

**NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING**

The New Mexico Board of Social Work Examiners will hold a rule hearing on Tuesday, December 14, 2021, at 9:00 a.m. Following the rule hearing, the Board will convene a regular board meeting to consider adoption of the rules and take care of regular business. The hearing and meeting are being held via video conference and telephonic means due to concerns surrounding the Novel Coronavirus 2019 ("COVID-19") and in accordance with Governor Michelle Lujan Grisham's Declaration of a Public Health Emergency in Executive Order 2020-004 and subsequent orders; various Public Health Emergency Orders; and the Office of the Attorney General's Open Government Division's Guidance to Public Entities Regarding the Open Meetings Act and Inspection of Public Records Act Compliance During Covid-19 State of Emergency.

The rule hearing and board meeting will be held via Cisco Webex Meetings. To join the hearing and meeting, please visit:

<https://nmrld.webex.com/nmrld/onstage/g.php?MTID=e80592f054b5cfb22b38c78c8a85a7054>

To join the meeting by phone: 1-415-655-0002 United States Toll

Access Code: 2499 918 3401

The purpose of the rule hearing is to consider proposed amendments and review repeal and replace to update formatting to modern NMAC to the following rules:

16.63.3 – Application for Licensure

16.63.6 – Licensure by Credentials, Reciprocity

16.63.9 – Baccalaureate Social Worker

16.63.10 – Master Social Worker

16.63.11 – Clinical Social Worker

16.63.13 – Disciplinary Action

16.63.18 – Licensure for Military Service members, Spouses, Dependent Children and Veterans

To obtain and review copies of the proposed changes and public comments, you may go to the Board's website at:

<https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/social-work/sw-board-information/sw-board-meetings/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Ruth Romero, Board Administrator, via electronic mail at: [socialworkboard@state.nm.us](mailto:socialworkboard@state.nm.us), or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Monday, December 13, 2021. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/social-work/sw-rules-and-law/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/social-work/sw-board-information/sw-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Ruth Romero, 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 Ruth Romero, Board Administrator at (505) 476-4622.

**Statutory Authority:** The Social Work Practice Act, NMSA 1978, Sections 61-31-8, among other provisions, specifically authorizes the Board to “adopt and file, in accordance with the State Rules Act [Chapter 14, Article 4, 1978], rules necessary to carry out the provisions of the Social Work Practice Act, in accordance with the provisions of the Uniform Licensing Act”.

**Purpose of the Proposed Rules:** The amendments to the Board’s rules are primarily intended to address the legislative changes to the Uniform Licensing Act (“ULA”), NMSA, 1978, Sections 61-1-1 through -36, (1951, as amended through 2021), which occurred this past Legislative Session. *See* H.B. 120, 55th Leg., Reg. Sess. (N.M. 2021), available at: <https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0120.pdf> and S.B. 2, 55th Leg., Special Sess. (N.M. 2021), avail at: <https://www.nmlegis.gov/Sessions/21%20Special/final/SB0002.pdf>. The amendments to Parts 3, 6, 9, 10, 11 and 13 are intended to fulfill the legislative requirement in Senate Bill 2 that the Board promulgate a rule to list the specific disqualifying criminal convictions that could disqualify an applicant from receiving a license on the basis of a previous felony conviction. The amendments to Part 18 of the Board’s rules are intended to incorporate the legislative changes made by House Bill 120 regarding expedited licensure for military service members, spouses and dependents and veterans, and waiver of fees. Additionally, the amendments to Part 6 are intended to incorporate the legislative changes to the Social Work Practice Act, NMSA 1978, Sections 61-31-1 through -25 (1989, as amended through 2021) made by House Bill 125 of this past Legislative Session. *See* H.B. 125, 55th Leg., Reg. Sess. (N.M. 2021), available at: <https://www.nmlegis.gov/Sessions/21%20Regular/final/HB0125.pdf>. The amendments to the Board’s rules pursuant to House Bill 125 revise the qualifications for licensure by credentials or reciprocity.

#### **Summary of Proposed Changes:**

The proposed rules are summarized as follows:

##### **16.63.3 NMAC – Application for Licensure**

The amendments to this part add the requirement that an applicant for licensure provide proof of any disqualifying criminal convictions as listed in proposed rule 16.63.13.9 NMAC.

##### **16.63.6 NMAC – Licensure by Credentials; Reciprocity**

The amendments to this part add the requirement that an applicant for licensure provide proof of any disqualifying criminal convictions as listed in the proposed rule 16.63.13.9 NMAC. The amendments to this part additionally revise the qualifications for licensure by credentials or reciprocity to match the qualifications revised by House Bill 125 and now found at NMSA 1978, § 61-31-13.

##### **16.63.9 NMAC – Baccalaureate Social Worker**

The amendments to this part add the requirement that an applicant for licensure provide proof of any disqualifying criminal convictions as listed in the proposed rule 16.63.13.9 NMAC.

##### **16.63.10 NMAC – Master Social Worker**

The amendments to this part add the requirement that an applicant for licensure provide proof of any disqualifying criminal convictions as listed in proposed rule 16.63.13.9 NMAC.

##### **16.63.11 NMAC – Clinical Social Worker**

The amendments to this part add the requirement that an applicant for licensure provide proof of any disqualifying criminal convictions as listed in proposed rule 16.63.13.9 NMAC.

##### **16.63.13 NMAC – Disciplinary Action**

The amendments to this part add a new section to the rule (proposed section 16.63.13.9) to comply with the 2021 legislative changes made under Senate Bill 2. The proposed amendments to this rule establish criminal felony convictions that are job-related and consistent with business necessity which may disqualify an applicant or licensee from receiving or retaining a license. The proposed amendments also define how criminal convictions may and/or

may not be used by the Board when reviewing an application for licensure or when considering the denial, suspension, or revocation of a license.

**16.63.18 NMAC – Licensure for Military Service Members, Spouses and Veterans**

The amendments to this part add language to comply with the 2021 legislative changes made under House Bill 120. The proposed amendments revise the definition of “military service member,” replace the defined term “recent veteran” with “veteran,” provide the time of thirty days for approving an application for licensure pursuant to the rule, revise application requirements, and waive the licensing fee for three years for military service members and veterans who are issued a license pursuant to the rule. The amendments further provide for renewal requirements regarding licenses issued pursuant to the rule.