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HOUSE BILL 447

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Di anne Hami l ton

AN ACT

RELATING TO HEALTH CARE; ENACTING THE NAPRAPATHIC PRACTICE ACT; PROVIDING FOR LICENSURE; ENACTING PENALTIES; ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE.--This act may be cited as the "Naprathic Practice Act".

Section 2. DEFINITIONS.--As used in the Naprathic Practice Act:

A. "applicant" means a person who is applying to be licensed for the first time as a naprathic in New Mexico;

B. "board" means the naprathic board;

C. "department" means the regulation and licensing department;

D. "fund" means the naprathic fund;

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1 E. "license" means an authorization by the
2 superintendent that permits a person to practice naprapathy in
3 the state;

4 F. "licensee" means a person licensed by the
5 superintendent as a naprapath;

6 G. "naprapath" means a person who practices
7 naprapathy; and

8 H. "superintendent" means the superintendent of
9 regulation and licensing.

10 Section 3. LICENSURE REQUIRED--EXCEPTIONS--
11 REGISTRATION.--

12 A. No person shall practice naprapathy in the
13 state without a valid license issued by the superintendent
14 based on recommendations from the board.

15 B. A person who is a naprapath practitioner
16 employed by a federal government facility or agency in New
17 Mexico is not required to be licensed pursuant to the
18 Naprapathic Practice Act, but is required to register with the
19 board.

20 C. A person who is enrolled in a program approved
21 by the superintendent to provide training for naprapaths or a
22 person receiving continuing educational training to practice
23 naprapathy is not required to be licensed or registered with
24 the board.

25 D. A person teaching, advising or supervising

1 students of naprapathy or teaching continuing education for
2 naprapaths may not practice naprapathy in New Mexico unless he
3 is licensed by the board.

4 E. A person in the state to teach, advise or
5 supervise naprapaths or students for less than one month may
6 practice naprapathy if he is registered with the board as a
7 teacher, advisor or supervisor and if the practice occurs in
8 the course of his duties as a teacher, advisor or supervisor.

9 Section 4. PRACTICE OF NAPRAPATHY--DESCRIPTION. --

10 A. Naprapathic practice includes the diagnosis and
11 treatment of persons with connective tissue disorders through
12 the use of special techniques, review of case history,
13 examination and palpation or treatment of a person by the use
14 of connective tissue manipulation, therapeutic and
15 rehabilitative exercise, postural counseling, nutritional
16 counseling and the application or use of heat, cold, light,
17 water, radiant energy, electricity, sound and air and
18 assistive devices for the purpose of preventing, correcting or
19 alleviating a physical disability.

20 B. A naprapath treats contractures, muscle spasms,
21 inflammations, scar tissue formation, adhesions, lesions,
22 laxity, hypotonicity, rigidity, structural imbalances,
23 bruises, contusions, muscular atrophy and partial separation
24 of connective tissue fibers.

25 C. Naprapathic practice may require the:

- 1 (1) performance of specialized tests and
2 measurements;
- 3 (2) administration of specialized treatment
4 procedures; and
- 5 (3) establishment and modification of
6 naprapathic treatment programs.

7 D. A licensee may advise, supervise or teach
8 another in the performance of naprapathy.

9 E. Naprapathic practice does not include surgery,
10 pharmacology or invasive diagnostic testing. A naprapath who
11 is not licensed as a physical therapist pursuant to the
12 Physical Therapy Act shall not hold himself out as qualified
13 to provide physical therapy or physiotherapy services. A
14 naprapath who is not licensed pursuant to the Chiropractic
15 Physician Practice Act may not hold himself out as qualified
16 to perform chiropractic practices. Nothing in this section
17 shall limit a naprapath from employing appropriate naprapathic
18 techniques that a naprapath is educated and licensed to
19 perform.

20 F. A naprapath shall refer to a licensed physician
21 any patient whose medical condition should, at the time of
22 evaluation or treatment, be determined to be beyond the scope
23 of practice of the naprapath.

24 Section 5. EDUCATION-- PROFESSIONAL QUALIFICATIONS. --

25 A. A person may be qualified to receive a license

1 as a naprapath if that person:

2 (1) is at least twenty-one years of age;

3 (2) has graduated from a two-year
4 college-level program in naprapathy or an equivalent program
5 approved by the superintendent after consultation with the
6 board;

7 (3) has passed the national board of
8 naprapathic examiners examination; and

9 (4) has met all other requirements of the
10 Naprapathic Practice Act.

11 B. The superintendent or the board may require a
12 personal interview with an applicant to evaluate that person's
13 qualifications for a license.

14 Section 6. APPLICATION. --

15 A. An applicant for a license shall:

16 (1) complete and submit an application on a
17 form furnished by the superintendent; and

18 (2) provide all of the information requested
19 by the superintendent.

20 B. An applicant shall submit a nonrefundable
21 application fee with his application.

22 Section 7. DESIGNATION AS NAPRAPATH. --

23 A. A person to whom a license as a naprapath has
24 been issued by the superintendent is designated a "naprapath"
25 and may use that title in connection with the practice of the

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1 profession of naprapathy.

2 B. A person licensed as a naprapath, who is a
3 graduate of a program in naprapathy at a school approved by
4 the superintendent, may use the title "doctor of naprapathy"
5 or the letters "D.N." following the licensee's name, to
6 indicate the licensee's professional status.

7 C. The superintendent shall adopt rules following
8 hearings held by the board regarding the manner in which
9 titles and other indicia of the profession may be used.

10 Section 8. LICENSE DISPLAY.--A licensee shall display
11 his license and diplomas in his place of business in a
12 location clearly visible to the naprapath's patients.

13 Section 9. BOARD-- CREATION.--

14 A. The "naprapathic practice board" is created.

15 B. The board shall have five members who are
16 residents of New Mexico, three of which shall be naprapaths
17 licensed in New Mexico or in another state.

18 C. Members shall be appointed by the governor for
19 four-year terms. No member shall serve more than two terms,
20 except that a person who is appointed to complete an unexpired
21 term of a member of the board may also serve for two full
22 terms.

23 D. Each member of the board shall serve until a
24 replacement is appointed.

25 E. The board shall elect annually a chairman and

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1 other officers as determined by the board to be needed.

2 F. The board shall meet as often as necessary to
3 conduct business, but shall meet not less than twice per
4 calendar year. Meetings shall comply with the Open Meetings
5 Act. Three members shall constitute a quorum.

6 G. Members of the board shall be reimbursed as are
7 nonsalaried public officers in the Per Diem and Mileage Act
8 and shall receive no other compensation, perquisite or
9 allowance.

10 Section 10. DUTIES OF THE BOARD. --

11 A. The board shall advise the superintendent
12 regarding licensure of naprapaths, approval of naprapathy
13 curricula, approval of degree programs in naprapathy and any
14 other matters that are necessary to assure the training and
15 licensure of competent naprapaths.

16 B. The board shall hold hearings and develop rules
17 for the superintendent to review and adopt:

18 (1) regulating licensure of naprapaths, the
19 practice of naprapathy and establishing minimum qualifications
20 and hours of clinical experience required for licensure as a
21 naprapath;

22 (2) prescribing the manner in which records
23 of examinations and treatments shall be kept and maintained;

24 (3) regarding professional responsibility and
25 conduct;

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- 1 (4) identifying disciplinary actions and
2 circumstances that require disciplinary action;
- 3 (5) developing a means to provide information
4 to all naprapaths licensed in the state;
- 5 (6) providing for the inspection of the
6 business premises of a licensee when the board determines that
7 an inspection is necessary;
- 8 (7) providing for the investigation of
9 complaints against licensees or persons holding themselves out
10 as practicing naprapathy in the state;
- 11 (8) publishing information for the public
12 about licensees and the practice of naprapathy in the state;
- 13 (9) providing for an orderly process for
14 reinstatement of a license;
- 15 (10) establishing criteria for acceptance of
16 naprapathy credentials or licensure from another jurisdiction;
- 17 (11) providing criteria for advertising or
18 promotional materials; and
- 19 (12) regarding any matter necessary to
20 implement the Naprapathic Practice Act.

21 Section 11. LICENSE RENEWAL. --The superintendent shall
22 review licenses for renewal annually and all licenses to be
23 renewed shall be renewed on July 1. Applicants for license
24 renewal shall submit:

- 25 A. a renewal application on a form developed by

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1 the superintendent;

2 B. a license renewal fee; and

3 C. proof of completion of continuing education
4 requirements required by rule.

5 Section 12. LICENSE FEES. -- The superintendent shall
6 establish license and administrative fees, but no individual
7 fee shall exceed five hundred dollars (\$500).

8 Section 13. NAPRAPATHY FUND CREATED--USE--
9 APPROPRIATION. --

10 A. The "naprapathy fund" is created in the state
11 treasury.

12 B. All fees collected pursuant to the provisions
13 of the Naprapathic Practice Act shall be deposited with the
14 state treasurer. The state treasurer shall place the money to
15 the credit of the fund.

16 C. Money in the fund is appropriated to the
17 department to carry out the provisions of the Naprapathic
18 Practice Act. Any unexpended or unencumbered balance
19 remaining in the fund at the end of a fiscal year shall not
20 revert to the general fund.

21 Section 14. ADMINISTRATIVE HEARINGS. -- Administrative
22 hearings shall be conducted pursuant to the Uniform Licensing
23 Act.

24 Section 15. OFFENSES--CRIMINAL PENALTIES. -- A person who
25 practices naprapathy without a license is guilty of a

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1 **misdeemeanor and shall be sentenced in accordance with the**
2 **provisions of Section 31-19-1 NMSA 1978.**

3 **Section 16. VIOLATION-- CIVIL PENALTIES. -- The**
4 **superintendent may fine any person who intentionally violates**
5 **the provisions of the Naprapathic Practice Act up to one**
6 **thousand dollars (\$1,000) or may suspend or revoke the**
7 **licensee's authority to practice naprapathy in New Mexico.**

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