

Filing Complaints with the Licensing Boards

Psychologists, Social Workers and Counselors are three of the most common “experts” assigned to divorce and custody cases. These “professionals” must be licensed by the state of New Mexico’s Regulations and Licensing Department in order to practice. The three boards that govern these professionals are:

Board of Psychologist Examiners
Board of Social Work Examiners
Counseling & Therapy Practice Board

By state statute, (NMSA Chapter 61), one of the main responsibilities of these boards is to protect the public. The governing statute for psychologists includes the following:

“61-9-2 Legislative Findings and Purpose

A. The legislature finds that the practice of psychology affects the public health, safety and welfare and that appropriate regulation is necessary to protect the public.

B. It is the purpose of the Professional Psychologist Act [Chapter 61, Article 9 NMSA 1978] to insure that the public is adequately protected from the practice of psychology by unqualified persons and from unprofessional conduct by persons licensed to practice psychology.”

The governing statute for social workers includes the following:

“61-31-2 Purpose

The profession of social work profoundly affects the lives of the people of this state; therefore, to safeguard the public health, safety and welfare of the people of New Mexico against the unregulated practice of social work, the legislature finds it necessary that a proper regulatory authority be established for persons who seek to engage in the practice of social work.”

The governing statute for counselors and therapists includes the following:

“61-9A-2 Purpose

In the interest of public health, safety and welfare and to protect the public from unprofessional, improper, incompetent and unlawful counseling and therapy practice, it is necessary to provide laws and regulations to govern the practice of counseling and therapy. The primary responsibility and obligation of the counseling and therapy practice board is to protect the public.”

The conduct that these professionals must abide by in their practice and interaction with you is detailed in the Code of Ethics. Each of the three “professions” has its own Code of Ethics. Just as the state statutes governing these three practices varies in language, each Code of Ethics has its own flavor. You must compare the behaviors of your “professional” against the detailed required behaviors in the appropriate Code of Ethics and document where your “professional” is in violation. These violations are the content of your complaint to the

appropriate licensing board. The violations should be documented in as much detail as possible, specifically referencing the section and requirements in the Code of Ethics.

Go to the state's Regulation and Licensing web site and choose the Board that governs the practice of the "professional" you're complaining about:

<http://www.rld.state.nm.us/Division%20&%20Professions.htm>

[If the menus don't display on the left side (red section), then you probably need to download the Java run-time application. Go to: <http://www.java.com/en/index.jsp> and click on the menu under the coffee cup in the upper left section. You'll have to restart your computer when it completes.]

At the web site for the appropriate board, you can access several needed items in order to complete your complaint. First, verify that the person that you are complaining about is licensed by that board by clicking on "Licensee Search" on the left side, then typing in their last name and clicking on "Submit Query" on the search page. Next, you can follow the links to get to the complaint form and the Code of Ethics. Instructions are included.

Reference in your complaint that you have done your best to provide them with the evidence that you believe is needed, and make sure that you note your expectation for the board to contact you if ANY information is needed. Your initial complaint must be notarized. Document and keep proof of ALL communications with the board, preferably in writing and with a fax confirmation sheet.

Other Avenues to Pursue

In addition to state requirements, these professionals may be members of organizations such as the American Psychological Association, (<http://www.apa.com>), American Counseling Association, (<http://www.counseling.org>), or others. These two national organizations also have a Code of Ethics and a complaint process. Ask your professional to which associations they belong. If they misrepresent any affiliations, this is another violation.

These "professionals" are also typically preferred providers under health insurance plans, as well. You should submit a written complaint to your insurance carrier and note that you and their entire customer base are relying on their list of providers to provide legitimate professional help.

In all of the above processes, do not be discouraged by the lack of interest, or even refusal of the persons or entities to accept your complaint. Address complaints to a specific person. They may refuse to provide a name. Demand a name and address the complaint to them. This industry has at times been characterized by fraud and incompetence, and the persons charged with oversight are sometimes very reluctant to step up to their own responsibilities.

Please send us a copy of your complaint, either through this website via email (info@family-justice.org) or by writing us at Center for Family Justice, P.O. Box 21996, Albuquerque, NM 87154. We keep records regarding complaints filed and corresponding action (or the lack thereof) from a particular office. If we accrue enough evidence that a particular office is ignoring complaints, we will put pressure on the governing body to rectify the situation, or ask the state legislature to set up an independent citizen's review board to keep the office "honest".