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FISCAL IMPACT REPORT

LAST UPDATED 2/7/2025

SPONSOR Hochman-Vigil ORIGINAL DATE 2/3/2025

SHORT TITLE Chiropractic Licensing Changes BILL NUMBER House Bill 189

ANALYST Hanika-Ortiz

REVENUE* (dollars in thousands)

Type	FY25	FY26	FY27	FY28	FY29	Recurring or Nonrecurring	Fund Affected
RLD (licensing fees)		Indeterminate but minimal gain	Indeterminate but minimal gain	Indeterminate but minimal gain	Indeterminate but minimal gain	Recurring	Chiropractic Board Fund

Parentheses () indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
RLD (system upgrades)		\$600.0	No fiscal impact	\$600.0	Nonrecurring	Chiropractic Board Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Regulation Licensing Department (RLD)
New Mexico Medical Board (NMMB)

SUMMARY

Synopsis of House Bill 189

House Bill 189 (HB189) amends the Chiropractic Physician Practice Act (Chapter 61, Article 4, NMSA 1978) to delineate the scope of practice for level one and level two “certified advanced practice chiropractic physicians” or CAPCPs. These chiropractors may prescribe, administer, or dispense certain dangerous drugs and, if level two, can conduct certain clinical procedures.

The requirements for level one include (1) 90 hours in pharmacology, pharmacognosy, medication administration, and toxicology; (2) license to practice chiropractic medicine; and (3) 10 hours of continuing education each year. The requirements for level two include (1) supervised clinical rotation under an accredited institution that includes 500 hours of instruction, (2) license to practice chiropractic medicine, and (3) 20 hours of continuing education each year.

A level one CAPCP may prescribe, inject and dispense under the drug classes of antispastics and antispasmodics, steroids, nonsteroidal anti-inflammatory drugs, desiccated thyroid extract and

local anesthetics. A level two CAPCP may prescribe, inject, dispense, and administer dangerous drugs, commensurate with care provided in a physician level whole person primary care practice.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

RLD reports the cost to update its NM Plus licensing system is \$600 thousand. The December 2024 LFC *Cash Balance Report* notes a balance for the chiropractic board fund of \$524 thousand. HB189 may require an appropriation to implement. RLD can absorb rulemaking costs.

SIGNIFICANT ISSUES

The bill increases the scope of practice for advanced practice chiropractors that includes “physician level whole body primary care medicine.” The New Mexico Medical Board (NMMB) explains that non-physicians may seek authorization to provide services within the definition of the practice of medicine under state law. Although NMMB did not take a position on the bill, it did suggest, however, that in evaluating scope of practice change requests, policy makers should examine a variety of issues, including: economic impact on health care delivery; standards for education, training and examination; practice parameters; and regulatory mechanisms. Chiropractic post-graduate training is not equivalent to accredited residency training programs for a Doctor of Medicine.

Chiropractors are increasingly working alongside primary care physicians and others to integrate chiropractic care into the healthcare delivery system. However, insurance plans still offer limited coverage for chiropractic services. This bill has the potential to improve access to primary care. New Mexico’s physician-to-population ratio is significantly below the national average.

RLD noted the Board of Pharmacy’s concerns with HB189:

- There is no specified minimum training standard or requirement for level one CAPCP, who may prescribe, administer, inject, or dispense dangerous drugs.
- Level two CAPCP may prescribe, administer, inject, and dispense dangerous drugs that are used in primary care practice.
- An additional 500 hours of training in core areas does not qualify a chiropractic physician to act as a primary care practitioner.
- A level two CAPCP could prescribe, administer, and dispense any dangerous drug, including Schedule II through V controlled substances.
- Currently, no other state in the country allows chiropractic physicians to prescribe.
- Lastly, nurse practitioners may not dispense. Level two CAPCP is less restricted in their scope of practice than advanced practice nurses and may act as primary care physicians.

AMENDMENTS

RLD requests an extension of the effective date of the act to January 1, 2026.

AHO/sgs/hg/sgs/SL2