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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/06

SPONSOR Campos LAST UPDATED _____ HB _____

SHORT TITLE Rules for non-human chiropractic patients SB 202

ANALYST McSherry

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Regulation and Licensing Department (RLD)
 NM Health Policy Commission (NMHPC)
 NM Board of Veterinary Medicine (NMBOVM)

SUMMARY

Synopsis of Bill

Senate Bill 202 proposes to authorize the Chiropractic Board to promulgate rules and regulations for the treatment of “patients” rather than “humans,” broadening the scope of practice to non-human patients.

FISCAL IMPLICATIONS

There are no obvious fiscal implications associated with this bill. If more chiropractics worked on non-humans under the supervision of veterinarians, it is possible that revenues from licenses to either of the boards (Chiropractic or Board of Veterinary Medicine) could be affected.

SIGNIFICANT ISSUES

The intent of the bill seems to be to allow Chiropractors to practice on animals in addition to humans and for the Chiropractic Board to determine a framework in which this type of practice would be appropriate.

According to the Board of Veterinary Medicine the proposed changes to the Chiropractic Practice Act to allow the Chiropractic board to promulgate rules and regulations for treatment of non-

humans would conflict directly with the Veterinary Practice Act, which explicitly defines the practice of veterinary medicine. NMBOVM further asserts that the practice of veterinary medicine without a license is a misdemeanor for any person who does not comply with the provisions of the Veterinary Practice Act and holding a license entitling the practice of veterinary medicine in New Mexico.

The New Mexico Health Policy Commission cites that, according to the American Veterinarian Medical Association (AVMA) Guidelines for Alternative and Complementary Medicine, veterinary physical therapy that is performed by a non-veterinarian should be limited to the use of stretching, massage therapy and stimulation. NMHPC further cites that the guidelines state that only a licensed, certified or registered veterinary or animal health technician that is educated in veterinary physical therapy or a licensed physical therapist educated in non-human anatomy or physiology can perform veterinary physical therapy.

OTHER SUBSTANTIVE ISSUES

NMBOVM reports that animal healthcare provided by licensed Doctors of Veterinary Medicine is of utmost importance to the health and safety of animals and the public, and stresses that a non-veterinarian practitioner runs a high risk of mis-diagnosis and treatment which could lead to a major public health crisis. NMDOBM cites anthrax, plague, tularemia and rabies as examples of diseases which manifest differently in animals than in humans, and that unless trained to detect infections diseases that may be present initially as musculoskeletal disorders could have a devastating effect on the health and safety of the public as well as the economy especially if the crisis involves the “food animal” industry.

NMHPC points out that, according to the NM Board of Chiropractic Examiners, the chiropractic practice is for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, adjusting and manipulation of the human structure.

ALTERNATIVES

The NMBOVM suggests that changing the word “human” to “patient” is of little consequence. The Board notes that the Veterinary Practice Act has a provision allowing non-veterinarians to work under the direct supervision of a veterinarian so that services such as chiropractic, physical therapy, acupuncture, acupressure, dentistry, embryo transfer or other services may be performed. In order for this to occur, the veterinarian must establish a veterinarian-client-patient relationship and the treatment must be performed at the order of a licensed veterinarian who is on the premises or nearby and who assumes liability for the treatment provided.

NMHPC suggests that the American Veterinary Chiropractic Association offers a certification to Doctors of Veterinarian Medicine and doctors of Chiropractic which consists of 150 hours of coursework and advanced classes.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current provisions for non-veterinarian practice which exist in the Veterinary Practice Act will provide for treatment under veterinary supervision and Chiropractors will not practice legally on non-humans except under the supervision of a licensed doctor of veterinary medicine.