

## Opinion No. 69-136

December 1, 1969

**BY:** OPINION OF JAMES A. MALONEY, Attorney General James C. Compton, Jr.,  
Assistant Attorney General

**TO:** Anne B. Warren, Ph.D., Secretary, New Mexico State Board of Psychologist  
Examiners, Los Alamos Medical Center, Los Alamos, New Mexico 87544

### QUESTIONS

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Does Section 67-30-9, N.M.S.A., 1953 Compilation (1969 P.S.), of the Professional Psychologist Act of 1963, require a mutual reciprocity agreement between New Mexico and another state before New Mexico may issue a certificate to a psychologist duly licensed under the laws of that other state?

#### CONCLUSION

No.

### OPINION

#### {\*220} ANALYSIS

Section 67-30-9, N.M.S.A., 1953 Compilation (1969 P.S.), provides:

"Upon application therefor, accompanied by such fee as is required by the Professional Psychologist Act [67-30-1 to 67-30-17], the board may, without written or oral examination, issue a certificate to any person who furnishes, upon a form and in such manner as the board prescribes, evidence satisfactory to the board that he is licensed or certified as a psychologist by another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico if the requirements for such license or certification be deemed by the board equivalent to those contained in the Professional Psychologist Act and **where the state or territory has like reciprocal privileges for the state of New Mexico.**" (Emphasis added.)

This statute does not specifically authorize the State Board of Psychologist Examiners to enter a mutual reciprocity agreement as such. Nor is such authority found in the general statutory powers of the Board. See Section 67-30-5, N.M.S.A., 1953 Compilation (1969 P.S.). Rather, Section 67-30-9, supra, speaks of "like reciprocal privileges." Construing the statute as a whole, this phrase refers back to the reciprocal privileges mentioned earlier in the statute.

These privileges include a license or a certificate as a psychologist by another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico if the requirements for such license or certification are deemed by the Board to be equivalent to those contained in the Professional Psychologist {<sup>\*221</sup>} Act. The requirements for such a license or certification in New Mexico are set forth in Section 67-30-8, and Section 67-30-10, N.M.S.A., 1953 Compilation (1969 P.S.).

All that Section 67-30-9, supra, requires is that the other state also provide in a similar manner for certification of an individual psychologist previously licensed in New Mexico. If that other state has authority to certify a New Mexico psychologist, then the final provision of Section 67-30-9, supra, of "like reciprocal privileges" is satisfied.

If an applicant establishes under the Board's uniform requirements for proving equivalence that he has been duly licensed or certified as a psychologist by another state, then the State Board of Psychologist Examiners may issue its certificate to that individual if the other state has similar procedures for certifying a New Mexico psychologist.