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AN ACT

RELATING TO ORIENTAL MEDICINE; CLARIFYING THE PRACTICE OF
ORIENTAL MEDICINE AND PRESCRIPTIVE AUTHORITY OF DOCTORS OF
ORIENTAL MEDICINE.

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

Section 1. Section 61-14A-3 NMSA 1978 (being Laws 1993,
Chapter 158, Section 11, as amended) is amended to read:

"61-14A-3. DEFINITIONS.--As used in the Acupuncture and
Oriental Medicine Practice Act:

A. "acupuncture" means the surgical use of needles
inserted into and removed from the body and the use of other
devices, modalities and procedures at specific locations on
the body for the prevention, cure or correction of any
disease, illness, injury, pain or other condition by
controlling and regulating the flow and balance of energy and
function to restore and maintain health;

B. "board" means the board of acupuncture and
oriental medicine;

C. "doctor of oriental medicine" means a person
licensed as a physician to practice acupuncture and oriental
medicine with the ability to practice independently, serve as
a primary care provider and as necessary collaborate with
other health care providers;

D. "moxibustion" means the use of heat on or above

1 specific locations or on acupuncture needles at specific
2 locations on the body for the prevention, cure or correction
3 of any disease, illness, injury, pain or other condition;

4 E. "oriental medicine" means the distinct system
5 of primary health care that uses all allied techniques of
6 oriental medicine, both traditional and modern, to diagnose,
7 treat and prescribe for the prevention, cure or correction of
8 disease, illness, injury, pain or other physical or mental
9 condition by controlling and regulating the flow and balance
10 of energy, form and function to restore and maintain health;

11 F. "primary care provider" means a health care
12 practitioner acting within the scope of the health care
13 practitioner's license who provides the first level of basic
14 or general health care for a person's health needs, including
15 diagnostic and treatment services, initiates referrals to
16 other health care practitioners and maintains the continuity
17 of care when appropriate;

18 G. "techniques of oriental medicine" means:

19 (1) the diagnostic and treatment techniques
20 used in oriental medicine that include diagnostic procedures;
21 acupuncture; moxibustion; manual therapy, also known as tui
22 na; other physical medicine modalities and therapeutic
23 procedures; breathing and exercise techniques; and dietary,
24 nutritional and lifestyle counseling;

25 (2) the prescribing, administering,

1 combining and providing of herbal medicines, homeopathic
2 medicines, vitamins, minerals, enzymes, glandular products,
3 natural substances, natural medicines, protomorphogens, live
4 cell products, gerovital, amino acids, dietary and
5 nutritional supplements, cosmetics as they are defined in the
6 New Mexico Drug, Device and Cosmetic Act and nonprescription
7 drugs as they are defined in the Pharmacy Act; and

8 (3) the prescribing, administering and
9 providing of devices, restricted devices and prescription
10 devices, as those devices are defined in the New Mexico Drug,
11 Device and Cosmetic Act, if the board determines by rule that
12 the devices are necessary in the practice of oriental
13 medicine and if the prescribing doctor of oriental medicine
14 has fulfilled requirements for prescriptive authority in
15 accordance with rules promulgated by the board for the
16 devices enumerated in this paragraph; and

17 H. "tutor" means a doctor of oriental medicine
18 with at least ten years of clinical experience who is a
19 teacher of acupuncture and oriental medicine."

20 Section 2. Section 61-14A-4.1 NMSA 1978 (being Laws
21 2003, Chapter 193, Section 1) is amended to read:

22 "61-14A-4.1. CERTIFIED AURICULAR DETOXIFICATION
23 SPECIALISTS, SUPERVISORS AND TRAINING PROGRAMS--FEES.--

24 A. A person who is not a doctor of oriental
25 medicine or who is not a person certified as an auricular

1 detoxification specialist pursuant to the Acupuncture and
2 Oriental Medicine Practice Act shall not:

3 (1) practice auricular acupuncture for the
4 treatment of alcoholism, substance abuse or chemical
5 dependency;

6 (2) use the title of or represent as a
7 certified auricular detoxification specialist or use any
8 other title, abbreviation, letters, figures, signs or devices
9 that indicate that the person is certified to practice as an
10 auricular detoxification specialist; or

11 (3) advertise, hold out to the public or
12 represent in any manner that the person is authorized to
13 practice auricular detoxification.

14 B. The board shall issue an auricular
15 detoxification specialist certification to a person who has
16 paid an application fee to the board and has successfully
17 completed all board requirements. The board shall adopt
18 rules that require an applicant to:

19 (1) successfully complete the national
20 acupuncture detoxification association training or equivalent
21 training approved by the board that shall include clean
22 needle technique training;

23 (2) demonstrate experience in treatment,
24 disease prevention, harm reduction and counseling of people
25 suffering from alcoholism, substance abuse or chemical

1 dependency or become employed by a substance abuse treatment
2 program;

3 (3) complete a board-approved training
4 program that will include examinations on clean needle
5 technique, jurisprudence and other skills required by the
6 board; and

7 (4) demonstrate a record free of convictions
8 for drug- or alcohol-related offenses for at least two
9 consecutive years before the person applied to the board for
10 certification.

11 C. A certified auricular detoxification specialist
12 is authorized to perform auricular acupuncture and the
13 application to the ear of simple board-approved devices that
14 do not penetrate the skin for the purpose of treating and
15 preventing alcoholism, substance abuse or chemical
16 dependency. The specialist shall use the five auricular
17 point national acupuncture detoxification procedure or
18 auricular procedures approved or established by rule of the
19 board and shall only treat or prevent alcoholism, substance
20 abuse or chemical dependency within a board-approved program
21 that demonstrates experience in disease prevention, harm
22 reduction or the treatment or prevention of alcoholism,
23 substance abuse or chemical dependency.

24 D. A person certified pursuant to this section
25 shall use the title "certified auricular detoxification

1 specialist" or "C.A.D.S." for the purpose of advertising
2 auricular acupuncture services to the public.

3 E. A certified auricular detoxification specialist
4 shall apply with the board to renew the certification. The
5 board shall for one year renew the certification of an
6 applicant who pays a renewal fee and completes the
7 requirements established by rule of the board. An applicant
8 who does not apply for renewal before the last date that the
9 certification is valid may be required to pay a late fee
10 pursuant to a rule of the board. The board shall deem a
11 certification for which a renewal has not been applied within
12 sixty days of that date as expired and an applicant that
13 seeks valid certification shall apply with the board for new
14 certification. The board shall by rule require an applicant
15 for renewal of the certification to demonstrate a record free
16 of convictions for drug- or alcohol-related offenses for a
17 minimum of one year prior to application for renewal with the
18 board.

19 F. A certified auricular detoxification specialist
20 shall practice under the supervision of a licensed doctor of
21 oriental medicine registered with the board as an auricular
22 detoxification specialist supervisor. A supervising doctor
23 of oriental medicine shall be accessible for consultation
24 directly or by telephone to a practicing auricular
25 detoxification specialist. The supervising doctor of

1 oriental medicine shall not supervise more specialists than
2 permitted by board rule. Supervision requirements shall be
3 provided by rule of the board.

4 G. A doctor of oriental medicine who supervises a
5 certified auricular detoxification specialist shall apply for
6 registration with the board. The board shall issue an
7 auricular detoxification specialist supervisor registration
8 to a doctor of oriental medicine who fulfills board
9 requirements. The board shall by rule require an applicant
10 for registration to list the certified auricular
11 detoxification specialists that will be supervised, pay an
12 application fee for registration and demonstrate clinical
13 experience in treating or counseling people suffering from
14 alcoholism, substance abuse or chemical dependency.

15 H. A training program that educates auricular
16 detoxification specialists for certification shall apply for
17 approval by the board. The board shall approve a training
18 program that fulfills the board requirements established by
19 rule and that pays an application fee. The approval shall be
20 valid until July 31 following the initial approval.

21 I. A training program that is approved by the
22 board to provide training for certification of auricular
23 detoxification specialists shall apply to renew the approval
24 with the board. The board shall renew the approval of a
25 program that fulfills board requirements established by rule,

1 and the renewal shall be valid for one year. An applicant
2 who does not renew before the last date that the renewed
3 approval is valid shall pay a late fee. The board shall deem
4 a program approval that is not renewed within sixty days of
5 that date as expired and a program that seeks board approval
6 shall apply with the board for new approval.

7 J. The board shall impose the following fees:

8 (1) an application fee not to exceed one
9 hundred fifty dollars (\$150) for auricular detoxification
10 specialist certification;

11 (2) a fee not to exceed seventy-five dollars
12 (\$75.00) for renewal of an auricular detoxification
13 specialist certification;

14 (3) an application fee not to exceed two
15 hundred dollars (\$200) for registration of a certified
16 auricular detoxification specialist supervisor;

17 (4) an application fee not to exceed two
18 hundred dollars (\$200) for the approval of an auricular
19 detoxification specialist training program;

20 (5) a fee not to exceed one hundred fifty
21 dollars (\$150) for the renewal of the approval of an
22 auricular detoxification training specialist training
23 program; and

24 (6) a late fee not to exceed fifty dollars
25 (\$50.00) for applications for renewal filed after the last

1 valid date of a registration, certification, approval or
2 renewal issued pursuant to this section.

3 K. In accordance with the procedures set forth in
4 the Uniform Licensing Act, the board may deny, revoke or
5 suspend any certification, registration, approval or renewal
6 that a person holds or applies for pursuant to this section
7 upon findings by the board that the person violated any rule
8 established by the board."

9 Section 3. Section 61-14A-8.1 NMSA 1978 (being Laws
10 2000, Chapter 53, Section 12) is amended to read:

11 "61-14A-8.1. EXPANDED PRACTICE AND PRESCRIPTIVE
12 AUTHORITY--CERTIFICATIONS.--

13 A. The board shall issue certifications, as
14 determined by rule of the board, for expanded practice and
15 prescriptive authority only for the substances enumerated in
16 Paragraphs (1) and (2) of Subsection C of this section to a
17 doctor of oriental medicine who has submitted completed forms
18 provided by the board, paid the application fee for
19 certification and submitted proof of successful completion of
20 additional training required by rule of the board. The board
21 shall adopt the rules determined by the board of pharmacy for
22 additional training required for the prescribing,
23 administering, compounding or dispensing of caffeine,
24 procaine, oxygen, epinephrine and bioidentical hormones. The
25 board and the board of pharmacy shall consult as appropriate.

1 B. The board shall issue certifications in the
2 four expanded practices of basic injection therapy, injection
3 therapy, intravenous therapy and bioidentical hormone
4 therapy.

5 C. The expanded practice and prescriptive
6 authority shall include:

7 (1) the prescribing, administering,
8 compounding and dispensing of herbal medicines, homeopathic
9 medicines, vitamins, minerals, amino acids, proteins,
10 enzymes, carbohydrates, lipids, glandular products, natural
11 substances, natural medicines, protomorphogens, live cell
12 products, gerovital, dietary and nutritional supplements,
13 cosmetics as they are defined in the New Mexico Drug, Device
14 and Cosmetic Act and nonprescription drugs as they are
15 defined in the Pharmacy Act; and

16 (2) the prescribing, administering,
17 compounding and dispensing of the following dangerous drugs
18 or controlled substances as they are defined in the New
19 Mexico Drug, Device and Cosmetic Act, the Controlled
20 Substances Act or the Pharmacy Act, if the prescribing doctor
21 of oriental medicine has fulfilled the requirements for
22 expanded practice and prescriptive authority in accordance
23 with the rules promulgated by the board for the substances
24 enumerated in this paragraph:

25 (a) sterile water;

