

PROPOSED

SENATE HEALTH AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 303

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
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

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1 restore and maintain health;

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

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

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

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

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

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

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1 diagnostic and treatment services, initiates referrals to other
 2 health care practitioners and maintains the continuity of care
 3 when appropriate;

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

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

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

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

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1 with rules promulgated by the board for the devices enumerated
2 in this paragraph; and

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

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

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

13 A. practice acupuncture or oriental medicine;

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

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

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

25 "61-14A-4.1. CERTIFIED AURICULAR DETOXIFICATION

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1 SPECIALISTS, SUPERVISORS AND TRAINING PROGRAMS--FEES.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 I. A training program that is approved by the board
25 to provide training for certification of auricular

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

10 J. The board shall impose the following fees:

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

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

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

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

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

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1 (6) a late fee not to exceed fifty dollars
2 (\$50.00) for applications for renewal filed after the last
3 valid date of a registration, certification, approval or
4 renewal issued pursuant to this section.

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

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

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

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

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

25 SECTION 5. Section 61-14A-7 NMSA 1978 (being Laws 1993,

1 Chapter 158, Section 15, as amended) is amended to read:

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

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

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

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

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

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

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1 (3) an officer or director in a professional
2 association of acupuncture [~~and~~] or oriental medicine.

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

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

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

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

24 H. Members of the board shall be reimbursed as
25 provided in the Per Diem and Mileage Act and shall receive no

1 other compensation, perquisite or allowance."

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

4 "61-14A-8. BOARD--POWERS.--The board has the power to:

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

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

11 C. adopt a code of ethics;

12 D. adopt and use a seal;

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

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

20 G. in accordance with the Uniform Licensing Act:

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

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

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1 (3) conduct hearings upon charges relating to
2 the discipline of licensees, including the denial, suspension
3 or revocation of a license; and

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

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

12 "61-14A-9. BOARD--DUTIES.--The board shall:

13 A. establish fees;

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

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

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

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

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1 recorded, together with a record of all license renewals,
2 suspensions and revocations;

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

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

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

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

12 A. submitted to the board:

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

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

17 (3) the required fees;

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

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

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1 (6) proof that ~~[he]~~ the person has passed the
2 examinations approved by the board; and

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

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

7 "61-14A-11. EXAMINATIONS.--

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

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

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

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

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

24 (1) anatomy and physiology;

25 (2) pathology;

- 1 (3) diagnosis;
- 2 (4) pharmacology; and
- 3 (5) principles, practices and treatment
- 4 techniques of acupuncture and oriental medicine.

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

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

- 15 (1) hygiene, sanitation and clean-needle
- 16 technique; and
- 17 (2) needle and instrument sterilization
- 18 techniques.

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

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

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1 SECTION 10. Section 61-14A-12 NMSA 1978 (being Laws 1993,
2 Chapter 158, Section 20, as amended) is amended to read:

3 "61-14A-12. REQUIREMENTS FOR TEMPORARY LICENSING.--

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

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

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

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

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

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

25 (5) submits the required fee for application

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1 for temporary licensing;

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

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

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

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

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

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

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

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

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1 D. Temporary licensees may engage in only those
2 activities authorized on the temporary license.

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

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

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

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

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

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

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

24 "61-14A-13. REQUIREMENTS FOR EXPEDITED LICENSING.--

25 A. The board shall grant a license to practice

1 acupuncture [~~and~~] or oriental medicine without examination to a
 2 person who has been licensed, certified, registered or legally
 3 recognized as an acupuncturist or a doctor of oriental medicine
 4 in another licensing jurisdiction in accordance with Section
 5 61-1-31.1 NMSA 1978 if the applicant:

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

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

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

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

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

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1 renewal.

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

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

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

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

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

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

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

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

- 4 (a) anatomy and physiology;
- 5 (b) pathology;
- 6 (c) diagnosis;
- 7 (d) pharmacology;
- 8 (e) oriental principles of life therapy,
 9 including diet, nutrition and counseling;
- 10 (f) theory and techniques of oriental
 11 medicine;
- 12 (g) precautions and contraindications
 13 for acupuncture treatment;
- 14 (h) theory and application of meridian
 15 pulse evaluation and meridian point location;
- 16 (i) traditional and modern methods of qi
 17 or life-energy evaluation;
- 18 (j) hygiene, sanitation and clean-needle
 19 technique;
- 20 (k) care and management of needling
 21 devices; and
- 22 (l) needle and instrument sterilization
 23 techniques; and

24 (5) resulted in the presentation of a
 25 certificate or diploma after completion of all of the

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1 educational program requirements.

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

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

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

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

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

16 (a) anatomy and physiology;
17 (b) pathology;
18 (c) diagnosis;
19 (d) pharmacology;
20 (e) oriental principles of life therapy,
21 including diet, nutrition and counseling;

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

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

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1 (h) theory and application of meridian
2 pulse evaluation and meridian point location;

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

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

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

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

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

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

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

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

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

25 (3) proof, as determined by the board, that

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1 the educational requirements provided for in Subsection A or B
2 of this section are being met; and

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

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

9 The applicant shall submit the following:

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

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

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

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

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

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

25 (2) proof, as determined by the board, that

1 the educational requirements provided for in Subsection A or B
 2 of this section are being met; and

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

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

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

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

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

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

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

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

25 (3) the required fee for application for

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underscored material = new
 [bracketed material] = delete

1 renewal of approval of an educational program; and

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

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

7 SECTION 13. Section 61-14A-14.1 NMSA 1978 (being Laws
8 2000, Chapter 53, Section 11) is amended to read:

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

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

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

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

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1 "61-14A-17. DISCIPLINARY PROCEEDINGS--JUDICIAL REVIEW--
 2 APPLICATION OF UNIFORM LICENSING ACT.--

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

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

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

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

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

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

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

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

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 [bracketed material] = delete

1 promulgated by the board;

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

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

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

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

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

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

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

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

23 (16) has had a license, certificate or
24 registration to practice as an acupuncturist or a doctor of
25 oriental medicine revoked, suspended or denied in any

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

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

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

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

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