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HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

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, 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

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1 chiropractic in New Mexico for five years immediately prior to
2 their appointment. Two persons shall represent the public and
3 shall not have practiced chiropractic in this state or any
4 other jurisdiction. A person shall not be appointed to the
5 board who is an officer or employee of or who is financially
6 interested in any school or college of chiropractic, medicine,
7 surgery or osteopathy.

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

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

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1 of the minutes of all meetings shall be mailed to each board
2 member within thirty days after a meeting.

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

6 E. The board shall adopt a seal.

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

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

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

24 I. Members of the board shall be reimbursed as
25 provided in the Per Diem and Mileage Act, but shall receive no

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1 other compensation, perquisite or allowance for each day
2 necessarily spent in the discharge of their duties."

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

5 "61-4-4. APPLICATION REQUIREMENTS--EVALUATION.--

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

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

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

20 (3) except as otherwise provided in the
21 Chiropractic Physician Practice Act or Section 61-1-34 NMSA
22 1978, pay in advance to the board fees:

23 (a) for examination; and

24 (b) [~~except as provided in Section~~
25 ~~61-1-34 NMSA 1978~~] for issuance of a license.

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

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

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

11 "61-4-6. EXAMINATION--SUBJECTS--METHOD OF TREATMENT--
12 RECORDING LICENSE.--

13 A. The board shall recognize successful completion
14 of all parts of the examination conducted by the national board
15 of chiropractic examiners.

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

23 C. The board shall issue a license to all
24 applicants whose applications have been filed with and approved
25 by the board and who have paid the required fees and passed

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

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

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1 mechanical appliances, herbs, nutritional supplements and
2 homeopathic remedies administered by a chiropractic assistant.

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

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

13 SECTION 4. A new section of the Chiropractic Physician
14 Practice Act is enacted to read:

15 "[NEW MATERIAL] TEMPORARY LICENSE WITHOUT EXAMINATION--
16 FEDERAL DISASTER DECLARATION.--

17 A. Pursuant to rules issued by the board, a
18 temporary license without examination may be granted to a
19 person who is a licensed chiropractic physician practicing in
20 good standing in a state in which a federal disaster has been
21 declared if the chiropractic physician:

22 (1) is of good moral character; and

23 (2) is a graduate of a chiropractic college
24 having status with the accrediting commission of the council on
25 chiropractic education or equivalent criterion.

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1 B. A temporary license without examination issued
2 pursuant to this section shall be issued for a period that is
3 the greater of:

4 (1) a period of four months immediately
5 following the federal disaster declaration; or

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

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

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

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

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

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

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

25 B. A temporary license issued pursuant to this

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1 section shall be issued for a period of twelve months or until
2 the board issues the graduate a permanent license, whichever
3 occurs first."

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

6 "[NEW MATERIAL] TEMPORARY LICENSE WITHOUT EXAMINATION--
7 SUBSTITUTION.--Pursuant to rules issued by the board, a person
8 who is a chiropractic physician licensed and practicing in
9 another state may be granted a temporary license for not more
10 than twelve months for the purpose of serving as a substitute
11 for a chiropractic physician who is:

12 A. licensed pursuant to the provisions of Section
13 61-4-6 or 61-4-8 NMSA 1978;

14 B. on vacation;

15 C. on family medical leave; or

16 D. unable to perform chiropractic services due to
17 illness, injury, pregnancy or other medical condition approved
18 by the board."

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

21 "61-4-13. ANNUAL RENEWAL OF LICENSE--FEE--NOTICE.--

22 A. Except as otherwise provided in the Chiropractic
23 Physician Practice Act or in Section 61-1-34 NMSA 1978, a
24 person licensed to practice chiropractic in this state shall,
25 on or before July 1 of each year, pay to the board an annual

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1 fee set by [~~regulation~~] rule and shall submit proof of
2 completion of continuing education requirements as required by
3 the board. The board shall send written notice to every person
4 holding a license prior to June 1 of each year, directed to the
5 last known address of the licensee, notifying the licensee that
6 it is necessary to pay the renewal fee as provided in the
7 Chiropractic Physician Practice Act. Proper forms shall
8 accompany the notice, upon which forms the licensee shall make
9 application for the renewal of the license. The licensee is
10 responsible for renewal of the license even if the licensee
11 does not receive the renewal notice.

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

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

17 "61-4-15. EXEMPTIONS.--The Chiropractic Physician
18 Practice Act does not apply to:

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

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

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

5 D. a chiropractic physician who is licensed in
6 another jurisdiction of the United States or credentialed to
7 practice in another country, if the chiropractic physician is
8 teaching, demonstrating or providing chiropractic in connection
9 with an educational seminar in this state for not more than ten
10 days;

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

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

22 (1) the chiropractic physician is employed or
23 designated in the chiropractic physician's professional
24 capacity by a sports or performing arts entity to practice
25 chiropractic for a specific sports or performing arts event in

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1 this state;

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

5 (3) the scope of the chiropractic physician's
6 practice is limited to the practices permitted pursuant to the
7 laws of the state in which the chiropractic physician is
8 licensed or as permitted pursuant to the Chiropractic Physician
9 Practice Act; or

10 G. a chiropractic physician who is licensed in
11 another jurisdiction of the United States and without licensure
12 in this state during the duration of a federal disaster."