

LFC Requester:	Anne Hanika-Ortiz
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 02/06/2025 *Check all that apply:*
Bill Number: HB 189 Original Correction
 Amendment Substitute

Sponsor: Dayan Hochman-Vigil **Agency Name and Code Number:** New Mexico Medical Board-446
Person Writing Analysis: Monique Parks, Interim Exec. Director
Short Title: Chiropractic Licensing **Phone:** 505-490-3903 **Email:** moniquem.parks@nmmb.nm.gov
Requiring Changes

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected

Total						
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(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

HB189- Amends the Chiropractic Physician Practice Act to increase the scope of practice of Chiropractic Doctors to include physician level whole body primary care medicine, delineate practice changes, clarify the membership of the Chiropractic Board and requirements for licensure; delineate privileges and obligations of licensed chiropractic physicians; and create two levels for certified advanced practice chiropractic physicians.

FISCAL IMPLICATIONS

None for The New Mexico Medical Board

SIGNIFICANT ISSUES

All discussions about changes in scope of practice should begin with a basic understanding of the definition of the practice of medicine and recognition that the education received by physicians differs in scope and duration from other health care professionals. Non-physician practitioners may seek authorization to provide services that are included in the definition of the practice of medicine under existing state law. In evaluating these requests, policy makers should examine a variety of issues, including: economic impact on health care delivery; standards for education, training and examination; practice parameters; and regulatory mechanisms. **Patient safety and accountability should be the most important factors in establishing expectations and limitations associated with scope of practice changes.**

- There should be requirements for full and accurate disclosure by all health care practitioners as to their qualifications to provide health care services;
- accountability and liability issues relating to scope of practice changes must be considered.
- The legislature needs to consider details, rationale, and ethics of any proposals to bypass licensing or regulatory requirements in allowing scope of practice changes, the implications for other practitioners, and the effect on patient safety; and
- financial impact and incentives related to and affecting the scope of practice changes.

There are often significant differences in the prerequisites, the scope, and the duration of education provided to other health care practitioners when compared with that provided to physicians. Policy makers must ensure that all practitioners are prepared, by virtue of education and training, to provide the services authorized in their scope of practice in a safe, effective, and economical manner.

Health care practitioners must be willing and able to identify symptoms, conditions, diseases and complications that are beyond their training and expertise and be required to refer those patients to a licensed M.D. or D.O., or other certified expert in the relevant field, especially when treating patients with complex diseases.

PERFORMANCE IMPLICATIONS

None for The New Mexico Medical Board

ADMINISTRATIVE IMPLICATIONS

None for The New Mexico Medical Board

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None for The New Mexico Medical Board

TECHNICAL ISSUES

None for The New Mexico Medical Board

OTHER SUBSTANTIVE ISSUES

Consumers must be able to trust that all practitioners authorized to provide health care services are qualified, capable, and competent. Appropriate regulatory assessment of practitioners' qualifications is an important safeguard that enhances public safety and engenders this trust.

Policy makers must assure that scope of practice changes are justified by appropriate and relevant education, training, examination, and experience. Doctor of Chiropractic training is not equivalent to training received by MDs, DOs, PAs with regard to the breadth and depth of knowledge.

Decision makers should examine the formal education and training received by practitioners and inquire about the existence of accreditation processes and requirements for accreditation. A review and validation of a health care professions' education and training requirements should be

sought from an objective, independent body or an established and recognized accrediting organization. Doctor of Chiropractic post-graduate training does not reach equivalency standards equal to ACGME approved residency training programs.

Relevant Questions to address:

- What competencies (clinical knowledge, judgment, and skills) are required for Chiropractic practitioners to provide these physician level whole person primary care services to the residents of NM safely and competently?
- Does the existing education and training of Chiropractic Doctors assure needed competencies to practice general medicine as a physician level whole person primary care practice? Is the education from an approved and formally accredited institution having standards accepted by an independent and recognized educational organization or institution?
- What are the prerequisites and the core education needed in terms of undergraduate and post-graduate education and clinical experience with regard to Chiropractic Doctors providing physician level whole person primary care practice?
- Is the expanded scope of practice (physician level whole person primary care practice) appropriate to the practitioner's education, training and examination requirements? How does that education and training compare to that of other practitioners providing the same services?
- What provisions exist to ensure that practitioners maintain competency in the provision of services? Should continuing education relevant to expanded scope of practice be required?
Should subsequent periodic review or examinations be required?

Licensure, Certification, Registration

Licensure, certification, and registration are proven and effective means to regulate health care professions through: designation of minimum standards for entry into practice; requirements for renewal; demonstration of continuing competency; prescribed procedures for enforcement of established practice standards; and discipline of problem practitioners.

Relevant Questions and Action:

- What is the potential harm from this change to practice?
- Are there published standards of practice, such as national guidelines or practice acts and rules?
- Are license, certification, or registration standards appropriate to ensure that Chiropractic Doctors providing physician level whole person primary care practice are qualified to provide services safely?
- Are there resources available to assist the public in evaluating the qualifications of licensed or unlicensed practitioners?

While many arguments can be made to support scope of practice changes, the primary considerations should be patient safety, public protection, and competent and effective health care delivery. Additionally, policy makers are challenged to develop outcome measures that afford a means to evaluate whether scope of practice changes truly accomplish their intended results.

ALTERNATIVES

None for The New Mexico Medical Board

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

None for The New Mexico Medical Board

AMENDMENTS

None for The New Mexico Medical Board