

This is an amendment to 16.22.1 NMAC, Section 7, effective January 7, 2005.

**16.22.1.7 DEFINITIONS:**

A. As used in these regulations, the following words and phrases have the following meanings unless the context or intent clearly indicates a different meaning. Definitions in Subsection A pertain to licensed psychologists.

~~[A-]~~ (1) "Act" means the Professional Psychologist Act, Section 61-9-1 through 61-9-19 NMSA 1978.

~~[B-]~~ (2) "Administrator" or "board administrator" means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the act.

~~[C-]~~ (3) "Applicant" means a person who has completed all educational requirements for licensure and has filed an initial application with the board.

~~[D-]~~ (4) "Board-certified psychiatrist" means a physician licensed in the state of New Mexico who has been certified by the American board of psychiatry and neurology in the specialty of psychiatry or the subspecialty of child and adolescent psychiatry.

~~[E-]~~ (5) "Board regulation" or "regulation" means any part adopted by the board pursuant to authority under the act and includes any superseding regulation. "Rule" means board regulation.

~~[F-]~~ (6) "Candidate" means a person who has filed with the board a properly made application and is eligible to take the oral examination.

~~[G-]~~ (7) "Client" means a person, corporate entity or patient that is the recipient of psychological services. A corporate entity or other organization can be a client when the purpose of the professional contract is to provide services of benefit primarily to the organization rather than to individuals. In the case of individuals with legal guardians, including minors and legally incompetent adults, the legal guardian shall be the client for decision-making purposes, except that the individual receiving services shall be the client for:

~~[(+)]~~ (a) issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and

~~[(2)]~~ (b) issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship;

~~[(3)]~~ (c) all matters specifically designated to individuals in the Mental Health Code and Children's Code, NMSA 1978.

~~[H-]~~ (8) "Confidential information" means information revealed by a client or clients or otherwise obtained by a psychologist, where there is reasonable expectation that the information is not to be disclosed by the psychologist without the informed written consent of the client(s) because of ~~[(+)]~~ (a) the relationship between the client(s) or patient(s) and the psychologist, or ~~[(2)]~~ (b) the circumstances under which the information was revealed or obtained. When a corporation or organization is the client, the confidential relationship is between the psychologist and the organization, not between the psychologist and an individual within the organization. In this instance, information obtained by the psychologist from the individual shall be available to the organization unless such information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

~~[I-]~~ (9) "Consultant" means a licensed psychologist who provides professional advice or opinion to a licensee and who has no professional relationship with the patient or client, has no authority over the case, or has no responsibility for the services performed or the welfare of the patient or client.

~~[J-]~~ (10) "Court order" means the written communication of a member of the judiciary, or other court magistrate or administrator, if such authority has been lawfully delegated to such magistrate or administrator.

~~[K-]~~ (11) "Currently enrolled" means enrolled as a student in a college or university.

~~[L-]~~ (12) "Custodian" means the board administrator.

~~[M-]~~ (13) "Electronic transmission" means the sending of information through the internet or by telephone facsimile (FAX), or e-mail.

~~[N-]~~ (14) "Filed with the board" means actual receipt during normal business hours at the board office in Santa Fe, New Mexico.

~~[O-]~~ (15) "Good cause" means the inability to comply because of illness, undue hardship, or extenuating circumstances that are not willful and are beyond the control of the person asserting good cause. The person asserting good cause shall have the burden to demonstrate good cause.

~~[P-]~~ (16) "Inactive status" means a procedure of the board to affirm that a licensee is not engaged in active practice.

~~[Q-]~~ (17) “Initial application” means the initial application for licensure filed with the board by an applicant not previously or currently licensed in any jurisdiction.

~~[R-]~~ (18) “Licensee” means a person licensed pursuant to the provisions of the act and board regulations.

~~[S-]~~ (19) “Licensee in good standing” means a licensee who is not the subject of a pending investigation, adjudicatory proceeding, or petition on appeal or review, or whose license is not restricted, suspended, or revoked in New Mexico or any other state or licensing jurisdiction.

~~[T-]~~ (20) “Licensed” means licensed or certified, registered, or any other term when such term identifies a person whose professional behavior is subject to regulation by the board.

~~[U-]~~ (21) “Non-licensed person” means a student, post-doctoral person working under supervision in order to satisfy licensure requirements in psychology, employees or staff of a licensee.

~~[V-]~~ (22) “Outdated test” means a test for which a revision has been available for three (3) or more years.

~~[W-]~~ (23) “Out-of-state psychologist” means a psychologist licensed in another state, a territorial possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico who is in good standing in his or her licensing jurisdiction(s).

~~[X-]~~ (24) “Patient” means a person who consults or is treated, examined, assessed, or interviewed by a licensed psychologist or licensed psychologist associate or a non-licensed person working under supervision as provided in these regulations.

~~[Y-]~~ (25) “Professional relationship” means a mutually agreed-upon relationship between a psychologist and a client(s) for the purpose of the client(s) or patient(s) obtaining the psychologist’s professional services.

~~[Z-]~~ (26) “Professional service” means all actions of the psychologist in the context of a professional relationship with a client or patient.

~~[AA-]~~ (27) “Properly made application” means a completed form for a psychologist or psychologist associate license filed with the board that is complete in all particulars and appears on its face to satisfy all minimum age, educational, supervision, payment, and other requirements except examination requirements for licensure as required by the act and these regulations.

~~[BB-]~~ (28) “Rule” means board regulation.

~~[CC-]~~ (29) “Sponsoring psychologist” means a licensed psychologist in New Mexico who agrees to provide adequate oversight of an out-of-state psychologist ordered by a court to perform an independent examination; the sponsoring psychologist remains responsible for the professional conduct of the out-of-state psychologist and the welfare of the patient or client.

~~[DD-]~~ (30) “Supervisee” means any person who functions under the authority of a licensed psychologist to provide psychological services as provided in the act or board regulation.

~~[EE-]~~ (31) “Supervisor” means a licensed psychologist who agrees to provide adequate supervision over a student, applicant, employee or staff, or other non-licensed person and who remains ultimately responsible for the professional conduct of the non-licensed person and the welfare of the patient or client.

B. Definitions in Subsection B pertain to conditional prescribing and prescribing psychologists only.

(1) “Adults” means all persons over 18 years of age through 65 years of age.

(2) “Board” means the New Mexico state board of psychologist examiners.

(3) “Children/adolescents” means all persons through 18 years of age (children, 2-12 years; adolescents 12-18 years).

(4) “Collaborative relationship” means a cooperative working relationship between a conditional prescribing or prescribing psychologist and a health care practitioner in the provision of patient care, including cooperation in the management and delivery of physical and mental health care, to ensure optimal patient care.

(5) “Conditional prescribing psychologist” means a licensed psychologist who holds a valid conditional prescription certificate.

(6) “Conditional prescription certificate” means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication under the supervision of a licensed physician pursuant to the Professional Psychologist Act.

(7) “Conflict of interest” means past or present familial, social, fiduciary, business, financial, health care provider-patient relationship, agency, or other personal relationship that impairs or compromises or appears to impair or compromise the supervisor’s neutrality, independence or objectivity. Paying or receiving an appropriate fee for supervisory services is not a conflict of interest. Conflict of interest includes dual relationship. If a conflict of interest or dual relationship arises during the supervision, the supervisor shall immediately report the conflict of interest or dual relationship to the board and shall cease supervision of the supervised psychologist.

(8) “Controlled substance” means any drug, substance or immediate precursor enumerated in schedules I through V of the Controlled Substance Act.

(9) “Drug” or “substance” means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any respective supplement to those publications. It does not include devices or their components, parts or accessories.

(10) “Ethno-pharmacology” means the basic and clinical sciences of treatment of specific mental illness with ethnically or culturally appropriate drugs.

(11) “Geriatric” means all persons over 65 years of age;

(12) “Health care practitioner” means a licensed physician, osteopathic physician or nurse practitioner with independent, licensed prescribing privilege;

(13) “Log” means a written record of patient examination and treatment that contains elements specified in the regulations and which is required as a basis for evaluation of the applicant for licensure.

(14) “Member of the family” means a parent, spouse, child, stepchild, grandchild, grandparent, sibling, uncle, aunt, niece or nephew, or other relative by blood, marriage, or legal process with whom the supervisor or physician supervisor has or has had a close familial relationship.

(15) “Member of the household” means residing within the same dwelling unit, either continuously or intermittently, regardless of whether fee or rent is paid or received.

(16) “National certification exam” means an examination that evaluates the psychopharmacological knowledge base of the applicant, is developed with the intention to administer it to psychologists seeking certificates or licenses to prescribe psychotropic medication in any state with prescriptive authority for psychologists, and meets standards acceptable to the board and the medical board.

(17) “Physician” means an allopathic or osteopathic physician.

(18) “Practice of psychology” means the observation, description, evaluation, interpretation and modification of human behavior by the application of psychological principles, methods and procedures for the purpose of preventing or eliminating symptomatic, maladaptive or undesired behavior and of enhancing interpersonal relationships, work and life adjustment, personal effectiveness, behavioral health and mental health, and further means the rendering of such psychological services to individuals, families or groups regardless of whether payment is received for services rendered. The practice of psychology includes psychological testing or neuropsychological testing and the evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes and neuropsychological functioning; counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, behavior analysis and therapy; diagnosis and treatment of any mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct and the psychological aspects of physical illness, accident, injury and disability; and psycho-educational evaluation, therapy, remediation and consultation.

(19) “Practicum” means a period of supervised clinical training and practice in which specific scientific and clinical techniques and diagnoses are learned.

(20) “Prescribing psychologist” means a licensed psychologist who holds a valid prescription certificate.

(21) “Prescription” means an order given individually for the person for whom prescribed, either directly from the prescriber to the pharmacist or indirectly by means of a written order signed by the prescriber, and bearing the name and address of the prescriber, his license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue. No person other than a practitioner shall prescribe or write a prescription.

(22) “Prescription certificate” means a document issued by the board to a licensed psychologist that permits the holder to prescribe psychotropic medication pursuant to the Professional Psychologist Act.

(23) “Primary treating health care practitioner” means the health care practitioner who is directly responsible for treating a specific illness or condition of a patient. The primary treating health care practitioner may be a primary care practitioner, or may be a medical specialist.

(24) “Psychologist” means a person who engages in the practice of psychology or holds himself out to the public by any title or description of services representing himself as a psychologist, which incorporates the words “psychological”, “psychologist”, “psychology”, or when a person describes himself as above and, under such title or description, offers to render or renders services involving the application of principles, methods and procedures of the science and profession of psychology to persons for compensation or other personal gain.

(25) “Psychopharmacology” means the basic and clinical sciences of drugs used to treat mental illnesses.

(26) “Psychopharmacotherapy” means the application of pharmaco-therapeutics to psychological problems. A key principle is the assessment of a patient’s history that helps establish the appropriate role of drug

therapy. Essential steps include recognition of the disorder, adequate understanding of efficacy safety, pharmacokinetics, pharmacodynamics and application in the clinical setting.

(27) "Psychotropic medication" means a controlled substance or dangerous drug that may not be dispensed or administered without a prescription, whose indication for use has been approved by the federal food and drug administration for the treatment of mental disorders and is listed as a psychotherapeutic agent in drug facts and comparisons or in the American hospital formulary service.

(28) "School" means a college or a university or other institution of higher education that is regionally accredited and that offers a full-time graduate course of study in psychology as defined by rule of the board or that is approved by the American psychological association.

(29) "Socio-cultural" means aspects of mental illness related to social and cultural mores and traditions of varied social and cultural groups.

(30) "Supervision" means direct oversight of the psychologist trainee's psychopharmacological practice by qualified supervising physician approved by the board. Supervision may be on or off site as specified in the rule.

(31) "Applicant" means a licensed psychologist who has made application to the board for a conditional prescribing or prescribing certificate.

(32) "Supervisor" means a qualified supervising physician approved by the board.

[16.22.1.7 NMAC - Rp 16NMAC 22.2.7, 4/16/00; A, 1/7/05]