

**NEW MEXICO BOARD
OF
SOCIAL WORK EXAMINERS**



**RULES AND REGULATIONS
& PRACTICE ACT**

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Effective 09/01/14

NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

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New Mexico Board of Social Work Examiners

Rules and Regulations

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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 1 GENERAL PROVISIONS

16.63.1.1 ISSUING AGENCY: Regulation and Licensing Department - Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.1.1 NMAC - Rn, 16 NMAC 63.1.1, 06/19/02]

16.63.1.2 SCOPE: All baccalaureate social workers, master social workers, and independent/clinical social workers.
[9/8/96; 16.63.1.2 NMAC - Rn, 16 NMAC 63.1.2, 06/19/02; A, 09/01/14]

16.63.1.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.1.3 NMAC - Rn, 16 NMAC 63.1.3, 06/19/02]

16.63.1.4 DURATION: Permanent.
[9/8/96; 16.63.1.4 NMAC - Rn, 16 NMAC 63.1.4, 06/19/02]

16.63.1.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.1.5 NMAC - Rn & A, 16 NMAC 63.1.5, 06/19/02]

16.63.1.6 OBJECTIVE: To define terms relevant to social work licensing, public versus non-public records, license display, gender clause, and requirements for board members to attend meetings.
[9/8/96; 16.63.1.6 NMAC - Rn, 16 NMAC 63.1.6, 06/19/02]

16.63.1.7 DEFINITIONS:

A. Appropriate supervision:

(1) Supervision shall be provided by an individual qualified by the board of social work examiners. Applicants and supervisors will engage in the process of supervision in accordance with the guidelines established by the board.

(2) Supervision for licensed masters level social workers aspiring to achieve licensure at an independent clinical level shall be provided by an independent social worker licensed at the LISW or LCSW level who is engaged in direct clinical practice or by a licensed clinical professional approved by the board.

(3) Supervision for master level social workers practicing clinical social work, not aspiring to achieve licensure at the clinical independent level, shall be provided by an independent social worker licensed at the LISW or LCSW level who is engaged in direct clinical practice, or other supervision approved by the board.

(4) The relationship between the supervisor and supervisee must be designed to promote the development of professional social work skills for the delivery of social work services. These skills include the integration of theory and practice, the development and application of intervention techniques, the development and constant improvement of social work standards and ethics, and the continued acquisition of professional knowledge. Within the limits set forth by the board, teleconferencing and group supervision will be accepted.

(5) Supervisors shall evaluate and oversee the manner in which the above skills development is reflected in the supervisee's practice. The supervisor's responsibility insures that the supervisee acquires the necessary skills required for advanced and professional social work practice. Supervisors shall immediately notify the board if there is a problem in the supervisory process or if the supervisor sees the applicant as unsuitable for this highest level of licensure.

(6) Supervisors who are overseeing supervision of individuals licensed as masters social workers (LMSW) after May 1, 2015 and aspiring to achieve licensure at the independent clinical level must comply with the board's supervisory requirements as follows:

(a) Complete a three (3) hour administrative course on supervision that may be used as continuing education;

(b) Submit an application that includes a curriculum vitae (resume) to the board for approval, prior to commencing supervision of the applicant; and

(c) Submit a plan for supervision to the board to include the frequency of supervision and the type of supervision i.e., individual, group, teleconferencing that will be employed throughout the supervisory period.

(7) Direct supervision: means face to face supervision, which may include video-teleconferencing. At least 70 of the 90 required hours must be obtained through direct supervision.

(8) Group Supervision: means supervision rendered to no more than six (6) individuals per group at a time. No more than 20 hours of the 90 required hours may be obtained through group supervision.

(9) Interdisciplinary Supervision: upon a written request and a showing of extraordinary circumstances, the board may accept supervision by other licensed clinical professionals to include, clinical psychologists, psychiatrists and professional clinical counselors. The supervising individual must be in good standing with their own professional licensing board. Board approval must be received prior to the commencement of supervision and no more than 30 hours of the required 90 hours may be obtained through non LISW/LCSW supervision.

(10) When a LCSW applicant seeks board approval for supervision from either an LCSW at the place of employment or from an outside supervisor who is not employed at the same agency as the LMSW seeking licensure, a signed agreement must be made between all parties. The agreement must include a statement that all client information is to be confidential and recognize that the decisions regarding clinical care rests with the agency/organization. The employing agency shall be kept informed of any changes in the supervisory process.

B. Licensed Clinical Social Worker: an independent social worker with a clinical specialty is equivalent to an independent clinical social worker (LCSW). The LCSW title captures the intent of being able to practice "independently" in providing clinical services.

C. Qualified applicants:

(1) Means graduates from those programs having received accreditation by CSWE and those programs having candidacy status, conditional status, or under review status with CSWE.

(2) For those applicants who graduated from an institution of higher education before CSWE began to accredit programs (prior to 1974), the New Mexico board of social work examiners will require:

(a) a letter from the university's registrar's office stating that the applicant's course of study culminated in a degree which was the equivalent of an emphasis or major in social work;

(b) demonstrated social work experience;

(c) documentation of social work licensure in a previous state; and

(d) concurrence among the majority of professional members of the board that the transcripts reflect sufficient coursework in social work.

D. CSWE (council on social work education) accreditation: means those programs having received accreditation by CSWE and those programs having candidacy status or under review status with CSWE.

[1/1/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.1.7 NMAC - Rn, 16 NMAC 63.1.7, 06/19/02; A, 04/24/06; A, 01/17/08; A, 12/31/08; A, 09/01/14]

16.63.1.8 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. Any information covered in this section may be released to the disciplinary action reporting system ("DARS") of the association of social work boards "ASWB".

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.8 NMAC - Rn & A, 16 NMAC 63.1.8, 06/19/02; A, 04/24/06]

16.63.1.9 INSPECTION OF PUBLIC RECORDS: Any citizen of the state may examine all public records in the board's custody. People requesting inspection of public records shall provide reasonable notice to the board's administrator. When the records requested are in active use, the requestor must notify the administrator five (5) days in advance. The board may provide copies of public records upon request and upon payment of a reasonable copying fee. No person shall remove board documents from the board office. The board maintains files for all applicants. Information in the applicant's file is a matter of public record except for the following:

A. letters of reference;

B. medical reports and/or records of chemical dependency, physical or mental examinations or treatment as outlined in the Social Work Practice Act 61-31-19d.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.9 NMAC - Rn, 16 NMAC 63.1.9, 06/19/02]

16.63.1.10 NON-PUBLIC RECORDS: All complaints against social workers, 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 board attorney and board chairman.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.10 NMAC - Rn, 16 NMAC 63.1.10, 06/19/02]

16.63.1.11 LICENSE DISPLAY: The valid license must be displayed and must be visible to the public in the primary place of social work employment or business. A licensee must practice social work under the name inscribed on the license.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.1.11 NMAC - Rn, 16 NMAC 63.1.11, 06/19/02]

16.63.1.12 BOARD GOVERNANCE:

- A. There is created the board of social work examiners.
- B. The board shall be administratively attached to the regulation and licensing department.
- C. The board shall consist of seven members who are representative of the geographic and ethnic groups within New Mexico, who are United States citizens and who have been New Mexico residents for at least five years prior to their appointment. Of the seven members:
 - (1) four shall have been engaged in social work practice for at least five years; at least two of the four shall hold a master's degree in social work; and at least two shall hold a bachelor's degree in social work from schools of social work that are accredited by the council on social work education; at least one of these members shall be engaged primarily in clinical social work practice; one member shall be engaged primarily in education; one member shall be engaged primarily in administration or research in social work practice; and at least one member shall be engaged primarily in community organization, planning and development; these members shall hold a current New Mexico social work license and shall not hold office in any professional organization of social workers during their tenure on the board; and
 - (2) three members shall represent the public; the public members shall not have been licensed or have practiced as social workers; public member shall not have any significant financial interest, whether direct or indirect, in social work practice.
- D. Members of the board shall be appointed by the governor for staggered terms of three years. Each member shall hold office until his successor is appointed. Vacancies shall be filled for the unexpired term in the same manner as original appointments.
- E. Except for the representatives of the public on the board, the governor shall appoint board members from a list of nominees submitted by social work organizations and individual social work professionals.
- F. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.
- G. The board shall elect a chairman and other officers as deemed necessary to administer its duties.
- H. A simple majority of the board members currently serving shall constitute a quorum of the board. A board member may participate in a board meeting by means of conference call or other similar communications equipment when it is otherwise difficult or impossible for the member to attend the meeting in person, provided that the member participating by conference call can be identified when speaking, all participants are able to hear each other at the same time and members of the public attending the meeting are able to hear any member of the public body who speaks during the meeting.
- I. The board shall meet at least once a year and at such other times as it deems necessary. Other meetings may be called by the chairman upon the written request of a quorum of the board.
- J. The governor may remove any member from the board for the neglect of any duty required by law, for incompetence, for improper or unprofessional conduct as defined by board regulation or for any reason that would justify the suspension or revocation of his license to practice social work.
- K. No board member shall serve more than two consecutive terms, and any member failing to attend, after proper notice, three consecutive meetings shall automatically be removed as a board member, unless excused for reasons set forth in board regulation.
- L. In the event of a vacancy for any reason, the board secretary shall immediately notify the governor and the board of the vacancy and the reason for its occurrence to expedite the appointment of a new board member within a six-month period.
- M. Board members may be excused from attending board meetings for any of the reasons set forth below:
 - (1) illness;
 - (2) death in the immediate family;
 - (3) military service;
 - (4) inclement weather;
 - (5) any other reason deemed appropriate by the chairperson of the board.

[1/5/95, 5/1/99; 16.63.1.12 NMAC - Rn, 16 NMAC 63.1.12, 06/19/02]

16.63.1.13 COOPERATION WITH THE BOARD:

A. A social worker shall give full cooperation and assistance to the board of social work examiners and to its committees, functions and duties with respect to licensing and disciplinary matters. Applicants and licensees shall respond promptly to any matter or inquiry by the board.

B. Failure to cooperate with the board in an investigation as required by 16.63.13 NMAC herein will constitute unprofessional behavior and may result in disciplinary action, including but not limited to suspension, revocation or denial of license, as provided by the Social Work Practice Act, Sections 61-31-1 through 61-31-25 NMSA 1978, as amended.

[6/22/92, 5/1/99; 16.63.1.13 NMAC - Rn, 16 NMAC 63.1.13, 06/19/02]

16.63.1.14 [RESERVED]

HISTORY OF 16.63.1 NMAC:

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

Rule 1, General Provisions, 12/1/89.

Rule 1, General Provisions, 8/13/90.

Rule 1, General Provisions, 4/15/91.

Rule 1, General Provisions, 5/22/92.

Rule 1, General Provisions, 12/5/94.

Rule 2, Definitions, 12/1/89.

Rule 2, Definitions, 4/15/91.

Rule 2, Definitions, 5/22/92.

Rule 2, Definitions, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 3 APPLICATION FOR LICENSURE

16.63.3.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.3.1 NMAC - Rn, 16 NMAC 63.3.1, 06/19/02]

16.63.3.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.3.2 NMAC - Rn, 16 NMAC 63.3.2, 06/19/02]

16.63.3.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8.J and 61-31-14 NMSA 1978.
[9/8/96; 16.63.3.3 NMAC - Rn, 16 NMAC 63.3.3, 06/19/02]

16.63.3.4 DURATION: Permanent
[9/8/96; 16.63.3.4 NMAC - Rn, 16 NMAC 63.3.4, 06/19/02]

16.63.3.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.3.5 NMAC - Rn & A, 16 NMAC 63.3.5, 06/19/02]

16.63.3.6 OBJECTIVE: To outline the application process, parameters of practice, and the renewal procedure.
[9/8/96; 16.63.3.6 NMAC - Rn, 16 NMAC 63.3.6, 06/19/02]

16.63.3.7 DEFINITIONS: [Reserved]

16.63.3.8 APPLICATION FOR LICENSURE: Applicants, other than those applying for licensure by credentials, must submit or cause to be submitted the following documentation to the board:

- A. completed application;
- B. two (2) personal character references;
- C. one (1) 2" x 2" original photograph of the applicant taken within the preceding six (6) months affixed to the application;
- D. license fee as provided in Part 8;
- E. official transcripts directly from the university or college or by other means approved by the board verifying a bachelors or masters degree in social work; and
- F. verification of supervision must be received directly from the supervisor or by other means approved by the board;
- G. if currently or previously licensed in another state you must submit verification of licensure, which must be sent directly to the board by the issuing jurisdiction;
- H. official exam scores; proof of passing the licensure exam must be received directly from the association of social work boards or from the jurisdiction in which the applicant is licensed; and
- I. verification the applicant has completed one of the following:
 - (1) a three credit hour course in New Mexico cultures listed on the applicants transcripts;
 - (2) a board approved course, workshop or seminar in New Mexico cultures;
 - (3) proof of previously passing the New Mexico cultural examination;
- J. proof of passing the jurisprudence examination with a grade of no less than 70%.

[5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.3.8 NMAC - Rn, 16 NMAC 63.3.8, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08; A, 12/31/08]

16.63.3.9 PARAMETERS OF PRACTICE: The scope of practice for the independent social worker is set forth in 16.63.11.9 NMAC. The scope of practice for the master social worker is set forth in 16.63.10.9 NMAC. The scope of practice for the baccalaureate social worker is set forth in 16.63.9.9 NMAC.
[5/15/91, 6/22/92, 1/5/95; 16.63.3.9 NMAC - Rn, 16 NMAC 63.3.9, 06/19/02]

16.63.3.10 INITIAL LICENSE/RENEWAL OF LICENSE:

- A. Initial license.
 - (1) Initial licenses issued between January 1 and June 30 shall expire on July 1 of the next calendar year.
 - (2) Initial licenses issued between July 1 and December 31 shall expire on July 1 of the second calendar year following the date of issuance.
- B. No license will be issued for longer than 24 months.
- C. Renewal of license.
 - (1) Each licensed social worker shall apply for license renewal and pay the renewal fee as set forth in Part 8.
 - (2) Licenses that expire July 1, 2007 will renew according to the following schedule.
 - (a) If the last digit of the license number ends in an even number the license will expire on July 1, 2008 and biennially thereafter. The renewal fee will be prorated.
 - (b) If the last digit of the license number ends in an odd number the license will expire on July 1, 2009 and biennially thereafter.
- D. A 30-day grace period, running from July 1 - July 30, of the renewal year allows the social worker to submit a renewal without a late penalty fee. However the social worker's license shall be considered expired and the social worker will refrain from practicing.
- E. From July 31 to September 29 of the renewal year the social worker may renew the license, however a penalty fee will be assessed (16.63.8.17 NMAC).
- F. If revoked for non-renewal, the licensee will be required to pay previous penalties, complete a new application and pay another application fee. Licensees revoked for non-renewal may be reinstated if revocation was due to extenuating circumstances. These extenuating circumstances include serious, physician-verified illness and military service. The extenuating circumstances must be presented in writing for the board's consideration and will be handled on a case-by-case basis. Licenses will only be reinstated if licensees are up to date with all current continuing education requirements and pass an exam prescribed by the board.
- G. Electronic signatures shall be accepted on all applications.

[5/15/91, 6/22/92, 1/5/95; 5/1/99, 16.63.3.10 NMAC - Rn, 16 NMAC 63.3.10, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08; A, 12/31/08; A, 09/01/14]

16.63.3.11 QUALIFIED APPLICANTS: As per 16.63.4.12 NMAC "Qualified applicants who fail to obtain the minimum required score may retake the (ASWB) exam an unlimited number of times. Applicants must pay the examination fee for each administration of the examination." Prior to the re-examination a new application must be submitted to the board by the applicant. A non-refundable application fee must accompany the new application. Qualifications for examination will be evaluated based on the most recent application. Initial applications are valid for a period of twelve (12) months; additional, applications shall be valid for a period not to exceed twelve (12) months from the date of initial submission.

[5/15/91, 6/22/92, 1/15/95, 5/1/99; 16.63.3.11 NMAC - Rn & A, 16 NMAC 63.3.11, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08]

16.63.3.12 EXAMINATION REQUIRED: No license, other than a provisional license, will be issued without passing exam scores for ASWB at the appropriate level. The scores of ASWB examination may be submitted by ASWB, or by the state board from which the applicant is currently licensed, directly to the New Mexico board of social work examiners.

[5/15/91, 6/22/92, 1/15/95, 5/1/99; 16.63.3.12 NMAC - Rn & A, 16 NMAC 63.3.12, 06/19/02; A, 11/30/06]

HISTORY OF 16.63.3 NMAC:

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

Rule 3, Application for Licensure, 4/15/91.

Rule 3, Application for Licensure, 5/22/92.

Rule 3, Application for Licensure, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 4 EXAMINATIONS

16.63.4.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.4.1 NMAC - Rn, 16 NMAC 63.4.1, 06/19/02]

16.63.4.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.4.2 NMAC - Rn, 16 NMAC 63.4.2, 06/19/02]

16.63.4.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.4.3 NMAC - Rn, 16 NMAC 63.4.3, 06/19/02]

16.63.4.4 DURATION: Permanent
[9/8/96; 16.63.4.4 NMAC - Rn, 16 NMAC 63.4.4, 06/19/02]

16.63.4.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.4.5 NMAC - Rn & A, 16 NMAC 63.4.5, 06/19/02]

16.63.4.6 OBJECTIVE: To outline the examination requirements and process.
[9/8/96; 16.63.4.6 NMAC - Rn, 16 NMAC 63.4.6, 06/19/02]

16.63.4.7 DEFINITIONS: [Reserved]

16.63.4.8 EXAMINATIONS: The board adopts as its examination the examination as administered by the association of social work boards at the appropriate license level.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.4.8 NMAC - Rn, 16 NMAC 63.4.8, 06/19/02; A, 4/24/06; A, 11/30/06]

16.63.4.9 FREQUENCY: The board will administer the examinations at least twice a year or as frequently as is determined by the board.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.4.9 NMAC - Rn, 16 NMAC 63.4.9, 06/19/02]

16.63.4.10 REQUIREMENTS: In order to sit for the ASWB examination, applicants must submit, to the board, a completed examination application and supporting documentation.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.4.10 NMAC - Rn & A, 16 NMAC 63.4.10, 06/19/02; A, 11/30/06]

16.63.4.11 PASSING SCORES: For the examinations administered by the association of social work boards, ASWB, the board will accept as passing, scores of 70 or higher.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.4.11 NMAC - Rn & A, 16 NMAC 63.4.11, 06/19/02; A, 4/24/06]

16.63.4.12 REPEATED EXAMINATIONS: Qualified applicants who fail to obtain the minimum required score may retake the exam an unlimited number of times. A new application must be submitted and applicants must pay the examination fee for each administration of the examination. Qualifications for examination will be evaluated based on the most recent application.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.4.12 NMAC - Rn, 16 NMAC 63.4.12, 06/19/02]

16.63.4.13 SPECIAL ACCOMODATIONS: Applicants for examination may request special facilities to accommodate disabilities or additional time to allow for English as a second language. Special requests must be submitted in writing, to the New Mexico board of social work examiners at the time of application. The board will consider each request on a case-by-case basis.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.4.13 NMAC - Rn, 16 NMAC 63.4.13, 06/19/02]

16.63.4.14 NOTIFICATION: The applicant will receive the results of the national exam immediately from ASWB.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.4.14 NMAC - Rn, 16 NMAC 63.4.14, 06/19/02; A, 11/30/06]

HISTORY OF 16.63.4 NMAC:

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

Rule 7, Examinations, 12/1/89.

Rule 7, Examinations, 8/13/90.

Rule 4, Examinations, 4/15/91.

Rule 4, Examinations, 5/22/92.

Rule 4, Examinations, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 5 EMERGENCY LICENSURE

16.63.5.1 ISSUING AGENCY: Regulation and Licensing Department - Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504
[16.63.5.1 NMAC - N/E, 11/9/05]

16.63.5.2 SCOPE: An individual desiring to practice either as a baccalaureate social workers, or a master social workers, and independent social workers following a federally declared disaster.
[16.63.5.2 NMAC - N/E, 11/9/05]

16.63.5.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[16.63.5.3 NMAC - N/E, 11/9/05]

16.63.5.4 DURATION: Permanent.
[16.63.5.4 NMAC - N/E, 11/9/05]

16.63.5.5 EFFECTIVE DATE: November 9, 2005, unless a later date is cited at the end of a section.
[16.63.5.5 NMAC - N/E, 11/9/05]

16.63.5.6 OBJECTIVE: The objective of Part 5 is to outline requirements, procedures, and criteria for issuance of an emergency license.
[16.63.5.6 NMAC - N/E, 11/9/05]

16.63.5.7 DEFINITIONS: [RESERVED]

16.63.5.8 PROVISIONS FOR EMERGENCY LICENSURE:

- A.** Licensed social workers currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure may be licensed in New Mexico during the six months following the declared disaster at no cost upon satisfying the following requirements:
- (1) receipt by the board of a completed application which has been signed and notarized and which is accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;
 - (2) refer to 16.63.9.8, 16.63.10.8, and 16.63.11.8 NMAC, Qualification of Licensure for licensure requirements;
 - (3) verification of licensure from the state in which the federal disaster has been declared; the verification of licensure must include the following information:
 - (a) copy of transcripts verifying a bachelors or masters degree from a program of social work accredited by the council on social work education;
 - (b) copy of supervision records;
 - (c) verification the applicant has passed the association of social work board (ASWB) exam at the appropriate level for which the applicant is applying; and
 - (d) verification that the license is in good standing with no pending disciplinary action.
 - (4) sworn affidavit that the applicant was personally or professionally effected by the disaster.
- B.** The board may waive the following requirements for licensure:
- (1) application fees;
 - (2) taking and passing the NM cultural awareness exam prior to licensure; the applicant will be required to take and pass the NM cultural awareness exam within three months from the date the emergency license is issued; the emergency license will automatically expire if the applicant fails to take or fails to pass the NM cultural awareness exam within three months; and
 - (3) fee for the cultural awareness examination.
- C.** The board may waive the specific forms required under 16.63.9.8, 16.63.10.8, and 16.63.11.8 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.

(1) If the applicant is unable to obtain official transcripts, from a school located in a declared disaster area, the applicant may submit a sworn affidavit from the applicant verifying he has a bachelors or masters degree in social work.

(2) For LISW applicants who are unable to obtain verification of supervision from a supervisor located in a declared disaster area the applicant may submit a sworn affidavit from the applicant verifying he has 3600 hours of experience and a minimum of 90 hours of supervision.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.63.9.8, 16.63.10.8, and 16.63.11.8 NMAC.

E. Licenses issued under (the emergency provision) shall expire on July 1, following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before July 1, following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.

[16.63.5.8 NMAC - N/E, 11/9/05]

16.63.5.9 EMERGENCY LICENSE TERMINATION:

A. The emergency license shall terminate upon the following circumstances:

(1) the issuance of a permanent license under sections 16.63.9.8, 16.63.10.8, and 16.63.11.8 NMAC;

(2) proof that the emergency license holder has engaged in fraud, deceit, or misrepresentation in procuring or attempting to procure a license under this section, or failure to take and pass or failure to take the NM cultural awareness exam within three months; or

(3) violation of the Social Work Practice Act or the social work rules and regulations.

B. Termination of an emergency license shall not preclude application for permanent licensure under sections 16.63.9.8, 16.63.10.8, and 16.63.11.8 NMAC. The board may withhold or deny an application for licensure. In accordance with the procedures established by the Uniform Licensing Act [61-1-1 to 61-11-31 NMSA 1978], the board may deny, suspend or revoke a license held or applied for under the Social Work Practice Act, may fine or reprimand a license or take any other action provided for in the Uniform Licensing Act.

[16.63.5.9 NMAC - N/E, 11/9/05]

HISTORY OF 16.63.5 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 6 LICENSURE BY CREDENTIALS; RECIPROCIITY

16.63.6.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.6.1 NMAC - Rn, 16 NMAC 63.6.1, 06/19/02]

16.63.6.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.6.2 NMAC - Rn, 16 NMAC 63.6.2, 06/19/02]

16.63.6.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.6.3 NMAC - Rn, 16 NMAC 63.6.3, 06/19/02]

16.63.6.4 DURATION: Permanent
[9/8/96; 16.63.6.4 NMAC - Rn, 16 NMAC 63.6.4, 06/19/02]

16.63.6.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.6.5 NMAC - Rn & A, 16 NMAC 63.6.5, 06/19/02]

16.63.6.6 OBJECTIVE: To state the minimum requirements for licensure by credentials.
[9/8/96; 16.63.6.6 NMAC - Rn, 16 NMAC 63.6.6, 06/19/02]

16.63.6.7 DEFINITIONS: [Reserved]

16.63.6.8 QUALIFICATION FOR LICENSURE: A person seeking reciprocity in the state of New Mexico shall meet the minimum requirements necessary for licensure in our state. The board shall have the discretion to license individuals who seek licensure by reciprocity based on their credentials. Applicants for licensure by credentials should possess the following:

- A. a current valid social work license issued by an appropriate examining board under the laws of any other state or territory of the United States or the District of Columbia or any sovereign nation at the level of licensure being sought for a minimum of five years;
 - B. a passing test score from the association of social work boards for licensure level sought;
 - C. a baccalaureate degree in social work from a CSWE accredited program, if applying for the LBSW;
 - D. a master's degree in social work from a CSWE accredited program, if applying for the LMSW or LISW or LCSW;
 - E. verification the applicant has completed one of the following:
 - (1) a three credit hour course in New Mexico cultures listed on the applicants transcripts;
 - (2) a board approved course, workshop or seminar in New Mexico cultures;
 - (3) proof of previously passing the New Mexico cultural examination;
 - F. have presented to the New Mexico board documentation as required by the New Mexico board that any other license granted to the applicant by any other state has not been suspended, revoked, voluntarily surrendered or otherwise restricted for any reason except non-renewal or for the failure to obtain the required continuing education credits;
 - G. proof of passing the jurisprudence examination with a grade of no less than 70%.
- [1/1/90, 5/15/91, 6/22/92, 5/1/99; 16.63.6.8 NMAC - Rn & A, 16 NMAC 63.6.8, 06/19/02; A, 11/30/06; A, 01/17/08; A, 12/31/08; A, 09/01/14]

16.63.6.9 APPLICATION FOR LICENSURE: Applicants for licensure by credentials; reciprocity must submit or cause to be submitted the following documentation to the board:

- A. completed application;
- B. two (2) personal character references;

- C. a 2" x 2" photograph of the applicant taken within the preceding six months affixed to the application;
 - D. completed form titled "statement of registration, or certification of licensure in another state", to be submitted directly to the board from the conferring agency;
 - E. test scores from ASWB exam;
 - F. non-refundable license fee as set forth in Part 7 to be assessed at the time of application.
- [1/1/90, 5/15/91, 6/22/92, 5/1/99; 16.63.6.9 NMAC - Rn & A, 16 NMAC 63.6.9, 06/19/02; A, 11/30/06; A, 01/17/08]

HISTORY OF 16.63.6 NMAC:

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

Rule 6, Licensure by Credentials, 12/1/89.

Rule 6, Licensure by Credentials, 4/5/91.

Rule 6, Licensure by Credentials, 4/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 7 PROVISIONAL LICENSE

16.63.7.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504
[9/8/96; 16.63.7.1 NMAC - Rn, 16 NMAC 63.7.1, 06/19/02]

16.63.7.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.7.2 NMAC - Rn, 16 NMAC 63.7.2, 06/19/02]

16.63.7.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.7.3 NMAC - Rn, 16 NMAC 63.7.3, 06/19/02]

16.63.7.4 DURATION: Permanent
[9/8/96; 16.63.7.4 NMAC - Rn, 16 NMAC 63.7.4, 06/19/02]

16.63.7.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.7.5 NMAC - Rn & A, 16 NMAC 63.7.5, 06/19/02]

16.63.7.6 OBJECTIVE: To state the minimum requirements for a provisional license, the duration of the license, and the process to reapply.
[9/8/96; 16.63.7.5 NMAC - Rn, 16 NMAC 63.7.5, 06/19/02]

16.63.7.7 DEFINITIONS: [Reserved]

16.63.7.8 APPLICABILITY:

A. When an applicant has submitted all documentation required for the license sought and the application is complete except that the applicant has not completed the licensure exam or the required course in New Mexico cultures, the board may issue a provisional license to the applicant at the level sought.

B. The board will accept, in the absence of an official transcript, certification bearing official seal and attesting to completion of degree requirements from the registrar, mailed directly to the board from the conferring institution.

[1/1/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.7.8 NMAC - Rn, 16 NMAC 63.7.8, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08]

16.63.7.9 DURATION: The provisional license shall be valid for twelve (12) months.

A. The provisional license shall become immediately invalid if the provisional licensee fails to submit an official transcript of certification.

B. During this twelve (12) month period the provisional licensee must provide documentation that the individual has passed the national examination and provide documentation that verifies the individual has completed the required course in New Mexico cultures.

C. Only one provisional license will be issued for each level of licensure except in extenuating circumstances as defined in 16.63.7.10 NMAC.

[1/1/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.7.9 NMAC - Rn & A, 16 NMAC 63.7.9, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08]

16.63.7.10 EXTENUATING CIRCUMSTANCES: A qualified provisional licensee may apply for an extension of a provisional license if the applicant:

A. fails to sit for the examination due to extenuating circumstances; these extenuating circumstances are defined as serious, physician-verified illness or death in immediate family, and military service; the extenuating circumstances must be presented for the board's administrator's consideration on a case-by-case basis;

B. should the applicant be granted an extension, the applicant must sit for the examination at the next available time it is offered; the extended provisional license will be in effect only until the next available test date and not to exceed under any circumstances 4 months.

[1/1/90, 5/15/91, 6/22/92, 1/5/95; 5/1/99; 16.63.7.10 NMAC - Rn, 16 NMAC 63.7.10, 06/19/02; A, 04/24/06]

16.63.7.11 FEE: The applicant shall pay a license fee as set forth in Part 8.

[1/1/90, 5/15/91, 6/22/92, 1/5/95; 16.63.7.11 NMAC - Rn, 16 NMAC 63.7.11, 06/19/02]

HISTORY OF 16.63.7 NMAC:

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

Rule 8, Provisional License, 12/1/89.

Rule 7, Provisional License, 4/15/91.

Rule 7, Provisional License, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 8 FEES

16.63.8.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.8.1 NMAC - Rn, 16 NMAC 63.8.1, 06/19/02]

16.63.8.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.8.2 NMAC - Rn, 16 NMAC 63.8.2, 06/19/02]

16.63.8.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.8.3 NMAC - Rn, 16 NMAC 63.8.3, 06/19/02]

16.63.8.4 DURATION: Permanent
[9/8/96; 16.63.8.4 NMAC - Rn, 16 NMAC 63.8.4, 06/19/02]

16.63.8.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.8.5 NMAC - Rn & A, 16 NMAC 63.8.5, 06/19/02]

16.63.8.6 OBJECTIVE: To outline fees for examinations, application, renewal, late penalty fee, duplicate license, retired, and administrative fees.
[9/8/96; 16.63.8.6 NMAC - Rn, 16 NMAC 63.8.6, 06/19/02]

16.63.8.7 DEFINITIONS: [Reserved]

16.63.8.8 EXAMINATIONS: The fee for the association of social work boards (ASWB) examinations at any level of licensure is determined and collected by ASWB.
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 5/1/99; 16.63.8.8 NMAC - Rn, & A, 16 NMAC 63.8.8, 06/19/02; A, 09/01/14]

16.63.8.9 APPLICATION: BACCALAUREATE: The fee for application as a baccalaureate social worker is seventy-five dollars (\$75.00), to be submitted with the application.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.9 NMAC - Rn, 16 NMAC 63.8.9, 06/19/02]

16.63.8.10 APPLICATION: MASTER: The fee for application as a master social worker is one hundred dollars (\$100.00), to be submitted with the application.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.10 NMAC - Rn, 16 NMAC 63.8.10, 06/19/02]

16.63.8.11 APPLICATION: INDEPENDENT: The fee for application as an independent social worker is one hundred twenty-five dollars (\$125.00), to be submitted with the application.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.11 NMAC - Rn, 16 NMAC 63.8.11, 06/19/02]

16.63.8.12 APPLICATION BY CREDENTIALS: For licensure by credentials the fee is commensurate with license level.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.12 NMAC - Rn, 16 NMAC 63.8.12, 06/19/02]

16.63.8.13 PROVISIONAL LICENSE: For a provisional license, the fee is commensurate for each license level as stated in Part 8, section 8, 9, 10 and 11.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.13 NMAC - Rn, 16 NMAC 63.8.13, 06/19/02]

16.63.8.14 RENEWAL BACCALAUREATE: For renewal of license as a baccalaureate social worker, one hundred dollars (\$100.00).
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.14 NMAC - Rn, 16 NMAC 63.8.14, 06/19/02; A, 11/30/06]

16.63.8.15 RENEWAL MASTERS: For renewal of a license as a master social worker, one hundred fifty dollars (\$150.00).
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.15 NMAC - Rn, 16 NMAC 63.8.15, 06/19/02; A, 11/30/06]

16.63.8.16 RENEWAL INDEPENDENT: For renewal of a license as an independent social worker, two hundred dollars (\$200.00).
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.16 NMAC - Rn, 16 NMAC 63.8.16, 06/19/02; A, 11/30/06]

16.63.8.17 LATE PENALTY FEE: License renewal deadline is July 1. Penalty fee for late renewal license is seventy-five dollars (\$75.00).
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.17 NMAC - Rn, 16 NMAC 63.8.17, 06/19/02; A, 01/17/08]

16.63.8.18 DUPLICATE LICENSE: The fee for a duplicate license is twenty-five dollars (\$25.00). The fee for a duplicate pocket card is five dollars (\$5.00). The fee for a duplicate renewal certificate is five dollars (\$5.00).
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.18 NMAC - Rn, 16 NMAC 63.8.18, 06/19/02]

16.63.8.19 APPLICATION RETIRED: The application fee for retired social workers is one half the regular fee.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.19 NMAC - Rn, 16 NMAC 63.8.19, 06/19/02]

16.63.8.20 [RESERVED]
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 5/1/99; 16.63.8.20 NMAC - Rn, 16 NMAC 63.8.20, 06/19/02; Repealed, 04/24/06]

16.63.8.21 REASONABLE ADMINISTRATIVE FEES
[1/1/90, 9/13/90, 5/15/91, 6/22/92, 5/1/99; 16.63.8.21 NMAC - Rn, 16 NMAC 63.8.21, 06/19/02]

16.63.8.22 ALL FEES ARE NON REFUNDABLE
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.8.22 NMAC - Rn, 16 NMAC 63.8.22, 06/19/02]

HISTORY OF 16.63.8 NMAC:

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

Rule 10, Fees, 12/1/89.

Rule 10, Fees, 8/13/90.

Rule 8, Fees, 4/15/91.

Rule 8, Fees, 5/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 9 BACCALAUREATE SOCIAL WORKER

16.63.9.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.9.1 NMAC - Rn, 16 NMAC 63.9.1, 06/19/02]

16.63.9.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.9.2 NMAC - Rn, 16 NMAC 63.9.2, 06/19/02]

16.63.9.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.9.3 NMAC - Rn, 16 NMAC 63.9.3, 06/19/02]

16.63.9.4 DURATION: Permanent
[9/8/96; 16.63.9.4 NMAC - Rn, 16 NMAC 63.9.4, 06/19/02]

16.63.9.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.9.5 NMAC - Rn & A, 16 NMAC 63.9.5, 06/19/02]

16.63.9.6 OBJECTIVE: To state the minimum requirements for licensure as a social worker at the baccalaureate level, to outline the parameters of practice, and the procedure to renew a license.
[9/8/96; 16.63.9.6 NMAC - Rn, 16 NMAC 63.9.6, 06/19/02]

16.63.9.7 DEFINITIONS: [Reserved]

16.63.9.8 QUALIFICATION OF LICENSURE: Applicants for licensure as baccalaureate social worker must possess the following minimum qualifications:

- A. be at least 18 years of age;
- B. possess a bachelor's degree in social work from a program accredited by the council on social work education;
- C. successfully pass the association of social work board examination and the jurisprudence examination;
- D. documents completion of the required course in New Mexico cultures.

[1/1/90, 5/15/91, 6/22/92; 16.63.9.8 NMAC - Rn & A, 16 NMAC 63.9.8, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08; A, 12/31/08]

16.63.9.9 PARAMETERS OF PRACTICE:

A. This is the entry licensing level. The baccalaureate social worker ("LBSW") is prepared to assume the beginning level professional role in public and private social service agencies.

B. LBSWs are prepared through beginning professional knowledge in human behavior in the social environment, generalist social work practice, knowledge of the history of social policy, knowledge of how to utilize social research findings in their practice and having had supervised field practicum experience. Baccalaureate social work is basic generalist practice that includes assessment planning, intervention, evaluation, case management, information and referral, counseling, supervision, consultation, education, advocacy, community organization, and the development, implementation, of policies, programs and activities. LBSWs may work with individuals, families, communities, groups and organizations at a beginning level.

C. The LBSW utilizes the basic problem-solving process of gathering information, assessing that information at a beginning professional level, developing an intervention plan, implementing the plan and conducts follow-up. This process at the LBSW level requires the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning.

D. The LBSW must not practice independently as a private practitioner.
[1/1/90, 5/15/91, 6/22/92; 16.63.9.9 NMAC - Rn & A, 16 NMAC 63.9.9, 06/19/02; A, 04/24/06]

16.63.9.10 RENEWAL OF LICENSE: Before July 1 of the renewal year, each baccalaureate social worker shall apply for license renewal and shall pay the renewal fee as set forth in Part 8.
[1/1/90, 5/15/91, 6/22/92, 5/1/99; 16.63.9.10 NMAC - Rn, 16 NMAC 63.9.10, 06/19/02; A, 01/17/08]

HISTORY OF 16.63.9 NMAC:

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

Rule 3, Baccalaureate Social Worker, 12/1/89.

Rule 9, Baccalaureate Social Worker, 4/15/91.

Rule 9, Baccalaureate Social Worker, 5/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 10 MASTER SOCIAL WORKER

16.63.10.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.10.1 NMAC - Rn, 16 NMAC 63.10.1, 06/19/02]

16.63.10.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.10.2 NMAC - Rn, 16 NMAC 63.10.2, 06/19/02]

16.63.10.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.10.3 NMAC - Rn, 16 NMAC 63.10.3, 06/19/02]

16.63.10.4 DURATION: Permanent
[9/8/96; 16.63.10.4 NMAC - Rn, 16 NMAC 63.10.4, 06/19/02]

16.63.10.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.10.5 NMAC - Rn & A, 16 NMAC 63.10.5, 06/19/02]

16.63.10.6 OBJECTIVE: To state the minimum requirements for licensure as a social worker at the masters level, to outline the parameters of practice at this level, and the procedure to renew a license.
[9/8/96; 16.63.10.6 NMAC - Rn, 16 NMAC 63.10.6, 06/19/02]

16.63.10.7 DEFINITIONS: [Reserved]

16.63.10.8 QUALIFICATION FOR LICENSURE: Applicants for licensure as master social worker must:

- A. be at least 18 years of age;
- B. possess a master's degree in social work from a graduate program of social work accredited by the council on social work education;
- C. successfully pass the association of social work board examination and the jurisprudence examination;
- D. documents completion of the required course in New Mexico cultures.

[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.10.8 NMAC - Rn & A, 16 NMAC 63.10.8, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08; A, 12/31/08]

16.63.10.9 PARAMETERS OF PRACTICE:

- A. The licensed master social worker ("LMSW") provides a wide range of services. The LMSW has preparation as a generalist social worker, as found in the LBSW level in addition to specialization in either direct or indirect services such as work in a field of practice or with a specific population.
- B. The LMSW may provide diagnostic, preventive and treatment services. The practice of master's social work means the application of social work theory, knowledge, methods and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities. Master's social work practice requires the application of specialized knowledge and advanced practice skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, counseling, supervision, consultation, education, research, advocacy, community organization and the development, implementation and administration of policies, programs and activities. The practice of master's social work may include the practice of clinical social work under appropriate clinical social work supervision. The LMSW is able to explain and interpret the results of psychosocial evaluations in the problem-solving process. The LMSW is able to supervise LBSWs and practice in the areas of social work administration, community organization and policy analysis.
- C. The LMSW may not practice independently as a private practitioner.

[1/1/90, 9/13/90, 5/15/91, 6/22/92; 5/1/99, 16.63.10.9 NMAC - Rn, 16 NMAC 63.10.9, 06/19/02; A, 04/24/06]

16.63.10.10 RENEWAL OF LICENSE: Before July 1 of the renewal year, each master social worker shall apply for license renewal and shall pay the renewal fee as set forth in Part 8.
[1/1/90, 9/13/90, 5/15/91, 6/22/92; 16.63.10.10 NMAC - Rn, 16 NMAC 63.10.10, 06/19/02; A, 01/17/08]

HISTORY OF 16.63.10 NMAC:

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

Rule 4, Master Social Worker, 12/1/89.

Rule 4, Master Social Worker, 8/13/90.

Rule 10, Master Social Worker, 4/15/91.

Rule 10, Master Social Worker, 5/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 11 CLINICAL SOCIAL WORKER

16.63.11.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.11.1 NMAC - Rn, 16 NMAC 63.11.1, 06/19/02]

16.63.11.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.11.2 NMAC - Rn, 16 NMAC 63.11.2, 06/19/02]

16.63.11.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.11.3 NMAC - Rn, 16 NMAC 63.11.3, 06/19/02]

16.63.11.4 DURATION: Permanent
[9/8/96; 16.63.11.4 NMAC - Rn, 16 NMAC 63.11.4, 06/19/02]

16.63.11.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.11.6 NMAC - Rn & A, 16 NMAC 63.11.6, 06/19/02]

16.63.11.6 OBJECTIVE: To state the minimum requirements for licensure as a social worker at the independent level, to outline the parameters of practice at this level, and procedure to renew a license.
[9/8/96; 16.63.11.6 NMAC - Rn, 16 NMAC 63.11.6, 06/19/02]

16.63.11.7 DEFINITIONS: Licensed Clinical Social Worker "LCSW": A licensed independent social worker who has demonstrated to the board's satisfaction, sufficient experience and expertise in the practice of clinical social work by meeting the qualifications as outlined in 16.63.11.8 NMAC.
[16.63.11.7 NMAC; 09/01/14]

16.63.11.8 QUALIFICATION FOR LICENSURE: Applicants for licensure as independent/clinical social workers must:

- A. be at least eighteen (18) years of age;
- B. possess an LMSW license;
- C. complete not less than two years of post-graduate direct/ clinical social work experience, under appropriate supervision; as defined in 16.63.1.7 NMAC Applicants and supervisors will engage the process of supervision in accordance with the guidelines established by the board of social work examiners;
- D. documents completion of the required course in New Mexico cultures; and
- E. successfully pass the association of social work board examination, clinical or advanced, as determined by the board and the jurisprudence examination.
- F. Individuals licensed as masters social workers (LMSW) and aspiring to achieve licensure at the independent clinical level must complete and document 3,600 hours of licensed masters level social work experience which has been accumulated over no more than a 60 month period.
- G. Applicants for licensure must document 90 hours of supervision during this 3,600 hour period.
 - (1) One (1) hour of supervision must be documented for every 40 hours worked,
 - (2) At least 70 of the 90 required hours must be obtained through direct supervision,
 - (3) No more than 20 hours of the 90 required hours may be obtained through group supervision and there shall be no more than six (6) individuals per group at a time, and
 - (4) No more than 30 hours of the required 90 hours may be obtained through interdisciplinary supervision.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 5/1/99, 16.63.11.8 NMAC - Rn & A, 16 NMAC 63.11.8, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08; A, 12/31/08; A, 09/01/14]

16.63.11.9 PARAMETERS OF PRACTICE: This is the highest level of licensure. The licensed clinical independent social worker (LCSW) / (LISW) is to function independently and demonstrate specialized knowledge and skills. The LISW must exercise independent judgment. The LCSW / LISW should be able to demonstrate skill and interventions directly related to individuals, couples, families, groups, communities or organizations. In at least one of these client groups, the LCSW / LISW shall demonstrate in-depth knowledge and skills. The LCSW / LISW should be able to employ practice theory and research findings in all aspects of their practice. The LCSW / LISW may supervise LBSWs, LMSWs and other LCSWs / LISWs.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95; 16.63.11.9 NMAC - Rn, 16 NMAC 63.11.9, 06/19/02; A, 04/24/06; A, 09/01/14]

16.63.11.10 AREAS OF SPECIALIZATION: Applicants for specialization will be handled by the board on a case by case basis.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.11.10 NMAC - Rn & A, 16 NMAC 63.11.10, 06/19/02; A, 09/01/14]

16.63.11.11 RENEWAL OF LICENSE: Before July 1 of the renewal year, each independent social worker shall apply for license renewal and shall pay the renewal fee as set forth in Part 8.

[1/1/90, 9/13/90, 5/15/91, 6/22/92, 1/5/95, 5/1/99; 16.63.11.11 NMAC - Rn, 16 NMAC 63.11.11, 06/19/02; A, 01/17/08]

HISTORY OF 16.63.11 NMAC:

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

Rule 5, Independent Social Worker, 12/1/89.

Rule 5, Independent Social Worker, 8/13/90.

Rule, 11, Independent Social Worker, 4/15/91.

Rule 11, Independent Social Worker, 5/22/92.

Rule 11, Independent Social Worker, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 12 CONTINUING EDUCATION

16.63.12.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.12.1 NMAC - Rn, 16 NMAC 63.12.1, 06/19/02]

16.63.12.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.12.2 NMAC - Rn, 16 NMAC 63.12.2, 06/19/02]

16.63.12.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.12.3 NMAC - Rn, 16 NMAC 63.12.3, 06/19/02]

16.63.12.4 DURATION: Permanent
[9/8/96; 16.63.12.4 NMAC - Rn, 16 NMAC 63.12.4, 06/19/02]

16.63.12.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.12.5 NMAC - Rn & A, 16 NMAC 63.12.5, 06/19/02]

16.63.12.6 OBJECTIVE: To inform licensees of continuing education hours required for license renewal, and the reporting process.
[9/8/96; 16.63.12.6 NMAC - Rn, 16 NMAC 63.12.6, 06/19/02]

16.63.12.7 DEFINITIONS: [Reserved]

16.63.12.8 CONTINUING EDUCATION REQUIREMENT: Continuation of education is required for social workers to be re-licensed at any level. Continuing education is required by the New Mexico board of social work examiners to ensure that social workers in New Mexico are providing the highest quality professional services.
[5/15/91, 6/22/92, 16.63.12.8 NMAC - Rn, 16 NMAC 63.12.8, 06/19/02]

16.63.12.9 CONTINUING EDUCATION CREDIT: Thirty (30) hours of continuing education will be required biennially. Six (6) of the thirty (30) hours must be in the subject area of cultural awareness. Proof of participation in or presentation of continuing education activity must be submitted with the license renewal request if the licensee is audited. All continuing education hours must be earned during the current two (2) year renewal period of July 1 thru June 30.
[5/15/91, 6/22/92, 5/1/99; 16.63.12.9 NMAC - Rn, 16 NMAC 63.12.9, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08]

16.63.12.10 CONTINUING EDUCATION PARTICIPATION/FORMAL SOCIAL WORK EDUCATION: A three (3) hour college level course in social work or courses which are designed to enhance the skills relevant to the social worker's professional activity will be accepted as equivalent to thirty (30) hours. The social worker shall submit transcripts directly to the board with renewal.
[5/15/91, 6/22/92, 5/1/99; 16.63.12.10 NMAC - Rn, 16 NMAC 63.12.10, 06/19/02; A, 01/17/08]

16.63.12.11 CONTINUING EDUCATION AGENTS: The board may identify and authorize any continuing education agents. The agents will report directly to the board concerning continuing education activity.
[5/15/91, 6/22/92, 16.63.12.11 NMAC - Rn, 16 NMAC 63.12.11, 06/19/02]

16.63.12.12 CONTINUING EDUCATION CREDIT CARRYOVER: All continuing education hours must be earned during the current two (2) year renewal period of July 1 thru June 30; no carryover will be permitted.
[5/15/91, 6/22/92, 5/1/99; 16.63.12.12 NMAC - Rn, 16 NMAC 63.12.12, 06/19/02; A, 04/24/06; A, 01/17/08]

16.63.12.13 DOCUMENTATION OF PARTICIPATION: The board shall audit a percentage of renewal applications each renewal period to verify the continuing education requirement. The licensee must maintain proof of continuing education courses taken for the past four (4) years.

A. If a notice of audit letter is received with the renewal form, evidence of continuing education hours earned during the renewal period must be submitted to the board as requested and as required in the Social Work Practice Act and by this rule.

B. If the licensee is not audited, all documentation of attendance and agendas must be retained by the licensee for a minimum of four (4) years immediately preceding the current renewal.

C. The board reserves the right to audit a licensee's continuing education records as it deems necessary.

[5/15/91, 6/22/92, 16.63.12.13 NMAC - Rn, 16 NMAC 63.12.13, 06/19/02; A, 04/24/06; A, 11/30/06; A, 01/17/08]

16.63.12.14 CONTINUING EDUCATION PROFESSIONAL DISCRETION: The social worker may choose up to ten (10) hours per renewal period which is self-directed. The social worker may select education programs, readings and audio or video-taped materials which are in the domain of social work. Preparation time, not to exceed the length of the presentation and time accumulated in presenting a social work seminar or workshop is included in this section. Documentation of discretionary continuing education hours will be in accordance with guidelines established by the board of social work examiners. Activities which include personal scope such as sports, hobbies, etc. are not acceptable for credit nor is personal therapy. The social worker seeking re-licensure shall report continuing education hours directly to the board upon application for license renewal. Approval of credit under this section is within the board's discretion.

[5/15/91, 6/22/92, 5/1/99; 16.63.12.14 NMAC - Rn, 16 NMAC 63.12.14, 06/19/02; A, 01/17/08]

16.63.12.15 FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS: Failure to meet continuing education requirements will cause the board to refuse to renew the social work license in accordance with the Uniform Licensing Act.

[5/15/91, 6/22/92, 5/1/99; 16.63.12.15 NMAC - Rn, 16 NMAC 63.12.15, 06/19/02]

HISTORY OF 16.63.12 NMAC:

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

Rule 12, Continuing Education, 4/15/91.

Rule 12 Continuing Education, 5/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 13 DISCIPLINARY ACTION

16.63.13.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.13.1 NMAC - Rn, 16 NMAC 63.13.1, 06/19/02]

16.63.13.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.13.2 NMAC - Rn, 16 NMAC 63.13.2, 06/19/02]

16.63.13.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.13.3 NMAC - Rn, 16 NMAC 63.13.3, 06/19/02]

16.63.13.4 DURATION: Permanent
[9/8/96; 16.63.13.4 NMAC - Rn, 16 NMAC 63.13.4, 06/19/02]

16.63.13.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.13.5 NMAC - Rn & A, 16 NMAC 63.13.5, 06/19/02]

16.63.13.6 OBJECTIVE: To inform the licensees of the complaint procedure.
[9/8/96; 16.63.13.6 NMAC - Rn, 16 NMAC 63.13.6, 06/19/02]

16.63.13.7 DEFINITIONS: [Reserved]

16.63.13.8 PROCEDURES: Upon receipt of a complaint against any person licensed under the Social Work Practice Act (NMSA Sections 61-31-1 to 61-31-24) the board may refer the complaint to the complaint committee.

A. The complaint committee shall review and investigate or cause to be investigated all complaints received by the board. Complaints shall remain confidential while investigations are pending and shall not be a matter of public record until the board takes disciplinary action pursuant to N.M. State. Ann. Section 61-31-17 (1978), as amended, and this part.

B. Upon completion of the investigation initiated pursuant to this part, the complaint committee or the board shall submit to the board those matters it feels justify further disciplinary action.

C. The board may offer the licensee an informal type of discipline such as a letter of reprimand in lieu of initiating formal proceedings. The board shall notify the licensee:

- (1) that a letter of reprimand has been officially proposed;
- (2) that the respondent must accept or reject the offer in writing;
- (3) that if accepted, a copy of the reprimand will remain in the private files of the board; and
- (4) that if rejected, formal disciplinary action pursuant to the Uniform Licensing Act (NMSA 1978

Sections 61-1-1 to 61-1-31) will be initiated.

D. If accepted, the letter of reprimand shall be personally issued to the licensee by the chairperson of the board at the next scheduled board meeting and served on the licensee by certified mail. Copies of the reprimand will be furnished to members of the board and to the board's attorney.

E. If a licensed social worker voluntarily surrenders their license or allows their license to expire in anticipation of, or during the course of an investigation, the complaint committee will complete its investigation and report the findings to the national database. Any publication or notification of action taken by the board of social work examiners will include the fact that the licensee voluntarily surrendered or allowed their license to expire during the investigation.

[6/22/92, 1/5/95, 5/1/99; 16.63.13.8 NMAC - Rn, 16 NMAC 63.13.8, 06/19/02]

HISTORY OF 16.63.13 NMAC:

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

Rule 13, Letter of Reprimand, 5/22/92.
Rule 13, Disciplinary Action, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 14 INACTIVE STATUS

16.63.14.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.14.1 NMAC - Rn, 16 NMAC 63.14.1, 06/19/02]

16.63.14.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.14.2 NMAC - Rn, 16 NMAC 63.14.2, 06/19/02]

16.63.14.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.14.3 NMAC - Rn, 16 NMAC 63.14.3, 06/19/02]

16.63.14.4 DURATION: Permanent
[9/8/96; 16.63.14.4 NMAC - Rn, 16 NMAC 63.14.4, 06/19/02]

16.63.14.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.14.5 NMAC - Rn & A, 16 NMAC 63.14.5, 06/19/02]

16.63.14.6 OBJECTIVE: To inform the licensees of the procedure to change their license to inactive status, and the reinstatement process.
[9/8/96; 16.63.14.6 NMAC - Rn, 16 NMAC 63.14.6, 06/19/02]

16.63.14.7 DEFINITIONS: [Reserved]

16.63.14.8 PROCEDURE

A. Any person licensed under the Social Work Practice Act (NMSA 1978 Sections 61-31-1 to 61-31-24) who wishes to assume inactive status in the practice of social work shall notify the board's administrator in writing postmarked on or before July 1st of the year the license expires. As part of the written request for inactive status, the licensee must show proof of having completed the required continuing education hours defined in Part 12 of these rules. If the licensee has not met the continuing education requirements, inactive status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested.

B. Upon approval by the board, the licensee shall assume inactive status. Any license in inactive status will be subject to an annual fee of fifteen dollars (\$15.00) for LBSW, twenty dollars (\$20.00) for LMSW and twenty-five dollars (\$25.00) for LISW.

C. The practice of social work in New Mexico under an inactive license is strictly prohibited.

D. Any person licensed under the Social Work Practice Act who has assumed inactive status as provided in this section, may notify the board, in writing, of his desire to resume active practice.

E. Upon receipt of the notice required in Subsection D of 16.63.14.8 NMAC, the administrator shall send to the licensee an application for reinstatement of license.

F. The fee for reinstatement of a license shall be in accordance with 16.63.8 NMAC, Sections 8, 9, 10 & 11.

G. The applicant must, in addition, provide satisfactory proof of:

(1) completion of no less than ten (10) hours of continuing education for each year of inactive status; such continuing education to be accumulated in accordance with Part 12.

(2) completion of all continuing education requirements determined to have been unmet at the time inactive status was granted.

H. If the board finds the application in order and is satisfied that the applicant has fulfilled his continuing education requirements as outlined in Subsection G of 16.63.14.8 NMAC, the board shall reinstate the applicant's license.

I. No person licensed under the Social Work Practice Act who has assumed inactive status shall reactivate his practice until he receives notification from the board that his license is active.

J. The board will not accept applications for inactive status from licensees who are under investigation for violations of the Social Work Practice Act or who have an active complaint pending with the board.

K. The board will accept applications under this section from any social worker who is impaired as further defined in this section and who is participating in a rehabilitation plan approved by the board.

(1) For purposes of this section, impaired means inability to practice social work with reasonable skill or safety to clients by reason of one or more of the following:

(2) mental illness;

(3) habitual or excessive use or abuse of drugs, as defined in the Controlled Substances Act (NMSA Sections 30-31-1 to 30-31-40) or alcohol.

L. The board may, in its discretion, require that an applicant for reinstatement take and pass a written or oral examination as prescribed by the board.

[6/22/92, 1/5/95, 5/1/99; 16.63.14.8 NMAC - Rn & A, 16 NMAC 63.14.8, 06/19/02; A, 4/24/06; A, 09/01/14]

HISTORY OF 16.63.14 NMAC:

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

Rule 14, Inactive Status, 5/22/92.

Rule 14, Inactive Status, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 15 RETIREMENT

16.63.15.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.15.1 NMAC - Rn, 16 NMAC 63.15.1, 06/19/02]

16.63.15.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.15.2 NMAC - Rn, 16 NMAC 63.15.2, 06/19/02]

16.63.15.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.15.3 NMAC - Rn, 16 NMAC 63.15.3, 06/19/02]

16.63.15.4 DURATION: Permanent
[9/8/96; 16.63.15.4 NMAC - Rn, 16 NMAC 63.15.4, 06/19/02]

16.63.15.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.15.5 NMAC - Rn & A, 16 NMAC 63.15.5, 06/19/02]

16.63.15.6 OBJECTIVE: To inform the licensees of the procedure to change their license to retirement status, and the reinstatement process.
[9/8/96; 16.63.15.6 NMAC - Rn, 16 NMAC 63.15.6, 06/19/02]

16.63.15.7 DEFINITIONS: [Reserved]

16.63.15.8 PROCEDURE

A. Any person licensed under the Social Work Practice Act (NMSA 1978 Sections 61-31-1 to 61-31-24) who wishes to retire from practice shall notify the board's administrator in writing prior to the July 1 expiration of his current license. As part of the written request for retirement status, the licensee must show proof of having completed the required continuing education hours defined in Part 12 of these rules. If the licensee has not met the continuing education requirements, retirement status may be granted but the licensee will be subject to all rules related to continuing education if reinstatement of license is requested. The administrator shall acknowledge receipt of the request.

B. Upon approval by the board of the request, the licensee shall assume retirement status and shall be exempt from payment of the yearly renewal fees during the period of retirement.

C. The practice of social work in New Mexico under a retired license is strictly prohibited. Any person licensed under the Social Work Practice Act who has retired as provided in this section, may notify the board, in writing, of his desire to resume active practice.

D. Upon receipt of the notice required in Subsection C of 16.63.15.8 NMAC, the administrator shall send to the retired licensee an application for reinstatement of license.

E. The application must be completed and returned to the board's administrator with the appropriate fee as required in sections 8, 9, 10 and 11 of 16.63.8 NMAC.

F. The applicant must, in addition provide satisfactory proof of:
(1) completion of no less than ten (10) hours of continuing education for each year of retirement; such continuing education to be accumulated in accordance with Part 12;
(2) completion of all continuing education requirements determined to have been unmet at the time retirement status was granted.

G. The board may, in its discretion, require that an applicant for reinstatement take and pass a written examination as prescribed by the board.

H. If the board finds the application in order and is satisfied that the applicant has fulfilled his continuing education requirements as outlined in Subsection F of 16.63.15.8 NMAC, the board shall issue the applicant a new license.

I. No person licensed under the Social Work Practice Act who has retired shall reactivate his practice until he receives his new license certificate.

J. The board will not accept applications for retirement from licensees who are under investigation for violations of the Social Work Practice Act or who have an active complaint pending with the board.

K. The board will accept applications under this section from any social worker who is impaired as further defined in this section and who is participating in a rehabilitation plan approved by the board. For purposes of this section, impaired means inability to practice social work with reasonable skill or safety to clients by reason of one or more of the following:

(1) mental illness;

(2) habitual or excessive use or abuse of drugs, as defined in the Controlled Substances Act (NMSA Sections 30-31-1 to 30-31-40) or alcohol.

[6/22/92, 1/5/95, 5/1/99; 16.63.15.8 NMAC - Rn, 16 NMAC 63.15.8, 06/19/02; A, 4/24/06; A, 11/30/06]

HISTORY OF 16.63.15 NMAC:

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

Rule 15, Retirement, 5/22/92.

Rule 15, Retirement, 12/5/94.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 16 CODE OF CONDUCT

16.63.16.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[16.63.16.1 NMAC - Rp, 16.63.16.1 NMAC, 4/24/06]

16.63.16.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[16.63.16.2 NMAC - Rp, 16.63.16.2 NMAC, 4/24/06]

16.63.16.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[16.63.16.3 NMAC - Rp, 16.63.16.3 NMAC, 4/24/06]

16.63.16.4 DURATION: Permanent
[16.63.16.4 NMAC - Rp, 16.63.16.4 NMAC, 4/24/06]

16.63.16.5 EFFECTIVE DATE: April 24, 2006, unless a later date is cited at the end of a section.
[16.63.16.5 NMAC - Rp, 16.63.16.5 NMAC, 4/24/06]

16.63.16.6 OBJECTIVE: To inform the licensees of the social work code of conduct.
[16.63.16.6 NMAC - Rp, 16.63.16.6 NMAC, 4/24/06]

16.63.16.7 DEFINITIONS: [Reserved]

16.63.16.8 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO CLIENTS:

A. Commitment to clients. Social workers' primary responsibility is to promote the well being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede the loyalty owed clients, and clients shall be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)

B. Self-determination. Social workers respect and promote the right of clients to self-determination and assist clients in their efforts to identify and clarify their goals. Social workers may limit clients' right to self-determination when, in the social workers' professional judgment, clients' actions or potential actions pose a serious, foreseeable, and imminent risk to themselves or others.

C. Professional disclosure statement. A social worker shall effectively communicate through handout or other means as appropriate for all clients and may display at the social worker's primary place of practice a statement that the client has the right to the following:

(1) to expect that the social worker has met the minimal qualifications of education, training, and experience required by the law;

(2) to examine public records maintained by the board which contain the social worker's qualifications and credentials;

(3) to be given a copy of the standards of practice upon request;

(4) to report a complaint about the social worker's practice to the board;

(5) to be informed of the cost of professional services before receiving the services;

(6) to privacy as allowed by law, and to be informed of the limits of confidentiality;

(7) limited access to client information; a social worker shall make reasonable efforts to limit access to client information in a social worker's agency to appropriate agency staff whose duties require access;

(8) supervision or consultation; a social worker receiving supervision shall inform the client that the social worker may be reviewing the client's case with the social worker's supervisor or consultant; upon request, the social worker shall provide the name of the supervisor and the supervisor's contact information;

(9) to be free from being the object of discrimination while receiving social work services; and

(10) to have access to records as allowed by law including retention and notification requirements in Paragraphs (4) and (5) of Subsection D of 16.63.16.10 NMAC.

D. Informed consent.

(1) Social workers shall provide services to clients only in the context of a professional relationship based, when appropriate, on valid informed consent. Social workers should use clear and understandable language to inform clients of the purpose of the services, risks related to the services, limits to services because of the requirements of a third-party payer, relevant costs, reasonable alternatives, clients' right to refuse or withdraw consent, and the time frame covered by the consent. Social workers should provide clients with an opportunity to ask questions.

(2) In instances when clients are not literate or have difficulty understanding the primary language used in the practice setting, social workers shall take steps to ensure clients' comprehension. This may include providing clients with a detailed verbal explanation or arranging for a qualified interpreter or translator whenever possible.

(3) In instances when clients lack the capacity to provide informed consent, social workers shall protect clients' interests by seeking consent from an appropriate third party, informing clients consistent with the clients' level of understanding. Social workers should take reasonable steps to enhance such clients' ability to give informed consent.

(4) In instances when clients are receiving services involuntarily, social workers shall provide information about the nature and extent of services and about the extent of clients' right to refuse service.

(5) Social workers who provide services via electronic media (such as computer, telephone, radio, and television) shall inform recipients of the limitations and risks associated with such services.

(6) Social workers shall obtain clients' informed consent before audiotaping or videotaping clients or permitting observation of services to clients by a third party. The written informed consent shall explain to the client the purpose of the taping or recording and how the taping or recording will be used, how it will be stored and when it will be destroyed.

(7) If the client, the legal guardian, or other authorized representative does not consent, the social worker shall discuss with the client that a referral to other resources may be in the client's best interest.

E. Competence.

(1) Social workers shall provide services and represent themselves as competent only within the boundaries of their education, training, license, certification, consultation received, supervised experience, or other relevant professional experience.

(2) Social workers shall provide services in substantive areas or use intervention techniques or approaches that are new to them only after engaging in appropriate study, training, consultation, or supervision from people who are competent in those interventions or techniques.

(3) When generally recognized standards do not exist with respect to an emerging area of practice, social workers shall exercise careful judgment and take responsible steps (including appropriate education, research, training, consultation, and supervision) to ensure the competence of their work and to protect clients from harm.

F. Cultural competence and social diversity.

(1) Social workers shall understand culture and its function in human behavior and society, recognizing the strengths that exist in all cultures.

(2) Social workers shall have a knowledge base of their clients' cultures and be able to demonstrate competence in the provision of services that are sensitive to clients' cultures and to differences among people and cultural groups.

(3) Social workers shall obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

G. Conflicts of interest.

(1) Social workers shall be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment. Social workers shall inform clients when a real or potential conflict of interest arises and take reasonable steps to resolve the issue in a manner that makes the clients' interests primary and protects clients' interests to the greatest extent possible. In some cases, protecting clients' interests may require termination of the professional relationship with proper referral of the client.

(2) Social workers shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.

(3) Social workers shall not engage in dual or multiple relationships with clients or former clients in which there is a risk of exploitation or potential harm to the client. In instances when dual or multiple relationships are unavoidable, social workers shall take steps to protect clients and are responsible for setting clear, appropriate, and culturally sensitive boundaries. (Dual or multiple relationships occur when social workers relate to clients in

more than one relationship, whether professional, social, or business. Dual or multiple relationships can occur simultaneously or consecutively.)

(4) When social workers provide services to two or more people who have a relationship with each other (for example, couples, family members), social workers shall clarify with all parties which individuals will be considered clients and the nature of social workers' professional obligations to the various individuals who are receiving services. Social workers who anticipate a conflict of interest among the individuals receiving services or who anticipate having to perform in potentially conflicting roles (for example, when a social worker is asked to testify in a child custody dispute or divorce proceedings involving clients) shall clarify their role with the parties involved and take appropriate action to minimize any conflict of interest.

H. Privacy and confidentiality.

(1) Social workers shall respect clients' right to privacy. Social workers shall not solicit private information from clients unless it is essential to providing services or conducting social work evaluation or research. Once private information is shared, standards of confidentiality apply.

(2) Social workers may disclose confidential information when appropriate with valid consent from a client or a person legally authorized to consent on behalf of a client.

(3) Social workers shall protect the confidentiality of all information obtained in the course of professional service, except for compelling professional reasons. The general expectation that social workers will keep information confidential does not apply when disclosure is necessary to prevent serious, foreseeable, and imminent harm to a client or other identifiable person. In all instances, social workers shall disclose the least amount of confidential information necessary to achieve the desired purpose; only information that is directly relevant to the purpose for which the disclosure is made shall be revealed.

(4) Social workers shall inform clients, to the extent possible, about the disclosure of confidential information and the potential consequences, when feasible before the disclosure is made. This applies whether social workers disclose confidential information on the basis of a legal requirement or client consent.

(5) Social workers shall discuss with clients and other interested parties the nature of confidentiality and limitations of clients' right to confidentiality. Social workers shall review with clients circumstances where confidential information may be requested and where disclosure of confidential information may be legally required. This discussion shall occur as soon as possible in the social worker-client relationship and as needed throughout the course of the relationship.

(6) When social workers provide counseling services to families, couples, or groups, social workers shall seek agreement among the parties involved concerning each individual's right to confidentiality and obligation to preserve the confidentiality of information shared by others. Social workers shall inform participants in family, couples, or group counseling that social workers cannot guarantee that all participants will honor such agreements.

(7) Social workers shall inform clients involved in family, couples, marital, or group counseling of the social worker's, employer's, and agency's policy concerning the social worker's disclosure of confidential information among the parties involved in the counseling.

(8) Social workers shall not disclose confidential information to third-party payers unless clients have authorized such disclosure.

(9) Social workers shall not discuss confidential information in any setting unless privacy can be ensured. Social workers shall not discuss confidential information in public or semipublic areas such as hallways, waiting rooms, elevators, and restaurants.

(10) Social workers shall protect the confidentiality of clients during legal proceedings to the extent permitted by law. When a court of law or other legally authorized body orders social workers to disclose confidential or privileged information without a client's consent and such disclosure could cause harm to the client, social workers shall request that the court withdraw the order or limit the order as narrowly as possible or maintain the records under seal, unavailable for public inspection.

(11) Social workers shall protect the confidentiality of clients when responding to requests from members of the media.

(12) Social workers shall protect the confidentiality of clients' written and electronic records and other sensitive information. Social workers shall take reasonable steps to ensure that clients' records are stored in a secure location and that clients' records are not available to others who are not authorized to have access.

(13) Social workers shall take precautions to ensure and maintain the confidentiality of information transmitted to other parties through the use of computers, electronic mail, facsimile machines, telephones and telephone answering machines, and other electronic or computer technology. Disclosure of identifying information shall be avoided whenever possible.

(14) Social workers shall transfer or dispose of clients' records in a manner that protects clients' confidentiality and is consistent with state statutes governing records and social work licensure.

(15) Social workers shall take reasonable precautions to protect client confidentiality in the event of the social worker's termination of practice, incapacitation, or death.

(16) Social workers shall not disclose identifying information when discussing clients for teaching or training purposes unless the client has consented to disclosure of confidential information.

(17) Social workers shall not disclose identifying information when discussing clients with consultants unless the client has consented to disclosure of confidential information or there is a compelling need for such disclosure.

(18) Social workers shall protect the confidentiality of deceased clients consistent with the preceding standards.

I. Access to records.

(1) Social workers shall provide clients with reasonable access to records concerning the clients. Social workers who are concerned that clients' access to their records could cause serious misunderstanding or harm to the client shall provide assistance in interpreting the records and consultation with the client regarding the records. Social workers shall limit clients' access to their records, or portions of their records, only in exceptional circumstances when there is compelling evidence that such access would cause serious harm to the client. Both clients' requests and the rationale for withholding some or all of the record shall be documented in clients' files.

(2) When providing clients with access to their records, social workers shall take steps to protect the confidentiality of other individuals identified or discussed in such records.

J. Sexual relationships.

(1) Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.

(2) Social workers shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social workers--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social workers shall not engage in sexual activities or sexual contact with former clients because of the potential for harm to the client. If social workers engage in conduct contrary to this prohibition or claim that an exception to this prohibition is warranted because of extraordinary circumstances, it is social workers--not their clients--who assume the full burden of demonstrating that the former client has not been exploited, coerced, or manipulated, intentionally or unintentionally.

(4) Social workers shall not provide clinical services to individuals with whom they have had a prior sexual relationship. Providing clinical services to a former sexual partner has the potential to be harmful to the individual and is likely to make it difficult for the social worker and individual to maintain appropriate professional boundaries.

K. Physical contact. Social workers shall not engage in physical contact with clients when there is a possibility of psychological harm to the client as a result of the contact (such as cradling or caressing clients). Social workers who engage in appropriate physical contact with clients are responsible for setting clear, appropriate, and culturally sensitive boundaries that govern such physical contact.

L. Sexual harassment. Social workers shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

M. Derogatory language. Social workers shall not use derogatory language in their written or verbal communications to or about clients. Social workers shall use accurate and respectful language in all communications to and about clients.

N. Payment for services.

(1) A social worker who provides a service for fee shall inform a client of the fee at the initial session or meeting with the client. Payment must be arranged at the beginning of the professional relationship, and the payment arrangement must be provided to a client in writing. A social worker shall provide, upon request from a client, a client's legal guardian, or other authorized representative, a written explanation of the charges for any services rendered.

(2) When setting fees, social workers shall ensure that the fees are fair, reasonable, and commensurate with the services performed. Consideration should be given to clients' ability to pay.

(3) Social workers shall avoid accepting goods or services from clients as payment for professional services. Bartering arrangements, particularly involving services, create the potential for conflicts of interest, exploitation, and inappropriate boundaries in social workers' relationships with clients. Social workers shall explore and may participate in bartering only in very limited circumstances when it can be demonstrated that such arrangements are an accepted practice among professionals in the local community, considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Social workers who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship.

(4) Social workers shall not solicit a private fee or other remuneration for providing services to clients who are entitled to such available services through the social workers' employer or agency.

O. Clients who lack decision-making capacity. When social workers act on behalf of clients who lack the capacity to make informed decisions, social workers shall take reasonable steps to safeguard the interests and rights of those clients.

P. Interruption of services. Social workers shall make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death.

Q. Termination of services.

(1) Social workers shall terminate services to clients and professional relationships with them when such services and relationships are no longer required or no longer serve the clients' needs or interests.

(2) Social workers shall take reasonable steps to avoid abandoning clients who are still in need of services. Social workers should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects. Social workers should assist in making appropriate arrangements for continuation of services when necessary.

(3) Social workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the financial contractual arrangements have been made clear to the client, if the client does not pose an imminent danger to self or others, and if the clinical and other consequences of the current nonpayment have been addressed and discussed with the client.

(4) Social workers shall not terminate services to pursue a social, financial, or sexual relationship with a client.

(5) Social workers who anticipate the termination or interruption of services to clients shall notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences.

(6) Social workers who are leaving an employment setting shall inform clients of appropriate options for the continuation of services and of the benefits and risks of the options.

[16.63.16.8 NMAC - Rp, 16.63.16.9 NMAC, 4/24/06; A, 12/31/08; A, 06/01/09]

16.63.16.9 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO COLLEAGUES:

A. Respect.

(1) Social workers should treat colleagues with respect and should represent accurately and fairly the qualifications, views, and obligations of colleagues.

(2) Social workers should avoid unwarranted negative criticism of colleagues in communications with clients or with other professionals. Unwarranted negative criticism may include demeaning comments that refer to colleagues' level of competence or to individuals' attributes such as race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, and mental or physical disability.

(3) Social workers shall cooperate with social work colleagues and with colleagues of other professions when such cooperation serves the well-being of clients.

B. Confidentiality. Social workers shall respect confidential information shared by colleagues in the course of their professional relationships and transactions. Social workers should ensure that such colleagues understand social workers' obligation to respect confidentiality and any exceptions related to it.

C. Interdisciplinary collaboration.

(1) Social workers who are members of an interdisciplinary team shall participate in and contribute to decisions that affect the well-being of clients by drawing on the perspectives, values, and experiences of the social

work profession. Professional and ethical obligations of the interdisciplinary team as a whole and of its individual members shall be clearly established.

(2) Social workers for whom a team decision raises ethical concerns should attempt to resolve the disagreement through appropriate channels. If the disagreement cannot be resolved, social workers shall pursue other avenues to address their concerns consistent with client well being.

D. Disputes involving colleagues.

(1) Social workers shall not take advantage of a dispute between a colleague and an employer to obtain a position or otherwise advance the social workers' own interests.

(2) Social workers shall not exploit clients in disputes with colleagues or engage clients in any inappropriate discussion of conflicts between social workers and their colleagues.

E. Consultation.

(1) Social workers should seek the advice and counsel of colleagues whenever such consultation is in the best interests of clients.

(2) Social workers should keep themselves informed about colleagues' areas of expertise and competencies. Social workers should seek consultation only from colleagues who have demonstrated knowledge, expertise, and competence related to the subject of the consultation.

(3) When consulting with colleagues about clients, social workers should disclose the least amount of information necessary to achieve the purposes of the consultation.

F. Referral for services.

(1) Social workers shall refer clients to other professionals when the other professionals' specialized knowledge or expertise is needed to serve clients fully or when social workers believe that they are not being effective or making reasonable progress with clients and that additional service is required.

(2) Social workers who refer clients to other professionals shall take appropriate steps to facilitate an orderly transfer of responsibility. Social workers who refer clients to other professionals shall disclose, with clients' consent, all pertinent information to the new service providers.

(3) Social workers are prohibited from giving or receiving payment for a referral when no professional service is provided by the referring social worker.

G. Sexual relationships.

(1) Social workers who function as supervisors or educators shall not engage in sexual activities or contact with supervisees, students, trainees, or other colleagues over whom they exercise professional authority.

(2) Social workers shall avoid engaging in sexual relationships with colleagues when there is potential for a conflict of interest. Social workers who become involved in, or anticipate becoming involved in, a sexual relationship with a colleague have a duty to transfer professional responsibilities, when necessary, to avoid a conflict of interest.

H. Sexual harassment. Social workers shall not sexually harass supervisees, students, trainees, or colleagues. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.

I. Impairment of colleagues.

(1) Social workers who have direct knowledge of a social work colleague's impairment that is due to personal problems, psychosocial distress, substance abuse, or mental health difficulties and that interferes with practice effectiveness shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social workers who believe that a social work colleague's impairment interferes with practice effectiveness and that the colleague has not taken adequate steps to address the impairment shall take action through appropriate channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

J. Incompetence of colleagues.

(1) Social workers who have direct knowledge of a social work colleague's incompetence shall consult with that colleague when feasible and assist the colleague in taking remedial action.

(2) Social workers who believe that a social work colleague is incompetent and has not taken adequate steps to address the incompetence shall take action through appropriate channels established by employers, agencies, NASW, licensing and regulatory bodies, and other professional organizations.

K. Unethical conduct of colleagues.

(1) Social workers shall take adequate measures to discourage, prevent, expose, and correct the unethical conduct of colleagues.

(2) Social workers shall be knowledgeable about established policies and procedures for handling concerns about colleagues' unethical behavior. Social workers shall be familiar with national, state, and local procedures for handling ethics complaints. These include policies and procedures created by licensing and regulatory bodies, employers, agencies, and other professional organizations.

(3) Social workers who believe that a colleague has acted unethically shall seek resolution by discussing their concerns with the colleague when feasible and when such discussion is likely to be productive.

(4) Social workers who believe that a colleague has acted unethically shall take action through appropriate formal channels established by employers, agencies, licensing and regulatory bodies, and other professional organizations.

(5) Social workers should defend and assist colleagues who are unjustly charged with unethical conduct.

[16.63.16.9 NMAC - Rp, 16.63.16.10 NMAC, 4/24/06; A, 06/01/09]

16.63.16.10 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS:

A. Supervision and consultation.

(1) Social workers who provide supervision or consultation shall have the necessary knowledge and skill to supervise or consult appropriately and shall do so only within their areas of knowledge and competence.

(2) Social workers who provide supervision or consultation are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(3) Social workers shall not engage in any dual or multiple relationships with supervisees in which there is a risk of exploitation of or potential harm to the supervisee. In instances where dual or multiple relationships are unavoidable social workers should take steps to protect supervisees and are responsible for setting clear, appropriate, and culturally sensitive boundaries.

(4) Social workers who provide supervision shall evaluate supervisees' performance in a manner that is fair and respectful.

B. Education and training.

(1) Social workers who function as educators, field instructors for students, or trainers shall provide instruction only within their areas of knowledge and competence and shall provide instruction based on the most current information and knowledge available in the profession.

(2) Social workers who function as educators or field instructors for students shall evaluate students' performance in a manner that is fair and respectful.

(3) Social workers who function as educators or field instructors for students shall take reasonable steps to ensure that clients are routinely informed when services are being provided by students.

(4) Social workers who function as educators or field instructors for students shall not engage in any dual or multiple relationships with students in which there is a risk of exploitation or potential harm to the student. In instances where dual or multiple relationships are unavoidable social work educators and field instructors are responsible for setting clear, appropriate, and culturally sensitive boundaries.

C. Performance evaluation. Social workers who have responsibility for evaluating the performance of others shall fulfill such responsibility in a fair and considerate manner and on the basis of clearly stated criteria.

D. Client records.

(1) Social workers shall take reasonable steps to ensure that documentation in records is accurate and reflects the services provided.

(2) Social workers shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

(3) Social workers' documentation shall protect clients' privacy to the extent that is possible and appropriate and shall include only information that is directly relevant to the delivery of services.

(4) Social workers shall store records following the termination of services to ensure reasonable future access. These records shall be maintained by the licensee or agency employing the licensee at least for a period of seven years after the last date of service, or for the time period required by federal or state law if longer.

(5) Prior to the destruction of a client record for any reason including when a social worker or social work practice anticipates to cease or ceases operations as a result of a suspension, retirement or death of the owner, sale or other cause, including insolvency, the licensee or other individual responsible for supervising the disposition of the practice, should make reasonable effort to notify the clients of their right to retrieve current records for a period of six months. Should any client fail to retrieve the records within the six month period and unless otherwise required by law, the responsible party shall arrange the destruction of such documents in a manner to ensure confidentiality.

E. Billing. Social workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting.

F. Client transfer.

(1) When an individual who is receiving services from another agency or colleague contacts a social worker for services, the social worker shall carefully consider the client's needs before agreeing to provide services. To minimize possible confusion and conflict, social workers shall discuss with potential clients the nature of the clients' current relationship with other service providers and the implications, including possible benefits or risks, of entering into a relationship with a new service provider.

(2) If a new client has been served by another agency or colleague, social workers shall discuss with the client whether consultation with the previous service provider is in the client's best interest.

G. Administration.

(1) Social work administrators shall advocate within and outside their agencies for adequate resources to meet clients' needs.

(2) Social workers shall advocate for resource allocation procedures that are open and fair. When not all clients' needs can be met, an allocation procedure shall be developed that is nondiscriminatory and based on appropriate and consistently applied principles.

(3) Social workers who are administrators shall take reasonable steps to ensure that adequate agency or organizational resources are available to provide appropriate staff supervision.

(4) Social work administrators shall take reasonable steps to ensure that the working environment for which they are responsible is consistent with and encourages compliance with the code of conduct. Social work administrators should take reasonable steps to eliminate any conditions in their organizations that violate, interfere with, or discourage compliance with the code.

H. Continuing education and staff development. Social work administrators and supervisors should take reasonable steps to provide or arrange for continuing education and staff development for all staff for whom they are responsible. Continuing education and staff development shall address current knowledge and emerging developments related to social work practice and ethics.

I. Commitments to employers.

(1) Social workers generally should adhere to commitments made to employers and employing organizations.

(2) Social workers should work to improve employing agencies' policies and procedures and the efficiency and effectiveness of their services.

(3) Social workers should take reasonable steps to ensure that employers are aware of social workers' ethical obligations as set forth in the code of conduct and of the implications of those obligations for social work practice.

(4) Social workers shall not allow an employing organization's policies, procedures, regulations, or administrative orders to interfere with their ethical practice of social work. Social workers should take reasonable steps to ensure that their employing organizations' practices are consistent with the code of conduct.

(5) Social workers shall act to prevent and eliminate discrimination in the employing organization's work assignments and in its employment policies and practices.

(6) Social workers should accept employment or arrange student field placements only in organizations that exercise fair personnel practices.

(7) Social workers should be diligent stewards of the resources of their employing organizations, wisely conserving funds where appropriate and never misappropriating funds or using them for unintended purposes.

J. Labor-management disputes.

(1) Social workers may engage in organized action, including the formation of and participation in labor unions, to improve services to clients and working conditions.

(2) The actions of social workers who are involved in labor-management disputes, job actions, or labor strikes should be guided by the profession's values, ethical principles, and ethical standards. Reasonable differences of opinion exist among social workers concerning their primary obligation as professionals during an actual or threatened labor strike or job action. Social workers should carefully examine relevant issues and their possible impact on clients before deciding on a course of action.

[16.63.16.10 NMAC - N, 4/24/06; A, 06/01/09]

16.63.16.11 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES AS PROFESSIONALS:

A. Competence.

(1) Social workers shall accept responsibility or employment only on the basis of existing competence or the intention to acquire the necessary competence.

(2) Social workers shall strive to become and remain proficient in professional practice and the performance of professional functions. Social workers should critically examine and keep current with emerging knowledge relevant to social work. Social workers should routinely review the professional literature and participate in continuing education relevant to social work practice and social work ethics.

(3) Social workers shall base practice on recognized knowledge, including empirically based knowledge, relevant to social work and social work ethics.

B. Nondiscrimination. A social worker shall not discriminate against a client, student or supervisee on the basis of age, gender, sexual orientation, race, color, national origin, religion, diagnosis, disability, political affiliation, or social or economic status. If the social worker is unable to offer services because of a concern about potential discrimination against a client, student or supervisee, the social worker shall make an appropriate and timely referral. When a referral is not possible the social worker shall obtain supervision or consultation to address the concerns.

C. Private conduct. Social workers shall not permit their private conduct to interfere with their ability to fulfill their professional responsibilities.

D. Dishonesty, fraud, and deception. Social workers shall not participate in, condone, or be associated with dishonesty, fraud, or deception.

E. Impairment.

(1) Social workers shall not allow their own personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties to interfere with their professional judgment and performance or to jeopardize the best interests of people for whom they have a professional responsibility.

(2) Social workers whose personal problems, psychosocial distress, legal problems, substance abuse, or mental health difficulties interfere with their professional judgment and performance shall immediately seek consultation and take appropriate remedial action by seeking professional help, making adjustments in workload, terminating practice, or taking any other steps necessary to protect clients and others.

F. Misrepresentation.

(1) Social workers shall make clear distinctions between statements made and actions engaged in as a private individual and as a representative of the social work profession, a professional social work organization, or the social worker's employing agency.

(2) Social workers who speak on behalf of professional social work organizations should accurately represent the official and authorized positions of the organizations.

(3) Social workers shall ensure that their representations to clients, agencies, and the public of professional qualifications, credentials, education, competence, affiliations, services provided, or results to be achieved are accurate. Social workers should claim only those relevant professional credentials they actually possess and take steps to correct any inaccuracies or misrepresentations of their credentials by others.

G. Solicitations.

(1) Social workers shall not engage in uninvited solicitation of potential clients who, because of their circumstances, are vulnerable to undue influence, manipulation, or coercion.

(2) Social workers shall not engage in solicitation of testimonial endorsements (including solicitation of consent to use a client's prior statement as a testimonial endorsement) from current clients or from other people who, because of their particular circumstances, are vulnerable to undue influence.

H. Acknowledging credit.

(1) Social workers shall take responsibility and credit, including authorship credit, only for work they have actually performed and to which they have contributed.

(2) Social workers shall honestly acknowledge the work of and the contributions made by others.
[16.63.16.11 NMAC - N, 4/24/06; A, 06/01/09]

16.63.16.12 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE SOCIAL WORK PROFESSION:

A. Integrity of the profession.

(1) Social workers shall work toward the maintenance and promotion of high standards of practice.

(2) Social workers shall uphold and advance the values, ethics, knowledge, and mission of the profession. Social workers shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discussion, and responsible criticism of the profession.

(3) Social workers should contribute time and professional expertise to activities that promote respect for the value, integrity, and competence of the social work profession. These activities may include teaching, research, consultation, service, legislative testimony, presentations in the community, and participation in their professional organizations.

(4) Social workers should contribute to the knowledge base of social work and share with colleagues their knowledge related to practice, research, and ethics. Social workers should seek to contribute to the profession's literature and to share their knowledge at professional meetings and conferences.

(5) Social workers should act to prevent the unauthorized and unqualified practice of social work.

B. Evaluation and research.

(1) Social workers should monitor and evaluate policies, the implementation of programs, and practice interventions.

(2) Social workers should promote and facilitate evaluation and research to contribute to the development of knowledge.

(3) Social workers should critically examine and keep current with emerging knowledge relevant to social work and fully use evaluation and research evidence in their professional practice.

(4) Social workers engaged in evaluation or research shall carefully consider possible consequences and shall follow guidelines developed for the protection of evaluation and research participants. Appropriate institutional review boards shall be consulted.

(5) Social workers engaged in evaluation or research shall obtain voluntary and written informed consent from participants, when appropriate, without any implied or actual deprivation or penalty for refusal to participate; without undue inducement to participate; and with due regard for participants' well-being, privacy, and dignity. Informed consent shall include information about the nature, extent, and duration of the participation requested and disclosure of the risks and benefits of participation in the research.

(6) When evaluation or research participants are incapable of giving informed consent, social workers shall provide an appropriate explanation to the participants, obtain the participants' assent to the extent they are able, and obtain written consent from an appropriate proxy.

(7) Social workers shall never design or conduct evaluation or research that does not use consent procedures, such as certain forms of naturalistic observation and archival research, unless rigorous and responsible review of the research has found it to be justified because of its prospective scientific, educational, or applied value and unless equally effective alternative procedures that do not involve waiver of consent are not feasible.

(8) Social workers shall inform participants of their right to withdraw from evaluation and research at any time without penalty.

(9) Social workers shall take appropriate steps to ensure that participants in evaluation and research have access to appropriate supportive services.

(10) Social workers engaged in evaluation or research shall protect participants from unwarranted physical or mental distress, harm, danger, or deprivation.

(11) Social workers engaged in the evaluation of services shall discuss collected information only for professional purposes and only with people professionally concerned with this information.

(12) Social workers engaged in evaluation or research shall ensure the anonymity or confidentiality of participants and of the data obtained from them. Social workers shall inform participants of any limits of confidentiality, the measures that will be taken to ensure confidentiality, and when any records containing research data will be destroyed.

(13) Social workers who report evaluation and research results shall protect participants' confidentiality by omitting identifying information unless proper consent has been obtained authorizing disclosure.

(14) Social workers shall report evaluation and research findings accurately. They shall not fabricate or falsify results and shall take steps to correct any errors later found in published data using standard publication methods.

(15) Social workers engaged in evaluation or research shall be alert to and avoid conflicts of interest and dual relationships with participants, shall inform participants when a real or potential conflict of interest arises, and shall take steps to resolve the issue in a manner that makes participants' interests primary.

(16) Social workers shall educate themselves, their students, and their colleagues about responsible research practices.

[16.63.16.12 NMAC - Rp, 16.63.16.12 NMAC, 4/24/06; A, 06/01/09]

16.63.16.13 SOCIAL WORKERS' ETHICAL RESPONSIBILITIES TO THE BROADER SOCIETY:

A. Social welfare. Social workers should promote the general welfare of society, from local to global levels, and the development of people, their communities, and their environments. Social workers should advocate for living conditions conducive to the fulfillment of basic human needs and should promote social, economic, political, and cultural values and institutions that are compatible with the realization of social justice.

B. Public participation. Social workers should facilitate informed participation by the public in shaping social policies and institutions.

C. Public emergencies. Social workers should provide appropriate professional services in public emergencies to the greatest extent possible.

D. Social and political action.

(1) Social workers should engage in social and political action that seeks to ensure that all people have equal access to the resources, employment, services, and opportunities they require to meet their basic human needs and to develop fully. Social workers should be aware of the impact of the political arena on practice and should advocate for changes in policy and legislation to improve social conditions in order to meet basic human needs and promote social justice.

(2) Social workers should act to expand choice and opportunity for all people, with special regard for vulnerable, disadvantaged, oppressed, and exploited people and groups.

(3) Social workers should promote conditions that encourage respect for cultural and social diversity within the United States and globally. Social workers should promote policies and practices that demonstrate respect for difference, support the expansion of cultural knowledge and resources, advocate for programs and institutions that demonstrate cultural competence, and promote policies that safeguard the rights of and confirm equity and social justice for all people.

(4) Social workers should act to prevent and eliminate domination of, exploitation of, and discrimination against any person, group, or class on the basis of race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, political belief, religion, or mental or physical disability.

[16.63.16.13 NMAC - Rp, 16.63.16.13 NMAC, 4/24/06]

HISTORY OF 16.63.16 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:
Rule 16, Code of Conduct, 5/22/92.

History of Repealed Material:

16.63.16 NMAC, Code of Conduct, filed 5/20/2002 - Repealed effective 4/24/2006.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 17 TEMPORARY LICENSE

16.63.17.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[16.63.17.1 NMAC - N, 11/30/06]

16.63.17.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[16.63.17.2 NMAC - N, 11/30/06]

16.63.17.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[16.63.17.3 NMAC - N, 11/30/06]

16.63.17.4 DURATION: Permanent
[16.63.17.4 NMAC - N, 11/30/06]

16.63.17.5 EFFECTIVE DATE: November 30, 2006, unless a later date is cited at the end of a section.
[16.63.17.5 NMAC - N, 11/30/06]

16.63.17.6 OBJECTIVE: To state the minimum requirements for a temporary license, the duration of the license.
[16.63.17.6 NMAC - N, 11/30/06]

16.63.17.7 DEFINITIONS: [Reserved]

16.63.17.8 APPLICABILITY: A temporary license may be issued only when an applicant has submitted an application for licensure, provide documentation of passing the national licensing exam for the level of licensure sought and has not fulfilled or is unable to adequately documented the completion of one or more of the requirements for licensure specified in 16.63.6, 16.63.10 and 16.63.11 NMAC. The applicant must fulfill the requirements within six months or less.
[16.63.17.8 NMAC - N, 11/30/06]

16.63.17.9 DURATION: Six months or fulfillment of the requirements which ever comes first. Only one temporary license will be issued for each level of licensure sought by the applicant, except in extenuation circumstances as defined in 16.63.17.10 NMAC.
[16.63.17.9 NMAC - N, 11/30/06]

16.63.17.10 EXTENUATING CIRCUMSTANCES: A qualified temporary licensed applicant may apply for an extension of a temporary license or the issuance of an additional temporary license if they were unable to fulfill the requirement due to extenuating circumstances; these extenuating circumstances are defined as; serious physician-verified illness; death in immediate family; and military service. The extenuating circumstances must be presented for the board's administrator's consideration on a case-by-case basis.
[16.63.17.10 NMAC - N, 11/30/06]

16.63.17.11 FEE: The applicant shall pay a license fee as set forth in Part 8.
[16.63.17.11 NMAC - N, 11/30/06]

HISTORY OF 16.63.17 NMAC: [Reserved]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING

CHAPTER 63 SOCIAL WORKERS

PART 18 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS

16.63.18.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department.

[16.63.18.1 NMAC; N, 09/01/14]

16.63.18.2 SCOPE: This part sets forth application procedures to expedite licensure for military service members, spouses and veterans

[16.63.18.2 NMAC; N, 09/01/14]

16.63.18.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.

[16.63.18.3 NMAC; N, 09/01/14]

16.63.18.4 DURATION: Permanent.

[16.63.18.4 NMAC; N, 09/01/14]

16.63.21.5 EFFECTIVE DATE: September 1, 2014 unless a later date is cited at the end of a section.

[16.63.18.5 NMAC; N, 09/01/14]

16.63.18.6 OBJECTIVE: The purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to Chapter 61, Articles 2 through 34 NMSA 1978.

[16.63.18.6 NMAC; N, 09/01/14]

16.63.18.7 DEFINITIONS:

A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

[16.63.18.7 NMAC; N, 09/01/14]

16.63.18.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed on a form provided by the board.

B. The information shall include:

(1) Completed application and fee pursuant to 16.63.3 NMAC.

(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Article 31, NMSA 1978.

(2) Proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.

[16.63.18.8 NMAC; N, 09/01/14]

16.63.18.9 RENEWAL REQUIREMENTS:

A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance set forth in 16.63.3 NMAC and for the renewal of a license set forth in 16.63.10 NMAC pursuant to Chapter 61, Article 31, NMSA 1978.

[16.63.18.9 NMAC; N, 09/01/14]

HISTORY OF 16.63.18 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 19 IMPAIRED SOCIAL WORKER

16.63.19.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.19.1 NMAC - Rn, 16 NMAC 63.19.1, 06/19/02]

16.63.19.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/8/96; 16.63.19.2 NMAC - Rn, 16 NMAC 63.19.2, 06/19/02]

16.63.19.3 STATUTORY AUTHORITY: These parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.19.3 NMAC - Rn, 16 NMAC 63.19.3, 06/19/02]

16.63.19.4 DURATION: Permanent
[9/8/96; 16.63.19.4 NMAC - Rn, 16 NMAC 63.19.4, 06/19/02]

16.63.19.5 EFFECTIVE DATE: June 22, 1992, unless a different date is cited at the end of a section.
[9/8/96; 16.63.19.5 NMAC – Rn & A, 16 NMAC 63.19.5, 06/19/02]

16.63.19.6 OBJECTIVE: To inform the licensees how impairment is determined, the process involved, what action may be taken, and the reinstatement requirements.
[9/8/96; 16.63.19.6 NMAC - Rn, 16 NMAC 63.19.6, 06/19/02]

16.63.19.7 DEFINITIONS: [Reserved]

16.63.19.8 DETERMINATION OF IMPAIRMENT:

A. Complaints will be reviewed in accordance with policies and procedures established by the board. If the complaint committee or the board has reasonable cause to believe that a licensed social worker is unable to practice with reasonable skill and safety because of a mental disorder or habitual or excessive use of a controlled substance or alcohol, the committee or the board shall report those findings and the board shall cause an examination of the social worker to be made.

B. The board shall appoint one or more people to evaluate the social worker in accordance with NMSA 1978 Section 61-31-19.

(1) The social worker shall bear all costs of the evaluation.

(2) The social worker shall sign all necessary releases and authorizations for release of medical or psychological records for the evaluator(s) to report to the board.

(3) The evaluator(s) shall order the social worker to appear before the evaluator(s) for hearing or evaluation and shall give the social worker ten (10) days notice of the time and place of the evaluation/hearing.

(4) If the evaluator(s) determine a mental or physical examination is necessary, the evaluator(s) shall order the social worker to submit to such an examination.

(5) Any social worker who submits to diagnostic mental or physical examinations as ordered by the evaluator(s) shall have a right to designate another evaluator to be present at any examination and to make an independent report to the board.

(6) Failure of the social worker to comply with any requests of the evaluator(s) including appearing for hearing or submitting to medical or physical evaluations shall be reported directly to the board and shall be grounds for immediate and summary suspension of the social worker's license by the board followed by proceedings initiated under the Uniform Licensing Act.

(7) The evaluator(s) shall report findings and recommendations to the board.

C. The board shall review the findings and recommendations of the evaluator(s). The board may accept or reject the recommendations of the evaluation or may refer the matter back to the evaluator(s) for further examination and report.

D. Upon receipt of an evaluation indicating impairment of the social worker, the board shall appoint an advisory committee. The advisory committee will review the evaluator(s) report and other relevant information

and will develop and submit to the board recommendation regarding the social worker's amenability to treatment and rehabilitation which will include a written treatment plan. The advisory committee will also consider any voluntarily submitted treatment plan and report it to the board. In its report the advisory committee shall state its reasons for participation in the approved treatment plan and shall state any conditions for continued treatment or release from the program.

E. Upon receipt of the advisory committee's report and recommendations, the board may place conditions and stipulations on the social worker's license reflecting the advisory committee's recommendations or any other conditions the board deems appropriate. The conditions and/or stipulations will be provided in written format.

F. Any social worker who does not agree to the conditions and/or stipulations set forth pursuant to Subsection E of 16.63.19.8 NMAC above, shall be entitled to a hearing before the board in accordance with the Uniform Licensing Act.

G. Any social worker participating in a treatment program shall enter into a contract with the Board as a condition of participation in the impaired social worker program.

H. The advisory committee shall receive reports from the various treatment providers and shall submit a report to the board on at least a quarterly basis.

I. The advisory committee shall report all violations of the treatment program rules, regulations and policies to the board within five (5) days.

J. The advisory committee shall report statistical information to the board including but not limited to:

- (1) names of social workers in treatment;
- (2) a description of the treatment program;
- (3) progress reports;
- (4) social worker's compliance with financial obligations;
- (5) attendance reports (of alcoholics anonymous, counseling sessions, etc.);
- (6) lab reports; and
- (7) any other reports requested by the board.

[6/22/92; 16.63.19.8 NMAC - Rn, 16 NMAC 63.19.8, 06/19/02]

16.63.19.9 SELF REPORTING: A social worker may request in writing to the board a restriction of the social worker's license. The board may grant such requests for restriction and shall have authority if deemed appropriate to attach conditions to the license of the social worker within specified limitations. The board may waive commencement of any proceedings under this part.

[6/22/92; 16.63.19.9 NMAC - Rn, 16 NMAC 63.19.9, 06/19/02]

16.63.19.10 REINSTATEMENT: A social worker whose license has been restricted under this part, voluntarily or by action of the board shall have the right, at reasonable intervals, to petition for reinstatement of the license and to demonstrate that the social worker can resume the competent practice of social work with reasonable skill and safety to clients. Such petitions shall be in writing to the board.

A. Action by the board on such petitions shall be initiated by referral to an evaluator(s) in accordance with Subsection B of 16.63.19.8 NMAC.

B. The board may, upon written recommendation of the advisory committee, request final evaluation of the social worker. Upon receipt of a positive report by the evaluator(s) and agreement of the advisory committee, the social worker may be discharged from the impaired social worker program.

[6/22/92; 16.63.19.10 NMAC - Rn, 16 NMAC 63.19.10, 06/19/02]

HISTORY OF 16.63.19 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:
Rule 19, Impaired Social Worker, 5/22/92.

History of Repealed Material: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 20 PARENTAL RESPONSIBILITY ACT COMPLIANCE

16.63.20.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners, P.O. Box 25101, Santa Fe, NM 87505.
[9/11/96; 16.63.20.1 NMAC - Rn, 16 NMAC 63.20.1, 06/19/02]

16.63.20.2 SCOPE: All baccalaureate social workers, master social workers, and independent social workers.
[9/11/96; 16.63.20.2 NMAC - Rn, 16 NMAC 63.20.2, 06/19/02]

16.63.20.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/11/96; 16.63.20.3 NMAC - Rn, 16 NMAC 63.20.3, 06/19/02]

16.63.20.4 DURATION: Permanent
[9/11/96; 16.63.20.4 NMAC - Rn, 16 NMAC 63.20.4, 06/19/02]

16.63.20.5 EFFECTIVE DATE: November 2, 1995, unless a different date is cited at the end of a section.
[9/11/96; 16.63.20.5 NMAC - Rn & A, 16 NMAC 63.20.5, 06/19/02]

16.63.20.6 OBJECTIVE: This part establishes the requirements and possible penalties for non-compliance of the Parental Responsibility Act.
[11/2/95; 16.63.20.6 NMAC - Rn, 16 NMAC 63.20.6, 06/19/02]

16.63.20.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this section. As used in this section:

- A. "HSD" means the New Mexico human services department;
- B. "statement of compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and
- C. "statement of non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and an order for support.

[11/2/95; 16.63.20.7 NMAC - Rn, 16 NMAC 63.20.7, 06/19/02]

16.63.20.8 AUTHORITY: The board adopts this section pursuant to the Parental Responsibility Act (Ch.. 25, Laws of 1995).
[11/2/95; 16.63.20.8 NMAC - Rn, 16 NMAC 63.20.8, 06/19/02]

16.63.20.9 DISCIPLINARY ACTION: If an applicant or licensee is not in compliance with a judgment and order for support, the board:

- A. shall deny an application for a license;
- B. shall deny the renewal of a license; and
- C. has grounds for suspension or revocation of the license.

[11/2/95; 16.63.20.9 NMAC - Rn, 16 NMAC 63.20.9, 06/19/02]

16.63.20.10 CERTIFIED LIST: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board licensees and applicants. Upon the later receipt of an application for license or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and licensees who are on the certified list and the action the board has taken in connection with such applicants and licensees.
[11/2/95; 16.63.20.10 NMAC - Rn, 16 NMAC 63.20.10, 06/19/02]

16.63.20.11 INITIAL ACTION: Upon determination that an applicant or licensee appears on the certified list, the board shall:

A. commence a formal proceeding under 16.63.20.9 NMAC to take the appropriate action under Subsection A or B of 16.63.20.9 NMAC:

B. for current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the board with a subsequent statement of compliance from HSD by the earlier of the application for license renewal or a specified date not to exceed thirty (30) days; if the licensee fails to provide this statement, the board shall commence a formal proceeding under subsection C of 16.63.20.9 NMAC.
[11/2/95; 16.63.20.11 NMAC - Rn, 16 NMAC 63.20.11, 06/19/02]

16.63.20.12 NOTICE OF CONTEMPLATED ACTION: Prior to taking any action specified in 16.63.20.9 NMAC, the board shall serve upon the applicant or licensee a written notice stating that:

A. the board has grounds to take such action, and that the board shall take such action unless the licensee or applicant:

(1) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or

(2) provides the board, within thirty (30) days of the date of the notice, with a statement of compliance from HSD;

B. if the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD child support enforcement division.

[11/2/95; 16.63.20.12 NMAC - Rn, 16 NMAC 63.20.12, 06/19/02]

16.63.20.13 EVIDENCE OF PROOF: In any hearing under this section, relevant evidence is limited to the following:

A. a statement of non-compliance is conclusive evidence that requires the board to take the appropriate action under 16.63.20.9 NMAC of this section, unless:

B. the applicant or licensee provides the board with a subsequent statement of compliance which shall preclude the board from taking any action under this section.

[11/2/95; 16.63.20.13 NMAC - Rn, 16 NMAC 63.20.13, 06/19/02]

16.63.20.14 ORDER: When a disciplinary action is taken under this section solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for reapplications or reinstatement of lapsed licensees.

[11/2/95; 16.63.20.14 NMAC - Rn, 16 NMAC 63.20.14, 06/19/02]

16.63.20.15 PROCEDURES: Proceedings under this section shall be governed by the Uniform Licensing Act, Section 61-1-1 et seq.

[11/2/95; 16.63.20.15 NMAC - Rn, 16 NMAC 63.20.15, 06/19/02]

HISTORY OF 16.63.20 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:
Rule 20, Parental Responsibility Act Compliance, 10/2/95.

History of Repealed Material: [RESERVED]