

underscoring material = new  
~~[bracketed material]~~ = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE BILL 421

**56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

INTRODUCED BY

Benny Shendo, Jr.

AN ACT

RELATING TO LICENSURE; EXPANDING THE ACUPUNCTURE AND ORIENTAL  
MEDICINE PRACTICE ACT TO INCLUDE ACUPUNCTURIST LICENSURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14A-3 NMSA 1978 (being Laws 1993,  
Chapter 158, Section 11, as amended) is amended to read:

"61-14A-3. DEFINITIONS.--As used in the Acupuncture and  
Oriental Medicine Practice Act:

A. "acupuncture" means the surgical use of needles  
inserted into and removed from the body and the use of other  
devices, modalities and procedures at specific locations on the  
body for the prevention, cure or correction of any disease,  
illness, injury, pain or other condition by controlling and  
regulating the flow and balance of energy and function to  
restore and maintain health;

underscoring material = new  
~~[bracketed material] = delete~~

1                    B. "acupuncturist" means a person licensed to  
2 practice acupuncture;

3                    ~~[B.]~~ C. "board" means the board of acupuncture and  
4 oriental medicine;

5                    ~~[C.]~~ D. "doctor of oriental medicine" means a  
6 person licensed as a physician to practice acupuncture and  
7 oriental medicine with the ability to practice independently,  
8 serve as a primary care provider and as necessary collaborate  
9 with other health care providers;

10                   ~~[D.]~~ E. "moxibustion" means the use of heat on or  
11 above specific locations or on acupuncture needles at specific  
12 locations on the body for the prevention, cure or correction of  
13 any disease, illness, injury, pain or other condition;

14                   ~~[E.]~~ F. "oriental medicine" means the distinct  
15 system of primary health care that uses all allied techniques  
16 of oriental medicine, both traditional and modern, to diagnose,  
17 treat and prescribe for the prevention, cure or correction of  
18 disease, illness, injury, pain or other physical or mental  
19 condition by controlling and regulating the flow and balance of  
20 energy, form and function to restore and maintain health;

21                   ~~[F.]~~ G. "primary care provider" means a health care  
22 practitioner acting within the scope of the health care  
23 practitioner's license who provides the first level of basic or  
24 general health care for a person's health needs, including  
25 diagnostic and treatment services, initiates referrals to other

.224960.1

underscored material = new  
~~[bracketed material] = delete~~

1 health care practitioners and maintains the continuity of care  
2 when appropriate;

3 ~~[G-]~~ H. "techniques of oriental medicine" means:

4 (1) the diagnostic and treatment techniques  
5 used in oriental medicine that include diagnostic procedures;  
6 acupuncture; moxibustion; manual therapy, also known as tui na;  
7 other physical medicine modalities and therapeutic procedures;  
8 breathing and exercise techniques; and dietary, nutritional and  
9 lifestyle counseling;

10 (2) the prescribing, administering, combining  
11 and providing of herbal medicines, homeopathic medicines,  
12 vitamins, minerals, enzymes, glandular products, natural  
13 substances, natural medicines, protomorphogens, live cell  
14 products, gerovital, amino acids, dietary and nutritional  
15 supplements, cosmetics as they are defined in the New Mexico  
16 Drug, Device and Cosmetic Act and nonprescription drugs as they  
17 are defined in the Pharmacy Act; and

18 (3) the prescribing, administering and  
19 providing of devices, restricted devices and prescription  
20 devices, as those devices are defined in the New Mexico Drug,  
21 Device and Cosmetic Act, if the board determines by rule that  
22 the devices are necessary in the practice of oriental medicine  
23 and if the prescribing doctor of oriental medicine has  
24 fulfilled requirements for prescriptive authority in accordance  
25 with rules promulgated by the board for the devices enumerated

.224960.1

underscoring material = new  
[bracketed material] = delete

1 in this paragraph; and

2 [H.] I. "tutor" means an acupuncturist or a doctor  
3 of oriental medicine with at least ten years of clinical  
4 experience who is a teacher of acupuncture [~~and~~] or oriental  
5 medicine."

6 SECTION 2. Section 61-14A-4 NMSA 1978 (being Laws 1993,  
7 Chapter 158, Section 12) is amended to read:

8 "61-14A-4. LICENSE REQUIRED.--Unless licensed as an  
9 acupuncturist or a doctor of oriental medicine pursuant to  
10 provisions of the Acupuncture and Oriental Medicine Practice  
11 Act, no person shall:

12 A. practice acupuncture or oriental medicine;  
13 B. use the title of or [~~represent himself~~] make any  
14 representation as being a licensed acupuncturist or a licensed  
15 doctor of oriental medicine or use any other title,  
16 abbreviation, letters, figures, signs or devices that indicate  
17 the person is licensed to practice as an acupuncturist or a  
18 doctor of oriental medicine; or

19 C. advertise, hold out to the public or represent  
20 in any manner that [~~he~~] the person is authorized to practice  
21 acupuncture [~~and~~] or oriental medicine."

22 SECTION 3. Section 61-14A-4.1 NMSA 1978 (being Laws 2003,  
23 Chapter 193, Section 1, as amended) is amended to read:

24 "61-14A-4.1. CERTIFIED AURICULAR DETOXIFICATION  
25 SPECIALISTS, SUPERVISORS AND TRAINING PROGRAMS--FEES.--

.224960.1

underscored material = new  
[bracketed material] = delete

1           A. A person who is not an acupuncturist or a doctor  
2 of oriental medicine or who is not a person certified as an  
3 auricular detoxification specialist pursuant to the Acupuncture  
4 and Oriental Medicine Practice Act shall not:

5                   (1) practice auricular acupuncture for the  
6 treatment of alcoholism, substance abuse or chemical  
7 dependency;

8                   (2) use the title of or represent as a  
9 certified auricular detoxification specialist or use any other  
10 title, abbreviation, letters, figures, signs or devices that  
11 indicate that the person is certified to practice as an  
12 auricular detoxification specialist; or

13                   (3) advertise, hold out to the public or  
14 represent in any manner that the person is authorized to  
15 practice auricular detoxification.

16           B. The board shall issue an auricular  
17 detoxification specialist certification to a person who has  
18 paid an application fee to the board and has successfully  
19 completed all board requirements. The board shall adopt rules  
20 that require an applicant to:

21                   (1) successfully complete the national  
22 acupuncture detoxification association training or equivalent  
23 training approved by the board that shall include clean needle  
24 technique training;

25                   (2) demonstrate experience in treatment,

.224960.1

underscoring material = new  
~~[bracketed material]~~ = delete

1 disease prevention, harm reduction and counseling of people  
2 suffering from alcoholism, substance abuse or chemical  
3 dependency or become employed by a substance abuse treatment  
4 program;

5 (3) complete a board-approved training program  
6 that will include examinations on clean needle technique,  
7 jurisprudence and other skills required by the board; and

8 (4) demonstrate a record free of convictions  
9 for drug- or alcohol-related offenses for at least two  
10 consecutive years before the person applied to the board for  
11 certification.

12 C. A certified auricular detoxification specialist  
13 is authorized to perform auricular acupuncture and the  
14 application to the ear of simple board-approved devices that do  
15 not penetrate the skin for the purpose of treating and  
16 preventing alcoholism, substance abuse or chemical dependency.

17 The specialist shall use the five auricular point national  
18 acupuncture detoxification procedure or auricular procedures  
19 approved or established by rule of the board and shall only  
20 treat or prevent alcoholism, substance abuse or chemical  
21 dependency within a board-approved program that demonstrates  
22 experience in disease prevention, harm reduction or the  
23 treatment or prevention of alcoholism, substance abuse or  
24 chemical dependency.

25 D. A person certified pursuant to this section

.224960.1

underscored material = new  
[bracketed material] = delete

1 shall use the title "certified auricular detoxification  
2 specialist" or "C.A.D.S." for the purpose of advertising  
3 auricular acupuncture services to the public.

4 E. A certified auricular detoxification specialist  
5 shall apply with the board to renew the certification. The  
6 board shall for one year renew the certification of an  
7 applicant who pays a renewal fee and completes the requirements  
8 established by rule of the board. An applicant who does not  
9 apply for renewal before the last date that the certification  
10 is valid may be required to pay a late fee pursuant to a rule  
11 of the board. The board shall deem a certification for which a  
12 renewal has not been applied within sixty days of that date as  
13 expired and an applicant that seeks valid certification shall  
14 apply with the board for new certification. The board shall by  
15 rule require an applicant for renewal of the certification to  
16 demonstrate a record free of convictions for drug- or alcohol-  
17 related offenses for a minimum of one year prior to application  
18 for renewal with the board.

19 F. A certified auricular detoxification specialist  
20 shall practice under the supervision of a licensed  
21 acupuncturist or a licensed doctor of oriental medicine  
22 registered with the board as an auricular detoxification  
23 specialist supervisor. A supervising acupuncturist or doctor  
24 of oriental medicine shall be accessible for consultation  
25 directly or by telephone to a practicing auricular

.224960.1

underscoring material = new  
~~[bracketed material] = delete~~

1 detoxification specialist. The supervising acupuncturist or  
2 doctor of oriental medicine shall not supervise more  
3 specialists than permitted by board rule. Supervision  
4 requirements shall be provided by rule of the board.

5 G. An acupuncturist or a doctor of oriental  
6 medicine who supervises a certified auricular detoxification  
7 specialist shall apply for registration with the board. The  
8 board shall issue an auricular detoxification specialist  
9 supervisor registration to an acupuncturist or a doctor of  
10 oriental medicine who fulfills board requirements. The board  
11 shall by rule require an applicant for registration to list the  
12 certified auricular detoxification specialists that will be  
13 supervised, pay an application fee for registration and  
14 demonstrate clinical experience in treating or counseling  
15 people suffering from alcoholism, substance abuse or chemical  
16 dependency.

17 H. A training program that educates auricular  
18 detoxification specialists for certification shall apply for  
19 approval by the board. The board shall approve a training  
20 program that fulfills the board requirements established by  
21 rule and that pays an application fee. The approval shall be  
22 valid until July 31 following the initial approval.

23 I. A training program that is approved by the board  
24 to provide training for certification of auricular  
25 detoxification specialists shall apply to renew the approval

.224960.1



1 with the board. The board shall renew the approval of a  
2 program that fulfills board requirements established by rule,  
3 and the renewal shall be valid for one year. An applicant who  
4 does not renew before the last date that the renewed approval  
5 is valid shall pay a late fee. The board shall deem a program  
6 approval that is not renewed within sixty days of that date as  
7 expired and a program that seeks board approval shall apply  
8 with the board for new approval.

9 J. The board shall impose the following fees:

10 (1) an application fee not to exceed one  
11 hundred fifty dollars (\$150) for auricular detoxification  
12 specialist certification;

13 (2) a fee not to exceed seventy-five dollars  
14 (\$75.00) for renewal of an auricular detoxification specialist  
15 certification;

16 (3) an application fee not to exceed two  
17 hundred dollars (\$200) for registration of a certified  
18 auricular detoxification specialist supervisor;

19 (4) an application fee not to exceed two  
20 hundred dollars (\$200) for the approval of an auricular  
21 detoxification specialist training program;

22 (5) a fee not to exceed one hundred fifty  
23 dollars (\$150) for the renewal of the approval of an auricular  
24 detoxification training specialist training program; and

25 (6) a late fee not to exceed fifty dollars

underscoring material = new  
[bracketed material] = delete

1 (\$50.00) for applications for renewal filed after the last  
2 valid date of a registration, certification, approval or  
3 renewal issued pursuant to this section.

4 K. In accordance with the procedures set forth in  
5 the Uniform Licensing Act, the board may deny, revoke or  
6 suspend any certification, registration, approval or renewal  
7 that a person holds or applies for pursuant to this section  
8 upon findings by the board that the person violated any rule  
9 established by the board."

10 SECTION 4. Section 61-14A-5 NMSA 1978 (being Laws 1993,  
11 Chapter 158, Section 13, as amended) is amended to read:

12 "61-14A-5. TITLE.--~~[Any]~~ A person licensed as an  
13 acupuncturist or a doctor of oriental medicine pursuant to  
14 provisions of the Acupuncture and Oriental Medicine Practice  
15 Act, in advertising [~~his~~] services to the public, shall use the  
16 title:

17 A. "acupuncturist" or "L.Ac."; or

18 B. "doctor of oriental medicine" or "D.O.M.". The  
19 title "doctor of oriental medicine" or "D.O.M." shall supersede  
20 the use of all other titles that include the words "medical  
21 doctor" or the initials "M.D." unless the person is a medical  
22 doctor licensed pursuant to provisions of the Medical Practice  
23 Act."

24 SECTION 5. Section 61-14A-7 NMSA 1978 (being Laws 1993,  
25 Chapter 158, Section 15, as amended) is amended to read:

.224960.1

underscored material = new  
[bracketed material] = delete

1 "61-14A-7. BOARD CREATED--APPOINTMENT--OFFICERS--  
2 COMPENSATION.--

3 A. The "board of acupuncture and oriental medicine"  
4 is created.

5 B. The board is administratively attached to the  
6 regulation and licensing department.

7 C. The board shall consist of seven members  
8 appointed by the governor for terms of three years each. Four  
9 members of the board shall be acupuncturists or doctors of  
10 oriental medicine who have been residents of and practiced  
11 acupuncture [~~and~~] or oriental medicine in New Mexico for at  
12 least five years immediately preceding the date of their  
13 appointment. Three members shall be appointed to represent the  
14 public and shall not have practiced acupuncture [~~and~~] or  
15 oriental medicine in this or any other jurisdiction or have any  
16 financial interest in the profession regulated. [~~No~~] A board  
17 member shall not be the owner, principal or director of an  
18 institute offering educational programs in acupuncture [~~and~~] or  
19 oriental medicine. No more than one board member may be from  
20 each of the following categories:

21 (1) a faculty member at an institute offering  
22 educational programs in acupuncture [~~and~~] or oriental medicine;

23 (2) a tutor in acupuncture [~~and~~] or oriental  
24 medicine; or

25 (3) an officer or director in a professional

.224960.1

underscored material = new  
[bracketed material] = delete

1 association of acupuncture [~~and~~] or oriental medicine.

2 D. Members of the board shall be appointed by the  
3 governor for staggered terms of three years that shall be made  
4 in such a manner that the terms of board members expire on July  
5 1. A board member shall serve until [~~his~~] a successor has been  
6 appointed and qualified. Vacancies shall be filled for the  
7 remainder of the unexpired term in the same manner as the  
8 original appointment.

9 E. A board member shall not serve more than two  
10 consecutive full terms, and a board member who fails to attend,  
11 after [~~he~~] the board member has received proper notice, three  
12 consecutive meetings shall be recommended for removal as a  
13 board member unless excused for reasons established by the  
14 board.

15 F. The board shall elect annually from its  
16 membership a [~~chairman~~] chair and other officers as necessary  
17 to carry out its duties.

18 G. The board shall meet at least once each year and  
19 at other times deemed necessary. Other meetings may be called  
20 by the [~~chairman~~] chair, a majority of board members or the  
21 governor. A simple majority of the board members serving  
22 constitutes a quorum of the board.

23 H. Members of the board shall be reimbursed as  
24 provided in the Per Diem and Mileage Act and shall receive no  
25 other compensation, perquisite or allowance."

.224960.1

underscored material = new  
[bracketed material] = delete

1           SECTION 6. Section 61-14A-8 NMSA 1978 (being Laws 1993,  
2 Chapter 158, Section 16, as amended) is amended to read:

3           "61-14A-8. BOARD--POWERS.--The board has the power to:

4           A. enforce the provisions of the Acupuncture and  
5 Oriental Medicine Practice Act;

6           B. promulgate, in accordance with the State Rules  
7 Act, all rules necessary for the implementation and enforcement  
8 of the provisions of the Acupuncture and Oriental Medicine  
9 Practice Act;

10           C. adopt a code of ethics;

11           D. adopt and use a seal;

12           E. inspect facilities of approved educational  
13 programs, extern programs and the offices of licensees;

14           F. promulgate rules implementing continuing  
15 education requirements for the purpose of protecting the health  
16 and well-being of the [~~citizens~~] residents of this state and  
17 maintaining and continuing informed professional knowledge and  
18 awareness; and

19           G. in accordance with the Uniform Licensing Act:

20                   (1) issue investigative subpoenas for the  
21 purpose of investigating complaints against licensees prior to  
22 the issuance of a notice of contemplated action;

23                   (2) administer oaths and take testimony on any  
24 matters within the board's jurisdiction;

25                   (3) conduct hearings upon charges relating to

.224960.1

underscoring material = new  
[bracketed material] = delete

1 the discipline of licensees, including the denial, suspension  
2 or revocation of a license; and

3 (4) grant, deny, renew, suspend or revoke  
4 licenses to practice acupuncture [~~and~~] or oriental medicine or  
5 grant, deny, renew, suspend or revoke approvals of educational  
6 programs and extern programs for any cause stated in the  
7 Acupuncture and Oriental Medicine Practice Act or the rules of  
8 the board."

9 SECTION 7. Section 61-14A-9 NMSA 1978 (being Laws 1993,  
10 Chapter 158, Section 17) is amended to read:

11 "61-14A-9. BOARD--DUTIES.--The board shall:

12 A. establish fees;

13 B. provide for the examination of applicants for  
14 licensing as acupuncturists or doctors of oriental medicine as  
15 provided in the Acupuncture and Oriental Medicine Practice Act;

16 C. keep a record of all examinations held, together  
17 with the names and addresses of all persons taking the  
18 examinations, and the examination results;

19 D. notify each applicant, in writing, of the  
20 results of [~~his~~] the applicant's examinations within twenty-one  
21 days after the results of an examination are available to the  
22 board;

23 E. keep a licensee record in which the names,  
24 addresses and license numbers of all licensees shall be  
25 recorded, together with a record of all license renewals,

.224960.1

underscored material = new  
[bracketed material] = delete

1 suspensions and revocations;

2 F. provide for the granting and renewal of licenses  
3 and approval of educational programs; and

4 G. keep an accurate record of all its meetings,  
5 receipts and disbursements."

6 SECTION 8. Section 61-14A-10 NMSA 1978 (being Laws 1993,  
7 Chapter 158, Section 18, as amended) is amended to read:

8 "61-14A-10. REQUIREMENTS FOR LICENSING.--The board shall  
9 grant a license to practice acupuncture [~~and~~] or oriental  
10 medicine to a person who has:

11 A. submitted to the board:

12 (1) the completed application for licensing on  
13 the form provided by the board;

14 (2) the required documentation as determined  
15 by the board;

16 (3) the required fees;

17 (4) an affidavit stating that the applicant  
18 has not been found guilty of unprofessional conduct or  
19 incompetency;

20 (5) proof, as determined by the board, that  
21 the applicant has completed a board-approved educational  
22 program in acupuncture [~~and~~] or oriental medicine as provided  
23 for in the Acupuncture and Oriental Medicine Practice Act and  
24 the rules of the board; and

25 (6) proof that [~~he~~] the person has passed the

.224960.1

underscoring material = new  
~~[bracketed material] = delete~~

1 examinations approved by the board; and

2 B. complied with any other requirements of the  
3 board."

4 SECTION 9. Section 61-14A-11 NMSA 1978 (being Laws 1993,  
5 Chapter 158, Section 19, as amended) is amended to read:

6 "61-14A-11. EXAMINATIONS.--

7 A. The board shall establish procedures to ensure  
8 that examinations for licensing are offered at least once a  
9 year.

10 B. The board shall establish the deadline for  
11 receipt of the application for licensing examination and other  
12 rules relating to the taking and retaking of licensing  
13 examinations.

14 C. The board shall establish the passing grades for  
15 its approved examinations.

16 D. The board may approve, and use as a basis for  
17 licensure, examinations that are used for national  
18 certification or other examinations.

19 E. The board shall require each qualified applicant  
20 to pass a validated, objective written examination that covers  
21 areas that are not included in other examinations approved by  
22 the board, including, as a minimum, the following subjects:

- 23 (1) anatomy and physiology;  
24 (2) pathology;  
25 (3) diagnosis;



underscoring material = new  
~~[bracketed material] = delete~~

1 (4) pharmacology; and

2 (5) principles, practices and treatment  
3 techniques of acupuncture and oriental medicine.

4 F. The board may require each qualified applicant  
5 to pass a validated, objective practical examination that  
6 covers areas that are not included in other examinations  
7 approved by the board and that demonstrates ~~[his]~~ the qualified  
8 applicant's knowledge of and skill in the application of the  
9 diagnostic and treatment techniques of acupuncture ~~[and]~~ or  
10 oriental medicine.

11 G. The board shall require each qualified applicant  
12 to pass a written or a practical examination or both in the  
13 following subjects:

14 (1) hygiene, sanitation and clean-needle  
15 technique; and

16 (2) needle and instrument sterilization  
17 techniques.

18 H. The board may require each qualified applicant  
19 to pass a written examination on the state laws and rules that  
20 pertain to the practice of acupuncture ~~[and]~~ or oriental  
21 medicine.

22 I. If English is not the primary language of the  
23 applicant, the board may require that the applicant pass an  
24 English proficiency examination prescribed by the board."

25 SECTION 10. Section 61-14A-12 NMSA 1978 (being Laws 1993,  
.224960.1

underscoring material = new  
[bracketed material] = delete

1 Chapter 158, Section 20, as amended) is amended to read:

2 "61-14A-12. REQUIREMENTS FOR TEMPORARY LICENSING.--

3 A. The board shall establish the criteria for  
4 temporary licensing of out-of-state acupuncturists or doctors  
5 of oriental medicine.

6 B. The board may grant a temporary license to a  
7 person who:

8 (1) is legally recognized to practice  
9 acupuncture [~~and~~] or oriental medicine in another state or a  
10 foreign country or is legally recognized in another state or  
11 foreign country to practice another health care profession and  
12 who possesses knowledge and skills that are included in the  
13 scope of practice of acupuncturists or doctors of oriental  
14 medicine;

15 (2) is under the sponsorship of and in  
16 association with a licensed New Mexico acupuncturist or doctor  
17 of oriental medicine or New Mexico institute offering an  
18 educational program approved by the board;

19 (3) submits the completed application for  
20 temporary licensing on the form provided by the board;

21 (4) submits the required documentation,  
22 including proof of adequate education and training, as  
23 determined by the board;

24 (5) submits the required fee for application  
25 for temporary licensing;

.224960.1

underscoring material = new  
[bracketed material] = delete

1 (6) submits an affidavit stating that the  
2 applicant has not been found guilty of unprofessional conduct  
3 or incompetency; and

4 (7) submits an affidavit from the sponsoring  
5 and associating New Mexico acupuncturist or doctor of oriental  
6 medicine or New Mexico institute attesting to the  
7 qualifications of the applicant and the activities the  
8 applicant will perform.

9 C. The board may grant a temporary license to allow  
10 the temporary licensee to:

11 (1) teach acupuncture [~~and~~] or oriental  
12 medicine;

13 (2) consult, in association with the  
14 sponsoring acupuncturist or doctor of oriental medicine,  
15 regarding the acupuncturist's or sponsoring doctor's patients;

16 (3) perform specialized diagnostic or  
17 treatment techniques in association with the sponsoring  
18 acupuncturist or doctor of oriental medicine regarding the  
19 sponsoring acupuncturist's or doctor's patients;

20 (4) assist in the conducting of research in  
21 acupuncture [~~and~~] or oriental medicine; and

22 (5) assist in the implementation of new  
23 techniques and technology related to acupuncture [~~and~~] or  
24 oriental medicine.

25 D. Temporary licensees may engage in only those

.224960.1

underscoring material = new  
[bracketed material] = delete

1 activities authorized on the temporary license.

2 E. The temporary license shall identify the  
3 sponsoring and associating New Mexico acupuncturist or doctor  
4 of oriental medicine or institute.

5 F. The temporary license shall be issued for a  
6 period of time established by rule; provided that temporary  
7 licenses may not be issued for a period of time to exceed  
8 eighteen months, including renewals.

9 G. The temporary license may be renewed upon  
10 submission of:

11 (1) the completed application for temporary  
12 license renewal on the form provided by the board; and

13 (2) the required fee for temporary license  
14 renewal.

15 H. In the interim between regular board meetings,  
16 whenever a qualified applicant has filed [~~his~~] an application  
17 and complied with all other requirements of this section, the  
18 board's [~~chairman~~] chair or an authorized representative of the  
19 board may grant an interim temporary license that will suffice  
20 until the next regular licensing meeting of the board."

21 SECTION 11. Section 61-14A-13 NMSA 1978 (being Laws 1993,  
22 Chapter 158, Section 21, as amended) is amended to read:

23 "61-14A-13. REQUIREMENTS FOR EXPEDITED LICENSING.--

24 A. The board shall grant a license to practice  
25 acupuncture [~~and~~] or oriental medicine without examination to a

.224960.1

underscoring material = new  
~~[bracketed material] = delete~~

1 person who has been licensed, certified, registered or legally  
2 recognized as an acupuncturist or a doctor of oriental medicine  
3 in another licensing jurisdiction in accordance with Section  
4 61-1-31.1 NMSA 1978 if the applicant:

5 (1) submits the completed application for  
6 expedited licensing on the form provided by the board;

7 (2) submits the required documentation as  
8 determined by the board;

9 (3) submits the required fee for application  
10 for expedited licensing; and

11 (4) passes a written examination on the state  
12 laws and rules that pertain to the practice of acupuncture  
13 ~~[and]~~ or oriental medicine, if the board requires regular  
14 applicants for licensure to pass such an examination.

15 B. The board shall issue the expedited license as  
16 soon as practicable but no later than thirty days after the  
17 person files an application with the required fees and  
18 demonstrates that the person holds a valid, unrestricted  
19 license and is in good standing with the licensing board in the  
20 other licensing jurisdiction and has practiced for at least two  
21 years immediately prior to application in New Mexico. If the  
22 board issues an expedited license to a person whose prior  
23 licensing jurisdiction did not require examination, the board  
24 may require the person to pass an examination before license  
25 renewal.

.224960.1

underscoring material = new  
[bracketed material] = delete

1           C. The board by rule shall determine the states and  
2 territories of the United States and the District of Columbia  
3 from which it will not accept an applicant for expedited  
4 licensure and determine any foreign countries from which it  
5 will accept an applicant for expedited licensure. The board  
6 shall post the lists of disapproved and approved licensing  
7 jurisdictions on its website. The list of disapproved  
8 licensing jurisdictions shall include specific reasons for  
9 disapproval. The lists shall be reviewed annually to determine  
10 if amendments to the rule are warranted."

11           SECTION 12. Section 61-14A-14 NMSA 1978 (being Laws 1993,  
12 Chapter 158, Section 22, as amended) is amended to read:

13           "61-14A-14. APPROVAL OF EDUCATIONAL PROGRAMS.--

14           A. The board shall establish by rule the criteria  
15 for board approval of educational programs in acupuncture. For  
16 an educational program to meet board approval, proof shall be  
17 submitted to the board demonstrating that the educational  
18 program as a minimum:

19                   (1) was for a period of not less than three  
20 years;

21                   (2) included a minimum of six hundred sixty  
22 hours of supervised clinical practice;

23                   (3) was taught by qualified teachers or  
24 tutors;

25                   (4) required as a prerequisite to graduation

.224960.1

underscored material = new  
[bracketed material] = delete

1 personal attendance in all classes and clinics and, as a  
2 minimum, the completion of the following subjects:

3 (a) anatomy and physiology;

4 (b) pathology;

5 (c) diagnosis;

6 (d) pharmacology;

7 (e) oriental principles of life therapy,  
8 including diet, nutrition and counseling;

9 (f) theory and techniques of oriental  
10 medicine;

11 (g) precautions and contraindications  
12 for acupuncture treatment;

13 (h) theory and application of meridian  
14 pulse evaluation and meridian point location;

15 (i) traditional and modern methods of qi  
16 or life-energy evaluation;

17 (j) hygiene, sanitation and clean-needle  
18 technique;

19 (k) care and management of needling  
20 devices; and

21 (l) needle and instrument sterilization  
22 techniques; and

23 (5) resulted in the presentation of a  
24 certificate or diploma after completion of all of the  
25 educational program requirements.

.224960.1

underscoring material = new  
~~[bracketed material] = delete~~

1                    ~~[A.]~~ B. The board shall establish by rule the  
2 criteria for board approval of educational programs in  
3 ~~[acupuncture and]~~ oriental medicine. For an educational  
4 program to meet board approval, proof shall be submitted to the  
5 board demonstrating that the educational program as a minimum:

6                    (1) was for a period of not less than four  
7 academic years;

8                    (2) included a minimum of nine hundred hours  
9 of supervised clinical practice;

10                   (3) was taught by qualified teachers or  
11 tutors;

12                   (4) required as a prerequisite to graduation  
13 personal attendance in all classes and clinics and, as a  
14 minimum, the completion of the following subjects:

15                                    (a) anatomy and physiology;

16                                    (b) pathology;

17                                    (c) diagnosis;

18                                    (d) pharmacology;

19                                    (e) oriental principles of life therapy,  
20 including diet, nutrition and counseling;

21                                    (f) theory and techniques of oriental  
22 medicine;

23                                    (g) precautions and contraindications  
24 for acupuncture treatment;

25                                    (h) theory and application of meridian



underscored material = new  
[bracketed material] = delete

1 pulse evaluation and meridian point location;

2 (i) traditional and modern methods of qi  
3 or life-energy evaluation;

4 (j) the prescription of herbal medicine  
5 and precautions and contraindications for its use;

6 (k) hygiene, sanitation and clean-needle  
7 technique;

8 (l) care and management of needling  
9 devices; and

10 (m) needle and instrument sterilization  
11 techniques; and

12 (5) resulted in the presentation of a  
13 certificate or diploma after completion of all the educational  
14 program requirements.

15 ~~[B.]~~ C. All in-state educational programs in  
16 acupuncture ~~[and]~~ or oriental medicine with the intent to  
17 graduate students qualified to be applicants for licensing  
18 examination by the board shall be approved annually by the  
19 board. The applicant shall submit the following:

20 (1) the completed application for approval of  
21 an educational program;

22 (2) the required documentation as determined  
23 by the board;

24 (3) proof, as determined by the board, that  
25 the educational requirements provided for in Subsection A or B

.224960.1

underscored material = new  
[bracketed material] = delete

1 of this section are being met; and

2 (4) the required fee for application for  
3 approval of an educational program.

4 [~~G.~~] D. Out-of-state educational programs in  
5 acupuncture [~~and~~] or oriental medicine with the intent to  
6 graduate students qualified to be applicants for licensing  
7 examination by the board may apply for approval by the board.  
8 The applicant shall submit the following:

9 (1) the completed application for approval of  
10 an educational program;

11 (2) the required documentation as determined  
12 by the board;

13 (3) proof, as determined by the board, that  
14 the educational requirements provided for in Subsection A or B  
15 of this section are being met; and

16 (4) the required fee for application for  
17 approval of an educational program.

18 [~~D.~~] E. Each in-state approved educational program  
19 shall renew its approval annually by submitting prior to the  
20 date established by the board:

21 (1) the completed application for renewal of  
22 approval of an educational program on the form provided by the  
23 board;

24 (2) proof, as determined by the board, that  
25 the educational requirements provided for in Subsection A or B

.224960.1

underscored material = new  
[bracketed material] = delete

1 of this section are being met; and

2 (3) the required fee for application for  
3 renewal of approval of an educational program.

4 [~~E.~~] F. Each out-of-state approved educational  
5 program may renew its approval annually by submitting prior to  
6 the date established by the board:

7 (1) the completed application for renewal of  
8 approval of an educational program on the form provided by the  
9 board;

10 (2) proof, as determined by the board, that  
11 the educational requirements provided for in Subsection A or B  
12 of this section are being met; and

13 (3) the required fee for application for  
14 renewal of approval of an educational program.

15 [~~F.~~] G. A sixty-day grace period shall be allowed  
16 each educational program after the end of the approval period,  
17 during which time the approval may be renewed by submitting:

18 (1) the completed application for renewal of  
19 approval of an educational program on the form provided by the  
20 board;

21 (2) proof, as determined by the board, that  
22 the educational requirements provided for in Subsection A or B  
23 of this section are being met;

24 (3) the required fee for application for  
25 renewal of approval of an educational program; and

.224960.1

underscored material = new  
[bracketed material] = delete

1 (4) the required fee for late renewal of  
2 approval.

3 [~~G-~~] H. An approval that is not renewed by the end  
4 of the grace period shall be considered expired, and the  
5 educational program must apply as a new applicant."

6 SECTION 13. Section 61-14A-14.1 NMSA 1978 (being Laws  
7 2000, Chapter 53, Section 11) is amended to read:

8 "61-14A-14.1. STUDENTS AND EXTERNS--SUPERVISED  
9 PRACTICE.--

10 A. A student enrolled in an approved educational  
11 program may practice acupuncture [~~and~~] or oriental medicine  
12 under the direct supervision of a teacher or tutor as part of  
13 the educational program.

14 B. The board may promulgate rules to govern the  
15 practice of acupuncture [~~and~~] or oriental medicine by externs.  
16 The rules shall include qualifications for externs and  
17 supervising acupuncturists or doctors of oriental medicine or  
18 other supervising health care professionals and the allowable  
19 scope of practice for externs. The board may charge a fee for  
20 approval and renewal of approval of extern programs.  
21 Participation as an extern is optional and not a requirement  
22 for licensure."

23 SECTION 14. Section 61-14A-17 NMSA 1978 (being Laws 1993,  
24 Chapter 158, Section 25, as amended) is amended to read:

25 "61-14A-17. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--  
.224960.1

underscored material = new  
[bracketed material] = delete

1 APPLICATION OF UNIFORM LICENSING ACT.--

2 A. In accordance with the procedures contained in  
3 the Uniform Licensing Act, the board may deny, revoke or  
4 suspend ~~any~~ a permanent or temporary license held or applied  
5 for under the Acupuncture and Oriental Medicine Practice Act,  
6 upon findings by the board that the licensee or applicant:

7 (1) is guilty of fraud or deceit in procuring  
8 or attempting to procure a license;

9 (2) has been convicted of a felony. A  
10 certified copy of the record of conviction shall be conclusive  
11 evidence of such conviction;

12 (3) is guilty of incompetence as defined by  
13 board rule;

14 (4) is habitually intemperate, is addicted to  
15 the use of habit-forming drugs or is addicted to ~~any~~ a vice  
16 to such a degree as to render ~~him~~ the licensee or applicant  
17 unfit to practice as an acupuncturist or a doctor of oriental  
18 medicine;

19 (5) is guilty of unprofessional conduct, as  
20 defined by board rule;

21 (6) is guilty of ~~any~~ a violation of the  
22 Controlled Substances Act;

23 (7) has violated ~~any~~ a provision of the  
24 Acupuncture and Oriental Medicine Practice Act or rules  
25 promulgated by the board;

.224960.1

underscored material = new  
[bracketed material] = delete

1 (8) is guilty of failing to furnish the board,  
2 its investigators or representatives with information requested  
3 by the board;

4 (9) is guilty of willfully or negligently  
5 practicing beyond the scope of acupuncture [~~and~~] or oriental  
6 medicine as defined in the Acupuncture and Oriental Medicine  
7 Practice Act;

8 (10) is guilty of failing to adequately  
9 supervise a sponsored temporary licensee;

10 (11) is guilty of aiding or abetting the  
11 practice of acupuncture [~~and~~] or oriental medicine by a person  
12 not licensed by the board;

13 (12) is guilty of practicing or attempting to  
14 practice under an assumed name;

15 (13) advertises by means of knowingly false  
16 statements;

17 (14) advertises or attempts to attract  
18 patronage in any unethical manner prohibited by the Acupuncture  
19 and Oriental Medicine Practice Act or the rules of the board;

20 (15) has been declared mentally incompetent by  
21 regularly constituted authorities;

22 (16) has had a license, certificate or  
23 registration to practice as an acupuncturist or a doctor of  
24 oriental medicine revoked, suspended or denied in any  
25 jurisdiction of the United States or a foreign country for

.224960.1

underscored material = new  
[bracketed material] = delete

1 actions of the licensee similar to acts described in this  
2 subsection. A certified copy of the record of the jurisdiction  
3 taking such disciplinary action will be conclusive evidence  
4 thereof; or

5 (17) fails, when diagnosing or treating a  
6 patient, to possess or apply the knowledge or to use the skill  
7 and care ordinarily used by reasonably well-qualified  
8 acupuncturists or doctors of oriental medicine practicing under  
9 similar circumstances, giving due consideration to the locality  
10 involved.

11 B. Disciplinary proceedings may be instituted by  
12 any person, shall be by sworn complaint and shall conform with  
13 the provisions of the Uniform Licensing Act. [~~Any~~] A party to  
14 the hearing may obtain a copy of the hearing record upon  
15 payment of the costs of the copy.

16 C. [~~Any~~] A person filing a sworn complaint shall be  
17 immune from liability arising out of civil action if the  
18 complaint is filed in good faith and without actual malice.

19 D. The licensee shall bear the costs of  
20 disciplinary proceedings unless exonerated."