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SENATE BILL 384

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Ben D. Altamirano

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 practice 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

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1 students of naprapathy or teaching continuing education for
2 naprapaths shall not practice naprapathy in New Mexico unless
3 he 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:

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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 or an equivalent program approved by the
5 superintendent after consultation with the board;

6 (3) has completed a four-year academic
7 curriculum in naprapathy, in not less than three calendar
8 years, and the person has successfully completed one hundred
9 thirty-two hours of academic credit, including sixty-six
10 credit hours in basic science courses with emphasis on the
11 study of connective tissue, and sixty-six credit hours in
12 clinical science courses teaching naprapathic science, theory
13 and application;

14 (4) has passed the national board of
15 naprapathic examiners examination; and

16 (5) has met all other requirements of the
17 Naprapathic Practice Act.

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

21 Section 6. APPLICATION. --

22 A. An applicant for a license shall:

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

25 (2) provide all of the information requested

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1 by the superintendent.

2 B. An applicant shall submit a nonrefundable
3 application fee with his application.

4 Section 7. DESIGNATION AS NAPRAPATH. --

5 A. A person to whom a license as a naprapath has
6 been issued by the superintendent is designated a "naprapath"
7 and may use that title in connection with the practice of the
8 profession of naprapathy.

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

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

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

20 Section 9. BOARD-- CREATION. --

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

22 B. The board shall have five members who are
23 residents of New Mexico, three of whom shall be naprapaths
24 licensed in New Mexico or in another state.

25 C. Members shall be appointed by the governor for

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1 four-year terms. No member shall serve more than two terms,
2 except that a person who is appointed to complete an unexpired
3 term of a member of the board may also serve for two full
4 terms.

5 D. Each member of the board shall serve until a
6 replacement is appointed.

7 E. The board shall elect annually a chairman and
8 other officers as determined by the board to be needed.

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

13 G. Members of the board shall be reimbursed as are
14 nonsalaried public officers in the Per Diem and Mileage Act
15 and shall receive no other compensation, perquisite or
16 allowance.

17 Section 10. DUTIES OF THE BOARD. --

18 A. The board shall advise the superintendent
19 regarding licensure of naprapaths, approval of naprapathy
20 curricula, approval of degree programs in naprapathy and any
21 other matters that are necessary to ensure the training and
22 licensure of competent naprapaths.

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

25 (1) regulating licensure of naprapaths, the

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1 practice of naprapathy and establishing minimum qualifications
2 and hours of clinical experience required for licensure as a
3 naprapath;

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

6 (3) regarding professional responsibility and
7 conduct;

8 (4) identifying disciplinary actions and
9 circumstances that require disciplinary action;

10 (5) developing a means to provide information
11 to all naprapaths licensed in the state;

12 (6) providing for the inspection of the
13 business premises of a licensee when the board determines that
14 an inspection is necessary;

15 (7) providing for the investigation of
16 complaints against licensees or persons holding themselves out
17 as practicing naprapathy in the state;

18 (8) publishing information for the public
19 about licensees and the practice of naprapathy in the state;

20 (9) providing for an orderly process for
21 reinstatement of a license;

22 (10) establishing criteria for acceptance of
23 naprapathy credentials or licensure from another jurisdiction;

24 (11) providing criteria for advertising or
25 promotional materials; and

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1 (12) regarding any matter necessary to
2 implement the Naprapathic Practice Act.

3 Section 11. LICENSE RENEWAL. --The superintendent shall
4 review licenses for renewal annually and all licenses to be
5 renewed shall be renewed on July 1. Applicants for license
6 renewal shall submit:

7 A. a renewal application on a form developed by
8 the superintendent;

9 B. a license renewal fee; and

10 C. proof of completion of continuing education
11 requirements required by rule.

12 Section 12. LICENSE FEES. --The superintendent shall
13 establish license and administrative fees, but no individual
14 fee shall exceed one thousand dollars (\$1,000).

15 Section 13. NAPRAPATHY FUND CREATED-- USE--
16 APPROPRIATION. --

17 A. The "naprapathy fund" is created in the state
18 treasury.

19 B. All fees collected pursuant to the provisions
20 of the Naprapathic Practice Act shall be deposited with the
21 state treasurer. The state treasurer shall place the money to
22 the credit of the fund.

23 C. Money in the fund is appropriated to the
24 department to carry out the provisions of the Naprapathic
25 Practice Act. Any unexpended or unencumbered balance

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1 remaining in the fund at the end of a fiscal year shall not
2 revert to the general fund. Expenditures shall be made from
3 the fund on warrants drawn by the secretary of finance and
4 administration pursuant to vouchers signed by the
5 superintendent.

6 Section 14. ADMINISTRATIVE HEARINGS. -- Administrative
7 hearings shall be conducted pursuant to the Uniform Licensing
8 Act.

9 Section 15. OFFENSES-- CRIMINAL PENALTIES. -- A person who
10 practices naprapathy without a license is guilty of a
11 misdemeanor and shall be sentenced in accordance with the
12 provisions of Section 31-19-1 NMSA 1978.

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