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## FISCAL IMPACT REPORT

**SPONSOR** Lujan, B                      **ORIGINAL DATE** 1/25/08                      275/aHJC/aHFL/aSPAC  
**LAST UPDATED** 2/14/08                      **HB** /aSFI#1  
**SHORT TITLE** Chiropractic Certification Registry                      **SB** \_\_\_\_\_  
**ANALYST** C. Sanchez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Regulation and Licensing Department (RLD)  
 New Mexico Higher Education (NMHED)

### SUMMARY

#### Synopsis of SFI#1 Amendment

The Senate Floor amendment to HB 275 makes technical changes to the original bill.

#### Synopsis of SPAC Amendment

The amendment to HB 275 by the Senate Public Affairs Committee removes “in collaboration with,” which will require approval from the Chiropractic board and the medical board in the following areas:

- To obtain an advanced practice chiropractic certification the applicant must complete a minimum of ninety clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology certified by an examination from an institution of higher education approved by the board and the New Mexico medical board.
- A formulary shall be developed by the board and the New Mexico medical board and the board of pharmacy.

Removing in collaboration with eliminates the need for either the Chiropractic board or the medical board to interpret the definition of “in collaboration” and clearly requires the boards to each approve the educational requirement and the formulary.

Synopsis of HFL Amendment

The House Floor Amendment to HB 275 strikes 1, 2, and 3 from the House Judiciary Committee amendment.

Number 2 of the amendment inserts and strikes language on page 30 that changes “the use” to “prescribing and administering and “agencies” to “agent”, which reflects more professional language and legal description.

Number 3 of the amendment inserts “and medical devises; the selling of”, which broadens the term medical appliances and clarifies the selling of herbs.

Number 4 changes “supplements, remedies” to “supplements and remedies” and further expands prescriptive authority to include “the administering of a drug by injection by a certified advanced practice chiropractic physician.” This does not expand the type of drug that could be prescribed and administered; rather it authorizes the use of injections as well as consumable natural agents.

Number 5 changes surgery and prescription to “surgery, the prescription”, which corrects the grammar of the sentence.

Number 6 clarifies that the expansion of authority under the Chiropractic Act does not include the practice of acupuncture.

This amendment does not change the substantive intent of the bill. These language changes are clarifications.

Synopsis of HJC Amendment

House Judiciary Committee 275 amendment to HB 275 amends the original bill in four respects. The first three amendments clarify the language in the original bill. Page 30 line 16 changes “the use of” to “the prescription, administration and dispensing of.” Page 30 line 18 after the second comma inserts the words “medical devises.” Page 30 line 22 inserts “except for the dispensing of a drug by injection,” after surgery and strikes “prescription or” and “or dangerous.” Finally, all underscored material on page 30 lines 23 and 24 is removed.

Amendments one, two and three do not change the substantive intent of the bill. These language changes are clarifications. However, amendment four (4) removes prescriptive authority for controlled substances.

Synopsis of Original Bill

House Bill 275 amends the Chiropractic Physician Practice Act to include a new registry for “Advanced Practice Chiropractic Certification.” The new certification authorizes certificate holders to have prescriptive authority for therapeutic and diagnostic purposes. This prescriptive authority will be limited to therapeutic and diagnostic purposes related to nutrition and pain management with natural agents. The advanced practice **may** involve prescriptive authority for controlled substances.

Qualification for the prescriptive authority requires the chiropractic physicians to obtain extensive training to include: completing three years of post-graduate clinical chiropractic

practice or equivalent clinical experience, hold an advanced practice chiropractic certification by a nationally recognized credentialing agency providing credentialing and demonstrated competency by examination and successful completion of a minimum of ninety clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology certified by an examination from an institution of higher education approved by the board and in collaboration with the New Mexico medical board.

Under the amended Act a formulary would be developed by the board in collaboration with the Medical Board and the Pharmacy board.

HB 275 also amends the definition sections of the New Mexico Drug, Device and Cosmetic Act as well as the Controlled Substance Act to include the expanded prescriptive authority for the Advanced Practice Chiropractic Certification.

### **FISCAL IMPLICATIONS**

Some cost would be incurred by the Chiropractic board to adopt new rules. However, the cost is minimal since the board budgets for rule change cost each year and these changes would be included as part of general rules changes.

### **SIGNIFICANT ISSUES**

HB 275 limits the use of chiropractic names (chiropractor, chiropractic physician, chiropractic) to only those persons licensed pursuant to the Chiropractic Physician Practice Act. HB275 defines the education, training, testing and contact hours needed for Chiropractic Physicians to apply for the title of Certified Advanced Practice Chiropractic Physician. Further, HB275 defines the authority of Certified Advanced Practice Chiropractic Physicians with respect to operative surgery and the prescription, administration and dispensation of therapeutic products. HB275 states that a formulary will be developed by the Chiropractic Board in conjunction with the New Mexico Medical Board and the Board of Pharmacy.

This legislation will require chiropractic physicians to obtain extensive training in order to be placed on a registry allowing a chiropractic physician to issue prescriptions. The prescriptive authority will be limited to therapeutic and diagnostic purposes related to nutrition and pain management with natural agents. This advanced practice will not involve prescriptive authority for controlled substances in any manner.

### **PERFORMANCE IMPLICATIONS**

Chiropractic Physicians who apply for the title of Certified Advanced Practice Chiropractic Physician will be required to meet the criteria established by the Chiropractic Board pursuant to the provisions of the Chiropractic Physician Practice Act.

### **ADMINISTRATIVE IMPLICATIONS**

A protocol will need to be established to promulgate rules and regulations with the Medical Board and the Pharmacy Board to collaboratively define the new prescriptive authority intended by the bill.

**TECHNICAL ISSUES**

The language in HB 275 under New Material – “Certified Advanced Practice Chiropractic Physician Authority Defined” should clearly define the limitations of the formulary. The following additions would avoid confusion:

“A drug formulary shall be developed by the board in conjunction with the New Mexico medical board and the board of pharmacy. Prescriptive authority shall be limited to the drug formulary developed by the board in conjunction with the medical board and pharmacy board.”

**OTHER SUBSTANTIVE ISSUES**

The Chiropractic Board will authorize chiropractic physicians as Certified Advanced Practice Chiropractic Physicians when they have demonstrated completion of advanced coursework and training and have met all other requirements as established in the Chiropractic Physician Practice Act and rules set by the Chiropractic Board.

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

The chiropractic physicians will not be able to obtain advanced certification and offer primary care services related to prescriptive authority using natural agents.

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