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F I S C A L I M P A C T R E P O R T

SPONSOR Ruiloba **ORIGINAL DATE** 2/01/17 **LAST UPDATED** **HB** 232

SHORT TITLE Acupuncture Practice and Prescriptions **SB**

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Minimal	Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Regulation and Licensing Department (RLD)
Medical Board (MB)

SUMMARY

Synopsis of Bill

House Bill 232 would increase the number of named drugs that could be prescribed by specially credentialed practitioners of Acupuncture and Oriental Medicine, as well as allowing the prescribing, administering, compounding and administering substances used to manufacture a large list of "natural products": "herbal medicines, homeopathic medicines, vitamins, minerals, amino acids, proteins, enzymes, carbohydrates, lipids, glandular products, natural substances, natural products [this category is added to the list by HB 232], natural medicines, protomorphogens, live cell products. gerovital, dietary and nutritional supplements, cosmetics as they are defined in the New Mexico Drug, Device and Cosmetic Act and nonprescription drugs as they are defined in the Pharmacy Act."

It would amend Section 61-14A-8.1 NMSA 1978 to establish a fifth category of prescribing privileges to allow those qualifying to prescribe the added drugs and compounds. The Board of Oriental Medicine, in consultation with the Board of Pharmacy, would specify the added training needed.

FISCAL IMPLICATIONS

Minimal; Board of Acupuncture and Oriental Medicine and Board of Pharmacy personnel would draft the regulations to establish the fifth practice category. No appropriation is made.

SIGNIFICANT ISSUES

RLD proposes that the New Mexico Medical Board should be involved, where potentially dangerous drugs are to be prescribed:

> The bill as proposed does not include the NM Medical Board in reviewing of formulating with the BAOM any additional training requirements that are necessary. Instead, the New Mexico Board of Pharmacy is given limited abilities in regard to training. Because of the practice of Acupuncture and Oriental medicine is outside the normal scope of pharmacy practice, the NMMB should be included. This will make the additional practice requirements and addition of dangerous drugs to the formulary consistent to what is currently required of the Chiropractors Expanded Practice.
>
> The New Mexico Medical Board, along with the New Mexico Board of Pharmacy, should be involved with any expansion of prescriptive authority. The Acupuncture and Oriental Medicine practitioners have already used Hydrogen Peroxide in a dangerous intravenous therapy stating that this is oxygen; calling this 'oxidative therapy". And used ozone therapy (O3).
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> The use of the term "natural products" will give Acupuncture and Oriental Medicine practitioners' full prescriptive authority for all dangerous drugs and controlled substances. In previous discussions, everything on the planet earth is natural.

Similarly the Medical Board comments that HB 232 adds to a list of dangerous drugs some of unproven efficacy, especially chelation therapeutic agents, stating that "Chelation therapy has only one specific use in medicine, in spite of a folklore that has built around it. It is treatment used in conventional medicine for removing heavy metals (including lead and mercury) from the blood by intravenous injections of an agent, usually EDTA (ethylene diamine tetra-acetic acid). Unless the acupuncture and oriental medicine boards intend to include heavy metal poisoning in their scope of practice, the New Mexico Medical Board recommends that this not be included in the list."

PERFORMANCE IMPLICATIONS

The Medical Board notes the lack of specificity in the legislation regarding either the duration or content of training to be provided for the use of the dangerous substances to be used.

TECHNICAL ISSUES

RLD notes that "HB 232 uses the following proposed language in section 1.D(1)(b) 'any substance necessary to manufacture, compound, stabilize, preserve or administer the substances listed'. The term manufacture is not something that is done without approval from the Federal Food and Drug Administration. The terms stabilize and preserve are also confusing and undefined. And the word 'any' does not give any limitations on what is to be used."

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A fifth category of licensure of acupuncturists and Oriental medicine specialists would not be added; already approved dangerous drugs (and others) could continue to be used by them.

LAC/sb