

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 27 COUNSELORS AND THERAPISTS
PART 1 GENERAL PROVISIONS

16.27.1.1 ISSUING AGENCY: Regulation and Licensing Department Counseling and Therapy Practice Board
[16.27.1.1 NMAC - Rp 16 NMAC 27.1.1, 6-15-01]

16.27.1.2 SCOPE: All professional clinical mental health counselors, marriage and family therapists, professional art therapists, professional mental health counselors, and licensed mental health counselors, licensed associate marriage and family therapists, alcohol and drug abuse counselors, alcohol abuse counselors, drug abuse counselors, and substance abuse associates.
[16.27.1.2 NMAC - Rp 16 NMAC 27.1.2, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.1.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Counselor and Therapist Practice Act, Section 61-9A-1 through 61-9A-30 NMSA 1978.
[16.27.1.3 NMAC - Rp 16 NMAC 27.1.3, 6-15-01]

16.27.1.4 DURATION: Permanent
[16.27.1.4 NMAC - Rp 16 NMAC 27.1.4, 6-15-01]

16.27.1.5 EFFECTIVE DATE: June 15, 2001 unless a later date is cited at the end of a section.
[16.27.1.5 NMAC - Rp 16 NMAC 27.1.5, 6-15-01]

16.27.1.6 OBJECTIVE: The objective of Part 1 is to define terms relevant to applications, licensing, administrations and enforcement of the Counseling and Therapy Practice Act.
[16.27.1.6 NMAC - Rp 16 NMAC 27.1.6, 6-15-01]

16.27.1.7 DEFINITIONS:

- A. AATA means the American art therapy association.
- B. AAMFT means the American association for marriage and family therapy.
- C. Accredited institution means a university or college accredited by a regional accrediting agency of institutions of higher education.
- D. Accredited means a college or university that was accredited at the time of the applicant's graduation by one of the following:
 - (1) the New England association of schools and colleges;
 - (2) the middle states association of colleges and schools;
 - (3) the north central association of colleges and schools;
 - (4) the northwest association of schools and colleges;
 - (5) the southern association of schools and colleges; or
 - (6) the western association of schools and colleges.
- E. Counseling related field means counseling guidance and counseling, mental health/community counseling or agency counseling; psychology, clinical psychology, counseling psychology; family studies; art therapy, or art education whose curriculum for training counselors provides a course of study equivalent to no less than 48 graduate hours and required to meet in the mental health clinical core curriculum and 9 semester hours or 12 quarter hours of practicum, and additional hours required for the professional clinical mental health counselor (LPCC) license.
- F. Education and training for substance abuse counselors means formal classroom education, workshops, seminars, institutes, in-service training programs, professional continuing education and coursework from accredited and non-accredited institutions. Practicum as it relates to the substance abuse counselor includes 300 hours in the twelve core functions listed below.
 - (1) screening
 - (2) intake
 - (3) orientation
 - (4) assessment
 - (5) treatment planning

- (6) counseling
- (7) case management
- (8) crisis intervention
- (9) client education
- (10) referral
- (11) reports and record keeping
- (12) consultation with professionals

G. Substance abuse-related field means a degree in guidance counseling, mental health-community counseling, agency counseling, psychology, clinical psychology, counseling, agency counseling, psychology, human and family studies, social work, art therapy and art education with appropriate clinical background.

H. Clinical client contact hours means the time spent with a client to appraise, diagnose and treat psychopathology as determined by the scope of practice.

I. Contact hour for professional training or client contact means sixty minutes equals an hour of training or contact.

J. DSM means diagnostic and statistical manual of mental disorders.

K. Face-to-face supervision means either group or individual supervision where the supervisor is in the same physical location as the supervisee, and is responsible for the direction and oversight of the development of counseling skills.

L. Group supervision means face to face supervision, which includes no more than 10 individuals in the group;

M. ICD means international classification of diseases.

N. Individual supervision means face-to-face case consultation between the supervisor and no more than two supervisees related only to the supervisee's cases for a continuous 50 to 60 minutes, or for one supervisee for a continuous 25 to 30 minutes.

O. Postgraduate means after all master's or doctorate requirements have been completed.

P. Psychopathology means mental disorders that meet the diagnostic criteria contained in the DSM of the American psychological association or the world health organization's international classification of diseases and the problems in living associated with these conditions that are created over time or etiology and life effects.

Q. Practice of alcohol and drug abuse counseling as independent practice is only at the level of approved supervisors as determined by Part 10, Section 16.27.10.7. The counselor has the ability to demonstrate specialized knowledge and skills as pertains to substance use disorders according to current DSM or ICD. The counselor shall be able to demonstrate skill and interventions directly related to individuals, couples, families, and groups. The counselor shall be able to employ practice theory and research findings in all aspects of the licensee's practice. The counselor may supervise alcohol and/or drug counselors if approved under Part 10, Section 16.27.10.7.

R. Practice of alcohol abuse/drug abuse counseling is practice under appropriate supervision and the ability to demonstrate specialized knowledge skills as pertains to alcohol use disorders according to current DSM or ICD. The counselor shall be able to demonstrate skill and interventions directly related to individuals, couples, families, and groups. The counselor shall be able to employ practice theory and research findings in all aspects of the licensee's practice. The services may include screening, assessment, consultation, development of treatment plans, case management, counseling, referral, appraisal, crisis intervention, education, reporting and record keeping as pertains specifically to alcohol and drug abuse counseling.

S. Practice as a substance abuse associate appropriate supervision. Practice is limited as an employee in a public or private institution. The associate provides generalist services in the role of educator, assistant, and mediator. The associate may be involved in taking social histories and/or conducting home studies. The associate utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, and developing an intervention plan. The associate in the role of educator, assistant and mediator, shall implement the plan and conduct follow-ups as it pertains specifically to alcohol and/or drug abuse counseling.

T. Registered independent mental health counselor means an individual who is certified to practice without supervision.

U. Semester hour for the purpose of continuing education means one semester credit hour is equal to fifteen (15) contact hours. Ninety (90) graduate quarter hours are equal to sixty (60) graduate semester hours.

V. Supervision means face-to-face contact between the individual and the appropriate supervisor during which the supervisor monitors, guides and evaluates the ability to interact, diagnose and treat each client.

W. Co-occurring disorders: Concurrent substance-related and mental disorder; having co-existing mental health and substance use disorders; Co-occurring disorders may include any combination of two or more substance abuse disorders and mental disorders identified in the diagnostic and statistical manual of mental disorders - IV (DSM-IV).

[16.27.1.7 NMAC - Rp 16 NMAC 27.1.7, 6-15-01; A, 7-1-04; A, 2-10-06]

16.27.1.8 LICENSE DISPLAY: A valid license must be displayed and must be visible to the public in the primary place of employment or business of the counselor or therapist. A licensee must practice counseling or therapy under the name inscribed on the license.

[16.27.1.8 NMAC - Rp 16 NMAC 27.1.8, 6-15-01]

16.27.1.9 BOARD ELECTIONS: At the first board meeting of each calendar year, the board shall elect, by majority vote of the members present, the following officers: Chairman, secretary/treasurer and vice chairman. Officers will serve a one-year term of office. A vacancy that occurs in any office shall be filled by a majority vote of the board members present, at the first board meeting following the vacancy.

[16.27.1.9 NMAC - Rp 16 NMAC 27.1.9, 6-15-01]

16.27.1.10 QUORUM: A quorum of the board is five members. A quorum is necessary to conduct official business.

[16.27.1.10 NMAC - Rp 16 NMAC 27.1.10, 6-15-01]

16.27.1.11 TELEPHONE CONFERENCES: If it is difficult or impossible for a member of the board to attend a meeting in person, the member may participate through a conference telephone. Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board who speaks during the meeting.

[16.27.1.11 NMAC - Rp 16 NMAC 27.1.11, 6-15-01]

16.27.1.12 BOARD MEETINGS: The board shall meet quarterly. Additional meetings shall be held as necessary to conduct the business of the board. Meetings may be convened at the call of the chair, or upon written request of three board members.

[16.27.1.12 NMAC - Rp 16 NMAC 27.1.12, 6-15-01]

16.27.1.13 STANDARDS COMMITTEES: The board chair may appoint at least three and no more than five additional members to the following standards committees: Clinical mental health counselors, professional mental health counselors, marriage and family therapy, art therapy, and substance abuse. Committees may be appointed at the first meeting held in each calendar year. The board member representing the licensed profession shall chair the committee and a public board member will serve on each committee. Committee members who do not serve on the board shall be licensed in the same professional category as the committee or be an educator in that profession, and shall have practiced in New Mexico for at least one year. Committee members serve at the pleasure of the board; however, they may be appointed for terms not to exceed two years and may serve no more than two consecutive terms. Initial appointments to the standards committees will be staggered so that no more than a quorum of the members expires in any one year. Individuals may only serve on one standards committee.

[16.27.1.13 NMAC - Rp 16 NMAC 27.1.13, 6-15-01]

16.27.1.14 PUBLIC RECORDS: Except as provided herein and except as otherwise provided by law, all applications, pleadings, petitions and motions are matters of public record as of the time of filing with the board.

[16.27.1.14 NMAC - Rp 16 NMAC 27.1.14, 6-15-01]

16.27.1.15 INSPECTION OF PUBLIC RECORDS: The board operates in compliance with the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through 14-2-16. The board administrator is the custodian of the board's records. Individuals may make oral or written request to inspect the public records of the board. If the request is made in writing, it must include the name, address and phone number of the individual seeking access. Requests for access to public records will be processed in a timely manner. If the inspection is not permitted within three (3) business days, the custodian will notify the individual requesting access to the records in writing and explain when the records will be made available. The board may provide copies of public records upon request and

upon payment of a reasonable copying fee, except as may be ordered by a court of competent jurisdiction. No person shall remove original board documents from the board office. The board maintains files for all applicants. Information in an applicant's file is a matter of public record except for the following:

- A. letters of reference, if applicable;
- B. medical reports and/or records of chemical dependency, physical or mental examinations or treatment as outlined in the rules governing the impaired counselor and therapists treatment program; and
- C. examination scores.

[16.27.1.15 NMAC - Rp 16 NMAC 27.1.15, 6-15-01]

16.27.1.16 NON-PUBLIC RECORDS: The contents of any examination used to test for an individual's knowledge or competence, investigative files, and matters of opinion are confidential and are not subject to public inspection. Only board members and employees may access non-public records unless approved by the board attorney and board chair.

[16.27.1.16 NMAC - Rp 16 NMAC 27.1.16, 6-15-01]

16.27.1.17 LICENSEE CHANGE INFORMATION: All name changes and address changes must be submitted to the board in writing or by e-mail.

[16.27.1.17 NMAC - N, 7-1-04; A, 2-10-06]

HISTORY OF 16.27.1 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives Under:

Rule 1, General Provisions, 3-24-94.

Rule 2, Definitions, 3-24-94

Rule2, Definitions, 3-20-95

HISTORY OF REPEALED MATERIAL:

16 NMAC 27.1, General Provisions - Repealed 6-15-01