

This is an amendment to 16.22.1 NMAC, Section 7 effective 02/10/2022.

16.22.1.7 DEFINITIONS: As used in these regulations, the following words and phrases have the following meanings, unless the context or intent clearly indicates a different meaning:

A. **“Accredited by a nationally recognized accreditation body”** means accredited by an organization that is listed as a programmatic accrediting organization for doctoral psychology in the most recent Directory of CHEA-Recognized Organizations promulgated by the council for higher education accreditation.

~~[A]~~ **B.** **“Act”** means the Professional Psychologist Act, Section 61-9-1 through 61-9-19 NMSA 1978.

~~[B]~~ **C.** **“Administrator”** or **“board administrator”** means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the act.

~~[C]~~ **D.** **“Adult”** means all persons 18 years of age or older.

~~[D]~~ **E.** **“Applicant”** means a person who has completed all educational requirements of the eligibility requirements for licensure and has submitted a complete application to the board. An applicant is seeking approval of his or her application by the board to advance him or her to candidacy for licensure.

~~[E]~~ **F.** **“Approved supervision program”** means a formal internship or program of postdoctoral supervised experience in New Mexico that is designed to prepare an applicant for licensure and that has been accredited by a nationally recognized accreditation body, or a program of training for licensure in New Mexico that has been formally approved in advance and in writing by the board as meeting the requirements for internship or postdoctoral supervised experience.

~~[F]~~ **G.** **“Board administrator”** or **“administrator”** means the staff person assigned certain express or implied executive and administrative functions of the board as defined by board regulations or as required to carry out the provisions of the act.

~~[G]~~ **H.** **“Board certified psychiatrist”** means a physician licensed in New Mexico who has been certified by the American board of psychiatry and neurology in the specialty of psychiatry or the subspecialty of child and adolescent psychiatry.

~~[H]~~ **I.** **“Board regulations”** or **“regulations”** means any part adopted by the board pursuant to authority under the act and includes any superseding regulation.

~~[I]~~ **J.** **“Candidate”** is an applicant whose application has been approved by the board and is eligible to take the online jurisprudence examination.

~~[J]~~ **K.** **“Children/adolescents”** mean all persons through 17 years of age (children two-12 years; adolescents 13-17 years).

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

(1) issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships; and

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

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

~~[L]~~ **M.** **“Confidential information”** means information revealed by a patient or clients or otherwise obtained by a psychologist, as a result of a confidential relationship where there is reasonable expectation that the information is not to be disclosed by the psychologist without the informed written consent of the patient or client in accordance with the Public Health Act, Section 24-1-20 NMSA 1978. A confidential relationship, as used here, results from:

(1) the relationship between the patient(s) or client(s) and the psychologist, or

(2) the circumstances under which the information was revealed or obtained; when such information is revealed or obtained through the psychologist's interaction with an individual from within a client corporation or organization, and that interaction is the result of the professional contract between the psychologist and the client corporation or organization, the confidential relationship is between the psychologist and that client

corporation or organization, not between the psychologist and a patient or other individual within the corporation or organization; in this instance, information obtained by the psychologist from a patient or other individual shall be available to the organization unless such information was obtained in a separate professional relationship with that individual and is therefore subject to confidentiality requirements in itself.

[M] N. “**Conditional prescribing psychologist**” means a licensed psychologist who holds a valid conditional prescription certificate.

[N] O. “**Conflict of interest**” means any situation or relationship that compromises or impairs, or appears to compromise or impair, the neutrality, independence or objectivity of a psychologist, psychologist associate, supervising physician, or board member, including relationships or situations that arise from past or present familial, social, fiduciary, business, financial, health care provider-patient relationship, agency, or other personal relationship. Paying or receiving an appropriate fee for supervisory services is not a conflict of interest. Conflict of interest includes dual relationships as provided herein at 16.22.2.9 NMAC.

[O] P. “**Consultant**” means a licensed psychologist who provides professional advice or opinion to another licensed psychologist and who has no professional relationship with the patient or client, has no authority over the case, or has no responsibility for the services performed for the patient or client or the welfare of the patient or client.

[P] Q. “**Continuing professional education**” means educational opportunities beyond doctoral education and initial entry level training as a psychologist or psychologist associate for which hourly credit is earned. It is the process through which professional licensees review psychological concepts and techniques, acquire new knowledge or skills relevant to their work, and improve their competence in current skills. These activities are intended to supplement what has already been attained in training and practice. It is an ongoing process consisting of formal learning activities at the postgraduate level that are:

- (1) relevant to psychological practice, education, and science;
- (2) enable psychologists to keep pace with emerging issues and technologies; and
- (3) allow psychologists to maintain, develop and increase competencies in order to improve

services to the public and enhance contributions to the profession.

[Q] R. “**Controlled substance**” means any drug, substance or immediate precursor enumerated in schedules I through V of the U.S. Drug Enforcement Administration, Controlled Substance Act and in Sections 30-31-6 thru 30-31-10 NMSA 1978, of the act.

[R] S. “**Court order**” means the written communication of a member of the judiciary, or other court magistrate or administrator, if such authority has been lawfully delegated to such magistrate or administrator that is under the authority of law.

[S] T. “**Criminal Offender Employment Act**”, Sections 28-2-1 thru 28-2-6 NMSA 1978 is the statutory provision regulating the relevance and weight to be given an applicant, candidate, or licensee’s criminal record, by the board, during the licensure or renewal process.

[T] U. “**Cultural competence**” means the ability and the will to respond to the unique needs of an individual patient that arise from the patient’s culture, and the ability to use aspects of the person’s culture as a resource or tool to assist with the intervention. Cultural competence includes being able to:

- (1) recognize and respond to health related beliefs and cultural values;
- (2) incorporate research about disease incidence and prevalence, and treatment efficacy; and
- (3) know when to seek consultation about the patient’s culture.

[U] V. “**Currently enrolled**” means enrolled as a student in a college or university.

[V] W. “**Custodian**” means the board administrator.

[W] X. “**Designated as a doctoral program in psychology by a nationally recognized designation system**” means listed as an approved doctoral program by the Association of State and Provincial Psychology Boards/National Register Designation Project prior to the termination of that project on June 1, 2018.

Y. “**Disqualifying criminal conviction**” has the same meaning as defined in Subsection E of Section 61-1-36 NMSA 1978;

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

[Y] AA. “**Electronic signatures**” means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

[Z] BB. “**Electronic transmission**” means the sending of information through the telephone lines, cable or internet, as in e-mail or facsimile (fax).

[AA] CC. “Ethno-pharmacology” means the basic and clinical sciences of treatment of specific mental illness with ethnically or culturally appropriate drugs.

[BB] DD. “Filed with the board” means ~~hand delivered or postal mail received during normal business hours by the board office in Santa Fe, New Mexico~~ electronic submission through the board’s online portal.

[CC] EE. “Geriatric” means all persons 65 years of age and over.

[DD] FF. “Good cause” means the inability to comply because of illness, undue hardship, or extenuating circumstances that are not willful and are beyond the control of the person asserting good cause. The person asserting good cause shall have the burden to demonstrate good cause.

[EE] GG. “Governmental Conduct Act” 10-16-1 thru 10-16-18 NMSA 1978 is the statutory provision which sets forth standards of conduct and ethical principles for public service.

[FF] HH. “Inactive status” means a procedure of the board to affirm that a licensee is not engaged in active practice.

II. “Independently licensed prescribing clinician” means a licensed physician, osteopathic physician, nurse practitioner, psychiatric nurse practitioner, or clinical nurse specialist.

[GG] JJ. “Initial application” means the initial application for licensure filed with the board by an applicant not previously or currently licensed in any jurisdiction.

[HH] KK. “In-person supervision” is supervision of psychological services where the supervisor is physically present in the same room as the trainee.

[H] LL. “Inspection of Public Records Act”, Sections 14-2-1 thru 14-2-12 NMSA 1978 is the statutory provision acknowledging the fundamental right of access to public records afforded citizens and media in a democracy, and governing the administration of that right.

[JJ] MM. “Licensed” means licensed or certified, registered, or any other term including temporary, provisional, emergency, unrestricted, active or inactive license or licensure, when such term identifies a person whose professional behavior is subject to regulation by the board by authority of the act.

[KK] NN. “Licensee” means a psychologist licensed pursuant to the provisions of the act and board regulations.

[LL] OO. “Licensee in good standing” means a licensed psychologist who is not the subject of a pending investigation, adjudicatory proceeding, or petition on appeal or review, or whose license is not restricted, suspended, or revoked in New Mexico or any other state or licensing jurisdiction.

[MM] PP. “Medical supervision” means direct oversight of the psychologist trainee’s psychopharmacological practice by a qualified supervising physician approved by the board. Supervision may be on-site or off-site as specified in the rule.

[NN] QQ. “Medical supervisor” means a qualified supervising physician approved by the board.

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

[PP] SS. “Member of the household” means residing within the same dwelling unit, either continuously or intermittently, regardless of whether fee or rent is paid or received.

[QQ] TT. “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.

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

[SS] VV. “Nationwide criminal history record” means information concerning a person’s arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by criminal justice agencies and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states.”

[TT] WW. “Nationwide criminal history screening” means a criminal history background investigation of an applicant for licensure by examination or endorsement through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.”

~~[UU]~~ **XX.** “**New Mexico administrative code**” or “**NMAC**”, Section 14-4-7.2 NMSA 1978 is the official compilation of current rules filed by state agencies in accordance with New Mexico statutes.

~~[VV]~~ **YY.** “**New Mexico statutes annotated 1978 or NMSA 1978**” is the official compilation of state laws.

~~[WWW]~~ **ZZ.** “**Non-licensed person**” means a student, an applicant or postdoctoral person working under supervision in order to satisfy licensure requirements in psychology, and employees or staff of a licensed psychologist

~~[XX]~~ **AAA.** “**Open Meetings Act**”, 10-15 NMSA 1978 is the statutory provision requiring that public business be conducted in full public view; providing guidelines governing both public and closed meetings, and regulating the notice, agenda and minutes of such meetings.

~~[YY]~~ **BBB.** “**Outdated test**” means a test for which a revision has been available for three or more years.

~~[ZZ]~~ **CCC.** “**Out-of-state psychologist**” means a psychologist licensed in another state, a territorial possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or a Canadian province who is in good standing in his or her licensing jurisdiction(s).

~~[AAA]~~ **DDD.** “**Patient**” means a person who is treated, examined, assessed, or interviewed by a licensed psychologist or licensed psychologist associate or a non-licensed person working under supervision as provided in these regulations. In the case of minor patients or adult patients who are legally incompetent, the legal guardian shall represent the patient for decision-making purposes, except that the patient shall be directly consulted by the psychologist or psychologist associate for:

- (1) issues directly affecting the physical or emotional safety of the individual, such as sexual or other exploitative dual relationships;
- (2) issues specifically reserved to the individual, and agreed to by the guardian prior to rendering of services, such as confidential communication in a therapy relationship, and
- (3) all matters specifically designated to individuals in the Mental Health and Developmental Disabilities Code (MHDDC), Section 43-1-19 NMSA 1978, and the Children’s Code, Section 32A-1-1 thru 32A-1-20 NMSA 1978.

~~[BBB]~~ **EEE.** “**Physician**” means an allopathic or osteopathic physician.

~~[CCC]~~ **FFF.** “**Practicum**” means a period of supervised clinical training and practice in which specific scientific and clinical techniques and diagnoses are learned.

~~[DDD]~~ **GGG.** “**Prescribing applicant**” means a licensed psychologist who has made application to the board for a conditional prescribing or prescribing certificate.

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

~~[FFF]~~ **III.** “**Primary treating health care practitioner**” means the health care practitioner who is directly responsible for treating a specific illness or condition of a patient. The primary treating health care practitioner may be a primary care practitioner, or may be a medical specialist.

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

~~[HHH]~~ **KKK.** “**Professional service**” means all actions of the psychologist in the context of a professional relationship with a client or patient.

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

~~[JJJ]~~ **MMM.** “**Psychopharmacology**” means the basic and clinical science of drugs used to treat mental illnesses.

~~[KKK]~~ **NNN.** “**Psychopharmacotherapy**” means the application of pharmacotherapeutics to psychological problems.

~~[LLL]~~ **OOO.** “**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.

[~~MMM~~] PPP. “**Reciprocity**” means facilitation of licensure for individuals holding a license as a psychologist in another jurisdiction; reciprocity does not mean that other states accept New Mexico licensees on an equal basis but is an invitation that they do so.

[~~NNN~~] QQQ. “**Public Health Act**”, Sections 24-1-1 thru 24-1-30 NMSA 1978, governs the confidentiality of patient or client record.

[~~OOO~~] RRR. “**Restricted license**” means a psychologist who holds a temporary, provisional, emergency or inactive license.

[~~PPP~~] SSS. “**Rule**” means board regulations.

[~~QQQ~~] TTT. “**Socio-cultural**” means aspects of mental illness related to social and cultural mores and traditions of varied social and cultural groups.

[~~RRR~~] UUU. “**State Rules Act**”, Sections 14-4-1 thru 14-4-5 NMSA 1978, is the statutory provision that ensures that state agencies file with the state records center and archives all rules and regulations including amendments or repeals.

[~~SSS~~] VVV. “**Statute**” means a law that governs conduct within its scope. A bill passed by the legislature becomes a statute; and “statutory authority” means the boundaries of the board’s lawful responsibility as laid out by the statute that created it.

[~~TTT~~] WWW. “**Supervisee**” means any person who functions under the authority of a licensed psychologist to provide psychological services as provided in the act or board regulations.

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

[~~VVV~~] YYY. “**Supervisory plan**” means a written document signed by an applicant for psychology license or a conditional prescribing certificate and the supervisor of the applicant that describes the nature of the supervisory relationship including but not limited to the number of hours of supervision, population served, and credentials of supervisor, and is presented to the board for approval.

[~~WWW~~] ZZZ. “**Telephonic supervision**” means the supervision of psychological services through telephone or other audio format where the supervisor is not in the same physical facility as the trainee.

[~~XXX~~] AAA. “**Telesupervision**” means the supervision of psychological services through synchronous audio and video format where the supervisor is not in the same physical facility as the trainee.

[~~YYY~~] BBB. “**Unrestricted license**” means a license in psychology with full privileges and responsibilities as described in these regulations but is renewed annually or biennially. It does not have a limitation of a provisional license, temporary license, emergency license or inactive license as described herein.

[~~ZZZ~~] CCC. “**Year of supervised experience**” means 1500 hours of psychological work conducted under supervision satisfactory to the board. The 1500 hours may be accumulated in one or two consecutive calendar years in the case of an internship, three consecutive years in the case of postdoctoral experience, or over the course of graduate training in the case of doctoral experience.

[~~AAA~~] DDD. “**Doctoral training program**” means the program from which the applicant received his or her doctoral degree to fulfill the educational requirements for licensure (NMAC)

[16.22.1.7 NMAC - Rp, 16.22.1.7 NMAC, 11/15/2006; A, 03/21/2009; A, 9/16/2010; A, 4/11/2012; A, 04/30/2015; A, 7/1/2018; A, 02/10/2022]