

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 312

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

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. A person shall not 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.

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

24 D. A person teaching, advising or supervising
25 students of naprapathy or teaching continuing education for

1 naprapaths shall not practice naprapathy in New Mexico unless
2 he is licensed by the board.

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

8 F. Nothing in the Naprapathic Practice Act shall be
9 construed to prevent a person qualified as a member of a
10 recognized profession, the practice of which requires a license
11 or is regulated pursuant to the laws of New Mexico, from
12 rendering services within the scope of the person's license or
13 a state rule adopted to regulate the profession; provided that
14 the person does not represent himself to be a naprapath.

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

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

25 B. A naprapath treats contractures, muscle spasms,

1 inflammations, scar tissue formation, adhesions, lesions,
2 laxity, hypotonicity, rigidity, structural imbalances, bruises,
3 contusions, muscular atrophy and partial separation of
4 connective tissue fibers.

5 C. Naprapathic practice may require the:

6 (1) performance of specialized tests and
7 measurements;

8 (2) administration of specialized treatment
9 procedures; and

10 (3) establishment and modification of
11 naprapathic treatment programs.

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

14 E. Naprapathic practice does not include surgery,
15 acupuncture, Chinese herbal medicine, pharmacology or invasive
16 diagnostic testing. A naprapath who is not licensed pursuant
17 to the Acupuncture and Oriental Medicine Practice Act shall not
18 hold himself out as qualified to perform acupuncture or provide
19 oriental medicine services. A naprapath who is not licensed as
20 a physical therapist pursuant to the Physical Therapy Act shall
21 not hold himself out as qualified to provide physical therapy
22 or physiotherapy services. A naprapath who is not licensed
23 pursuant to the Chiropractic Physician Practice Act may not
24 hold himself out as qualified to perform chiropractic
25 practices. A naprapath who is not licensed as an occupational

1 therapist pursuant to the Occupational Therapy Act shall not
2 hold himself out as qualified to provide occupational therapy.
3 Nothing in this section shall limit a naprapath from employing
4 appropriate naprapathic techniques that a naprapath is educated
5 and licensed to perform except as set forth in this subsection.

6 F. A naprapath shall refer to a licensed physician
7 any patient whose medical condition should, at the time of
8 evaluation or treatment, be determined to be beyond the scope
9 of practice of the naprapath.

10 Section 5. EDUCATION-- PROFESSIONAL QUALIFICATIONS. --

11 A. A person may be qualified to receive a license
12 as a naprapath if that person:

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

14 (2) has graduated from a two-year
15 college-level program or an equivalent program approved by the
16 superintendent after consultation with the board;

17 (3) has completed, in not less than three
18 years, a four-year academic curriculum in naprapathy that is
19 approved by and conforms to the strict protocol of and
20 guidelines set by the American naprapathic association, and the
21 person has successfully completed one hundred thirty-two hours
22 of academic credit, including sixty-six credit hours in basic
23 science courses with emphasis on the study of connective
24 tissue, and sixty-six credit hours in clinical science courses
25 teaching naprapathic science, theory and application;

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1 (4) has passed the national board of
2 naprapathic examiners examination or can show proof that the
3 person holds a valid license as a naprapath in another
4 jurisdiction; and

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

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

10 Section 6. APPLICATION. --

11 A. An applicant for a license shall:

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

14 (2) provide all of the information requested
15 by the superintendent.

16 B. An applicant shall submit a nonrefundable
17 application fee with his application.

18 Section 7. DESIGNATION AS NAPRAPATH. --

19 A. A person to whom a license as a naprapath has
20 been issued by the superintendent is designated a "naprapath"
21 and may use that title in connection with the practice of the
22 profession of naprapathy.

23 B. A person licensed as a naprapath, who is a
24 graduate of a program in naprapathy at a school approved by the
25 superintendent, may use the title "doctor of naprapathy" or the

1 letters "D.N." following the licensee's name, to indicate the
2 licensee's professional status.

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

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

9 Section 9. BOARD-- CREATION. --

10 A. The "naprapathic practice board" is created and
11 is administratively attached to the department.

12 B. The board shall have five members who are
13 residents of New Mexico, three of whom shall be licensed
14 naprapaths and two of whom shall be public members who have not
15 been licensed and have no financial interest, direct or
16 indirect, in the profession of naprapathy.

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

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

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

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

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

8 Section 10. DUTIES OF THE BOARD. --

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

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

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

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

22 (3) regarding professional responsibility and
23 conduct;

24 (4) identifying disciplinary actions and
25 circumstances that require disciplinary action;

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

3 (6) providing for the inspection of the
4 business premises of a licensee when the board determines that
5 an inspection is necessary;

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

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

11 (9) providing for an orderly process for
12 reinstatement of a license;

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

15 (11) providing criteria for advertising or
16 promotional materials; and

17 (12) regarding any matter necessary to
18 implement the Naprapathic Practice Act.

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

23 A. a renewal application on a form developed by the
24 superintendent;

25 B. a license renewal fee; and

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1 C. proof of completion of continuing education
2 requirements required by rule.

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

6 Section 13. NAPRAPATHY FUND CREATED--USE--
7 APPROPRIATION. --

8 A. The "naprapathy fund" is created in the state
9 treasury.

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

14 C. Money in the fund is appropriated to the
15 department to carry out the provisions of the Naprapathic
16 Practice Act. Any unexpended or unencumbered balance remaining
17 in the fund at the end of a fiscal year shall not revert to the
18 general fund. Expenditures shall be made from the fund on
19 warrants drawn by the secretary of finance and administration
20 pursuant to vouchers signed by the superintendent.

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

1 misdemeanor 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.

8 Section 17. TERMINATION OF AGENCY LIFE-- DELAYED REPEAL. --
9 The naprapathic practice board is terminated on July 1, 2011
10 pursuant to the Sunset Act. The board shall continue to
11 operate according to the Naprapathic Practice Act until July 1,
12 2012. Effective July 1, 2012, the Naprapathic Practice Act is
13 repealed.

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