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FISCAL IMPACT REPORT

ORIGINAL DATE 1/30/07
LAST UPDATED 2/26/07

SPONSOR Lujan, B HB 424/aHHGAC/aHJC

SHORT TITLE Advance Practice Chiropractic Licensure SB _____

ANALYST C. Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Health (DOH)

Commission on Higher Education (CHE)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment changes the bill as follows:

On page 31, line 4, after “surgery” insert “, except for the dispensing of a drug by injection”.

With the amendment the original bill does exclude the dispensing of a drug by injection.

Synopsis of HHGAC Amendment

On page 3, line 14, after the period, the amendment inserts, “A formulary shall be developed by the board and approved by the New Mexico medical board and the board of pharmacy.”

The amendment defines the agencies responsible for setting up a formulary.

Synopsis of Original Bill

House Bill 424 amends the Chiropractic Physician Act to direct the Board of Pharmacy to

establish an advanced practice chiropractic certification registry. Advance chiropractic physicians authorized by this board would have prescriptive authority for therapeutic and diagnostic purposes as authorized by statute. House Bill 424 outlines the criteria necessary to apply for the advanced designation to include advanced training necessary to obtain the prescriptive authority as well as national certification by a recognized credentialing agency, and, after December 31, 2008, successful completion of a graduate degree in the clinical practice specialty.

House Bill 424 would require completion of a minimum of 90 clinical and didactic contact course hours in pharmacology, pharmacognosy, medication administration and toxicology certified by an examination from an institute of higher education approved by the board in collaboration with the Board of Medicine.

House Bill 424 would require the chiropractic, in conjunction with the New Mexico medical board, to develop a pilot collaborative program with the University of New Mexico or a nationally accredited school of pharmacy and the National University of Health Sciences or other council on chiropractic education approved school for expanded prescriptive authority by 2008. House Bill 424 would amend sections of NMSA 1978 to include certified advanced practice chiropractic physicians as practitioners with prescriptive authority.

House Bill 424 would require each applicant to furnish proof to the board of completion of all required education and training as established by rule of the board prior to inclusion in the registry.

FISCAL IMPLICATIONS

No fiscal impacts have been identified by the agencies however the LFC believes the Regulation and Licensing Department would need additional resources to regulate and administer new chiropractic licenses.

SIGNIFICANT ISSUES

House Bill 424 would allow certified advance practice chiropractic physicians, after completing a training program, to “prescribe, administer and dispense an herbal medicine, homeopathic medicine, vitamins, minerals, enzymes, glandular product, naturally derived substance, protomorphogens, live cell products, gerovital, amino acids, dietary supplements, foods for special dietary use, bio identical hormones, sterile water, sterile saline, sarapin or its generic, caffeine, procaine, oxygen, epinephrine and vapocoolants.”

Most of these substances are not medications that currently require a prescription. This is consistent with the Chiropractic Physician Practice Act, which includes in the definition of chiropractic practice: “...It shall include, but not be limited to, the use of all natural agencies to assist in the healing act, such as food, water, heat, cold, electricity, mechanical appliances, herbs, nutritional supplements, homeopathic remedies and any necessary diagnostic procedure, excluding invasive procedures, except as provided by the board by rule and regulation. It shall exclude operative surgery and prescription or use of controlled or dangerous drugs;” (1978 NMSA 61-4-2)

PERFORMANCE IMPLICATIONS

House Bill 424 will require the Board of Chiropractic Examiners to develop a new exam for Certified Advanced Practice Chiropractic Physician's, as well as a new certificate as a Certified Advanced Practice Chiropractic Physician. Applicants will be required to meet the criteria established by the Board in order to qualify as a Certified Advanced Practice Chiropractic Physician.

TECHNICAL ISSUES

The list of substances in Section 2 of the bill contains some items that are not prescription items and others that are unknown to the reviewer. The prescription status of each item should be clarified; if none of the items listed in Section 2 require a prescription currently, then the intent of the bill is unclear, since these therapies are already included in the Chiropractic Physician Practice Act.

The intent of the bill is to expand the scope of practice of chiropractors. Not only would the bill permit chiropractors to prescribe, it would also permit them to do so by any means of administration, including injections. Currently, "injection" is defined as approaching "surgery" under an Attorney General Opinion from 1977 defining the chiropractor's authority to perform acupuncture, which pierces the skin but does not result in the introduction of a substance into the body. Chiropractors are not authorized to perform surgery under the Chiropractic Physician Practice Act.

Since administering medications via injection would be in conflict with the AG opinion, section 61-4-2 C would also have to be amended to address this.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

A consequence of not passing House Bill 424 is that prescriptive authority will not be expanded to chiropractic physicians.

CS/nt