

HOUSE BILL 189

**57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025**

INTRODUCED BY

Dayan Hochman-Vigil

AN ACT

RELATING TO LICENSING; AMENDING AND ENACTING SECTIONS OF THE  
CHIROPRACTIC PHYSICIAN PRACTICE ACT TO REQUIRE THAT THE  
CHIROPRACTIC BOARD INCLUDE A CERTIFIED ADVANCED PRACTICE  
CHIROPRACTIC PHYSICIAN MEMBER; REQUIRING APPLICANTS FOR  
LICENSURE TO PROVIDE EVIDENCE OF GRADUATION FROM AN ACCREDITED  
CHIROPRACTIC PROGRAM; EXPANDING THE CHIROPRACTIC BOARD'S  
AUTHORITY TO CREATE CLASSIFICATIONS FOR LEVEL ONE AND LEVEL TWO  
CERTIFIED ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS IN THE  
ADVANCED PRACTICE CHIROPRACTIC CERTIFICATION REGISTRY,  
ESTABLISH REQUIREMENTS AND PROCEDURES FOR CERTIFICATION AND  
CERTIFY APPLICANTS; PROVIDING FOR THE EXPANSION OF AUTHORITY  
FOR LEVEL ONE CERTIFIED ADVANCED PRACTICE CHIROPRACTIC  
PHYSICIANS AND LEVEL TWO CERTIFIED ADVANCED PRACTICE  
CHIROPRACTIC PHYSICIANS TO INCORPORATE CERTAIN CLINICAL  
PROCEDURES AND PRESCRIBE DANGEROUS DRUGS.

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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 advanced practice chiropractic physicians;

B. "certified advanced practice chiropractic physician" means a chiropractic physician who has been included in the advanced practice chiropractic certification registry as a level one certified advanced practice chiropractic physician or a level two certified advanced practice chiropractic physician;

C. "chiropractic medicine" means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health for treatment of human disease [~~primarily~~] by, but not limited to, adjustment and manipulation of the human structure and

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1 diagnosis and treatment of a condition or disease process for  
2 which the chiropractic physician has been educated and trained.

3 It shall include ~~[but not be limited to]~~ the prescribing and  
4 administering of all natural agents to assist in the healing  
5 act, such as food, water, heat, cold, light, oxygen,

6 electricity, mechanical appliances and medical devices; the  
7 selling of herbs, nutritional supplements and homeopathic  
8 remedies; the ~~[administering of a drug by injection]~~

9 prescription, administration, injection or dispensing of  
10 dangerous drugs by a certified advanced practice chiropractic  
11 physician; and any necessary diagnostic procedure, excluding  
12 invasive procedures, except as provided by the board by rule  
13 and regulation. It shall exclude:

14 (1) the practice of operative surgery;  
15 provided that a level two advanced practice chiropractic  
16 physician may perform clinical procedures as taught for primary  
17 care practice, commensurate with physician level whole person  
18 primary care practice;

19 (2) the prescription, ~~[or use of controlled~~  
20 ~~or]~~ administration, injection or dispensing of dangerous drugs;  
21 provided that a level one certified advanced practice  
22 chiropractic physician or a level two certified advanced  
23 practice chiropractic physician may prescribe, administer,  
24 inject or dispense dangerous drugs; and

25 (3) the practice of acupuncture;

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1 D. "board" means the chiropractic board;

2 E. "chiropractic physician" includes doctor of  
3 chiropractic, chiropractor and chiropractic physician and means  
4 a person who practices chiropractic medicine as defined in the  
5 Chiropractic Physician Practice Act; and

6 F. "chiropractic assistant" means a person who  
7 practices under the on-premises supervision of a licensed  
8 chiropractic physician."

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

11 "61-4-3. BOARD CREATED--APPOINTMENT--OFFICERS--DUTIES--  
12 COMPENSATION.--

13 A. The "chiropractic board" is created and is  
14 administratively attached to the regulation and licensing  
15 department. The board shall consist of six persons, four of  
16 whom have been continuously engaged in the practice of  
17 chiropractic medicine in New Mexico for five years immediately  
18 prior to their appointment and of which at least one shall be a  
19 certified advanced practice chiropractic physician. Two  
20 persons shall represent the public and shall not have practiced  
21 chiropractic medicine in this state or any other jurisdiction.  
22 A person shall not be appointed to the board who is an officer  
23 or employee of or who is financially interested in any school  
24 or college of [~~chiropractic~~] medicine, surgery, [~~or~~] osteopathy  
25 or other allied health profession. The public members shall

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1 not have any significant financial interest in chiropractic  
2 medicine or be active in another health care profession.

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

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

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

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1 E. The board shall adopt a seal.

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

7 G. The board, for the purpose of protecting the  
8 health and well-being of the citizens of this state and  
9 maintaining and continuing informed professional knowledge and  
10 awareness, shall establish by rule mandatory continuing  
11 education requirements for chiropractic physicians and  
12 certified advanced practice chiropractic physicians licensed in  
13 this state.

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

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

21 SECTION 3. A new section of the Chiropractic Physician  
22 Practice Act is enacted to read:

23 "[NEW MATERIAL] EVIDENCE OF GRADUATION--ACCREDITATION OF  
24 COLLEGE.--In addition to the requirements prescribed in Section  
25 61-4-4 NMSA 1978, all applicants for licensure who have

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1 matriculated at a chiropractic college after October 1, 1975  
2 shall present evidence of having graduated from a chiropractic  
3 college having status with the leading chiropractic education  
4 accreditation organization or the equivalent criterion  
5 thereof."

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

8 "61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--  
9 RECORDING LICENSE.--

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

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

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

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1 national board of chiropractic examiners with a general average  
2 of not less than seventy-five percent with no subject below  
3 sixty-five percent. A license shall be refused to an applicant  
4 who fails to make application as provided in this section,  
5 fails the examination or fails to pay the required fees.

6 D. The license, when granted by the board, carries  
7 with it the title of doctor of chiropractic and entitles the  
8 holder to diagnose using any necessary diagnostic procedures,  
9 excluding invasive procedures, except as provided by the board  
10 by rule, and treat injuries, deformities or other physical or  
11 mental conditions [~~relating to the basic concepts of~~  
12 ~~chiropractic~~] as taught in an accredited institution of higher  
13 education by the use of any methods as provided in this  
14 section, including but not limited to palpating, diagnosing,  
15 adjusting and treating injuries and defects of human beings by  
16 the application of manipulative, manual and mechanical means,  
17 including all natural agencies imbued with the healing act,  
18 such as food, water, heat, cold, light, oxygen, electricity and  
19 mechanical appliances, herbs, nutritional supplements and  
20 homeopathic remedies, but excluding operative surgery and  
21 prescription or use of controlled or dangerous drugs, except  
22 for level one certified advanced practice chiropractic  
23 physicians and level two certified advanced practice  
24 chiropractic physicians pursuant to this 2025 act. The holder  
25 may also supervise the use of any natural agencies imbued with

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1 the healing act, such as food, water, heat, cold, light,  
2 oxygen, electricity, mechanical appliances, herbs, nutritional  
3 supplements and homeopathic remedies administered by a  
4 chiropractic assistant.

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

9 F. The board shall certify a chiropractic physician  
10 as a level one certified advanced practice chiropractic  
11 physician or a level two certified advanced practice  
12 chiropractic physician when the chiropractic physician has  
13 demonstrated completion of advanced coursework and met other  
14 requirements established in the Chiropractic Physician Practice  
15 Act and by rule of the board."

16 SECTION 5. Section 61-4-8 NMSA 1978 (being Laws 1968,  
17 Chapter 3, Section 8, as amended) is amended to read:

18 "61-4-8. LICENSE WITHOUT EXAMINATION.--

19 A. The board shall issue a license without  
20 examination to a chiropractic physician who is a graduate of a  
21 [~~standard college of~~] chiropractic program accredited by an  
22 agency recognized by the leading higher education accreditation  
23 organization and has been licensed in another licensing  
24 jurisdiction if the applicant holds a valid and unrestricted  
25 license, is in good standing with the licensing board of the

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1 other licensing jurisdiction and has practiced as a  
2 chiropractor for at least two years immediately prior to  
3 application in New Mexico. The board shall, as soon as  
4 practicable but no later than thirty days after a person files  
5 an application for a license accompanied by any required fees,  
6 process the application and issue the expedited license in  
7 accordance with Section 61-1-31.1 NMSA 1978. If the board  
8 issues an expedited license to a person whose prior licensing  
9 jurisdiction did not require examination, the board may require  
10 that person to pass an examination before applying for license  
11 renewal.

12 B. The board by rule shall determine the states and  
13 territories of the United States and the District of Columbia  
14 from which it will not accept an applicant for expedited  
15 licensure and foreign countries from which it will accept an  
16 applicant for expedited licensure. The board shall post the  
17 lists of disapproved and approved licensing jurisdictions on  
18 its website. The list of disapproved licensing jurisdictions  
19 shall include the specific reasons for disapproval. The lists  
20 shall be reviewed annually to determine if amendments to the  
21 rule are warranted."

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

24 "[NEW MATERIAL] PRIVILEGES AND OBLIGATIONS.--

25 A. Licensed chiropractic physicians shall observe

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1 all health and hygiene laws and regulations of the state and  
2 its political subdivisions and shall report births and deaths  
3 to the proper authorities. Reports rendered by chiropractic  
4 physicians shall be accepted by officers of departments or  
5 agencies to which they are made.

6 B. It is the purpose of the Chiropractic Physician  
7 Practice Act to grant to chiropractic physicians the right to  
8 practice chiropractic medicine as taught and practiced in  
9 accredited chiropractic programs and to entitle the holder of a  
10 license the right to diagnose, palpate and treat injuries,  
11 deformities and other physical or mental conditions for which  
12 the chiropractic physician has been educated and trained in an  
13 accredited institution of higher education by use of any  
14 methods provided in the Chiropractic Physician Practice Act, as  
15 provided in rules established and monitored by the board, but  
16 excluding:

17 (1) the practice of operative surgery;  
18 provided that a level two certified advanced practice  
19 chiropractic physician may perform clinical procedures as  
20 taught for primary care commensurate with the physician level  
21 of whole person primary care;

22 (2) the prescription, administration,  
23 injection or dispensing of dangerous drugs; provided that a  
24 level one certified advanced practice chiropractic physician or  
25 a level two certified advance practice chiropractic physician

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1 may prescribe, administer, inject or dispense dangerous drugs;  
2 and

3 (3) the practice of acupuncture."

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

6 "61-4-9.1. ADVANCED PRACTICE CHIROPRACTIC CERTIFICATION  
7 REGISTRY ESTABLISHED--INCLUSION OF LEVEL ONE AND LEVEL TWO  
8 CERTIFIED ADVANCED PRACTICE CHIROPRACTIC PHYSICIANS.--The board  
9 shall establish by rule the advanced practice chiropractic  
10 certification registry. A chiropractic physician authorized by  
11 the board to use the title "level one certified advanced  
12 practice chiropractic physician" or "level two certified  
13 advanced practice chiropractic physician" shall have  
14 prescriptive authority for therapeutic and diagnostic purposes  
15 as authorized by statute. Only a chiropractic physician  
16 included in the advanced practice chiropractic certification  
17 registry may use the title "level one certified advanced  
18 practice chiropractic physician" or "level two certified  
19 advanced practice chiropractic physician", and it is unlawful  
20 for a person to use the level one certified advanced practice  
21 chiropractic physician title or the level two certified  
22 advanced practice chiropractic physician title unless the  
23 person is included in the advanced practice chiropractic  
24 certification registry. [~~The advanced practice chiropractic~~  
25 ~~certification registry shall include a chiropractic physician~~  
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1 ~~who applies for the designation and:~~

2 ~~A. holds a chiropractic license in good standing;~~

3 ~~B. has completed three years of post-graduate~~  
4 ~~clinical chiropractic practice or equivalent clinical~~  
5 ~~experience as established by the board;~~

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

12 ~~D. has completed a minimum of ninety clinical and~~  
13 ~~didactic contact course hours in pharmacology, pharmacognosy,~~  
14 ~~medication administration and toxicology certified by an~~  
15 ~~examination from an institution of higher education approved by~~  
16 ~~the board and the New Mexico medical board; and~~

17 ~~E. has completed annual continuing education for~~  
18 ~~advanced practice chiropractic physicians as set by the~~  
19 ~~board.]"~~

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

22 "[NEW MATERIAL] ADVANCED PRACTICE CHIROPRACTIC  
23 CERTIFICATION--LEVEL ONE.--

24 A. The board shall certify a chiropractic physician  
25 as a level one certified advanced practice chiropractic

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1 physician if a chiropractic physician submits an application  
2 and documentation that the chiropractic physician:

3 (1) has successfully completed a minimum of  
4 ninety clinical and didactic contact hours or competency  
5 equivalent in pharmacology, pharmacognosy, medication  
6 administration and management and toxicology certified by an  
7 examination from an accredited institution of higher education;  
8 and

9 (2) holds a license in good standing to  
10 practice chiropractic medicine.

11 B. The board shall promulgate rules related to  
12 practice as a level one certified advanced practice  
13 chiropractic physician that provide for:

14 (1) the issuance, renewal, denial, suspension  
15 or revocation of certification; and

16 (2) continuing education requirements that  
17 shall include at least ten hours of continuing education per  
18 year."

19 SECTION 9. A new section of the Chiropractic Physician  
20 Practice Act is enacted to read:

21 "[NEW MATERIAL] ADVANCED PRACTICE CHIROPRACTIC  
22 CERTIFICATION--LEVEL TWO.--

23 A. The board shall certify a chiropractic physician  
24 as a level two certified advanced practice chiropractic  
25 physician if a chiropractic physician submits an application

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1 and documentation that the chiropractic physician:

2 (1) has successfully completed a program of  
3 supervised clinical rotation sponsored by a recognized  
4 accredited institution of higher education that consists of  
5 clinical and hands-on instruction of no fewer than five hundred  
6 hours; and

7 (2) holds a license in good standing to  
8 practice chiropractic medicine.

9 B. The board shall promulgate rules related to  
10 practice as a level two certified advanced practice  
11 chiropractic physician that provide for:

12 (1) continuing education requirements that  
13 shall include at least twenty hours of continuing education per  
14 year; and

15 (2) the issuance, renewal, denial, suspension  
16 or revocation of certification.

17 C. A level one certified advanced practice  
18 chiropractic physician may apply to the board for certification  
19 as a level two certified advanced practice chiropractic  
20 physician on a form prescribed by the board that contains  
21 evidence satisfactory to the board that the applicant:

22 (1) holds a current license to practice  
23 chiropractic medicine;

24 (2) holds certification by the board as a  
25 level one certified advanced practice chiropractic physician;

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1 (3) has successfully completed a program of  
2 supervised clinical rotation sponsored by a recognized  
3 accredited institution of higher education that consists of  
4 clinical and hands-on instruction of no fewer than five hundred  
5 hours in the following core areas of instruction:

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

12 (4) has professional liability insurance in  
13 place during the clinical education that is sufficient to  
14 satisfy the requirements established by rules of the board; and

15 (5) has obtained a declaration that the  
16 applicant has the prescribed clinical experience from:

17 (a) a supervising physician, a certified  
18 nurse practitioner or a level two certified advanced practice  
19 chiropractic physician; and

20 (b) the accredited institution of higher  
21 education where the applicant has successfully completed a  
22 supervised clinical rotation pursuant to Paragraph (1) of  
23 Subsection A of this section."

24 **SECTION 10.** 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~~]--CLINICAL PROCEDURES AND  
3 DANGEROUS DRUGS.--

4 A. A level one certified advanced practice  
5 chiropractic physician may prescribe, administer, inject and  
6 dispense herbal medicines, homeopathic medicines, over-the-  
7 counter drugs, vitamins, carbohydrates, sugars, alcohols,  
8 minerals, enzymes, glandular products, protomorphogens, live  
9 cell products, [~~gerovital~~] amino acids, dietary supplements,  
10 foods for special dietary use, bioidentical hormones, sterile  
11 water, sterile saline, sarapin or its generic, caffeine,  
12 [~~procaine~~] all dangerous drugs under the drug classes of  
13 antispastics and antispasmodics, steroids, prescription-  
14 strength nonsteroidal anti-inflammatory drugs, desiccated  
15 thyroid extract, oxygen, epinephrine and vapocoolants and local  
16 anesthetics, including procaine, lidocaine, carbocaine and  
17 bupivacaine.

18 B. A [~~formulary that includes all substances listed~~  
19 ~~in Subsection A of this section, including compounded~~  
20 ~~preparations for topical and oral administration, shall be~~  
21 ~~developed and approved by the board. A formulary for injection~~  
22 ~~that includes the substances in Subsection A of this section~~  
23 ~~that are within the scope of practice of the certified advanced~~  
24 ~~practice chiropractic physician shall be developed and approved~~  
25 ~~by the board. Dangerous drugs or controlled substances, drugs~~

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1 ~~for administration by injection and substances not listed in~~  
2 ~~Subsection A of this section shall be submitted to the board of~~  
3 ~~pharmacy and the New Mexico medical board for approval.] level~~  
4 ~~two certified advanced practice chiropractic physician may~~  
5 ~~prescribe, administer, inject and dispense dangerous drugs that~~  
6 ~~are used in a primary care practice commensurate with physician~~  
7 ~~level whole person primary care."~~

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

10 "61-4-15. EXEMPTIONS.--The Chiropractic Physician  
11 Practice Act does not apply to:

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

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

19 C. any bona fide student of any [~~standard~~]  
20 accredited chiropractic [~~college chiropractically analyzing and~~  
21 ~~adjusting the human body~~] program who can diagnose and treat a  
22 condition or disease process for which a chiropractic physician  
23 has been educated and trained while under supervision of a  
24 licensed [~~chiropractor~~] chiropractic physician."