

## PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Counseling and Therapy Practice Board will hold a rule hearing on Friday, October 15, 2021, 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 via Cisco Webex Meetings.

The purpose of the rule hearing is to receive input and public comment for proposed amendments to the following rules:

- 16.27.1 NMAC – General Provisions;
- 16.27.2 NMAC – Mental Health Core Curriculum Requirements;
- 16.27.3 NMAC – Application Procedures, Initial Licenses, and License Period;
- 16.27.4 NMAC – Requirements for Licensure as a Professional Clinical Mental Health Counselor;
- 16.27.6 NMAC – Requirements for Licensure as a Marriage and Family Therapist;
- 16.27.7 NMAC – Requirements for Licensure as a Professional Art Therapist;
- 16.27.9 NMAC – Requirements for Licensure as a Mental Health Counselor;
- 16.27.11 NMAC – Requirements for Licensure with Examination as an Alcohol and Drug Abuse Counselor;
- 16.27.13 NMAC – Requirements for Licensure as a Substance Abuse Associate;
- 16.27.14 NMAC – Temporary License;
- 16.27.15 NMAC – Examinations;
- 16.27.16 NMAC – Continuing Education;
- 16.27.17 NMAC – Fees;
- 16.27.18 NMAC – Code of Ethics;
- 16.27.19 NMAC – Approved Supervision;
- 16.27.20 NMAC – Parental Responsibility Act Compliance;
- 16.27.21 NMAC – Emergency Licensure;
- 16.27.22 NMAC – Requirements for Licensure as an Associate Marriage and Family Therapist;
- 16.27.23 NMAC – Licensure as an Alcohol and Drug Abuse Counselor (LADAC) for Current Credential Alcohol and Drug Abuse Counselor (CADAC); and
- 16.27.24 NMAC – 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 <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/counseling-and-therapy-practice-overview/ct-laws-rules-and-policies/>, 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 P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, October 14, 2021. 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 <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/counseling-and-therapy-practice-overview/ct-laws-rules-and-policies/>, no more than three business days following receipt to allow for public view.

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, and specifically Section 61-9A-9, NMSA 1978, 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 changes to Parts 1, 2, 3, 4, 6, 7, 9, 11, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 of the Board's rules are primarily intended to address the significant changes to the Counseling and Therapy Practice Act, Sections 61-9A-1 to -30, 1978 (1991, as amended through 2019) (the “Act”), which occurred this past Legislative Session. *See* S.B. 2, 56th Leg., 1st Sess. (N.M. 2019), available at <https://www.nmlegis.gov/Sessions/19%20Regular/final/SB0200.pdf>. Additionally, amendments to the rules are intended to update and clarify licensing requirements, definitions and the rules of ethics. The amendments are also

intended to clean up language, statutory and rule citations and grammar currently existing in the rules to ensure uniformity in the application of the rules.

#### **16.27.1 NMAC – General Provisions**

The amendments to General Provisions are generally minor and include adjustments intended to make the definitions of common terms more clear, an update to calculations for quarter hours to align with most common educational programs, and updated language to include electronic work (counseling and therapy, supervision, and board activities) within definitions. A provision that requires license number and designation on a web page is added. The elected positions on the board are reduced to only chairperson and vice chairperson. The minimum number of members to serve on committees is reduced from three to one. And, a section regarding criminal convictions has been added, as required by the Act.

#### **16.27.2 NMAC – Mental Health Core Curriculum Requirements**

The amendments to Part 2 are very minor, they adjust the quarter and semester hour requirements to meet current educational program guidelines, and make minor grammatical changes.

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

The amendments to Part 3 are generally minor, they make changes to grammar and sentence structure and remove language about notarization. More substantially, a section on renewal requirements is added, including new requirements for a minimum of 12 CEUs (previously 6) related to ethics and a minimum of 6 CEUs (previously 3) related to supervision (if providing supervision). The board believes these changes were necessary to ensure that licensees are more informed of these important topics, and hopefully to stem the deluge of complaints filed related to ethics and to supervision.

#### **16.27.4 NMAC – Requirements for Licensure as a Professional Clinical Mental Health Counselor (LPCC)**

The amendments to Part 4 remove language pertaining to supervision which is not required for the LPCC, and qualifies that the board may request syllabi rather than requiring them to be sent in initially. Also added is a process by which applicants who have just graduated can verify degree completion prior to their school certifying transcripts, so that new professionals may seek employment without being delayed by college and university timetables. And, the requirement for an applicant by credentials' years of independent experience was changed from 5 to 2 to help to eliminate barriers for experienced practitioners entering the state.

#### **16.27.6 NMAC – Requirements for Licensure as a Marriage and Family Therapist (LMFT)**

The amendments to Part 6 remove language pertaining to supervision which is not required for the LMFT and updates the semester and quarter hour requirements to meet current educational program standards. Additionally, a mechanism for degree verification prior to a degree being conferred is outlined so that new professionals may seek employment without being delayed by college and university timetables. And, the requirement for an applicant by credentials' years of independent experience was changed from 5 to 2 to help to eliminate barriers for experienced practitioners entering the state.

#### **16.27.7 NMAC – Requirements for Licensure as a Professional Art Therapist (LPAT)**

The amendments to Part 7 removes language pertaining to supervision which is not required for LPAT, clarifies the educational levels required for entering the field, outlines the core curriculum with a description of each area, and adds a process by which applicants who have just graduated can verify degree completion prior to their school certifying transcripts so that new professionals may seek employment without being delayed by college and university timetables. The requirement to submit syllabi is replaced with a statement that says the board can request them if needed. And, the number of years that a license must have been in good standing for licensure by credentials is changed from five to two, to eliminate barriers for experienced practitioners entering the state.

#### **16.27.9 NMAC – Requirements for Licensure as a Mental Health Counselor (LMHC, Practice under Supervision)**

The amendments to Part 9 are of note. They remove mention of marriage and family therapist, as they have a separate part regarding their licensure under supervision. Additionally, the terms under which supervised hours would become invalid is now specified to be five years. Updates to the semester and quarter hour requirements were made to meet current educational program standards. And, the process and requirements for applying for licensure by credential were added.

#### **16.27.11 NMAC – Requirements for Licensure with Examination as an Alcohol and Drug Abuse Counselor (LADAC) Effective July 1, 2005**

The amendments to Part 11 are minor, and update the language to clarify that supervision is not required for the LADAC license since it is an independent license. Also, language about the educational requirements is updated for greater clarity and to specify the ways that semester credit hours are calculated for clock hours. And, outdated language that related to grandfathered licenses is removed since it is no longer relevant.

#### **16.27.13 NMAC – Requirements for Licensure as a Substance Abuse Associate (LSAA) Effective July 1, 2005**

The amendments to Part 13 are minor and include the addition of LCSWs as well as LISWs as appropriate supervisors, change in language from ‘drug and alcohol counseling’ to ‘substance abuse counseling’, and addresses minor grammatical issues. Outdated language about reciprocity is also removed, since it covers something that was repealed in 2004.

#### **16.27.14 NMAC – Temporary License**

The amendments to Part 14 are substantial. There are changes that serve to update the language to include associate marriage and family therapists in addition to LMHCs, and to clean up the grammar. The guidelines regarding issuance of a temporary license are of note, as they no longer prohibit someone from testing for 1 year if they fail to pass their examination three times. Additionally, clinical and supervision hours that were obtained during the period that the applicant held a temporary license will not expire, and may be used after the candidate passes their exam and is ready to apply for independent licensure.

#### **16.27.15 NMAC – Examinations**

The amendments to Part 15 are minor grammatical changes to improve clarity, particularly with regard to the process of re-taking an exam.

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

The amendments to Part 16 make minor changes in grammar, are clarify the activities that will count for CEUs, how CEUs are calculated, and what the procedures are for registering as a CEU provider. Specifically the changes; describe how semester and quarter hours are calculated, add a policy on how pro bono work can be counted for CEUs, and details what happens if a licensee’s CEUs are not accepted.

#### **16.27.17 NMAC – Fees**

The amendments to Part 17 are generally minor and include changes in grammar, and the addition of a fee for a late CEU extension request, a fee for CEUs that are incorrectly issued, and a fee for CEU providers.

#### **16.27.18 NMAC – Code of Ethics**

Part 18 was repealed and replaced. The most notable change is the addition of ethical expectations related to electronic therapy.

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

The amendments to Part 19 are substantial and include provisions to better protect both supervisors and supervisees. The major amendments are: listing out the licensures that are appropriate to provide supervision, a definition of virtual supervision, some grammatical updates, and a limit on the number of supervision hours that can be completed per week (40). There is a proposed change to eliminate the requirement to have three years’ experience, and instead to specify that a supervisor must be independently licensed, to help remove some barriers that the state can face of having too few qualified supervisors. And, the supervisory role is updated to include requirements that supervisors track supervisees’ professionalism and ethical conduct, as well as to maintain documentation such as a supervisory contract and a supervision log to include notes. A supervisor designation is outlined, to help ensure a supervisor meets and maintains the minimum standards for supervising.

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

The amendments to Part 20 include minor changes to update the numbering of the rules, and the addition of a delegation of authority clause. These are all to adopt language found in the Act.

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

The amendments to Part 21 involved minor numbering changes, and the removal of the requirement for notarization, to be in compliance with the Act.

#### **16.27.22 NMAC – Requirements for Licensure as an Associate Marriage and Family Therapist (LAMFT)**

The amendments to Part 22 are of note. They specify that LCSWs or LISWs may supervise LAMFTs as long as they have received the CTPB supervisor designation. Also, terms under which supervised hours would become invalid is now specified to be five years. Additionally, a mechanism for degree verification prior to a degree being conferred is outlined so that new professionals may seek employment without being delayed by college and university timetables.

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

Part 23 was removed, as it has been repealed.

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

The amendments for Part 24 were to repeal and replace, following changes to the Act.