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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

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, inject or
24 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 2024 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.]~~

4 B. A level two certified advanced practice
5 chiropractic physician may prescribe, administer, inject and
6 dispense dangerous drugs that are used in a primary care
7 practice commensurate with physician level whole person primary
8 care."

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

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

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

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

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

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