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SENATE BILL 150

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING AND ENACTING
SECTIONS OF THE CHIROPRACTIC PHYSICIAN PRACTICE ACT TO PROVIDE
FOR CERTIFICATION OF ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-4-2 NMSA 1978 (being Laws 1968,
Chapter 3, Section 2, as amended) is amended to read:

"61-4-2. DEFINITIONS.--As used in the Chiropractic
Physician Practice Act:

A. "advanced practice chiropractic certification
registry" means a compendium kept by the board that meets and
maintains the board's established credentials for level one
certified advanced practice chiropractic physicians and level
two certified advanced practice chiropractic physicians;

B. "board" means the chiropractic board;

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1 [~~B-~~] C. "certified advanced practice chiropractic
2 physician" means a chiropractic physician who has been included
3 in the advanced practice chiropractic certification registry as
4 a level one certified advanced practice chiropractic physician
5 or a level two certified advanced practice chiropractic
6 physician;

7 D. "chiropractic assistant" means a person who
8 practices under the on-premises supervision of a licensed
9 chiropractic physician;

10 [~~G-~~] E. "chiropractic medicine":

11 (1) means the science, art and philosophy of
12 things natural, the science of locating and removing
13 interference with the transmissions or expression of nerve
14 forces in the human body by the correction of misalignments or
15 subluxations of the articulations and adjacent structures, more
16 especially those of the vertebral column and pelvis, for the
17 purpose of restoring and maintaining health for treatment of
18 human disease primarily by, but not limited to, adjustment and
19 manipulation of the human structure [~~It shall include, but not~~
20 ~~be limited to~~], including diagnosis and treatment of a
21 condition for which the chiropractic physician has been
22 educated and trained; the prescribing and administering of all
23 natural agents to assist in the healing act, such as food,
24 water, heat, cold, light, oxygen, electricity, mechanical
25 appliances and medical devices; and the selling of [~~herbs~~]

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1 herbal medicine, nutritional [supplements] medicine and
2 homeopathic [remedies; the administering of a drug by injection
3 by a certified advanced practice chiropractic physician; and
4 any necessary diagnostic procedure, excluding invasive
5 procedures, except as provided by the board by rule and
6 regulation. It shall exclude operative surgery, the
7 prescription or use of controlled or dangerous drugs and the
8 practice of acupuncture] medicine; and

9 (2) excludes:

10 (a) the practice of operative surgery;

11 (b) the practice of acupuncture; and

12 (c) the prescription, administration,

13 injection or dispensing of dangerous drugs; provided that a
14 level one certified advanced practice chiropractic physician or
15 a level two certified advanced practice chiropractic physician
16 may prescribe, administer, inject and dispense dangerous drugs;

17 [D. "board" means the chiropractic board;

18 E.] F. "chiropractic physician" includes doctor of
19 chiropractic, chiropractor and chiropractic physician and means
20 a person who practices chiropractic medicine as defined in the
21 Chiropractic Physician Practice Act; and

22 [F. "chiropractic assistant" means a person who
23 practices under the on-premises supervision of a licensed
24 chiropractic physician]

25 G. "dangerous drug" means a drug, other than a

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1 controlled substance enumerated in Schedule I of the Controlled
2 Substances Act, that because of a potentiality for harmful
3 effect or the method of its use or the collateral measures
4 necessary to its use is not safe except under the supervision
5 of a chiropractic physician and hence for which adequate
6 directions for use cannot be prepared. "Adequate directions
7 for use" means directions under which the layperson can use a
8 drug or device safely and for the purposes for which it is
9 intended. A drug shall be dispensed only upon the prescription
10 or drug order of a chiropractic physician licensed by law to
11 administer or prescribe the drug if it:

12 (1) is a habit-forming drug and contains any
13 quantity of a narcotic or hypnotic substance or a chemical
14 derivative of the substance that has been found under federal
15 law and the board of pharmacy to be habit forming;

16 (2) because of its toxicity or other potential
17 for harmful effect or the method of its use or the collateral
18 measures necessary to its use is not safe for use except under
19 the supervision of a chiropractic physician licensed by law to
20 administer or prescribe the drug;

21 (3) is limited by an approved application
22 under federal law to the use under the professional supervision
23 of a chiropractic physician licensed by law to administer or
24 prescribe the drug;

25 (4) bears the legend: "Caution: federal law

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1 prohibits dispensing without prescription."; or

2 (5) bears the legend "RX only"."

3 SECTION 2. Section 61-4-3 NMSA 1978 (being Laws 1968,
4 Chapter 3, Section 3, as amended) is amended to read:

5 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--
6 COMPENSATION.--

7 A. [~~There is created~~] The "chiropractic board" is
8 created. The board shall be administratively attached to the
9 regulation and licensing department. The board shall consist
10 of six [~~persons~~] members as follows:

11 (1) four members who shall have been
12 continuously engaged in the practice of chiropractic medicine
13 in New Mexico for five years immediately prior to their
14 appointment. At least one of these four members shall be a
15 level one certified advanced practice chiropractic physician or
16 a level two certified advanced practice chiropractic physician;
17 and

18 (2) two [~~persons~~] members who shall represent
19 the public and shall not:

20 (a) have practiced chiropractic medicine
21 in this state or any other jurisdiction; or

22 (b) be licensed to provide health care
23 in the regular course of business.

24 B. A person shall not be appointed to the board who
25 is an officer or employee of or who is financially interested

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1 in any school or college of chiropractic medicine, allopathic
2 medicine, surgery or [osteopathy] osteopathic medicine.

3 ~~[B-]~~ C. Members of the board shall be appointed by
4 the governor for staggered terms of five years or less and in a
5 manner that the term of one board member expires on July 1 of
6 each year. A list of five names for each professional member
7 vacancy shall be submitted by the New Mexico chiropractic
8 association to the governor for consideration in the
9 appointment of board members. A vacancy shall be filled by
10 appointment for the unexpired term. Board members shall serve
11 until their successors have been appointed and qualified.

12 ~~[G-]~~ D. The board shall annually elect a chair and
13 a secretary-treasurer. A majority of the board constitutes a
14 quorum. The board shall meet quarterly. Special meetings may
15 be called by the chair and shall be called upon the written
16 request of two members of the board. Notification of special
17 meetings shall be made by certified mail unless such notice is
18 waived by the entire board and the action noted in the minutes.
19 Notice of all regular meetings shall be made by regular mail at
20 least ten days prior to the meeting, and copies of the minutes
21 of all meetings shall be mailed to each board member within
22 thirty days after a meeting.

23 ~~[D-]~~ E. A board member failing to attend three
24 consecutive meetings, either regular or special, shall
25 automatically be removed as a member of the board.

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1 ~~[E.]~~ F. The board shall adopt a seal.

2 ~~[F.]~~ G. The board shall promulgate and file, in
3 accordance with the State Rules Act, all rules [~~and~~
4 ~~regulations~~] necessary for the implementation and enforcement
5 of the provisions of the Chiropractic Physician Practice Act,
6 including educational requirements for a chiropractic
7 assistant.

8 ~~[G.]~~ H. The board, for the purpose of protecting
9 the health and well-being of the [~~citizens~~] residents of this
10 state and maintaining and continuing informed professional
11 knowledge and awareness, shall establish by [~~regulations~~] rules
12 adopted in accordance with the provisions of the Uniform
13 Licensing Act mandatory continuing education requirements for
14 chiropractic physicians and certified advanced practice
15 chiropractic physicians licensed in this state.

16 ~~[H.]~~ I. Failure to comply with the rules [~~and~~
17 ~~regulations~~] adopted by the board shall be grounds for
18 investigation, which may lead to revocation of license.

19 ~~[I.]~~ J. Members of the board shall be reimbursed as
20 provided in the Per Diem and Mileage Act, but shall receive no
21 other compensation, perquisite or allowance for each day
22 necessarily spent in the discharge of their duties."

23 **SECTION 3.** Section 61-4-4 NMSA 1978 (being Laws 1968,
24 Chapter 3, Section 4, as amended) is amended to read:

25 "61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

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1 A. Each applicant for a license to practice
2 chiropractic medicine shall:

3 (1) make application on forms furnished by the
4 board;

5 (2) submit evidence on oath satisfactory to
6 the board that the applicant has reached the age of majority,
7 has completed a preliminary education equal to the requirements
8 for graduation from high school, is of good moral character
9 and, after January 1, 1976, except for any student currently
10 enrolled in a college of chiropractic medicine, has completed
11 two years of college-level study in an accredited institution
12 of higher learning and is a graduate of a college of
13 chiropractic medicine that meets the standards of professional
14 education prescribed in Section 61-4-5 NMSA 1978; and

15 (3) pay in advance to the board fees for:

16 (a) [~~for~~] examination; and

17 (b) [~~for~~] issuance of a license.

18 B. In evaluating an application, the board may use
19 the services of a professional background information service
20 that compiles background information regarding applicants from
21 multiple sources.

22 C. Each applicant for inclusion in the advanced
23 practice chiropractic certification registry shall furnish
24 materials and proof of education and training as established by
25 rule of the board."

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1 SECTION 4. Section 61-4-6 NMSA 1978 (being Laws 1968,
2 Chapter 3, Section 6, as amended) is amended to read:

3 "61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--
4 RECORDING LICENSE.--

5 A. The board shall recognize successful completion
6 of all parts of the examination conducted by the national board
7 of chiropractic examiners.

8 B. The board shall examine each applicant in the
9 [~~act~~] practice of chiropractic medicine, including adjusting,
10 procedures and methods as shall reveal the applicant's
11 qualifications; provided that the board may waive the
12 requirement for the board-administered examination upon proof
13 of satisfactory completion of the examination conducted by the
14 national board of chiropractic examiners.

15 C. The board shall issue a license to all
16 applicants whose applications have been filed with and approved
17 by the board and who have paid the required fees and passed
18 either the board-administered examination with a general
19 average of not less than seventy-five percent with no subject
20 below sixty-five percent or the examination conducted by the
21 national board of chiropractic examiners with a general average
22 of not less than seventy-five percent with no subject below
23 sixty-five percent. A license shall be refused to an applicant
24 who fails to make application as provided in this section,
25 fails the examination or fails to pay the required fees.

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1 D. The license, when granted by the board, carries
2 with it the title of doctor of chiropractic medicine and
3 entitles the holder to ~~[diagnose using any necessary diagnostic~~
4 ~~procedures, excluding invasive procedures, except as provided~~
5 ~~by the board by rule, and treat injuries, deformities or other~~
6 ~~physical or mental conditions relating to the basic concepts of~~
7 ~~chiropractic by the use of any methods as provided in this~~
8 ~~section, including but not limited to palpating, diagnosing,~~
9 ~~adjusting and treating injuries and defects of human beings by~~
10 ~~the application of manipulative, manual and mechanical means,~~
11 ~~including all natural agencies imbued with the healing act,~~
12 ~~such as food, water, heat, cold, electricity and mechanical~~
13 ~~appliances, herbs, nutritional supplements and homeopathic~~
14 ~~remedies, but excluding operative surgery and prescription or~~
15 ~~use of controlled or dangerous drugs] practice chiropractic~~
16 medicine in accordance with board rules. The holder may also
17 supervise the use of any natural agencies imbued with the
18 healing act, such as food, water, heat, cold, light, oxygen,
19 electricity, mechanical appliances, ~~[herbs]~~ herbal medicine,
20 nutritional ~~[supplements]~~ medicine and homeopathic ~~[remedies]~~
21 medicine administered by a chiropractic assistant.

22 ~~[E. Failure to display the license shall be grounds~~
23 ~~for the suspension of the license to practice chiropractic~~
24 ~~until so displayed and shall subject the licensee to the~~
25 ~~penalties for practicing without a license.~~

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1 F. ~~The board shall certify a chiropractic physician~~
2 ~~as a "certified advanced practice chiropractic physician" when~~
3 ~~the chiropractic physician has demonstrated completion of~~
4 ~~advanced coursework and met other requirements established in~~
5 ~~the Chiropractic Physician Practice Act and by rule of the~~
6 ~~board.]~~

7 E. A licensee shall display the licensee's license
8 in a conspicuous place in the licensee's principal office or
9 place of business."

10 SECTION 5. Section 61-4-9 NMSA 1978 (being Laws 1968,
11 Chapter 3, Section 9, as amended) is amended to read:

12 "61-4-9. PRIVILEGES AND OBLIGATIONS.--

13 A. Licensed chiropractic physicians shall observe
14 all health and hygiene laws and regulations of the state and
15 its political subdivisions and shall report births and deaths
16 to the proper authorities. Reports rendered by [~~chiropractors~~]
17 chiropractic physicians shall be accepted by officers of
18 departments or agencies to which they are made.

19 B. It is the purpose of the Chiropractic Physician
20 Practice Act to grant to [~~chiropractors~~] chiropractic
21 physicians the right to practice chiropractic medicine as
22 taught and practiced in [~~standard~~] accredited colleges of
23 chiropractic medicine and to entitle the holder of a license
24 the right to diagnose, palpate and treat injuries, deformities
25 and other physical or mental conditions relating to the basic

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1 concepts of chiropractic medicine by use of any methods
2 provided in [~~the Chiropractic Physician Practice Act, as~~
3 ~~provided in~~] board rules [~~and regulations established and~~
4 ~~monitored by the board~~], but excluding operative surgery and
5 prescription or use of [~~controlled or~~] dangerous drugs as
6 provided in rules [~~and regulations~~] established and monitored
7 by the board."

8 SECTION 6. Section 61-4-9.1 NMSA 1978 (being Laws 2008,
9 Chapter 44, Section 1) is amended to read:

10 "61-4-9.1. ADVANCED PRACTICE CHIROPRACTIC CERTIFICATION
11 REGISTRY ESTABLISHED--USE OF TITLES.--The board shall establish
12 by rule the advanced practice chiropractic certification
13 registry. The advanced practice chiropractic certification
14 registry shall include the names of those chiropractic
15 physicians who are certified as level one certified advanced
16 practice chiropractic physicians and level two certified
17 advanced practice chiropractic physicians. A chiropractic
18 physician authorized by the board to use the title "level one
19 certified advanced practice chiropractic physician" or "level
20 two certified advanced practice chiropractic physician" shall
21 have prescriptive authority for therapeutic and diagnostic
22 purposes as authorized by statute and by rules of the board.
23 Only a chiropractic physician included in the advanced practice
24 chiropractic certification registry may use the title "level
25 one certified advanced practice chiropractic physician" or

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1 "level two certified advanced practice chiropractic physician",
2 and it is unlawful for a person to use either of the certified
3 advanced practice chiropractic physician [title] titles unless
4 the person is accordingly included in the advanced practice
5 chiropractic certification registry. [~~The advanced practice~~
6 ~~chiropractic certification registry shall include a~~
7 ~~chiropractic physician who applies for the designation and:~~
8 A. ~~holds a chiropractic license in good standing;~~
9 B. ~~has completed three years of post-graduate~~
10 ~~clinical chiropractic practice or equivalent clinical~~
11 ~~experience as established by the board;~~
12 C. ~~has an advanced practice chiropractic~~
13 ~~certification by a nationally recognized credentialing agency~~
14 ~~providing credentialing and demonstrated competency by~~
15 ~~examination and additionally, after December 31, 2012,~~
16 ~~successful completion of a graduate degree in a chiropractic~~
17 ~~clinical practice specialty;~~
18 D. ~~has completed a minimum of ninety clinical and~~
19 ~~didactic contact course hours in pharmacology, pharmacognosy,~~
20 ~~medication administration and toxicology certified by an~~
21 ~~examination from an institution of higher education approved by~~
22 ~~the board and the New Mexico medical board; and~~
23 E. ~~has completed annual continuing education for~~
24 ~~advanced practice chiropractic physicians as set by the~~
25 ~~board.]"~~

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1 SECTION 7. Section 61-4-9.2 NMSA 1978 (being Laws 2008,
2 Chapter 44, Section 2, as amended) is amended to read:

3 "61-4-9.2. LEVEL ONE CERTIFIED ADVANCED PRACTICE
4 CHIROPRACTIC PHYSICIAN AUTHORITY DEFINED.--

5 A. The board shall certify as a level one certified
6 advanced practice chiropractic physician a chiropractic
7 physician who applies for certification in accordance with
8 board rules and who:

9 (1) has successfully completed a minimum of
10 ninety clinical and didactic contact course hours in
11 pharmacology, pharmacognosy, medication administration and
12 toxicology certified by an examination from an institution of
13 higher education;

14 (2) holds a license in good standing to
15 practice chiropractic medicine;

16 (3) has completed three years of post-graduate
17 chiropractic medicine practice or equivalent clinical
18 experience as established by rules of the board; and

19 (4) has a certification in advanced clinical
20 chiropractic medicine practice or its equivalent by a
21 nationally recognized credentialing agency or institution of
22 higher education and has demonstrated competency by
23 examination.

24 B. A level one certified advanced practice
25 chiropractic physician shall complete annual continuing

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1 education requirements for level one certified advanced
2 practice chiropractic physicians as established by rules of the
3 board.

4 C. A level one certified advanced practice
5 chiropractic physician may prescribe, administer, inject and
6 dispense herbal medicines, homeopathic medicines, over-the-
7 counter drugs, vitamins, carbohydrates, sugars, alcohols,
8 minerals, enzymes, glandular products, protomorphogens, live
9 cell products, gerovital, amino acids, dietary supplements,
10 foods for special dietary use, bioidentical hormones, sterile
11 water, sterile saline, sarapin or its generic, caffeine,
12 procaine, lidocaine, carbocaine, bupivacaine, oxygen,
13 epinephrine and vapocoolants.

14 ~~[B. A formulary that includes all substances listed~~
15 ~~in Subsection A of this section, including compounded~~
16 ~~preparations for topical and oral administration, shall be~~
17 ~~developed and approved by the board. A formulary for injection~~
18 ~~that includes the substances in Subsection A of this section~~
19 ~~that are within the scope of practice of the certified advanced~~
20 ~~practice chiropractic physician shall be developed and approved~~
21 ~~by the board. Dangerous drugs or controlled substances, drugs~~
22 ~~for administration by injection and substances not listed in~~
23 ~~Subsection A of this section shall be submitted to the board of~~
24 ~~pharmacy and the New Mexico medical board for approval.]~~

25 D. A level one certified advanced practice

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1 chiropractic physician may prescribe, administer, inject and
2 dispense a substance not listed in Subsection C of this section
3 if the board has permitted level one certified advanced
4 practice chiropractic physicians to use or prescribe the
5 substance in rules adopted in collaboration with the board of
6 pharmacy and the New Mexico medical board."

7 SECTION 8. Section 61-4-9.3 NMSA 1978 (being Laws 2008,
8 Chapter 44, Section 3) is amended to read:

9 "61-4-9.3. USE OF CHIROPRACTIC NAME LIMITED.--The terms
10 "chiropractor", "chiropractic physician", [ø] "chiropractic"
11 or "chiropractic medicine" may be used only by persons licensed
12 pursuant to the Chiropractic Physician Practice Act."

13 SECTION 9. Section 61-4-10 NMSA 1978 (being Laws 1968,
14 Chapter 3, Section 10, as amended) is amended to read:

15 "61-4-10. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE.--

16 A. The board may refuse to issue or may suspend or
17 revoke any license or may censure, reprimand, fine or place on
18 probation and stipulation any licensee in accordance with the
19 procedures as contained in the Uniform Licensing Act upon the
20 grounds that the licensee or applicant:

21 (1) is convicted of a felony. A copy of the
22 record of conviction, certified to by the clerk of the court
23 entering the conviction, shall be conclusive evidence of such
24 conviction;

25 (2) is guilty of fraud or deceit in procuring

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1 or attempting to procure a license in the chiropractic
2 profession or in connection with applying for or procuring
3 license renewal;

4 (3) is guilty of incompetence;

5 (4) is habitually intemperate or is addicted
6 to the use of habit-forming drugs or is addicted to any vice to
7 such a degree as to render the licensee or applicant unfit to
8 practice chiropractic medicine;

9 (5) is guilty of practicing or attempting to
10 practice under an assumed name or fails to use the title
11 "doctor of chiropractic medicine", chiropractic physician or
12 the initials "D.C." in connection with the licensee's or
13 applicant's practice or advertisements;

14 (6) is guilty of failing to comply with any of
15 the provisions of the Chiropractic Physician Practice Act or
16 rules [~~and regulations~~] promulgated by the board and filed in
17 accordance with the State Rules Act;

18 (7) is guilty of willfully or negligently
19 practicing beyond the scope of chiropractic [~~practice~~] medicine
20 as defined in the Chiropractic Physician Practice Act;

21 (8) is guilty of advertising by means of
22 knowingly false statements;

23 (9) has been declared mentally incompetent by
24 regularly constituted authorities or is manifestly
25 incapacitated to practice chiropractic medicine;

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1 (10) advertises or attempts to attract
2 patronage in any unethical manner prohibited by the rules [~~and~~
3 ~~regulations~~] of the board;

4 (11) is guilty of obtaining any fee by fraud
5 or misrepresentation;

6 (12) is guilty of making false or misleading
7 statements regarding the licensee's or applicant's skill or the
8 efficacy or value of treatment or remedy prescribed or
9 administered by the licensee or applicant or at the licensee's
10 or applicant's direction;

11 (13) is guilty of aiding or abetting the
12 practice of chiropractic medicine by a person not licensed by
13 the board;

14 (14) has incurred a prior suspension or
15 revocation in another state where the suspension or revocation
16 of a license to practice chiropractic medicine was based upon
17 acts by the licensee similar to acts described in this section
18 and by board rules promulgated pursuant to Paragraph (6) of
19 this subsection. A certified copy of the record of suspension
20 or revocation of the state making such suspension or revocation
21 is conclusive evidence thereof;

22 (15) is guilty of making a false, misleading
23 or fraudulent claim; or

24 (16) is guilty of unprofessional conduct that
25 includes [~~but is not limited to~~] the following:

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- 1 (a) procuring, aiding or abetting a
2 criminal abortion;
- 3 (b) representing to a patient that a
4 manifestly incurable condition of sickness, disease or injury
5 can be cured;
- 6 (c) willfully or negligently divulging a
7 professional confidence;
- 8 (d) conviction of any offense punishable
9 by incarceration in a state penitentiary or federal prison. A
10 copy of the record of conviction, certified by the clerk of the
11 court entering the conviction, is conclusive evidence;
- 12 (e) impersonating another person
13 licensed in the practice of chiropractic medicine or permitting
14 or allowing any person to use the licensee's or applicant's
15 license;
- 16 (f) gross negligence in the practice of
17 chiropractic medicine;
- 18 (g) fee splitting;
- 19 (h) conduct likely to deceive, defraud
20 or harm the public;
- 21 (i) repeated similar negligent acts;
- 22 (j) employing abusive billing practices;
- 23 (k) failure to report to the board any
24 adverse action taken against the licensee or applicant by: 1)
25 another licensing jurisdiction; 2) any peer review body; 3) any

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1 health care entity; 4) any governmental agency; or 5) any court
2 for acts or conduct similar to acts or conduct that would
3 constitute grounds for action as provided in this section;

4 (l) failure to report to the board
5 surrender of a license or other authorization to practice
6 chiropractic medicine in another state or jurisdiction or
7 surrender of membership on any chiropractic staff or in any
8 chiropractic medicine or professional association or society
9 following, in lieu of and while under disciplinary
10 investigation by any of those authorities or bodies for acts or
11 conduct similar to acts or conduct that would constitute
12 grounds for action as provided in this section;

13 (m) failure to furnish the board, its
14 investigators or representatives with information requested by
15 the board;

16 (n) abandonment of patients;

17 (o) failure to adequately supervise, as
18 provided by board [~~regulation~~] rule, a chiropractic assistant
19 or technician or professional licensee who renders care;

20 (p) intentionally engaging in sexual
21 contact with a patient other than the licensee's or applicant's
22 spouse during the doctor-patient relationship; and

23 (q) conduct unbecoming a person licensed
24 to practice chiropractic medicine or detrimental to the best
25 interests of the public.

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1 B. The board may at its discretion hire
2 investigators or issue investigative subpoenas for the purpose
3 of investigating complaints made to the board regarding
4 chiropractic physicians.

5 C. All written and oral communication made by any
6 person to the board or an agent of the board relating to actual
7 or potential disciplinary action, including complaints made to
8 the board, are confidential communications and are not public
9 records for the purposes of the Inspection of Public Records
10 Act; provided that all information contained in a complaint
11 file is public information and subject to disclosure when the
12 board acts on a complaint.

13 D. Licensees shall bear all costs of disciplinary
14 proceedings unless exonerated."

15 **SECTION 10.** Section 61-4-12 NMSA 1978 (being Laws 1968,
16 Chapter 3, Section 11, as amended) is amended to read:

17 "61-4-12. PENALTIES.--

18 A. Each of the following acts constitutes a
19 misdemeanor punishable upon conviction by a fine of not less
20 than fifty dollars (\$50.00) or more than one thousand dollars
21 (\$1,000) or by imprisonment not to exceed one year, or both:

22 (1) practice of chiropractic medicine or an
23 attempt to practice chiropractic medicine without a license;

24 (2) obtaining or attempting to obtain a
25 license or practice in the profession for money or any other

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1 thing of value by fraudulent misrepresentation;

2 (3) willfully falsifying any oath or
3 affirmation required by the Chiropractic Physician Practice
4 Act;

5 (4) practicing or attempting to practice under
6 an assumed name; or

7 (5) advertising or attempting to attract
8 patronage in any unethical manner prohibited by the rules [~~and~~
9 ~~regulations~~] of the board.

10 B. Any second violation of the act constitutes a
11 fourth degree felony."

12 SECTION 11. Section 61-4-13 NMSA 1978 (being Laws 1968,
13 Chapter 3, Section 12, as amended) is amended to read:

14 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

15 A. [~~Any~~] A person licensed to practice chiropractic
16 medicine in this state shall, on or before July 1 of each year,
17 pay to the board an annual fee set by [~~regulation~~] rule and
18 shall submit proof of completion of continuing education
19 requirements as required by the board. The board shall send
20 written notice to every person holding a license prior to June
21 1 of each year, directed to the last known address of the
22 licensee, notifying [~~him~~] the licensee that it is necessary
23 [~~for him~~] to pay the renewal fee as provided in the
24 Chiropractic Physician Practice Act. Proper forms shall
25 accompany the notice, upon which forms the licensee shall make

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1 application for the renewal of [~~his~~] the license. The licensee
2 is responsible for renewal of the license even if the licensee
3 does not receive the renewal notice.

4 B. The board shall establish a schedule of
5 reasonable fees for applications, licenses, certificates,
6 renewals, placement or inactive status and administrative
7 fees."

8 SECTION 12. Section 61-4-14 NMSA 1978 (being Laws 1968,
9 Chapter 3, Section 13) is amended to read:

10 "61-4-14. FAILURE TO RENEW--CANCELLATION--REINSTATEMENT--
11 PERMISSIVE TEMPORARY CANCELLATION.--[~~Any~~] A licensee who fails
12 to comply with the requirements for renewal as set forth in
13 Section [~~12~~] 61-4-13 NMSA 1978 shall, upon order of the board,
14 forfeit [~~his~~] the right to practice chiropractic medicine in
15 this state, and [~~his~~] the licensee's license and any
16 certificates of renewal shall be [~~cancelled~~] canceled. The
17 board may reinstate [~~him~~] the licensee upon payment of all fees
18 or penalties due and upon the presentation of evidence of
19 attendance at educational programs as may be provided by rules
20 [~~and regulations~~] of the board. [~~Any~~] A person licensed to
21 practice chiropractic medicine in this state who desires to
22 withdraw from active practice in this state may apply to the
23 board for a temporary suspension of [~~his~~] the person's license
24 with the right to renew and reinstate [~~his~~] the license upon a
25 showing that [~~he~~] the person has paid [~~his~~] the annual license

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1 renewal fee on or before [~~the first day of~~] July 1 of each
2 year; provided that no suspension shall be granted for a period
3 of less than one year."

4 SECTION 13. Section 61-4-15 NMSA 1978 (being Laws 1968,
5 Chapter 3, Section 14, as amended) is amended to read:

6 "61-4-15. EXEMPTIONS.--The Chiropractic Physician
7 Practice Act does not apply to:

8 A. any commissioned officer of the armed forces of
9 the United States in the discharge of [~~his~~] official duties;

10 B. a [~~chiropractor~~] chiropractic physician who is
11 legally qualified to practice in the state or territory in
12 which [~~he~~] the chiropractic physician resides, when in actual
13 consultation with a licensed [~~chiropractor~~] chiropractic
14 physician of this state; or

15 C. any bona fide student of any standard
16 [~~chiropractic~~] college of chiropractic medicine
17 chiropractically analyzing and adjusting the human body under
18 supervision of a licensed [~~chiropractor~~] chiropractic
19 physician."

20 SECTION 14. A new section of the Chiropractic Physician
21 Practice Act is enacted to read:

22 "[NEW MATERIAL] LEVEL TWO CERTIFIED ADVANCED PRACTICE
23 CHIROPRACTIC PHYSICIAN AUTHORITY--DEFINED.--

24 A. A level two certified advanced practice
25 chiropractic physician may prescribe, administer, inject and

1 dispense dangerous drugs that are used in a standard primary
2 care practice, with the exception of controlled substances
3 enumerated under Schedule I and Schedule II of the Controlled
4 Substances Act.

5 B. A level one certified advanced practice
6 chiropractic physician may apply to the board for certification
7 as a level two certified advanced practice chiropractic
8 physician on a form prescribed by the board that, at a minimum,
9 contains evidence satisfactory to the board that the applicant:

10 (1) holds a current license to practice
11 chiropractic medicine;

12 (2) has successfully completed the level one
13 advanced practice chiropractic physician certification program
14 approved by the board and currently holds certification by the
15 board as a level one certified advanced practice chiropractic
16 physician;

17 (3) has successfully completed an organized
18 program of medically supervised clinical rotation from an
19 institution of higher education or professional school that is
20 accredited by an agency accredited by the federal department of
21 education that consists of clinical and hands-on instruction of
22 no fewer than six hundred fifty hours in at least the following
23 core areas of instruction:

24 (a) clinical pharmacology;

25 (b) evidence-based clinical assessment;

- 1 (c) clinical pharmacotherapeutics;
2 (d) primary care case management; and
3 (e) patient safety and standards of
4 primary care;

5 (4) has professional liability insurance in
6 place during the clinical education that is sufficient to
7 satisfy the requirements established by rules of the board; and

8 (5) has obtained a declaration that the
9 applicant has the prescribed clinical experience from:

10 (a) a supervising medical doctor,
11 osteopathic physician, certified nurse practitioner or level
12 two certified advanced practice chiropractic physician; and

13 (b) the educational institution where
14 the applicant has successfully completed a supervised clinical
15 rotation pursuant to Paragraph (3) of this subsection.

16 C. A level two certified advanced practice
17 chiropractic physician shall complete the annual continuing
18 education program requirements for a level two certified
19 advanced practice chiropractic physician established by board
20 rules.

21 D. The board shall promulgate rules relating to
22 practice as a level two certified advanced practice
23 chiropractic physician that provide for:

24 (1) continuing education requirements that
25 shall include at least twenty hours of continuing education per

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1 year;

2 (2) the issuance and renewal of level two
3 certified advanced practice chiropractic physician
4 certificates;

5 (3) the denial of new or renewal level two
6 certified advanced practice chiropractic physician
7 certificates; and

8 (4) the suspension and revocation of level two
9 certified advanced practice chiropractic physician
10 certificates."

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