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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/27/06  
 LAST UPDATED 2/10/06      HB \_\_\_\_\_

SPONSOR Campos

SHORT TITLE Amend Chiropractic Physician Practice Act      SB 201/aSPACaSJC

ANALYST McSherry

### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY06	FY07	FY08		
	Minimal	Minimal	Recurring	Chiropractic

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Bill 202, "Rules for Non-Human Chiropractic Patients."

#### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)

#### SUMMARY

##### Synopsis of SJC Amendment

The Senate Judiciary Committee Amendment to Senate Bill 201 would remove provisions giving the Chiropractic Board members, any representative appointed by the board, and any informants to the board immunity from civil and/or criminal damages for actions taken in good faith.

##### Synopsis of SPAC Amendment

Senate Public Affairs Committee 201 as amended in the Public Affairs Committee changes the original bill by:

- Clarifies language to state that the Chiropractic Board would recognize successful completion of "the examination conducted by the National Board of Chiropractic Examiners."
- Provides chiropractic fund payments be made on vouchers issued and signed by the Superintendent of RLD rather than the secretary (original act) or secretary-treasurer (original bill) of the board.

### Synopsis of Original Bill

Senate Bill 201 proposes to amend the Chiropractic Practice Act by:

- Removing the requirement that the board have examinations two times per year and that the board notify all applicants for each exam.
- Providing that the Chiropractic Board may use the services of a professional background information service in order to evaluate an application for licensure
- Allowing the Board to waive the required board-administered board for applicants if the applicant has passed the national boards examination with at least a 75 percent and with no section below 65 percent
- Removing the requirement that the Board’s treasurer give bond of \$5 thousand to be returned upon faithful discharge of duties.
- Provides for censure, reprimand, fine or probation in addition to the power to suspend or revoke licensure for applicants convicted of felonies, guilty of fraudulent application, or committing other offenses under the act.
- Specifically exempts board members and representatives, and those reporting information to the board in good faith from civil damages or criminal prosecution.
- Provides that communication relating to disciplinary actions are confidential

### **FISCAL IMPLICATIONS**

The only fiscal change this bill proposes is to remove the requirement that the Board treasurer make a deposit of \$5 thousand to the board when the position is assumed.

### **SIGNIFICANT ISSUES**

According to the Chiropractic Board, the current statute requires all new graduates to pass the National Board Examinations Parts I, II, III and IV and the physiotherapy portion as well as pass the New Mexico Board practical examination, which is comparable to the National Board Examinations therefore placing additional roadblocks to licensure.

The Board asserts that it desires to set the established pass-fail rate for the national examination in order to meet the Federal and National standards set by the profession for Chiropractic Physicians. The National Board of Chiropractic Examiners (NBCE) is currently setting the standard and has requested the Federation of Chiropractic Licensing Boards (FLCB) of which New Mexico is a member to follow suite.

It is not clear what standard percent is currently held for national examination passage.

### **ADMINISTRATIVE IMPLICATIONS**

Removing the requirement that the board must notify all applicants of every board examination will reduce administrative workload for the board.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Senate Bill 201 is related to Senate Bill 202, “Rules for Non-Human Chiropractic Patients”

## TECHNICAL ISSUES

The Chiropractic Board proposes removing the section: 61-4-7. Disposition of funds, subsection C: “Payments out of the chiropractic fund shall be made on vouchers issued and signed by the (secretary) secretary-treasurer of the board upon warrants drawn by the department of fiancé and administration in accordance with the budget approved by the department of finance and administration.” And replace it with C: “Payments out of the chiropractic fund shall be made on vouchers issued and signed by the ~~(secretary) secretary-treasurer of the board upon~~ Regulation and Licensing Department and warrants drawn by the department of fiancé and administration in accordance with the budget approved by the department of finance and administration.”

The Board states that the current language is in direct conflict with the language that administratively attaches the Board to RLD. 61-4-3 “Board created”

## WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current version of the Chiropractic Practice Act will remain in effect.

## POSSIBLE QUESTIONS

1. What is the opinion of the professional organization relating to the proposed changes?
2. What is the current percentage required on the national chiropractic examination to pass?
3. How are the issues of confidentiality and liability currently handled for the Chiropractic Board?
4. Is requiring the Superintendent of RLD to be the issuer and signatory for board payments standard practice for boards and commissions administratively attached to RLD?

EM/mt