

1 A MEMORIAL

2 REQUESTING A STUDY TO ASSESS WHETHER THE PUBLIC'S RIGHT TO
3 ACCESS TRADITIONAL, CULTURAL, COMPLEMENTARY AND ALTERNATIVE
4 HEALTH CARE THERAPIES AND REMEDIES FREELY IS ADEQUATELY
5 PROTECTED BY LAW.

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7 WHEREAS, New Mexico has a long history of cultural
8 healers, including the curandera, sobadora, partera, medica
9 and arbolaira, and healing traditions, including plant
10 medicines and foods, prayer, ceremony and song, and these
11 traditions must be shared with the current generation and
12 preserved by future generations; and

13 WHEREAS, in New Mexico, there are also well-accepted
14 complementary and alternative health care therapies that have
15 historically been practiced by persons who are not licensed
16 or regulated by the state, including naturopathy, homeopathy,
17 meditation, mind-body healing practices, traditional eastern
18 practices such as qi gong and ayurveda, nutrition and
19 lifestyle change, energy therapies, aromatherapy, folk
20 remedies, anthroposophy, herbal therapy and healing practices
21 using heat, cold, water, light and sound; and

22 WHEREAS, a large number of New Mexicans are using
23 complementary and alternative health care therapies, food,
24 food supplements, herbs and herbal remedies; and

25 WHEREAS, New Mexico is home to a large population of

1 indigenious, traditional, alternative and complementary
2 healers and health care practitioners and many
3 internationally recognized educational institutions; and

4 WHEREAS, the legislature enacted the Sunrise Act with
5 the intent that no profession or occupation should be subject
6 to regulation unless such regulation was necessary to protect
7 the health, safety or welfare of the public from clear harm;
8 and

9 WHEREAS, it is in the best interests of the state and
10 its citizens, and consistent with the Sunrise Act, that New
11 Mexico avoid unnecessary regulation when there is no clear
12 risk of harm or endangerment to the public and that the
13 public continue to enjoy the freedom to access traditional,
14 cultural, complementary and alternative health care
15 therapies, traditional plant medicines, folk remedies and
16 herbs without restraint; and

17 WHEREAS, licensed practitioners providing traditional,
18 cultural, complementary and alternative health care therapies
19 can be disciplined by their licensing boards because these
20 therapies might be deemed to be outside the accepted standard
21 of care; and

22 WHEREAS, New Mexicans have had the freedom to buy and
23 sell supplements and other health-promoting substances
24 without regulation, and this right should be preserved; and

25 WHEREAS, legislative recognition of the value of

1 traditional, cultural, complementary and alternative health
2 care therapies will benefit the citizens of New Mexico by
3 allowing practitioners to practice openly and promote the
4 availability of their services, supporting those patients who
5 wish to access alternative services and allowing patients to
6 discuss openly their use of these therapies with all their
7 health care providers in order to achieve coordination of
8 care;

9 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
10 STATE OF NEW MEXICO that the regulation and licensing
11 department, the office of attorney general, representatives
12 from each of the state boards that license health care
13 providers, including the New Mexico medical board, the board
14 of nursing, the board of pharmacy and representatives from
15 the health care-related boards within regulation and
16 licensing, collaborate on a study that will assess whether
17 current law adequately protects the public's right to access
18 safe and effective traditional, cultural, complementary and
19 alternative health care remedies freely and whether any
20 changes to state law are necessary to protect this right; and

21 BE IT FURTHER RESOLVED that the study group seek to be
22 as inclusive as possible and encourage public input from a
23 variety of perspectives and modalities and, toward this end,
24 hold at least two public meetings in different geographic
25 locations of the state; and

1 BE IT FURTHER RESOLVED that any legislative
2 recommendations be reported to the appropriate interim
3 legislative committees by October 31, 2008; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the superintendent of regulation and
6 licensing, the office of the attorney general, the New Mexico
7 medical board, the board of nursing, the board of pharmacy
8 and the health care-related boards within the regulation and
9 licensing department.

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