



POLITICS / GOVERNMENT / LEGISLATION

New Mexico Keeps Making Headlines

LATEST BILL TAKES PRESCRIPTIVE AUTHORITY TO ANOTHER LEVEL.

Editorial Staff

New Mexico House Speaker Ben Lujan has introduced [House Bill 127](#), legislation that, among other stipulations, replaces the term *chiropractic* with *chiropractic medicine* and appears to expand chiropractic scope of practice in the state to include prescriptive privileges beyond that already available following passage of ground-breaking advanced practice legislation ([HB 275](#)) several years ago. If the new legislation is as open-ended as it sounds, it would allow "appropriately trained" New Mexico chiropractors to prescribe and otherwise practice with unprecedented scope subject to approval by the state chiropractic board.

According to HB 127, "[A] certified advanced practice chiropractic physician may prescribe and administer any *dangerous drug or controlled substance* [italics ours] and perform any procedure that is accepted for use within the certified advanced practice chiropractic physician's clinical specialty and for which the certified advanced practice chiropractic physician can demonstrate appropriate clinical education and hands-on training that has been approved by a nationally recognized credentialing agency or nationally recognized institution of higher learning. The board shall establish by rule the formulary for a certified advance practice chiropractic physician."

Per [HB 275, signed into law in 2008](#), New Mexico chiropractors can already "prescribe, administer and dispense herbal medicines, homeopathic medicines, vitamins, minerals, enzymes, glandular products, naturally derived substances, protomorphogens, live cell products, gerovital, amino acids, dietary supplements, foods for special dietary use, bioidentical hormones, sterile water, sterile saline, sarapin or its generic, caffeine, procaine, oxygen, epinephrine and vapocoolants" after completing a minimum of 90 clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology," and receiving certification as an "advance-practice chiropractic physician." HB 127 removes these specific prescriptive boundaries in favor of the phrase, "may prescribe and administer any dangerous or controlled substance and perform any procedure" subject to board approval.

HB 127 is also sure to raise eyebrows with its mention of chiropractic medicine, as in, "It is the purpose of the Chiropractic Practice Act to grant to chiropractic physicians the right to practice

chiropractic medicine as taught and practiced in standard colleges of chiropractic and to entitle the holder of a license the right to diagnose, palpate and treat injuries, deformities and other physical or mental conditions relating to the basic concepts of chiropractic medicine by use of any methods provided in the Chiropractic Physician Practice Act, as provided in rules [and regulations] established and monitored by the board."

The bill amends previous language by replacing *chiropractic* with *chiropractic medicine*, replacing *chiropractor* with *chiropractic physician*, and removing language restricting chiropractic physicians from "operative surgery and prescription or use of controlled or dangerous drugs as provided in rules and regulations established and monitored by the board." The bill also replaces nutritional supplements and herbal remedies with nutritional *medicine* and herbal *medicine*, respectively, in its definition of chiropractic (now chiropractic medicine). Moreover, the bill stipulates that the state chiropractic board include at least one member who is a "certified advanced practice chiropractic physician."

Both the American Chiropractic Association and the International Chiropractors Association commented on the New Mexico scope issue last year ("[ACA Reaffirms Drug-Free Position](#)" and "[ICA Weighs in on Scope Expansion in New Mexico](#)," May 6, 2010 DC). With the Jan. 20, 2011 introduction of HB 127 in the New Mexico legislature, the national associations have reacted swiftly, issuing statements in opposition to the proposed scope revisions in the new legislation.

"ACA policy is committed to the core concept that 'chiropractic is a drug-free, non-surgical science and, as such, does not include pharmaceuticals or incisive surgery," said Rick McMichael, DC, ACA president. "ACA policy also acknowledges and respects that state laws, as well as the nation's antitrust laws, may allow doctors of chiropractic who are properly qualified by background, education and training to utilize ancillary health care procedures. The practice of chiropractic is regulated in all states, Puerto Rico, nine provinces in Canada, and a number of foreign countries, and as such, the present scope of practice in the separate jurisdictions is necessarily determined locally by existing statutory enactment and judicial determination."

"The International Chiropractors Association (ICA) strongly opposes the passage of this legislation because of the inherent threat to public well-being its passage would create. 'To presume to provide medical services, including the ability to prescribe and administer dangerous drugs with nothing but a casual and very limited training requirement, highlights ICA's legitimate concerns,' said ICA President Dr. Gary L. Walsemann. Even with a full, gold-standard medical education, practitioners licensed to practice medicine register an error rate of upwards of 17 percent, with massive human and economic consequences. One can only imagine the consequences of the application of such substances by individuals with only a pale shadow of the standard medical education."

"These concerns are compounded by a passage in the proposed law that relegates decisions on what substances might be prescribed and administered by an 'advanced practice' chiropractic practitioner, not to a medical or pharmacy board where maximum competency may be thought to reside, but to the chiropractic board itself."

"This legislation represents a bold, unapologetic attempt to secure extensive medical practice rights for a few 'advanced practice' chiropractic practitioners through an unguarded back door, the qualifications for which are so far below the minimum standard which the public should be able to expect from anyone presuming to perform such functions as to be quite simply a danger to the public."

The full text of HB 127 is available online at www.nmlegis.gov/lcs/BillFinder.aspx. Click on "Number: Find Legislation by Number" and enter 127 in the appropriate field (make sure you are searching under the 2011 regular legislative session). The full text of the original advanced-practice legislation, HB 275, is available online at the same location (enter 275 in the number field; legislative session should be 2008 regular).

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