include notes

B. Supervisors shall obtain and maintain the supervisor designation issued by the board prior to initiating their role as supervisors.

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

D. 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.

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

F. Actual work samples via session process notes, audio 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.

G. Supervisors shall meet regularly in face-to-face or virtual sessions with their supervisees.

H. 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.

I. 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.

J. 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 the supervisory relationship terminated.

K. 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.

L. 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.

M. 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 and 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 their professional development.

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

O. 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.

P. 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 or agency service and administrative needs.

Q. Supervised contact hours shall not exceed 40 hours per week.
[16.27.19.9 NMAC- Rp, 16.27.19.9 NMAC, 11/30/2021]

16.27.19.10 APPLICATION FOR SUPERVISOR DESIGNATION REQUIREMENTS:

A. All applicants must submit the following documentation to the board:

- (1) a completed application, signed by the applicant
- (2) a 2" x 2" photograph of the applicant taken within the preceding six months, affixed to the application;
- (3) an application fee of \$75 as provided in Part 17;
- (4) submit evidence of completing the following:
 - (a) three continuing education unit hours in counseling or therapy supervision, and
 - (b) six continuing education unit hours pertaining to ethics in supervision in addition to the ethics continuing education unit hours required for license renewal; or
 - (c) evidence of holding a current supervision credential through the applicable national professional association;
- (5) a copy of a current New Mexico license as one of the following credentials:
 - (a) licensed professional clinical counselor;
 - (b) licensed marriage and family therapist;
 - (c) licensed professional art therapist;
 - (d) licensed alcohol and drug abuse counselor;
 - (e) licensed clinical social worker;
 - (f) licensed independent social worker;
 - (g) licensed psychiatrist; or
 - (h) licensed psychologist

C. Supervisor certification will be valid for a period not to exceed 24 months. All certifications shall expire on September 30 of the renewal year. CEUs submitted for initial supervisor designation certification will qualify toward the renewal requirements for the applicant's individual professional license. Initial certifications may be issued for a period of less than 24 months in order to establish the certification in a renewal cycle.

B. Renewal of supervision certification must be completed by September 30 of the renewal year by submitting the following documentation to the board office:

(1) a complete renewal application available for download on the board's website or by completing the renewal online; and

(2) evidence of completing at least three continuing education unit hours specific to counseling and therapy supervision and six continuing education unit hours specific to ethics in supervision in addition to the ethics continuing education unit hours required for license renewal obtained during the current licensing period.

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

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, 3/20/1995

History of Repealed Material:

16 NMAC 27.16, Approved Supervisors - Repealed 6/15/2001

Other History:

16.27.16 NMAC – Approved Supervisors, filed 6/15/2001, was repealed and replaced by 16.27.16 NMAC – Approved Supervisors, effective 11/30/2021.