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SENATE BILL 471

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Cisco McSorley

AN ACT

RELATING TO CHIROPRACTIC PRACTICE; PROVIDING FOR A CERTIFIED  
ADVANCED PRACTICE CHIROPRACTIC PHYSICIAN TO PRESCRIBE AND  
ADMINISTER DANGEROUS DRUGS AND TO PERFORM CERTAIN OTHER  
PROCEDURES; DEFINING "CHIROPRACTIC MEDICINE"; AMENDING AND  
ENACTING CERTAIN SECTIONS OF THE CHIROPRACTIC PHYSICIAN  
PRACTICE ACT.

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

SECTION 1. Section 61-4-2 NMSA 1978 (being Laws 1968,  
Chapter 3, Section 2, as amended) is amended to read:

"61-4-2. DEFINITIONS.--As used in the Chiropractic  
Physician Practice Act:

A. "advanced practice chiropractic certification  
registry" means a compendium kept by the board that meets and  
maintains the board's established credentials for certified

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1 advanced practice chiropractic physicians;

2 B. "certified advanced practice chiropractic  
3 physician" means a chiropractic physician who has been included  
4 in the advanced practice chiropractic certification registry;

5 C. "chiropractic medicine" means the science, art  
6 and philosophy of things natural, the science of locating and  
7 removing interference with the transmissions or expression of  
8 nerve forces in the human body by the correction of  
9 misalignments or subluxations of the articulations and adjacent  
10 structures, more especially those of the vertebral column and  
11 pelvis, for the purpose of restoring and maintaining health for  
12 treatment of human disease primarily by, but not limited to,  
13 adjustment and manipulation of the human structure [~~it shall~~  
14 ~~include~~], including, but not [~~be~~] limited to, diagnosis and  
15 treatment of a condition for which the chiropractic physician  
16 has been educated and trained; the prescribing and  
17 administering of all natural agents to assist in the healing  
18 act, such as food, water, heat, cold, light, oxygen,  
19 electricity, mechanical appliances and medical devices; the  
20 selling of [~~herbs~~] herbal medicine, nutritional [~~supplements~~]  
21 medicine and homeopathic [~~remedies~~] medicine; the administering  
22 of a drug by injection by a certified advanced practice  
23 chiropractic physician; and any necessary diagnostic procedure  
24 [~~excluding invasive procedures~~]. Except as provided by the  
25 board by rule [~~and regulation. It~~], "chiropractic medicine"

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1 shall exclude operative surgery and the prescription or use of  
2 controlled [~~or dangerous drugs; and the practice of~~  
3 ~~acupuncture~~] substances, except where permitted by statute or  
4 rule;

5 D. "board" means the chiropractic board;

6 E. "chiropractic physician" includes doctor of  
7 chiropractic, chiropractor and chiropractic physician and means  
8 a person who practices chiropractic medicine as defined in the  
9 Chiropractic Physician Practice Act; and

10 F. "chiropractic assistant" means a person who  
11 practices under the on-premises supervision of a licensed  
12 chiropractic physician."

13 SECTION 2. Section 61-4-3 NMSA 1978 (being Laws 1968,  
14 Chapter 3, Section 3, as amended) is amended to read:

15 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
16 COMPENSATION.--

17 A. [~~There is created~~] The "chiropractic board" is  
18 created. The board shall be administratively attached to the  
19 regulation and licensing department. The board shall consist  
20 of six persons. Four shall have been continuously engaged in  
21 the practice of chiropractic medicine in New Mexico for five  
22 years immediately prior to their appointment, at least one of  
23 whom shall be a certified advanced practice chiropractic  
24 physician. Two persons shall represent the public and shall  
25 not have practiced chiropractic medicine in this state or any

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1 other jurisdiction. A person shall not be appointed to the  
2 board who is an officer or employee of or who is financially  
3 interested in any school or college of chiropractic medicine,  
4 allopathic medicine, surgery or [~~osteopathy~~] osteopathic  
5 medicine.

6 B. Members of the board shall be appointed by the  
7 governor for staggered terms of five years or less and in a  
8 manner that the term of one board member expires on July 1 of  
9 each year. A list of five names for each professional member  
10 vacancy shall be submitted by the New Mexico chiropractic  
11 association to the governor for consideration in the  
12 appointment of board members. A vacancy shall be filled by  
13 appointment for the unexpired term. Board members shall serve  
14 until their successors have been appointed and qualified.

15 C. The board shall annually elect a chair and a  
16 secretary-treasurer. A majority of the board constitutes a  
17 quorum. The board shall meet quarterly. Special meetings may  
18 be called by the chair and shall be called upon the written  
19 request of two members of the board. Notification of special  
20 meetings shall be made by certified mail unless such notice is  
21 waived by the entire board and the action noted in the minutes.  
22 Notice of all regular meetings shall be made by regular mail at  
23 least ten days prior to the meeting, and copies of the minutes  
24 of all meetings shall be mailed to each board member within  
25 thirty days after a meeting.

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1           D. A board member failing to attend three  
2 consecutive meetings, either regular or special, shall  
3 automatically be removed as a member of the board.

4           E. The board shall adopt a seal.

5           F. The board shall promulgate and file, in  
6 accordance with the State Rules Act, all rules [~~and~~  
7 ~~regulations~~] necessary for the implementation and enforcement  
8 of the provisions of the Chiropractic Physician Practice Act,  
9 including educational requirements for a chiropractic  
10 assistant.

11           G. The board, for the purpose of protecting the  
12 health and well-being of the citizens of this state and  
13 maintaining and continuing informed professional knowledge and  
14 awareness, shall establish by [~~regulations~~] rules adopted in  
15 accordance with the provisions of the Uniform Licensing Act  
16 mandatory continuing education requirements for chiropractic  
17 physicians and certified advanced practice chiropractic  
18 physicians licensed in this state.

19           H. Failure to comply with the rules [~~and~~  
20 ~~regulations~~] adopted by the board shall be grounds for  
21 investigation, which may lead to revocation of license.

22           I. Members of the board shall be reimbursed as  
23 provided in the Per Diem and Mileage Act but shall receive no  
24 other compensation, perquisite or allowance for each day  
25 necessarily spent in the discharge of their duties."

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1           SECTION 3. Section 61-4-4 NMSA 1978 (being Laws 1968,  
2 Chapter 3, Section 4, as amended) is amended to read:

3           "61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

4           A. Each applicant for a license to practice  
5 chiropractic medicine shall:

6                   (1) make application on forms furnished by the  
7 board;

8                   (2) submit evidence on oath satisfactory to  
9 the board that the applicant has reached the age of majority,  
10 has completed a preliminary education equal to the requirements  
11 for graduation from high school, is of good moral character  
12 and, after January 1, 1976, except for any student currently  
13 enrolled in a college of chiropractic, has completed two years  
14 of college-level study in an accredited institution of higher  
15 learning and is a graduate of a college of chiropractic that  
16 meets the standards of professional education prescribed in  
17 Section 61-4-5 NMSA 1978; and

18                   (3) pay in advance to the board fees:

19                           (a) for examination; and

20                           (b) for issuance of a license.

21           B. In evaluating an application, the board may use  
22 the services of a professional background information service  
23 that compiles background information regarding applicants from  
24 multiple sources.

25           C. Each applicant for inclusion in the advanced

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1 practice chiropractic certification registry shall furnish  
2 materials and proof of education and training as established by  
3 rule of the board."

4 SECTION 4. Section 61-4-6 NMSA 1978 (being Laws 1968,  
5 Chapter 3, Section 6, as amended) is amended to read:

6 "61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--  
7 RECORDING LICENSE.--

8 A. The board shall recognize successful completion  
9 of all parts of the examination conducted by the national board  
10 of chiropractic examiners.

11 B. The board shall examine each applicant in the  
12 [~~act~~] practice of chiropractic medicine, including adjusting,  
13 procedures and methods, as shall reveal the applicant's  
14 qualifications; provided that the board may waive the  
15 requirement for the board-administered examination upon proof  
16 of satisfactory completion of the examination conducted by the  
17 national board of chiropractic examiners.

18 C. The board shall issue a license to all  
19 applicants whose applications have been filed with and approved  
20 by the board and who have paid the required fees and passed  
21 either the board-administered examination with a general  
22 average of not less than seventy-five percent with no subject  
23 below sixty-five percent or the examination conducted by the  
24 national board of chiropractic examiners with a general average  
25 of not less than seventy-five percent with no subject below

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1 sixty-five percent. A license shall be refused to an applicant  
2 who fails to make application as provided in this section,  
3 fails the examination or fails to pay the required fees.

4 D. The license, when granted by the board, carries  
5 with it the title of doctor of chiropractic and entitles the  
6 holder to diagnose using any necessary diagnostic procedures,  
7 excluding invasive procedures, except as provided by the board  
8 by rule, and treat injuries, deformities or other physical or  
9 mental conditions relating to the basic concepts of  
10 chiropractic medicine by the use of any methods as provided in  
11 this section, including but not limited to palpating,  
12 diagnosing, adjusting and treating injuries and defects of  
13 human beings by the application of manipulative, manual and  
14 mechanical means, including all natural agencies imbued with  
15 the healing act, such as food, water, heat, cold, light,  
16 oxygen, electricity and mechanical appliances, [~~herbs~~] herbal  
17 medicine, nutritional [~~supplements~~] medicine and homeopathic  
18 [~~remedies~~] medicine but excluding operative surgery and  
19 prescription or use of controlled [~~or dangerous drugs~~]  
20 substances. The holder may also supervise the use of any  
21 natural agencies imbued with the healing act, such as food,  
22 water, heat, cold, light, oxygen, electricity, mechanical  
23 appliances, herbs, nutritional supplements and homeopathic  
24 remedies administered by a chiropractic assistant.

25 E. Failure to display the license shall be grounds

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1 for the suspension of the license to practice chiropractic  
2 medicine until so displayed and shall subject the licensee to  
3 the penalties for practicing without a license.

4 F. The board shall certify a chiropractic physician  
5 as a "certified advanced practice chiropractic physician" when  
6 the chiropractic physician has demonstrated completion of  
7 advanced coursework and met other requirements established in  
8 the Chiropractic Physician Practice Act and by rule of the  
9 board."

10 SECTION 5. Section 61-4-9 NMSA 1978 (being Laws 1968,  
11 Chapter 3, Section 9, as amended) is amended to read:

12 "61-4-9. PRIVILEGES AND OBLIGATIONS.--

13 A. Licensed chiropractic physicians shall observe  
14 all health and hygiene laws and regulations of the state and  
15 its political subdivisions and shall report births and deaths  
16 to the proper authorities. Reports rendered by [~~chiropractors~~]  
17 chiropractic physicians shall be accepted by officers of  
18 departments or agencies to which they are made.

19 B. It is the purpose of the Chiropractic Physician  
20 Practice Act to grant to [~~chiropractors~~] chiropractic  
21 physicians the right to practice chiropractic medicine as  
22 taught and practiced in standard accredited colleges of  
23 chiropractic and to entitle the holder of a license the right  
24 to diagnose, palpate and treat injuries, deformities and other  
25 physical or mental conditions relating to the basic concepts of

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1 chiropractic medicine by use of any methods provided in the  
2 Chiropractic Physician Practice Act, as provided in rules [~~and~~  
3 ~~regulations~~] established and monitored by the board [~~but~~  
4 ~~excluding operative surgery and prescription or use of~~  
5 ~~controlled or dangerous drugs as provided in rules and~~  
6 ~~regulations established and monitored by the board~~]."

7 SECTION 6. Section 61-4-9.1 NMSA 1978 (being Laws 2008,  
8 Chapter 44, Section 1) is amended to read:

9 "61-4-9.1. ADVANCED PRACTICE CHIROPRACTIC CERTIFICATION  
10 REGISTRY ESTABLISHED.--The board shall establish by rule the  
11 advanced practice chiropractic certification registry. A  
12 chiropractic physician authorized by the board to use the title  
13 "certified advanced practice chiropractic physician" shall have  
14 prescriptive authority for therapeutic and diagnostic purposes  
15 as authorized by statute and rule of the board. Only a  
16 chiropractic physician included in the advanced practice  
17 chiropractic certification registry may use the title certified  
18 advanced practice chiropractic physician, and it is unlawful  
19 for a person to use the certified advanced practice  
20 chiropractic physician title unless the person is included in  
21 the advanced practice chiropractic certification registry. The  
22 advanced practice chiropractic certification registry shall  
23 include a chiropractic physician who applies for the  
24 designation and:

25 A. holds a chiropractic license in good standing;

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1           B. has completed three years of postgraduate  
2 clinical chiropractic practice or equivalent clinical  
3 experience as established by the board;

4           C. has ~~[an advanced practice chiropractic~~  
5 ~~certification by a nationally recognized credentialing agency~~  
6 ~~providing credentialing and demonstrated competency by~~  
7 ~~examination and additionally, after December 31, 2012,~~  
8 ~~successful completion of a graduate degree in a chiropractic~~  
9 ~~clinical practice specialty]~~ a certification in advanced  
10 clinical chiropractic practice or its equivalent by a  
11 nationally recognized credentialing agency or institution and  
12 has demonstrated competency by examination;

13           D. has completed, prior to December 31, 2012, a  
14 minimum of ninety clinical and didactic contact course hours in  
15 pharmacology, pharmacognosy, medication administration and  
16 toxicology certified by an examination from an institution of  
17 higher education [approved by the board and the New Mexico  
18 medical board] that is accredited by an agency accredited by  
19 the United States department of education, or on or after  
20 December 31, 2012 has successfully completed a postgraduate  
21 degree in a clinical specialty; and

22           E. has completed annual continuing education for  
23 advanced practice chiropractic physicians as set by the board."

24           SECTION 7. Section 61-4-9.2 NMSA 1978 (being Laws 2008,  
25 Chapter 44, Section 2, as amended) is amended to read:

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1 "61-4-9.2. CERTIFIED ADVANCED PRACTICE CHIROPRACTIC  
2 PHYSICIAN AUTHORITY DEFINED.--

3 A. A certified advanced practice chiropractic  
4 physician may prescribe, administer and dispense herbal  
5 medicines, homeopathic medicines, over-the-counter drugs,  
6 vitamins, carbohydrates, sugars, minerals, enzymes, glandular  
7 products, protomorphogens, live cell products, gerovital, amino  
8 acids, dietary supplements, foods for special dietary use,  
9 bioidentical hormones, sterile water, sterile saline, sarapin  
10 or its generic, caffeine, procaine, lidocaine, oxygen,  
11 epinephrine and vapocoolants.

12 B. A formulary that includes all substances listed  
13 in Subsection A of this section, including compounded  
14 preparations for topical and oral administration, shall be  
15 developed and approved by the board. A formulary for injection  
16 that includes the substances in Subsection A of this section  
17 that are within the scope of practice of the certified advanced  
18 practice chiropractic physician shall be developed and approved  
19 by the board. [~~Dangerous drugs or controlled substances, drugs~~  
20 ~~for administration by injection and substances~~] Any substance  
21 not listed in Subsection A of this section shall be submitted  
22 to the board of pharmacy [~~and the New Mexico medical board~~] for  
23 approval."

24 SECTION 8. A new section of the Chiropractic Physician  
25 Practice Act is enacted to read:

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1           "[NEW MATERIAL] CERTIFIED ADVANCED PRACTICE CHIROPRACTIC  
2           PHYSICIAN--PRESCRIPTION AUTHORITY.--

3           A. A certified advanced practice chiropractic  
4           physician with a prescription certificate may prescribe,  
5           administer and dispense legend drugs or controlled substances  
6           included in Schedules III through V of the Controlled  
7           Substances Act.

8           B. A certified advanced practice chiropractic  
9           physician may apply to the board for a prescription  
10          certificate. The application for a prescription certificate  
11          shall be made on a form prescribed by the board and at a  
12          minimum contain evidence satisfactory to the board that the  
13          applicant:

14                   (1) has successfully completed a program in  
15                   primary care clinical rotation from an institution of higher  
16                   education or professional school that is accredited by an  
17                   agency accredited by the United States department of education;

18                   (2) holds a current license to practice  
19                   chiropractic medicine;

20                   (3) has successfully completed the advanced  
21                   practice chiropractic certification program approved by the  
22                   board and currently holds certification by the board in  
23                   advanced practice chiropractic;

24                   (4) within the five years immediately  
25                   preceding the date of application, has successfully completed

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1 an organized program of medically supervised clinical rotation  
2 as stated in Paragraph (1) of this subsection and consisting of  
3 clinical and hands-on instruction of no fewer than five hundred  
4 hours in at least the following core areas of instruction:

- 5 (a) clinical pharmacology;
- 6 (b) evidence-based clinical assessment;
- 7 (c) clinical pharmacotherapeutics;
- 8 (d) primary care case management; or
- 9 (e) patient safety and standards of  
10 primary care;

11 (5) within five years immediately preceding  
12 the date of application, successfully completed a clinical  
13 experience pursuant to Paragraph (4) of this subsection and  
14 approved by the board, under the supervision of a medical  
15 doctor, osteopathic physician, certified nurse practitioner or  
16 certified advanced practice chiropractic physician with a  
17 prescription certificate;

18 (6) has professional liability insurance in  
19 place that is sufficient to satisfy the rules adopted by the  
20 board during the clinical education; and

21 (7) has obtained a declaration from the  
22 supervising medical doctor, osteopathic physician, certified  
23 nurse practitioner or certified advanced practice chiropractic  
24 physician with a prescription certificate that the applicant  
25 has successfully completed the prescribed clinical experience.

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1           C. The board shall issue a prescription certificate  
2 if the board finds that the applicant has met the requirements  
3 of this section and the applicant:

4                   (1) holds a current license to practice  
5 chiropractic medicine; and

6                   (2) has professional liability insurance in  
7 place that is sufficient to satisfy the rules adopted by the  
8 board.

9           D. The board shall ensure that a certified advanced  
10 practice chiropractic physician with a prescription  
11 certificate:

12                   (1) continues to hold a current license to  
13 practice chiropractic medicine and continues to maintain  
14 professional liability insurance; and

15                   (2) annually satisfies the continuing  
16 education program requirements for prescribing advanced  
17 practice chiropractic physicians as set by the board, which  
18 continuing education program shall be no fewer than twenty  
19 hours each year.

20           E. The board shall promulgate rules providing for  
21 the issuance of a prescription certificate and renewal. The  
22 board shall also promulgate rules for the denial, suspension or  
23 revocation of a prescription certificate or renewal authorized  
24 to be issued pursuant to this section, including a provision  
25 for suspension or revocation of a license to practice

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1 chiropractic medicine upon suspension or revocation of a  
2 prescription certificate. Actions of denial, suspension or  
3 revocation of a certificate shall be in accordance with the  
4 Uniform Licensing Act."

5 SECTION 9. Section 61-4-9.3 NMSA 1978 (being Laws 2008,  
6 Chapter 44, Section 3) is amended to read:

7 "61-4-9.3. USE OF CHIROPRACTIC NAME LIMITED.--The terms  
8 "chiropractor", "chiropractic physician", ~~[øæ]~~ "chiropractic"  
9 or "chiropractic medicine" may be used only by persons licensed  
10 pursuant to the Chiropractic Physician Practice Act."

11 SECTION 10. Section 61-4-10 NMSA 1978 (being Laws 1968,  
12 Chapter 3, Section 10, as amended) is amended to read:

13 "61-4-10. REFUSAL, SUSPENSION OR REVOCATION OF LICENSE.--

14 A. The board may refuse to issue or may suspend or  
15 revoke any license or may censure, reprimand, fine or place on  
16 probation and stipulation any licensee in accordance with the  
17 procedures as contained in the Uniform Licensing Act upon the  
18 grounds that the licensee or applicant:

19 (1) is convicted of a felony. A copy of the  
20 record of conviction, certified to by the clerk of the court  
21 entering the conviction, shall be conclusive evidence of such  
22 conviction;

23 (2) is guilty of fraud or deceit in procuring  
24 or attempting to procure a license in the chiropractic  
25 profession or in connection with applying for or procuring

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1 license renewal;

2 (3) is guilty of incompetence;

3 (4) is habitually intemperate or is addicted  
4 to the use of habit-forming drugs or is addicted to any vice to  
5 such a degree as to render the licensee or applicant unfit to  
6 practice chiropractic medicine;

7 (5) is guilty of practicing or attempting to  
8 practice under an assumed name or fails to use the title  
9 "doctor of chiropractic", chiropractic physician or the  
10 initials "D.C." in connection with the licensee's or  
11 applicant's practice or advertisements;

12 (6) is guilty of failing to comply with any of  
13 the provisions of the Chiropractic Physician Practice Act or  
14 rules [~~and regulations~~] promulgated by the board and filed in  
15 accordance with the State Rules Act;

16 (7) is guilty of willfully or negligently  
17 practicing beyond the scope of chiropractic [~~practice~~] medicine  
18 as defined in the Chiropractic Physician Practice Act;

19 (8) is guilty of advertising by means of  
20 knowingly false statements;

21 (9) has been declared mentally incompetent by  
22 regularly constituted authorities or is manifestly  
23 incapacitated to practice chiropractic medicine;

24 (10) advertises or attempts to attract  
25 patronage in any unethical manner prohibited by the rules [~~and~~

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1 ~~regulations~~] of the board;

2 (11) is guilty of obtaining any fee by fraud  
3 or misrepresentation;

4 (12) is guilty of making false or misleading  
5 statements regarding the licensee's or applicant's skill or the  
6 efficacy or value of treatment or remedy prescribed or  
7 administered by the licensee or applicant or at the licensee's  
8 or applicant's direction;

9 (13) is guilty of aiding or abetting the  
10 practice of chiropractic medicine by a person not licensed by  
11 the board;

12 (14) has incurred a prior suspension or  
13 revocation in another state where the suspension or revocation  
14 of a license to practice chiropractic medicine was based upon  
15 acts by the licensee similar to acts described in this section  
16 and by board rules promulgated pursuant to Paragraph (6) of  
17 this subsection. A certified copy of the record of suspension  
18 or revocation of the state making such suspension or revocation  
19 is conclusive evidence thereof;

20 (15) is guilty of making a false, misleading  
21 or fraudulent claim; or

22 (16) is guilty of unprofessional conduct that  
23 includes but is not limited to the following:

24 (a) procuring, aiding or abetting a  
25 criminal abortion;

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1 (b) representing to a patient that a  
2 manifestly incurable condition of sickness, disease or injury  
3 can be cured;

4 (c) willfully or negligently divulging a  
5 professional confidence;

6 (d) conviction of any offense punishable  
7 by incarceration in a state penitentiary or federal prison. A  
8 copy of the record of conviction, certified by the clerk of the  
9 court entering the conviction, is conclusive evidence;

10 (e) impersonating another person  
11 licensed in the practice of chiropractic medicine or permitting  
12 or allowing any person to use the licensee's or applicant's  
13 license;

14 (f) gross negligence in the practice of  
15 chiropractic medicine;

16 (g) fee splitting;

17 (h) conduct likely to deceive, defraud  
18 or harm the public;

19 (i) repeated similar negligent acts;

20 (j) employing abusive billing practices;

21 (k) failure to report to the board any  
22 adverse action taken against the licensee or applicant by: 1)  
23 another licensing jurisdiction; 2) any peer review body; 3) any  
24 health care entity; 4) any governmental agency; or 5) any court  
25 for acts or conduct similar to acts or conduct that would

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1 constitute grounds for action as provided in this section;

2 (l) failure to report to the board  
3 surrender of a license or other authorization to practice  
4 chiropractic medicine in another state or jurisdiction or  
5 surrender of membership on any chiropractic staff or in any  
6 chiropractic medicine or professional association or society  
7 following, in lieu of, and while under disciplinary  
8 investigation by any of those authorities or bodies for acts or  
9 conduct similar to acts or conduct that would constitute  
10 grounds for action as provided in this section;

11 (m) failure to furnish the board, its  
12 investigators or representatives with information requested by  
13 the board;

14 (n) abandonment of patients;

15 (o) failure to adequately supervise, as  
16 provided by board [~~regulation~~] rule, a chiropractic medicine  
17 assistant or technician or professional licensee who renders  
18 care;

19 (p) intentionally engaging in sexual  
20 contact with a patient other than the licensee's or applicant's  
21 spouse during the doctor-patient relationship; and

22 (q) conduct unbecoming a person licensed  
23 to practice chiropractic medicine or detrimental to the best  
24 interests of the public.

25 B. The board may at its discretion hire

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1 investigators or issue investigative subpoenas for the purpose  
2 of investigating complaints made to the board regarding  
3 chiropractic physicians.

4 C. All written and oral communication made by any  
5 person to the board or an agent of the board relating to actual  
6 or potential disciplinary action, including complaints made to  
7 the board, are confidential communications and are not public  
8 records for the purposes of the Inspection of Public Records  
9 Act; provided that all information contained in a complaint  
10 file is public information and subject to disclosure when the  
11 board acts on a complaint.

12 D. Licensees shall bear all costs of disciplinary  
13 proceedings unless exonerated."

14 SECTION 11. Section 61-4-12 NMSA 1978 (being Laws 1968,  
15 Chapter 3, Section 11, as amended) is amended to read:

16 "61-4-12. PENALTIES.--

17 A. Each of the following acts constitutes a  
18 misdemeanor punishable upon conviction by a fine of not less  
19 than fifty dollars (\$50.00) or more than one thousand dollars  
20 (\$1,000) or by imprisonment not to exceed one year, or both:

21 (1) practice of chiropractic medicine or an  
22 attempt to practice chiropractic medicine without a license;

23 (2) obtaining or attempting to obtain a  
24 license or practice in the profession for money or any other  
25 thing of value by fraudulent misrepresentation;

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1 (3) willfully falsifying any oath or  
2 affirmation required by the Chiropractic Physician Practice  
3 Act;

4 (4) practicing or attempting to practice under  
5 an assumed name; or

6 (5) advertising or attempting to attract  
7 patronage in any unethical manner prohibited by the rules [~~and~~  
8 ~~regulations~~] of the board.

9 B. Any second violation of the act constitutes a  
10 fourth degree felony."

11 SECTION 12. Section 61-4-13 NMSA 1978 (being Laws 1968,  
12 Chapter 3, Section 12, as amended) is amended to read:

13 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

14 A. [~~Any~~] A person licensed to practice chiropractic  
15 medicine in this state shall, on or before July 1 of each year,  
16 pay to the board an annual fee set by [~~regulation~~] rule and  
17 shall submit proof of completion of continuing education  
18 requirements as required by the board. The board shall send  
19 written notice to every person holding a license prior to June  
20 1 of each year, directed to the last known address of the  
21 licensee, notifying [~~him~~] the licensee that it is necessary  
22 [~~for him~~] to pay the renewal fee as provided in the  
23 Chiropractic Physician Practice Act. Proper forms shall  
24 accompany the notice, upon which forms the licensee shall make  
25 application for the renewal of [~~his~~] the license. The licensee

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1 is responsible for renewal of the license even if the licensee  
2 does not receive the renewal notice.

3 B. The board shall establish a schedule of  
4 reasonable fees for applications, licenses, certificates,  
5 renewals, placement or inactive status and administrative  
6 fees."

7 SECTION 13. Section 61-4-14 NMSA 1978 (being Laws 1968,  
8 Chapter 3, Section 13) is amended to read:

9 "61-4-14. FAILURE TO RENEW--CANCELLATION--REINSTATEMENT--  
10 PERMISSIVE TEMPORARY CANCELLATION.--[~~Any~~] A licensee who fails  
11 to comply with the requirements for renewal as set forth in  
12 Section [~~12~~] 61-4-13 NMSA 1978 shall, upon order of the board,  
13 forfeit [~~his~~] the right to practice chiropractic medicine in  
14 this state, and [~~his~~] the licensee's license and any  
15 certificates of renewal shall be [~~cancelled~~] canceled. The  
16 board may reinstate [~~him~~] the licensee upon payment of all fees  
17 or penalties due and upon the presentation of evidence of  
18 attendance at educational programs as may be provided by [~~rules~~  
19 ~~and regulations~~] rule of the board. [~~Any~~] A person licensed to  
20 practice chiropractic medicine in this state who desires to  
21 withdraw from active practice in this state may apply to the  
22 board for a temporary suspension of [~~his~~] the person's license  
23 with the right to renew and reinstate [~~his~~] the license upon a  
24 showing that [~~he~~] the person has paid [~~his~~] the annual license  
25 renewal fee on or before [~~the first day of~~] July 1 of each

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1 year; provided that no suspension shall be granted for a period  
2 of less than one year."

3 SECTION 14. Section 61-4-15 NMSA 1978 (being Laws 1968,  
4 Chapter 3, Section 14, as amended) is amended to read:

5 "61-4-15. EXEMPTIONS.--The Chiropractic Physician  
6 Practice Act does not apply to:

7 A. any commissioned officer of the armed forces of  
8 the United States in the discharge of [~~his~~] official duties;

9 B. a [~~chiropractor~~] chiropractic physician who is  
10 legally qualified to practice in the state or territory in  
11 which [~~he~~] the chiropractic physician resides, when in actual  
12 consultation with a licensed [~~chiropractor~~] chiropractic  
13 physician of this state; [~~or~~]

14 C. any bona fide student of any standard  
15 chiropractic college chiropractically analyzing and adjusting  
16 the human body under supervision of a licensed [~~chiropractor~~]  
17 chiropractic physician; or

18 D. the practice of acupuncture or oriental  
19 medicine."