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FISCAL IMPACT REPORT

ORIGINAL DATE 02/09/07

SPONSOR Papen LAST UPDATED _____ HB _____

SHORT TITLE Traditional Naturopathic Practice Act SB 513

ANALYST Hanika Ortiz

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
	\$.1 see narrative		recurring	Traditional Naturopathic Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$.1 see narrative			recurring	General fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

Higher Education Department (HED)

SUMMARY

Synopsis of Bill

Senate Bill 513 enacts the Traditional Naturopathic Practice Act, a new statute to provide a scope of practice for licensing practicing naturopaths in New Mexico; creates the Traditional Naturopathic Board which examines and licenses traditional naturopaths; and, creates the Traditional Naturopathic Fund to collect fees and meet the expenses incurred in carrying out the provisions of the Traditional Naturopathic Practice Act.

Sections 1 and 2 site the title of the Act; and, the purpose of providing laws and rules to govern

the practice of traditional naturopathy for the protection of the public.

Section 3 provides definitions to include “traditional Naturopathic Physical Medicine” as a system of health care practiced by doctors of naturopathic medicine with the use of physical agents of air, water, heat, cold, sound, light, electromagnetism, electricity, soft tissue therapy, joint mobilization and therapeutic exercise in the resolution of human ailments and conditions.

Section 4 expands on scope of practice and provides that doctors of naturopathic medicine may use for preventive and therapeutic purposes food; food extracts; medicines of mineral, animal and botanical origin; and includes food, food extracts, certain medicine of mineral, animal and botanical origins, vitamins; minerals; enzymes; digestive aids; whole gland thyroid; plant homeopathic preparations; topical natural medicines; counseling; biofeedback; dietary therapy; hygiene; traditional naturopathic physical medicine; nutritional and lifestyle counseling; traditional naturopathic physical examinations; and electro-optical mechanical devices and microscopy.

Section 5 expressly provides that only Board approved traditional naturopathy schools may operate; and only individuals licensed by the board may practice.

Section 6 allows use of the title “traditional naturopath” or the designation “TN” or “ND” Naturopathic Diplomat.

Section 7 provides exclusions to the scope of practice.

Sections 8 and 9 create a 5 member board of 3 doctors of naturopathic medicine and 2 public members; and, states the boards powers and regulatory duties to include examination requirements, education and experience requirements, and a code of ethics.

Sections 10 through 14 provide for licensure requirements, “grandfathering”, examinations, temporary licensure, licensure by endorsement.

Sections 15 and 16 require the board to establish procedures for approval of traditional naturopathic schools; and, program approval for providing continuing education credit.

Sections 17 and 18 provide license renewal requirements including a fee structure for deposit to the Traditional Naturopathic Fund.

Sections 19 through 24 provide for application of the Uniform Licensing Act and Criminal Offender Employment Act; creates the “Traditional Naturopathic Fund”; and, establishes penalties.

FISCAL IMPLICATIONS

This bill does not include an appropriation for start-up costs although the bill does create a fund and provides that the state treasurer shall invest the fund as other state funds are invested. Income from the investment of the fund shall be credited to the fund. All balances in the fund shall remain in the fund and shall not revert to the general fund. RLD anticipates that a naturopathy fund is unlikely to cover the cost of establishing and operating the regulatory board.

This bill creates a new fund and provides for continuing appropriations. The LFC has concerns

with including continuing appropriation language in the statutory provisions for newly created funds, as earmarking reduces the ability of the legislature to establish spending priorities.

SIGNIFICANT ISSUES

The stated purpose of SB513 is to protect the public from the unprofessional, improper, incompetent and unlawful practice of traditional naturopathy by providing laws and rules to govern the practice of traditional naturopathy.

NCCAM is the Federal Governmental lead agency for scientific research on Complementary and Alternative Medicine. NCCAM is a component of the National Institutes of Health (NIH). According to NCCAM, there are six principles that form the basis of naturopathic practice in North America: the healing powers of nature, identification and treatment of the cause of disease, the concept of “first do no harm”, the doctor as teacher, treatment of the whole person, and prevention. The core modalities supporting these principles include diet modification and nutritional supplements, herbal medicine, acupuncture and Chinese medicine, hydrotherapy, massage and joint manipulation, and lifestyle counseling. A limited number of studies on botanicals in the context of use as naturopathic treatments have been published.

HED claims there are three issues to the public that need to be addressed in regulating the practice of healthcare service through naturopathy: 1. public safety, 2. opportunity for public access, 3. the ability of the public to distinguish between naturopaths and naturopathic physicians. Naturopathic physicians undergo a formal medical program of 4 years of study in schools that have obtained accreditation from accrediting agencies recognized by the United States Department of Education. Naturopaths or Traditional Naturopath training ranges from self-instruction and apprenticeship to a formal course of study.

PERFORMANCE IMPLICATIONS

The bill proposes to license “traditional naturopaths” and designate them as an “ND” using the term as “Naturopathic Diplomat.” “ND” traditionally is recognized as a term usually reserved for a “naturopathic physician” indicating those practitioners who have gone through an accredited program that offers Naturopathic Doctor (ND) degrees. It is reasonable for a patient to infer that a person providing health care services as an ND would have been trained under a more rigorous and formal curriculum of study. Currently NDs are licensed in 14 states. NDs complete a four year, residential professional program comprised of more than 4000 hours in instruction, 2100 of which are supervised patient interactive clinic hours.

The bill approves educational programs in traditional naturopathic training that are accredited by a state, national or international naturopathic associations, “or recognized by the Commission on Higher Education.” HED only recognizes accreditation by agencies recognized by the United States Department of Education.

ADMINISTRATIVE IMPLICATIONS

The bill conveys the responsibility of creating an examination for licensure to the Traditional Naturopathic Board, a new licensing board, which will be overseen by RLD.

TECHNICAL ISSUES

Page 3, paragraph H will license naturopaths to perform for diagnostic purposes; physical and orificial (mouth) examinations, phlebotomy, diagnostic imaging, electrocardiograms, ultrasound, clinical laboratory and other physiological function tests; and, may prescribe and dispense natural hormones and non-drug contraception.

ALTERNATIVES

HED recommends establishing a formal process to examine the criteria and requirements for licensing naturopathic practitioners before establishing the examining board.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Traditional naturopathic practitioners will continue to practice unregulated.

POSSIBLE QUESTIONS

How many traditional naturopathic practitioners are in practice in New Mexico?

AHO/mt