

HOUSE BILL 152

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Brittney Barreras

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO CHIROPRACTIC PRACTICE; EXPANDING ELIGIBILITY FOR PROFESSIONAL MEMBER VACANCIES ON THE CHIROPRACTIC BOARD; PROVIDING FOR ELECTION OF A VICE CHAIR ON THAT BOARD; PROVIDING FOR TEMPORARY LICENSURE UNDER CERTAIN CIRCUMSTANCES; PROVIDING EXEMPTIONS FROM THE CHIROPRACTIC PHYSICIAN PRACTICE ACT.

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

SECTION 1. Section 61-4-3 NMSA 1978 (being Laws 1968,

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Chapter 3, Section 3, as amended) is amended to read:

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

A. There is created the "chiropractic board". The board shall be administratively attached to the regulation and licensing department. The board shall consist of six persons. Four shall have been continuously engaged in the practice of chiropractic in New Mexico for five years immediately prior to their appointment. Two persons shall represent the public and shall not have practiced chiropractic in this state or any other jurisdiction. A person shall not be appointed to the board who is an officer or employee of or who is financially interested in any school or college of chiropractic, medicine, surgery or osteopathy.

B. Members of the board shall be appointed by the governor for staggered terms of five years HSEIC→or less←HSEIC and in a manner that the term of one board member expires on July 1 of each year. [~~A list of five names for each professional member vacancy shall be submitted by the New Mexico chiropractic association to the governor for consideration in the appointment of board members~~] A vacancy shall be filled by appointment for the unexpired term. Board members shall serve until their successors have been appointed and qualified. Hfll→HSEIC→Board members shall be limited to two full consecutive terms with one full term after a three-

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~~year hiatus.~~←HSEIC←Hf11 Hf11→Board members shall be limited to two full consecutive terms and one full term after a three-year hiatus.←Hf11

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

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

E. The board shall adopt a seal.

F. The board shall promulgate and file, in accordance with the State Rules Act, all rules and regulations necessary for the implementation and enforcement of the provisions of the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant.

G. The board, for the purpose of protecting the

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health and well-being of the citizens of this state and maintaining and continuing informed professional knowledge and awareness, shall establish by regulations adopted in accordance with the provisions of the Uniform Licensing Act mandatory continuing education requirements for chiropractic physicians and certified advanced practice chiropractic physicians licensed in this state.

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

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

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

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

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

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

(2) submit evidence on oath satisfactory to the board that the applicant has reached the age of majority, has completed a preliminary education equal to the requirements for graduation from high school, is of good moral character

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and, after January 1, 1976, except for any student currently enrolled in a college of chiropractic, has completed two years of college-level study in an accredited institution of higher learning and is a graduate of a college of chiropractic that meets the standards of professional education prescribed in Section 61-4-5 NMSA 1978; and

(3) except as otherwise provided in the Chiropractic Physician Practice Act or Section 61-1-34 NMSA 1978, pay in advance to the board fees:

(a) for examination; and

(b) [~~except as provided in Section 61-1-34 NMSA 1978~~] for issuance of a license.

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

C. Each applicant for inclusion in the advanced practice chiropractic certification registry shall furnish materials and proof of education and training as established by rule of the board."

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

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

A. The board shall recognize successful completion

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of all parts of the examination conducted by the national board of chiropractic examiners.

B. The board shall examine each applicant in the act of chiropractic adjusting, procedures and methods as shall reveal the applicant's qualifications; provided that the board may waive the requirement for the board-administered examination as provided in the Chiropractic Physician Practice Act or upon proof of satisfactory completion of the examination conducted by the national board of chiropractic examiners.

C. The board shall issue a license to all applicants whose applications have been filed with and approved by the board and who have paid the required fees and passed either the board-administered examination with a general average of not less than seventy-five percent with no subject below sixty-five percent or the examination conducted by the national board of chiropractic examiners with a general average of not less than seventy-five percent with no subject below sixty-five percent. A license shall be refused to an applicant who fails to make application as provided in this section, fails the examination or fails to pay the required fees.

D. The license, when granted by the board, carries with it the title of doctor of chiropractic and entitles the holder to diagnose using any necessary diagnostic procedures, excluding invasive procedures, except as provided by the board by rule, and treat injuries, deformities or other physical or

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mental conditions relating to the basic concepts of chiropractic by the use of any methods as provided in this section, including but not limited to palpating, diagnosing, adjusting and treating injuries and defects of human beings by the application of manipulative, manual and mechanical means, including all natural agencies imbued with the healing act, such as food, water, heat, cold, electricity and mechanical appliances, herbs, nutritional supplements and homeopathic remedies, but excluding operative surgery and prescription or use of controlled or dangerous drugs. The holder may also supervise the use of any natural agencies imbued with the healing act, such as food, water, heat, cold, electricity, mechanical appliances, herbs, nutritional supplements and homeopathic remedies administered by a chiropractic assistant.

E. Failure to display the license shall be grounds for the suspension of the license to practice chiropractic until so displayed and shall subject the licensee to the penalties for practicing without a license.

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

SECTION 4. A new section of the Chiropractic Physician

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Practice Act is enacted to read:

"[NEW MATERIAL] TEMPORARY LICENSE WITHOUT EXAMINATION--
FEDERAL Hf11→OR STATE←Hf11 DISASTER DECLARATION.--

A. Pursuant to rules issued by the board, a temporary license HSEIC→to practice in this state←HSEIC without examination may be granted to a person who is a licensed chiropractic physician practicing in good standing in a state in which a federal disaster has been declared Hf11→, or a chiropractic physician practicing in good standing in another state who desires to relocate to this state and practice in an area where the governor has declared a natural or man-made disaster,←Hf11 Hf11→HSEIC→, or in this state if the governor has declared a natural or man-made disaster,←HSEIC←Hf11 if the chiropractic physician:

(1) is of good moral character; and

(2) is a graduate of a chiropractic college

having status with the accrediting commission of the council on chiropractic education or equivalent criterion.

B. A temporary license without examination issued pursuant to this section shall be issued for Hf11→the duration of the federal or state disaster for←Hf11 a period that is the greater of:

(1) Hf11→a period of←Hf11 four months

Hf11→immediately following the federal disaster declaration←Hf11 ; or

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(2) the duration of the remainder of the term of the license issued to the chiropractic physician in the other state.

C. The board shall not impose a fee for a license issued pursuant to this section."

SECTION 5. A new section of the Chiropractic Physician Practice Act is enacted to read:

"[NEW MATERIAL] TEMPORARY LICENSE WITHOUT EXAMINATION--SUPERVISED INTERN.--

A. Pursuant to rules issued by the board, a temporary license may be granted to a graduate of an approved and accredited college of chiropractic who:

(1) is, for the first time, applying for a license to practice chiropractic in this state; and

(2) performs the duties of an intern under the supervision of a chiropractic physician licensed in this state; provided that the chiropractic physician has certified to the board that the graduate is of good moral character and competent chiropractic ability.

B. A temporary license issued pursuant to this section shall be issued for a period of twelve months or until the board issues the graduate a permanent license, whichever occurs first."

SECTION 6. A new section of the Chiropractic Physician Practice Act is enacted to read:

.218344.3AIC February 25, 2021 (10:10am)

"[NEW MATERIAL] TEMPORARY LICENSE WITHOUT EXAMINATION--

SUBSTITUTION.--Pursuant to rules issued by the board, a person who is a chiropractic physician licensed and practicing in another state may be granted a temporary license for not more than twelve months for the purpose of serving as a substitute for a chiropractic physician who is:

- A. licensed pursuant to the provisions of Section 61-4-6 or 61-4-8 NMSA 1978;
- B. on vacation;
- C. on family medical leave; or
- D. unable to perform chiropractic services due to illness, injury, pregnancy or other medical condition approved by the board."

SECTION 7. Section 61-4-13 NMSA 1978 (being Laws 1968, Chapter 3, Section 12, as amended) is amended to read:

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

A. Except as otherwise provided in the Chiropractic Physician Practice Act or in Section 61-1-34 NMSA 1978, a person licensed to practice chiropractic in this state shall, on or before July 1 of each year, pay to the board an annual fee set by [~~regulation~~] rule and shall submit proof of completion of continuing education requirements as required by the board. The board shall send written notice to every person holding a license prior to June 1 of each year, directed to the last known address of the licensee, notifying the licensee that

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it is necessary to pay the renewal fee as provided in the Chiropractic Physician Practice Act. Proper forms shall accompany the notice, upon which forms the licensee shall make application for the renewal of the license. The licensee is responsible for renewal of the license even if the licensee does not receive the renewal notice.

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

SECTION 8. Section 61-4-15 NMSA 1978 (being Laws 1968, Chapter 3, Section 14, as amended) is amended to read:

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

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

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

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

D. a chiropractic physician who is licensed in

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another jurisdiction of the United States or credentialed to practice in another country, if the chiropractic physician is teaching, demonstrating or providing chiropractic in connection with an educational seminar in this state for not more than ten days;

E. a chiropractic college professor or a post-graduate educator or instructor holding a doctor of chiropractic degree endorsed by a chiropractic college, if that person is teaching, demonstrating or providing chiropractic in connection with an educational seminar in this state for not more than ten days;

F. a chiropractic physician who is licensed in another jurisdiction of the United States and practicing in good standing in that jurisdiction and who is practicing in this state on a single, temporary assignment for a specific sporting or performing arts event; provided that:

(1) the chiropractic physician is employed or designated in the chiropractic physician's professional capacity by a sports or performing arts entity to practice chiropractic for a specific sports or performing arts event in this state;

(2) the chiropractic physician's practice is limited to members, coaches and staff of the team or event for which the chiropractic physician is employed or designated; and

(3) the scope of the chiropractic physician's

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practice is limited to the practices permitted pursuant to the laws of the state in which the chiropractic physician is licensed or as permitted pursuant to the Chiropractic Physician Practice Act; or

G. a chiropractic physician who is licensed in another jurisdiction of the United States and without licensure in this state during the duration of a HSEIC→state or←HSEIC federal disaster."