

## NOTICE OF PROPOSED RULEMAKING

### Public Hearing

The New Mexico Public Education Department (PED) gives notice that it will conduct a public hearing for the proposed new rule **6.63.18 NMAC, Licensure for School Behavioral Health Counselors, Grades Pre K-12**, on Monday, October 17, 2022, from 9 a.m. to 11 a.m. (MDT) in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501. The location of the public hearing is subject to change due to concerns surrounding COVID-19. Continuous updates on hearing changes will be provided on the PED website. The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemaking. Attendees who wish to provide public comment on record will be given three minutes to make a statement concerning the proposed rulemaking. Written comment will also be accepted at the hearing.

### Explanation of Purpose of Text

The purpose of the proposed new rule **6.63.18 NMAC, Licensure for School Behavioral Health Counselors, Grades Pre K-12**, is to establish a licensure pathway for individuals seeking a school behavioral health counseling license. By creating this pathway, schools will be able to bill Medicaid for the counseling a school behavioral health counselor provides all Medicaid eligible students, including students without an individualized education plan. At present, schools can only offer such services to students with an individualized education plan.

### Summary of Text

The proposed new rule **6.63.18 NMAC, Licensure for School Behavioral Health Counselors, Grades Pre K-12**, creates a new pathway for licensed professionals to provide behavioral health counseling to all students in need of such support. The proposed new rule does the following:

- lists the requirements an individual must meet to become a licensed school behavioral counselor;
- lists the requirements a licensed school behavioral counselor must meet before advancing from a Level 1 to a Level 2 license and from a Level 2 license to a Level 3 license;
- provides the competencies a school behavioral health counselor shall be able to do; and
- notes licensed professional counselors and licensed mental health counselors are required to be supervised by a licensed professional clinical mental health counselor (LPCC), licensed marriage and family therapist (LMFT), licensed professional art therapist (LPAT), licensed psychologist, licensed psychiatrist, or licensed independent social worker until they are a LPCC, LMFT, or LPAT.

### Statutory Authorizations

Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-17 NMSA 1978.

No technical information served as a basis for this proposed rule change.

### Public Comment

Interested parties may provide comment at the public hearing or may submit written comments by mail, e-mail, or fax.

### Mailing Address

Policy and Legislative Affairs Division  
New Mexico Public Education Department  
300 Don Gaspar Avenue, Room 121  
Santa Fe, New Mexico 87501

E-Mail Address

Rule.Feedback@state.nm.us

Fax Number

(505) 827-6520

Written comments must be received no later than 5 p.m. (MDT) on Monday, October 17, 2022. The PED encourages the early submission of written comments.

**Public Comment Period**

The public comment period is from Tuesday, September 13, 2022, to Monday, October 17, 2022, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rules may be obtained from Gregory Frostad at (505) 470-5752 during regular business hours or may be accessed through the PED Police and Legislative Affairs webpage titled, "Proposed Rules," at <http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/>.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Gregory Frostad at (505) 470-5752 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.