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SENATE MEMORIAL 48

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Steve Komadina

A MEMORIAL

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

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

WHEREAS, in New Mexico, there are also well-accepted
complementary and alternative health care therapies that have
historically been practiced by persons who are not licensed or
regulated by the state, including naturopathy, homeopathy,

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1 meditation, mind-body healing practices, traditional eastern
2 practices such as qi gong and ayurveda, nutrition and lifestyle
3 change, energy therapies, aromatherapy, folk remedies,
4 anthroposophy, herbal therapy and healing practices using heat,
5 cold, water, light and sound; and

6 WHEREAS, a large number of New Mexicans are using
7 complementary and alternative health care therapies, food, food
8 supplements, herbs and herbal remedies; and

9 WHEREAS, New Mexico is home to a large population of
10 indigenous, traditional, alternative and complementary healers
11 and health care practitioners and many internationally
12 recognized educational institutions; and

13 WHEREAS, the legislature enacted the Sunrise Act with the
14 intent that no profession or occupation should be subject to
15 regulation unless such regulation was necessary to protect the
16 health, safety or welfare of the public from clear harm; and

17 WHEREAS, it is in the best interests of the state and its
18 citizens, and consistent with the Sunrise Act, that New Mexico
19 avoid unnecessary regulation when there is no clear risk of
20 harm or endangerment to the public and that the public continue
21 to enjoy the freedom to access traditional, cultural,
22 complementary and alternative health care therapies,
23 traditional plant medicines, folk remedies and herbs without
24 restraint; and

25 WHEREAS, licensed practitioners providing traditional,

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1 cultural, complementary and alternative health care therapies
2 can be disciplined by their licensing boards because these
3 therapies might be deemed to be outside the accepted standard
4 of care; and

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

8 WHEREAS, legislative recognition of the value of
9 traditional, cultural, complementary and alternative health
10 care therapies will benefit the citizens of New Mexico by
11 allowing practitioners to practice openly and promote the
12 availability of their services, supporting those patients who
13 wish to access alternative services and allowing patients to
14 discuss openly their use of these therapies with all their
15 health care providers in order to achieve coordination of care;

16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
17 OF NEW MEXICO that the regulation and licensing department, the
18 office of attorney general, representatives from each of the
19 state boards that license health care providers, including the
20 New Mexico medical board, the board of nursing, the board of
21 pharmacy and representatives from the health care-related
22 boards within regulation and licensing, collaborate on a study
23 that will assess whether current law adequately protects the
24 public's right to access safe and effective traditional,
25 cultural, complementary and alternative health care remedies

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1 freely and whether any changes to state law are necessary to
2 protect this right; and

3 BE IT FURTHER RESOLVED that the study group seek to be as
4 inclusive as possible and encourage public input from a variety
5 of perspectives and modalities and, toward this end, hold at
6 least two public meetings in different geographic locations of
7 the state; and

8 BE IT FURTHER RESOLVED that any legislative
9 recommendations be reported to the appropriate interim
10 legislative committees by October 31, 2008; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the superintendent of regulation and licensing,
13 the office of the attorney general, the New Mexico medical
14 board, the board of nursing, the board of pharmacy and the
15 health care-related boards within the regulation and licensing
16 department.

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