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FISCAL IMPACT REPORT

SPONSOR:	SOR: Maes		DATE TYPED:	02/24/03	HB	
SHORT TITLE: Chiropractic Physici		an Licensing		SB	657	
	_			ANAL	YST:	Geisler

APPROPRIATION

Appropriation Contained		Estimated Add	litional Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates: HB 738

SOURCES OF INFORMATION

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

The purpose of the Senate Bill 657 is to amend the Chiropractic Physician Practice Act to clarify licensing requirements, expand privileges and increase penalties.

- 1. <u>Clarifying licensing requirements</u>: The current requirements for licensure by endorsement are unclear. The changes proposed by the bill clarify the licensure requirements and also follow the guidelines recommended by the Federation of Chiropractic Licensing Boards to comply with most other states. The process will be standardized and less complex for licensees to comprehend the endorsement requirement, and reduce the eligibility requirements to solicit more licensees to be able to obtain a license without examination.
- 2. <u>Expand privileges</u>: The bill proposes substantial changes to elaborate on the scope of practice and the limitation of privileges for chiropractic physicians.
- 3. <u>Increase Penalties</u>: The increase of penalties is related to practicing chiropractic without a license. The increase entails changing the penalty for this violation from a misdemeanor to a fourth degree felony and increasing fines. It is essential that these changes

become effective to allow the board jurisdiction over unlicensed activity.

Compliance and consistency with the Uniform Licensing Act is being clarified within these statutes to provide the board with the authority to take action on a licensee for the defined causes. It is imperative that the appropriate language is specific in dealing with disciplinary cases.

Significant Issues

The changes in the scope of practice and definitions are significant. They will provide assurance that the scope of practice is clear and easy to interpret for prospective licensees, the public and legal counsel. These changes will eliminate exploitation of the chiropractic profession by clarifying and defining the privileges in the statute; provide consistency with credentialing and procedures related to medicare and medicaid; establish minimum understanding of the chiropractic physician responsibilities; clarify the extent of privileges: and define boundary lines between many alternative medicine health care boards.

The existing endorsement requirement is not clear which creates a struggle for interpretation of the requirements—the changes proposed by this bill clarify the requirements.

All other changes will "update" unclear and outdated language to be consistent with the activities of the profession, the current law and other similar professions regulated by state government under the New Mexico Statute Authority.

The law is necessary in the board's mission to protect the public, to provide quality service to constituents and to permit greater efficiency in the operation of the board.

OTHER SUBSTANTIVE ISSUES

The Board of Pharmacy (BOP) believes this bill gives Chiropractors the authority to order/prescribe prescription drugs including Controlled Substances. In order to prescribe controlled substances, chiropractors needs to register with the Drug Enforcement Administration (DEA) and be added to the definitions for "Practitioners" in both the NM Drug, Device and Cosmetic Act (authority for prescribing dangerous/prescription drugs) and the NM Controlled Substances Act (for ordering/prescribing Controlled Substances).

By clarifying that the bill does not allow prescription of controlled substances, chiropractors would not be required to license with the Board of Pharmacy or the DEA. See suggested amendment below.

AMENDMENTS

Suggested by the BOP:

Page 3, line 10, after "includes" insert the words "prescribing or"

Page 3, line 17, after "certifiction" insert the words "except any such use or treatment shall not include controlled substances."

GG/ls