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FISCAL IMPACT REPORT

SPONSOR <u>Shendo, Jr.</u>	LAST UPDATED _____ ORIGINAL DATE <u>3/2/23</u>
SHORT TITLE <u>Acupuncturist Licensure</u>	BILL NUMBER <u>Senate Bill 421</u>
ANALYST <u>Helms</u>	

REVENUE* (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
	Indeterminate but minimal	Indeterminate but minimal	Recurring	Board of Acupuncture and Oriental Medicine Fund

Parentheses () indicate revenue decreases.

*Amounts reflect most recent analysis of this legislation.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	\$200.00	No fiscal impact	No fiscal impact	\$200.00	Nonrecurring	Board of Acupuncture and Oriental Medicine Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)

New Mexico Medical Board

University of New Mexico (UNM)

SUMMARY

Synopsis of Senate Bill 421

Senate Bill 421 (SB421) expands and amends the Acupuncture and Oriental Medicine Practice Act to specifically include an acupuncturist license, adding the definition that “acupuncturist” refers to a person licensed to practice acupuncture. The bill includes that someone who is not an acupuncturist or who does not fall under other existing definitions of practice of oriental

medicine within the Acupuncture and Oriental Medicine Act is not allowed to practice acupuncture or represent themselves as an acupuncturist. The bill provides for acupuncturists to be represented on the Board of Acupuncture and Oriental Medicine and requires licensed acupuncturists to meet board requirements. The bill also adds a new subsection to the approval of educational programs, requiring the board to establish by rule the criteria for board approval of educational programs in acupuncture.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Senate Bill 421 does not contain an appropriation.

LFC analysis notes the revenue impact of SB421 is indeterminate but likely minimal. There is not data from RLD or other sources to determine anyone in New Mexico practicing acupuncture without a license who might be required to obtain a license under SB421. While FY21 data from RLD notes 675 doctors of oriental medicine (DOMs) in New Mexico practice acupuncture, it is unclear whether any DOM licensees might opt to move over to an “acupuncturist” license type, though this is unlikely if it narrows their scope of practice to only acupuncture or requires the cost of a new license, rather than renewal costs associated with their current DOM license.

RLD analysis notes there would be some costs of adding an additional license to their data systems in order for all licensing application and renewal processes to take place via online systems and estimates this at \$200 thousand in initial costs.

SIGNIFICANT ISSUES

SB421 could have consequences for the level of education required for practitioners who provide acupuncture in New Mexico. The required classes and clinics required for a DOM versus a licensed acupuncturist would have a few differences. As set forth in SB421, the differences between the educational program for a licensed acupuncturist versus a doctor of oriental medicine would require a minimum of three years in an education program (versus four years for a DOM license) and a minimum of 660 hours of supervised clinical practice (versus 900 hours for a DOM).

The other requirements in educational programs for the two licenses are the exact same and include requirements that licensees:

- Have been taught by qualified teachers;
- Have been in a program that required personal attendance in all classes and clinics and, as a minimum, the completion of the following subjects: (a) anatomy and physiology; (b) pathology; (c) diagnosis; (d) pharmacology; (e) oriental principles of life therapy, including diet, nutrition and counseling; (f) theory and techniques of oriental medicine; (g) precautions and contraindications for acupuncture treatment; (h) theory and application of meridian pulse evaluation and meridian point location; (i) traditional and modern methods of qi or life-energy evaluation; (j) hygiene, sanitation and clean-needle technique; (k) care and management of needling devices; and (l) needle and instrument sterilization techniques; and
- Have, as a result of their program, the presentation of a certificate or diploma after

completion of all of the educational program requirements.

According to RLD, though LFC analysis has not been able to find additional sources for this information, New Mexico has recently ranked in the 90th percentile in the United States for population accessibility to oriental medicine treatment. While SB421 could provide for additional acupuncturists to practice in the state, or practice earlier while they continue their education, it is also possible New Mexico has sufficient acupuncturist practitioners.

Analysis from RLD notes the chair of the Board of Acupuncture and Oriental Medicine “strongly opposes this bill” and has provided a list of DOM’s who also oppose SB421. Currently, New Mexico and four other states share the highest standards for licensing a doctor of oriental medicine and have concerns that a lower level license could dilute standards for practicing acupuncture in New Mexico. The Board notes any increased risks to patients from decreased education standards could have a long-term impact on malpractice insurance premiums for licensees.

Analysis from RLD notes the bill, as it stands, has a relatively short timeline for integration of acupuncturist licensing into the Acupuncture and Oriental Medicine Practice Act:

The bill does not specify an effective date for the proposed changes to law, so, if enacted, the changes would take effect on June 16, 2023. This would create a tight deadline for the Board to adopt rules to accommodate this new license. Moreover, the development and implementation of software for an electronic application and licensing system would require funding in FY23 in order to have a system ready to utilize when the bill takes effect.

ADMINISTRATIVE IMPLICATIONS

Analysis from RLD notes the Board of Acupuncture and Oriental Medicine would need to approve rules on education and examination requirements, as well as specifying scope of practice, for this new license type. RLD will need to have changes made to the on-line licensing system to add the new license type.

OTHER SUBSTANTIVE ISSUES

SB421 proposes to expand the Acupuncture and Oriental Medicine Practice Act to include licensure for acupuncturists and details criteria for educational programs in acupuncture required by the Board of Acupuncture and Oriental Medicine.