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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/19
LAST UPDATED 2/13/19

SPONSOR SJC HB _____

SHORT TITLE Naturopathic Doctors' Practice Act SB 135/SJCS

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Medical Board (MB)

SUMMARY

Synopsis of Bill

The Senate Judiciary Committee Substitute for Senate Bill 135 would amend several statutes, the New Mexico Drug, Device and Cosmetic Act (Section 26-1-2 NMSA 1978), the Medical Practice Act (Section 61-6-5 NMSA 1978), and the Unlicensed Health Care Act (Section 61-35-2 NMSA 1978) to define and regulate the profession of naturopathy. In addition, it would create a Naturopathic Doctors' Advisory Council within the New Mexico Medical Board.

The following are the sections of the bill and the matters dealt with in each section.

Section	Contents
1	Giving the short title of the bill
2	Definitions for the Naturopathic Doctors' Practice Act. Naturopathic medicine is defined as "a system for the prevention, diagnosis, and treatment of human health conditions, injury, and disease, the promotion or restoration of health, and the support and stimulation of a patient's inherent self-healing processes through the use of naturopathic therapies and therapeutic substances." The remainder of the definitions in the bill parallel those in the Medical Practice Act.
3	States qualifications for licensure as a naturopathic physician, to include graduation from an approved naturopathic educational program and providing

	evidence of professional liability insurance with limits prescribed by the board.
4	Specifies that the medical board would approve the accreditation methods to be applied schools of naturopathic medicine.
5	Requires that the license issued by MB be displayed in the licensee’s place of work.
6	Naturopathic physicians could practice primary care only in collaboration with a licensed physician (MD or DO). After passing a pharmacy exam, the licensee could prescribe all drugs and devices except Controlled Substances in FDA Schedules II, IV, and V, and could administer naturopathic substances parenterally.
7	Licensees must refer to a DO or MD any condition beyond their scope of practice.
8	Licensees would not be permitted to perform surgery other than those types of surgery practiced by primary care physicians, use anesthetics, administer radioactive substances, perform abortions, treat any lesions suspected of being cancerous, or perform acupuncture.
9	Provides exemptions, to allow naturopathic students to practice under supervision, to provide information about herbs or vitamins, to allow testimony and consultation by a person licensed to practice elsewhere but not in New Mexico, to allow other persons (other than naturopaths) to use therapies listed as being within the Unlicensed Health Care Practices Act, such as ayurvedic medicine, nutritional advice or homeopathy.
10	Gives duly licensed naturopaths the sole right to use the terms “N.D., naturopathic doctor, doctor of naturopathic medicine, or doctor of naturopathy.
11	Creates a “naturopathic doctors’ advisory council” to consult with the Medical Board and specifies its membership and that it should hold at least one meeting every three months and how it should fill vacancies.
12	The Council duties would include giving advice to the Medical Board on the following: A. regulating the licensure of naturopathic doctors and determining the hours of continuing education units required for maintaining licensure as a naturopathic doctor; B. prescribing the manner in which records of examinations and treatments shall be kept and maintained; C. establishing standards for professional responsibility and conduct; D. identifying disciplinary actions and circumstances that require disciplinary action; E. developing a means to provide information to all licensees in the state; F. providing for the investigation of complaints against licensees or persons holding themselves out as naturopathic doctors in the state; G. providing for the publication of information for the public about licensees and the practice of naturopathic medicine in the state; H. providing for an orderly process for reinstatement of a license; I. establishing criteria for advertising or promotional materials; J. establishing by rule, in accordance with the Naturopathic Doctors' Practice Act:

	<ul style="list-style-type: none"> (1) continuing education hours and content; (2) standards for the state jurisprudence examination; (3) schedules for providing licensing examinations and for the issuance of examination results; (4) procedures and standards for reviewing licensing examination scores; and (5) procedures for reviewing transcripts demonstrating completion of the approved naturopathic medical educational program; <p>K. the requirements for issuance and renewal of licenses; and</p> <p>L. any other matter necessary to implement the Naturopathic Doctors' Practice Act.</p>
13	Specifies terms of licensure (three years) and terms of relicensure.
14	Amends the New Mexico Drug, Device and Cosmetic Act to add naturopathic doctors to the definition of “practitioner,” regarding the prescription of drugs and devices.
15	Adds duties to those of the New Mexico Medical Board to correspond to the Naturopathic Doctors’ Practice Act.
16	Amends the Medical Practice Act to include naturopathic physicians as licensees.
17	Establishes that funds from licensure of naturopaths be deposited with the state treasurer to the credit of the New Mexico Medical Board Fund
18	Amends the Unlicensed Care Act’s definitions to exclude those practices of naturopaths for which they would be licensed, as defined in the Naturopathic Practices Act.
19	States that the first licenses would be issued by June 30, 2020.

FISCAL IMPLICATIONS

RLD identifies additional revenue would might come to the Medical Board from the license fees paid by, currently about 25 providers, but because the license fees would have not been specified in this bill, the amount of that income, and the income from renewals, cannot be calculated. There would be administrative costs to RLD and/or the Medical Board in setting up and administering the naturopathic doctors’ advisory council, but they are likely to be small.

SIGNIFICANT ISSUES

RLD supports the placement of naturopathic physician licensing under the auspices of the New Mexico Medical Board.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Naturopathic doctors would not be licensed in New Mexico, but instead would be considered among other “unlicensed health practitioners” covered by the Unlicensed Practice Act.

LAC/sb/gb/al