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HOUSE BILL 448

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Natalie Figueroa

AN ACT

RELATING TO PROFESSIONAL LICENSURE; AMENDING SECTIONS OF THE
CHIROPRACTIC PHYSICIAN PRACTICE ACT.

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 certified
advanced practice chiropractic physicians;

B. "board" means the chiropractic board;

~~[B.]~~ C. "certified advanced practice chiropractic
physician" means a chiropractic physician who has been included

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1 in the advanced practice chiropractic certification registry;
2 ~~[G.]~~ D. "chiropractic" means the science, art and
3 philosophy of things natural, the science of locating and
4 removing interference with the transmissions or expression of
5 nerve forces in the human body by the correction of
6 misalignments or subluxations of the articulations and adjacent
7 structures, more especially those of the vertebral column and
8 pelvis, for the purpose of restoring and maintaining health for
9 treatment of human disease primarily by, but not limited to,
10 adjustment and manipulation of the human structure. It shall
11 include ~~[but not be limited to]~~ the prescribing and
12 administering of all natural agents to assist in the healing
13 act, such as food, water, heat, cold, electricity, mechanical
14 appliances and medical devices; the selling of herbs,
15 nutritional supplements and homeopathic remedies; the
16 administering of a drug ~~[by injection]~~ in any of its forms by a
17 certified advanced practice chiropractic physician; and any
18 necessary diagnostic procedure, excluding invasive procedures,
19 except as provided by the board by rule ~~[and regulation]~~. It
20 shall exclude operative surgery, the prescription or use of
21 controlled or dangerous drugs and the practice of acupuncture;
22 ~~[D. "board" means the chiropractic board;]~~
23 E. "chiropractic physician" includes doctor of
24 chiropractic, chiropractor and chiropractic physician and means
25 a person who practices chiropractic as defined in the

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1 Chiropractic Physician Practice Act; ~~and~~

2 F. "chiropractic assistant" means a person who
3 practices under the on-premises supervision of a licensed
4 chiropractic physician; and

5 G. "licensee" means an individual licensed to
6 practice as a chiropractic physician or as a certified advanced
7 practice chiropractic physician."

8 SECTION 2. 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.--The board shall establish by rule the
12 advanced practice chiropractic certification registry. A
13 chiropractic physician authorized by the board to use the title
14 "certified advanced practice chiropractic physician" shall have
15 prescriptive authority for therapeutic and diagnostic purposes
16 as authorized by statute. Only a chiropractic physician
17 included in the advanced practice chiropractic certification
18 registry may use the title of certified advanced practice
19 chiropractic physician, and it is unlawful for a person to use
20 the certified advanced practice chiropractic physician title
21 unless the person is included in the advanced practice
22 chiropractic certification registry. The advanced practice
23 chiropractic certification registry shall include a
24 chiropractic physician who applies for the designation and:

25 A. holds a chiropractic license in good standing;

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1 B. has completed three years of post-graduate
2 clinical chiropractic practice or equivalent clinical
3 experience as established by the board;

4 C. has an advanced practice chiropractic
5 certification by a nationally recognized credentialing agency
6 providing credentialing and demonstrated competency by
7 examination [~~and additionally, after December 31, 2012,~~
8 ~~successful completion of a graduate degree in a chiropractic~~
9 ~~clinical practice specialty~~];

10 D. has completed a minimum of ninety clinical and
11 didactic contact course hours in pharmacology, pharmacognosy,
12 medication administration and toxicology certified by an
13 examination from an institution of higher education approved by
14 the board and the New Mexico medical board; and

15 E. has completed annual continuing education for
16 advanced practice chiropractic physicians as set by the board."

17 **SECTION 3.** Section 61-4-9.2 NMSA 1978 (being Laws 2008,
18 Chapter 44, Section 2, as amended) is amended to read:

19 "61-4-9.2. CERTIFIED ADVANCED PRACTICE CHIROPRACTIC
20 PHYSICIAN AUTHORITY DEFINED.--

21 A. A certified advanced practice chiropractic
22 physician may prescribe, administer and dispense herbal
23 medicines, homeopathic medicines, over-the-counter drugs,
24 vitamins, minerals, enzymes, glandular products,
25 protomorphogens, live cell products, gerovital, amino acids,

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1 dietary supplements, foods for special dietary use,
2 bioidentical hormones, sterile water, sterile saline, sarapin
3 or its generic, caffeine, procaine, oxygen, epinephrine and
4 vapocoolants.

5 B. A formulary that includes all substances listed
6 in Subsection A of this section, including compounded
7 preparations for topical and oral administration, shall be
8 developed and approved by the board. A formulary for injection
9 that includes the substances in Subsection A of this section
10 that are within the scope of practice of the certified advanced
11 practice chiropractic physician shall be developed and approved
12 by the board. ~~[Dangerous drugs or controlled substances, drugs~~
13 ~~for administration by injection and substances]~~ Any substance
14 that is not listed in Subsection A of this section shall be
15 submitted to the board of pharmacy and the New Mexico medical
16 board for approval."

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

19 "61-4-13. ANNUAL RENEWAL OF LICENSE--RENEWAL OF ADVANCED
20 PRACTICE CERTIFICATION--FEE--NOTICE.--

21 A. ~~[Any person licensed to practice chiropractic in~~
22 ~~this state, shall]~~ On or before July 1 of each year, a licensee
23 shall pay to the board an annual fee set by ~~[regulation]~~ rules
24 of the board and shall submit proof of completion of continuing
25 education requirements as ~~[required]~~ established by rules of

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1 the board. The board shall send written notice to every
2 [~~person holding a license~~] licensee prior to June 1 of each
3 year, directed to the last known address of the licensee,
4 notifying [~~him~~] the licensee that it is necessary [~~for him~~] to
5 pay the renewal fee as provided in the Chiropractic Physician
6 Practice Act. [~~Proper~~] Forms required pursuant to rules of the
7 board shall accompany the notice, upon which forms the licensee
8 shall make application for the renewal of [~~his~~] the license to
9 practice chiropractic or advanced practice certification.

10 [~~The~~] A licensee is responsible for renewal of the licensee's
11 license or advanced practice certification even if the licensee
12 does not receive the renewal notice.

13 B. The board shall establish a schedule of
14 reasonable fees for applications, licenses, renewals, placement
15 or inactive status and administrative fees."

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

18 "61-4-14. FAILURE TO RENEW--CANCELLATION--REINSTATEMENT--
19 PERMISSIVE TEMPORARY CANCELLATION.--[~~Any~~]

20 A. A licensee who fails to comply with the
21 requirements for licensure renewal as set forth in Section [~~12~~]
22 61-4-13 NMSA 1978 shall, upon order of the board, forfeit [~~his~~]
23 the right to practice chiropractic in this state, and [~~his~~] the
24 licensee's license and any certificates of renewal shall be
25 [~~cancelled~~] canceled.

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1 B. A certified advanced practice chiropractic
2 physician who fails to comply with the requirements for renewal
3 of advanced practice certification in accordance with Section
4 61-4-13 NMSA 1978 shall forfeit the right to practice as a
5 certified advanced practice chiropractic physician in the state
6 and the licensee's certification shall be canceled.

7 C. The board may reinstate [him] a license or
8 advanced practice certification upon payment of all fees or
9 penalties due and upon the presentation of evidence of
10 attendance at educational programs as may be [provided]
11 required by rules [~~and regulations~~] of the board. [~~Any person~~
12 ~~licensed to practice chiropractic in this state~~]

13 D. A licensee who desires to withdraw from active
14 practice in this state may apply to the board for a temporary
15 suspension of [~~his~~] the licensee's license or advanced practice
16 certification with the right to renew and reinstate [~~his~~] the
17 license or certification upon a showing that [~~he~~] the licensee
18 has paid [~~his~~] the annual license or advanced practice
19 certification renewal fee on or before [~~the first day of~~] July
20 1 of each year, provided that no suspension shall be granted
21 for a period of less than one year."