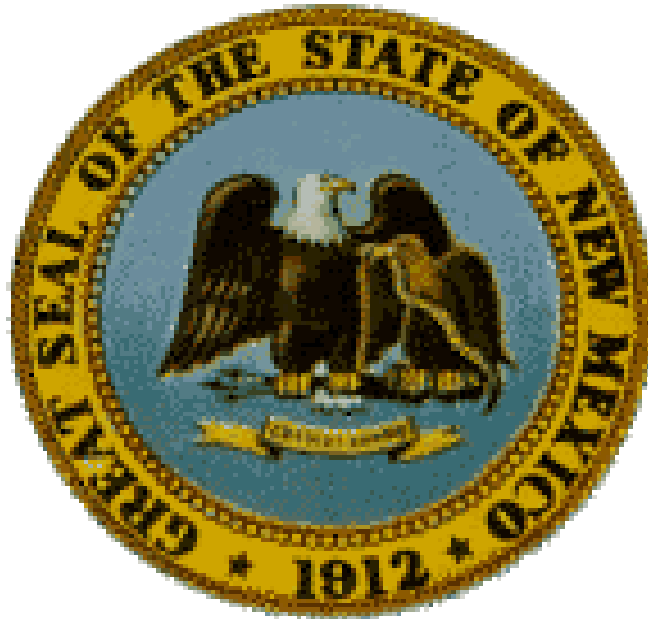


**STATE OF NEW MEXICO**  
**NEW MEXICO BOARD OF**  
**CHIROPRACTIC**  
**EXAMINERS**



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**Effective January 31, 2015**



# Statutory Chapter in New Mexico Statutes Annotated 1978

## CHAPTER 61 Professional and Occupational Licenses

### ARTICLE 4 Chiropractic 61-4-1 through 61-4-17

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**Also available on the board website:**

**[www.rld.state.nm.us/boards/Chiropractic Examiners.aspx](http://www.rld.state.nm.us/boards/Chiropractic_Examiners.aspx)**



**61-4-1. Short title.** (Repealed effective July 1, 2022.)

Chapter 61, Article 4 NMSA 1978 may be cited as the "Chiropractic Physician Practice Act".

History: 1953 Comp., § 67-3-9, enacted by Laws 1968, ch. 3, § 1; 1993, ch. 198, § 1.

**61-4-2. Definitions.** (Repealed effective July 1, 2022.)

As used in the Chiropractic Physician Practice Act:

A. "advanced practice chiropractic certification registry" means a compendium kept by the board that meets and maintains the board's established credentials for certified advanced practice chiropractic physicians;

B. "certified advanced practice chiropractic physician" means a chiropractic physician who has been included in the advanced practice chiropractic certification registry;

C. "chiropractic" means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, adjustment and manipulation of the human structure. It shall include, but not be limited to, the prescribing and administering of all natural agents to assist in the healing act, such as food, water, heat, cold, electricity, mechanical appliances and medical devices; the selling of herbs, nutritional supplements and homeopathic remedies; the administering of a drug by injection by a certified advanced practice chiropractic physician; and any necessary diagnostic procedure, excluding invasive procedures, except as provided by the board by rule and regulation. It shall exclude operative surgery, the prescription or use of controlled or dangerous drugs and the practice of acupuncture;

D. "board" means the chiropractic board;

E. "chiropractic physician" includes doctor of chiropractic, chiropractor and chiropractic physician and means a person who practices chiropractic as defined in the Chiropractic Physician Practice Act; and

F. "chiropractic assistant" means a person who practices under the on-premises supervision of a licensed chiropractic physician.

History: 1953 Comp., § 67-3-10, enacted by Laws 1968, ch. 3, § 2; 1993, ch. 198, § 2; 2008, ch. 44, § 7.

**61-4-3. Board created; appointment; officers; duties; compensation.** (Repealed effective July 1, 2022.)

A. There is created the "chiropractic board". The board shall be administratively attached to the regulation and licensing department. The board shall consist of six persons. Four shall have been continuously engaged in the practice of chiropractic in New Mexico for five years immediately prior to their appointment. Two persons shall represent the public and shall not have practiced chiropractic in this state or any other jurisdiction. A person shall not be appointed to the board who is an officer or employee of or who is financially interested in any school or college of chiropractic, medicine, surgery or osteopathy.

B. Members of the board shall be appointed by the governor for staggered terms of five years or less and in a manner that the term of one board member expires on July 1 of each year. A list of five names for each professional member vacancy shall be submitted by the New Mexico chiropractic association to the governor for consideration in the appointment of board members. A vacancy shall be filled by appointment for the unexpired term. Board members shall serve until their successors have been appointed and qualified.

C. The board shall annually elect a chair and a secretary-treasurer. A majority of the board constitutes a quorum. The board shall meet quarterly. Special meetings may be called by the chair and shall be called upon the written request of two members of the board. Notification of special meetings shall be made by certified mail unless such notice is waived by the entire board and the action noted in the minutes. Notice of all regular meetings shall be made by regular mail at least ten days prior to the meeting, and copies of the minutes of all meetings shall be mailed to each board member within thirty days after a meeting.

D. A board member failing to attend three consecutive meetings, either regular or special, shall automatically be removed as a member of the board.

E. The board shall adopt a seal.

F. The board shall promulgate and file, in accordance with the State Rules Act [14-4-1 NMSA 1978], all rules and regulations necessary for the implementation and enforcement of the provisions of the Chiropractic Physician Practice Act, including educational requirements for a chiropractic assistant.

G. The board, for the purpose of protecting the health and well-being of the citizens of this state and maintaining and continuing informed professional knowledge and awareness, shall establish by regulations adopted in accordance with the provisions of the Uniform Licensing Act [61-1-1 NMSA 1978] mandatory continuing education requirements for chiropractic physicians and certified advanced practice chiropractic physicians licensed in this state.

H. Failure to comply with the rules and regulations adopted by the board shall be grounds for investigation, which may lead to revocation of license.

I. Members of the board shall be reimbursed as provided in the Per Diem and Mileage Act [10-8-1 NMSA 1978], but shall receive no other compensation, perquisite or allowance for each day necessarily spent in the discharge of their duties.

History: 1953 Comp., § 67-3-11, enacted by Laws 1968, ch. 3, § 3; 1973, ch. 169, § 1; 1977, ch. 109, § 1; 1979, ch. 77, § 1; 1983, ch. 187, § 1; 1991, ch. 189, § 5; 1993, ch. 198, § 3; 2003, ch. 408, § 3; 2006, ch. 18, § 1; 2008, ch. 44, § 8.

**61-4-4. Application requirements; evaluation.** (Repealed effective July 1, 2022.)

A. Each applicant for a license to practice chiropractic shall:

- (1) make application on forms furnished by the board;
- (2) submit evidence on oath satisfactory to the board that the applicant has reached the age of majority, has completed a preliminary education equal to the requirements for graduation from high school, is of good moral character and, after January 1, 1976, except for any student currently enrolled in a college of chiropractic, has completed two years of college-level study in an accredited institution of higher learning and is a graduate of a college of chiropractic that meets the standards of professional education prescribed in Section 61-4-5NMSA 1978; and
- (3) pay in advance to the board fees:
  - (a) for examination; and
  - (b) for issuance of a license.

B. In evaluating an application, the board may use the services of a professional background information service that compiles background information regarding applicants from multiple sources.

C. Each applicant for inclusion in the advanced practice chiropractic certification registry shall furnish materials and proof of education and training as established by rule of the board.

History: 1953 Comp., § 67-3-12, enacted by Laws 1968, ch. 3, § 4; 1973, ch. 35, § 1; 1973, ch. 237, § 1;

1978, ch. 114, § 1; 1983, ch. 187, § 2; 1993, ch. 198, § 4; 2006, ch. 18, § 2; 2008, ch. 44, § 9.

**61-4-5. Evidence of graduation; creditation of college.** (Repealed effective July 1, 2022.)

In addition to the requirements prescribed in Section 61-4-4 NMSA 1978, all applicants for licensure who have matriculated at a chiropractic college after October 1, 1975 shall present evidence of having graduated from a chiropractic college having status with the accrediting commission of the council on chiropractic education or the equivalent criterion thereof.

History: Laws 1968, ch. 3, § 5; 1953 Comp., § 67-3-13; Laws 1975, ch. 176, § 1; 1993, ch. 198, § 5.

**61-4-6. Examination; subjects; method of treatment; recording license.** (Repealed effective July 1, 2022.)

A. The board shall recognize successful completion of all parts of the examination conducted by the national board of chiropractic examiners.

B. The board shall examine each applicant in the act of chiropractic adjusting, procedures and methods as shall reveal the applicant's qualifications; provided that the board may waive the requirement for the board-administered examination upon proof of satisfactory completion of the examination conducted by the national board of chiropractic examiners.

C. The board shall issue a license to all applicants whose applications have been filed with and approved by the board and who have paid the required fees and passed either the board-administered examination with a general average of not less than seventy-five percent with no subject below sixty-five percent or the examination conducted by the national board of chiropractic examiners with a general average of not less than seventy-five percent with no subject below sixty-five percent. A license shall be refused to an applicant who fails to make application as provided in this section, fails the examination or fails to pay the required fees.

D. The license, when granted by the board, carries with it the title of doctor of chiropractic and entitles the holder to diagnose using any necessary diagnostic procedures, excluding invasive procedures, except as provided by the board by rule, and treat injuries, deformities or other physical or mental conditions relating to the basic concepts of chiropractic by the use of any methods as provided in this section, including but not limited to palpating, diagnosing, adjusting and treating injuries and defects of human beings by the application of manipulative, manual and mechanical means, including all natural agencies imbued with the healing act, such as food, water, heat, cold, electricity and mechanical appliances, herbs, nutritional supplements and homeopathic remedies, but excluding operative surgery and prescription or use of controlled or dangerous drugs. The holder may also supervise the use of any natural agencies imbued with the healing act, such as food, water, heat, cold, electricity, mechanical appliances, herbs, nutritional supplements and homeopathic remedies administered by a chiropractic assistant.

E. Failure to display the license shall be grounds for the suspension of the license to practice chiropractic until so displayed and shall subject the licensee to the penalties for practicing without a license.

F. The board shall certify a chiropractic physician as a "certified advanced practice chiropractic physician" when the chiropractic physician has demonstrated completion of advanced coursework and met other requirements established in the Chiropractic Physician Practice Act [61-4-1 NMSA 1978] and by rule of the board.

History: 1953 Comp., § 67-3-14, enacted by Laws 1968, ch. 3, § 6; 1975, ch. 176, § 2; 1983, ch. 187, § 3; 1993, ch. 198, § 6; 2006, ch. 18, § 3; 2008, ch. 44, § 10.

**61-4-7. Disposition of funds; chiropractic fund created; method of payment.** (Repealed effective July 1, 2022.)

- A. There is created the "chiropractic fund".
  - B. All funds received by the board and money collected under the Chiropractic Physician Practice Act shall be deposited with the state treasurer. The state treasurer shall place the money to the credit of the chiropractic fund.
  - C. Payments out of the chiropractic fund shall be made on vouchers issued and signed by the superintendent of regulation and licensing upon warrants drawn by the department of finance and administration in accordance with the budget approved by the department of finance and administration.
  - D. All amounts paid into the chiropractic fund shall be subject to the order of the board and shall only be used for the purpose of meeting necessary expenses incurred in the performance of the purposes of the Chiropractic Physician Practice Act, the duties imposed by that act and the promotion of chiropractic education and standards in this state. All money unused at the end of the fiscal year shall remain in the chiropractic fund for use in accordance with the provisions of the Chiropractic Physician Practice Act to further its purpose.
  - E. All funds that may have accumulated to the credit of the board under any previous act shall be continued for use by the board in the administration of the Chiropractic Physician Practice Act.
  - F. The board shall, by rule, designate a portion of the annual licensing fee for the exclusive purposes of investigating and funding hearings regarding complaints against doctors of chiropractic.
- History: 1953 Comp., § 67-3-15, enacted by Laws 1968, ch. 3, § 7; 1993, ch. 198, § 7; 2006, ch. 18, § 4.

**61-4-8. License without examination.** (Repealed effective July 1, 2022.)

The board may, in its discretion, issue a license without examination to a chiropractor who has been licensed in any state, territory or foreign jurisdiction and who is a graduate of [a] standard college of chiropractic, if:

- A. the applicant is of good moral character;
- B. the requirements of practice in the state, territory or province in which the applicant is licensed are equal to those of this state; and
- C. the applicant pays the fee designated in Section 4 [61-4-4 NMSA 1978].

The board may also, in its discretion, issue a license without examination to any chiropractor who has continuously practiced in another state for at least seven of the last ten years prior to application, or to any chiropractor who is a graduate of a standard college of chiropractic and has served in the military services of the United States for two years or more within one year prior to application, or to any applicant showing evidence of having passed the examination conducted by the national board of chiropractic examiners.

History: 1953 Comp., § 67-3-16, enacted by Laws 1968, ch. 3, § 8.

**61-4-9. Privileges and obligations.** (Repealed effective July 1, 2022.)

- A. Licensed chiropractic physicians shall observe all health and hygiene laws and regulations of the state and its political subdivisions and shall report births and deaths to the proper authorities. Reports rendered by chiropractors shall be accepted by officers of departments or agencies to which they are made.
- B. It is the purpose of the Chiropractic Physician Practice Act to grant to chiropractors the right to practice chiropractic 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 by use of any methods provided in the Chiropractic Physician Practice Act, as provided in rules and regulations established and monitored by the board, but excluding operative surgery and prescription or use of controlled or dangerous drugs as provided in rules and regulations established and monitored by the board.

History: 1953 Comp., § 67-3-17, enacted by Laws 1968, ch. 3, § 9; 1993, ch. 198, § 8.

**61-4-9.1. Advanced practice chiropractic certification registry established.** (Repealed effective July 1, 2022.)

The board shall establish by rule the advanced practice chiropractic certification registry. A chiropractic physician authorized by the board to use the title "certified advanced practice chiropractic physician" shall have prescriptive authority for therapeutic and diagnostic purposes as authorized by statute. Only a chiropractic physician included in the advanced practice chiropractic certification registry may use the title certified advanced practice chiropractic physician, and it is unlawful for a person to use the certified advanced practice chiropractic physician title unless the person is included in the advanced practice chiropractic certification registry. The advanced practice chiropractic certification registry shall include a chiropractic physician who applies for the designation and:

- A. holds a chiropractic license in good standing;
- B. has completed three years of post-graduate clinical chiropractic practice or equivalent clinical experience as established by the board;
- C. has an advanced practice chiropractic certification by a nationally recognized credentialing agency providing credentialing and demonstrated competency by examination and additionally, after December 31, 2012, successful completion of a graduate degree in a chiropractic clinical practice specialty;
- D. has completed 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; and
- E. has completed annual continuing education for advanced practice chiropractic physicians as set by the board.

History: Laws 2008, ch. 44, § 1.

**61-4-9.2. Certified advanced practice chiropractic physician authority defined.** (Repealed effective July 1, 2022.)

A. A certified advanced practice chiropractic physician may prescribe, administer and dispense herbal medicines, homeopathic medicines, over-the-counter drugs, vitamins, minerals, enzymes, glandular products, 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.

B. A formulary that includes all substances listed in Subsection A of this section, including compounded preparations for topical and oral administration, shall be developed and approved by the board. A formulary for injection that includes the substances in Subsection A of this section that are within the scope of practice of the certified advanced practice chiropractic physician shall be developed and approved by the board. Dangerous drugs or controlled substances, drugs for administration by injection and substances not listed in Subsection A of this section shall be submitted to the board of pharmacy and the New Mexico medical board for approval.

History: Laws 2008, ch. 44, § 2; 2009, ch. 260, § 1.

**61-4-9.3. Use of chiropractic name limited.** (Repealed effective July 1, 2022.)

The terms "chiropractor", "chiropractic physician" or "chiropractic" may be used only by persons licensed pursuant to the Chiropractic Physician Practice Act.

History: Laws 2008, ch. 44, § 3.

**61-4-10. Refusal, suspension or revocation of license.** (Repealed effective July 1, 2022.)

A. The board may refuse to issue or may suspend or revoke any license or may censure, reprimand, fine or place on probation and stipulation any licensee in accordance with the procedures as contained in the Uniform Licensing Act [61-1-1 NMSA 1978] upon the grounds that the licensee or applicant:

- (1) is convicted of a felony. A copy of the record of conviction, certified to by the clerk of the court entering the conviction, shall be conclusive evidence of such conviction;
- (2) is guilty of fraud or deceit in procuring or attempting to procure a license in the chiropractic profession or in connection with applying for or procuring license renewal;
- (3) is guilty of incompetence;
- (4) is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render the licensee or applicant unfit to practice chiropractic;
- (5) is guilty of practicing or attempting to practice under an assumed name or fails to use the title "doctor of chiropractic", chiropractic physician or the initials "D.C." in connection with the licensee's or applicant's practice or advertisements;
- (6) is guilty of failing to comply with any of the provisions of the Chiropractic Physician Practice Act or rules and regulations promulgated by the board and filed in accordance with the State Rules Act [14-4-1 NMSA 1978];
- (7) is guilty of willfully or negligently practicing beyond the scope of chiropractic practice as defined in the Chiropractic Physician Practice Act;
- (8) is guilty of advertising by means of knowingly false statements;
- (9) has been declared mentally incompetent by regularly constituted authorities or is manifestly incapacitated to practice chiropractic;
- (10) advertises or attempts to attract patronage in any unethical manner prohibited by the rules and regulations of the board;
- (11) is guilty of obtaining any fee by fraud or misrepresentation;
- (12) is guilty of making false or misleading statements regarding the licensee's or applicant's skill or the efficacy or value of treatment or remedy prescribed or administered by the licensee or applicant or at the licensee's or applicant's direction;
- (13) is guilty of aiding or abetting the practice of chiropractic by a person not licensed by the board;
- (14) has incurred a prior suspension or revocation in another state where the suspension or revocation of a license to practice chiropractic was based upon acts by the licensee similar to acts described in this section and by board rules promulgated pursuant to Paragraph (6) of this subsection. A certified copy of the record of suspension or revocation of the state making such suspension or revocation is conclusive evidence thereof;
- (15) is guilty of making a false, misleading or fraudulent claim; or
- (16) is guilty of unprofessional conduct that includes but is not limited to the following:
  - (a) procuring, aiding or abetting a criminal abortion;

- (b) representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured;
- (c) willfully or negligently divulging a professional confidence;
- (d) conviction of any offense punishable by incarceration in a state penitentiary or federal prison. A copy of the record of conviction, certified by the clerk of the court entering the conviction, is conclusive evidence;
- (e) impersonating another person licensed in the practice of chiropractic or permitting or allowing any person to use the licensee's or applicant's license;
- (f) gross negligence in the practice of chiropractic;
- (g) fee splitting;
- (h) conduct likely to deceive, defraud or harm the public;
- (i) repeated similar negligent acts;
- (j) employing abusive billing practices;
- (k) failure to report to the board any adverse action taken against the licensee or applicant by: 1) another licensing jurisdiction; 2) any peer review body; 3) any health care entity; 4) any governmental agency; or 5) any court for acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this section;
- (l) failure to report to the board surrender of a license or other authorization to practice chiropractic in another state or jurisdiction or surrender of membership on any chiropractic staff or in any chiropractic or professional association or society following, in lieu of, and while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as provided in this section;
- (m) failure to furnish the board, its investigators or representatives with information requested by the board;
- (n) abandonment of patients;
- (o) failure to adequately supervise, as provided by board regulation, a chiropractic assistant or technician or professional licensee who renders care;
- (p) intentionally engaging in sexual contact with a patient other than the licensee's or applicant's spouse during the doctor-patient relationship; and
- (q) conduct unbecoming a person licensed to practice chiropractic or detrimental to the best interests of the public.

B. The board may at its discretion hire investigators or issue investigative subpoenas for the purpose of investigating complaints made to the board regarding chiropractic physicians.

C. All written and oral communication made by any person to the board or an agent of the board relating to actual or potential disciplinary action, including complaints made to the board, are confidential communications and are not public records for the purposes of the Inspection of Public Records Act [14-2-4 NMSA 1978]; provided that all information contained in a complaint file is public information and subject to disclosure when the board acts on a complaint.

D. Licensees shall bear all costs of disciplinary proceedings unless exonerated.

History: 1953 Comp., § 67-3-18, enacted by Laws 1968, ch. 3, § 10; 1971, ch. 67, § 1; 1981, ch. 235, § 1; 1993, ch. 198, § 9; 2006, ch. 18, § 5.

**61-4-11. Criminal offender's character evaluation.** (Repealed effective July 1, 2022.)

The provisions of the Criminal Offender Employment Act [28-2-1 to 28-2-6 NMSA 1978] shall govern any consideration of criminal records required or permitted by the Chiropractic Physician Practice Act.

History: 1953 Comp., § 67-3-18.1, enacted by Laws 1974, ch. 78, § 13; 1993, ch. 198, § 10.

**61-4-12. Penalties.** (Repealed effective July 1, 2022.)

A. Each of the following acts constitutes a misdemeanor punishable upon conviction by a fine of not less than fifty dollars (\$50.00) or more than one thousand dollars (\$1,000) or by imprisonment not to exceed one year, or both:

- (1) practice of chiropractic or an attempt to practice chiropractic without a license;
- (2) obtaining or attempting to obtain a license or practice in the profession for money or any other thing of value by fraudulent misrepresentation;
- (3) willfully falsifying any oath or affirmation required by the Chiropractic Physician Practice Act;
- (4) practicing or attempting to practice under an assumed name; or
- (5) advertising or attempting to attract patronage in any unethical manner prohibited by the rules and regulations of the board.

B. Any second violation of the act constitutes a fourth degree felony.

History: 1953 Comp., § 67-3-19, enacted by Laws 1968, ch. 3, § 11; 1975, ch. 176, § 3; 1993, ch. 198, § 11.

**61-4-13. Annual renewal of license; fee; notice.** (Repealed effective July 1, 2022.)

A. Any person licensed to practice chiropractic in this state shall, on or before July 1 of each year, pay to the board an annual fee set by regulation and shall submit proof of completion of continuing education requirements as required by the board. The board shall send written notice to every person holding a license prior to June 1 of each year, directed to the last known address of the licensee, notifying him that it is necessary for him to pay the renewal fee as provided in the Chiropractic Physician Practice Act. Proper forms shall accompany the notice upon which the licensee shall make application for the renewal of his license. The licensee is responsible for renewal of the license even if the licensee does not receive the renewal notice.

B. The board shall establish a schedule of reasonable fees for applications, licenses, renewals, placement or inactive status and administrative fees.

History: 1953 Comp., § 67-3-20, enacted by Laws 1968, ch. 3, § 12; 1977, ch. 109, § 2; 1978, ch. 114, § 2; 1983, ch. 187, § 4; 1993, ch. 198, § 12.

**61-4-14. Failure to renew; cancellation; reinstatement; permissive temporary cancellation.**

(Repealed effective July 1, 2022.)

Any licensee who fails to comply with the requirements for renewal as set forth in Section 12 [61-4-13 NMSA 1978], shall, upon order of the board, forfeit his right to practice chiropractic in this state and his license and any certificates of renewal shall be cancelled. The board may reinstate him upon payment of all fees or penalties due and upon the presentation of evidence of attendance at educational programs as may be provided by rules and regulations of the board. Any person licensed to practice chiropractic in this state who desires to withdraw from active practice in this state may apply to the board for a temporary suspension of his license with the right to renew and reinstate his license upon a showing that he has paid his annual license renewal fee on or before the first day of July of each year, provided that no suspension shall be granted for a period of less than one year.

History: 1953 Comp., § 67-3-21, enacted by Laws 1968, ch. 3, § 13.

**61-4-15. Exemptions.** (Repealed effective July 1, 2022.)

The Chiropractic Physician Practice Act does not apply to:

- A. any commissioned officer of the armed forces of the United States in the discharge of his official duties;
- B. a chiropractor who is legally qualified to practice in the state or territory in which he resides, when in actual consultation with a licensed chiropractor of this state; or
- C. any bona fide student of any standard chiropractic college chiropractically analyzing and adjusting the human body under supervision of a licensed chiropractor.

History: 1953 Comp., § 67-3-22, enacted by Laws 1968, ch. 3, § 14; 1993, ch. 198, § 13.

**61-4-16. Existing licensees.** (Repealed effective July 1, 2022.)

Any person licensed as a chiropractor under any prior law of this state whose license is valid on the effective date of the Chiropractic Physician Practice Act shall be deemed as licensed under the provisions of the Chiropractic Physician Practice Act.

History: 1953 Comp., § 67-3-23, enacted by Laws 1968, ch. 3, § 15; 1993, ch. 198, § 14.

**61-4-17. Termination of agency life; delayed repeal.** (Repealed effective July 1, 2022.)

The chiropractic board is terminated on July 1, 2015 pursuant to the Sunset Act [12-9-11 NMSA 1978]. The board shall continue to operate according to the provisions of the Chiropractic Physician Practice Act until July 1, 2016. Effective July 1, 2016, the Chiropractic Physician Practice Act is repealed.

History: 1978 Comp., § 61-4-17, enacted by Laws 1979, ch. 77, § 2; 1981, ch. 241, § 18; 1985, ch. 87, § 3; 1991, ch. 189, § 6; 1997, ch. 46, § 4; 2003, ch. 428, § 3; 2009, ch. 96, § 3.



# NEW MEXICO ADMINISTRATIVE CODE

## Title 16 OCUPATIONAL AND PROFESSIONAL LICENSING

### Chapter 4 CHIROPRACTIC PRACTITIONERS

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Also available on the board website:

[www.rld.state.nm.us/boards/Chiropractic\\_Examiners.aspx](http://www.rld.state.nm.us/boards/Chiropractic_Examiners.aspx)





**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 1 GENERAL PROVISIONS**

**16.4.1.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.1.1 NMAC - Rn, 16 NMAC 4.1.1, 1/15/2005]

**16.4.1.2 SCOPE:** All licensed chiropractic physicians.

[11/16/97; 16.4.1.2 NMAC - Rn, 16 NMAC 4.1.2, 1/15/2005]

**16.4.1.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-2, 61-4-4, 61-4-6, 61-4-12 and 61-4-13 NMSA 1978.

[11/16/97; 16.4.1.3 NMAC - Rn, 16 NMAC 4.1.3, 1/15/2005]

**16.4.1.4 DURATION:** Permanent

[11/16/97; 16.4.1.4 NMAC - Rn, 16 NMAC 4.1.4, 1/15/2005]

**16.4.1.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.1.5 NMAC - Rn & A, 16 NMAC 4.1.5, 1/15/2005]

**16.4.1.6 OBJECTIVE:** To establish definitions, practicing without a license, annual registration displayed, duplicate license, change of address, advertising requirements and administrative fees. In doing so, a board member may participate in a meeting of the board by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for the board member to attend the meeting in person, and participation by such means shall constitute presence in person at the meeting. When a board member participates in a meeting by conference telephone or other similar communications equipment, each board member participating by telephone must be able to be identified when speaking, all participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any board member who speaks during the meeting.

[11/16/97; 16.4.1.6 NMAC - Rn, 16 NMAC 4.1.6, 1/15/2005; A, 11/19/07]

**16.4.1.7 DEFINITIONS:**

A. "Chiropractic" means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, adjustment and manipulation of the human structure. It shall include, but not be limited to, the prescription and administration of all natural agents in all forms 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.

B. "Board" means the New Mexico board of chiropractic examiners.

C. "Chiropractic physician" includes doctor of chiropractic, chiropractor and chiropractic physician and means a person who practices chiropractic as defined in the Chiropractic Physician Practice Act.

D. "Chiropractic assistant" means a person who practices under the on-premises supervision of a licensed chiropractic physician.

E. "Advertising" means any communication whatsoever, disseminated by any means whatsoever, to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling professional services, or offering to perform professional services, or inducing members of the public to enter into any obligation relating to such professional services.

F. "Chiropractic adjustment" means the application of a precisely controlled force applied by hand or by mechanical device to a specific focal point on the anatomy for the purpose of creating a desired angular movement in the skeletal joint structures in order to eliminate or decrease interference with neural transmission or to

correct or attempt to correct a vertebral subluxation using, as appropriate, short lever, high velocity, low amplitude line of correction force to achieve the desired angular movement or neuromuscular reflex response.

G. "Mobilization" means a non-thrusting manual therapy involving movement of a joint within its physiological range of motion. Mobilization is a passive movement within the physiological joint space administered by a clinician for the purpose of increasing normalizing overall joint range of motion.

H. "Spinal manipulation or articular manipulation" means the application of a direct thrust or leverage to move a joint of the spine or extremity articulation to the parapsysiologic end range movement but without exceeding the limits of anatomical integrity.

I. "Vertebral subluxation" means a complex of functional, structural or pathological articular changes, or combination thereof, that compromise articular junction, neural integrity and may adversely influence organ system function or general health and well being.

J. "Impairment fee" means: that in addition to the license renewal fee, each chiropractor subject to renewal will be assessed an impairment fee to be set aside for the purpose of the impaired practitioners program.

K. "NBCE" national board of chiropractic examiners.

L. "PACE" providers of approved continuing education.

M. "Application for examination" applicants applying for licensure by examination in New Mexico who have not yet successfully completed the NBCE examinations and who would like to take the New Mexico board exam prior to completing the NBCE must apply for application by examination.

N. "Licensure by examination" applicants applying for licensure by examination in New Mexico who have taken and passed the NCBE and the board practical examination must apply for licensure by examination.

O. "Complaint/review committee" an ad hoc committee established by the board to review all complaints and applicants with background findings. Complaint/review committee shall consist of (1) one professional board member, (1) one chiropractor with an active license for 5 years in New Mexico in good standing, the boards executive director, boards compliance liaison, and boards investigator. Recommendations regarding the complaints and licensure of the applicants will be given to the board at its next scheduled meeting.

P. "Background findings" the board may deny, stipulate, or otherwise limit a license if it is determined the applicant holds or has held a license in another jurisdiction that is not in good standing, if proceedings are pending against the applicant in another jurisdiction, or information is received indicating the applicant is a danger to patients or is guilty of violating any of the provisions of the Chiropractic Physicians Practice Act, the Uniform Licensing Act, Impaired Health Care Providers Act. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board shall formally accept the approval of the application at the next scheduled meeting.

[3/1/72, 9/18/80, 2/27/87, 3/5/93, 11/16/97, 10/31/98; 16.4.1.7 NMAC -Rn & A, 16 NMAC 4.1.7, 1/15/2005; A, 4/10/06; A, 8/30/06]

**16.4.1.8 PRACTICING WITHOUT A LICENSE:** The practice of chiropractic without a license will constitute grounds to refuse an applicant the right to sit the examination or to be granted a license.

[10/30/69, 2/28/87, 11/16/97; 16.4.1.8 NMAC - Rn, 16 NMAC 4.1.8, 1/15/2005]

**16.4.1.9 ANNUAL REGISTRATION DISPLAYED:** A copy of the license and certificate of annual registration shall at all times be displayed conspicuously in the office of the practitioner to whom it has been issued.

[10/30/69, 2/27/87, 11/16/97; 16.4.1.9 NMAC - Rn, 16 NMAC 4.1.9, 1/15/2005]

**16.4.1.10 DUPLICATE LICENSE:** A duplicate license may be granted by the board to any practitioner upon proof of loss of the original license or an affidavit of need and payment of a fee as set forth in Subsection A of 16.4.1.13 NMAC.

[10/30/69, 2/27/87, 11/16/97, 10/31/98; 16.4.1.10 NMAC - Rn, 16 NMAC 4.1.10, 1/15/2005; A, 4/10/06]

**16.4.1.11 CHANGE OF ADDRESS:** Any licensed chiropractor that changes their office or residence address must notify the board in writing within fifteen days.

[10/30/69, 2/27/87, 11/16/97, 10/31/98; 16.4.1.11 NMAC - Rn, 16 NMAC 4.1.11, 1/15/2005]

**16.4.1.12 ADVERTISING:**

A. Statement of policy: It is the policy of the board that advertising by licensed practitioners of chiropractic should be regulated in order to fulfill the duty of the state of New Mexico to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to the practitioners or to the public by the

Constitution of the United States and the Constitution of the state of New Mexico as construed by the United States supreme court and the New Mexico supreme court. To that end, the board permits the dissemination of legitimate information to the public concerning the science of chiropractic and individual practitioners thereof. Such dissemination of information must be done in accordance with this rule which is designed to reasonably facilitate the flow of accurate information and prevent fraudulent, false, deceptive, misleading or confusing advertising. Advertising not contrary to the prohibitions in this rule shall be deemed an appropriate means of informing the public of the availability of professional services.

B. Certain advertising prohibited:

(1) Any chiropractor who disseminates or causes to be disseminated or allows to be disseminated any advertising which is in any way fraudulent, false, deceptive, misleading or confusing, shall be deemed to be in violation of the Chiropractic Physician Practice Act.

(2) Fraudulent, false, deceptive, misleading or confusing advertising includes, but is not limited, to:

- (a) advertising which contains a misrepresentation of any fact or facts;
- (b) advertising which, because of its contents or the context in which it is presented, fails to disclose relevant or material facts or makes only partial disclosure of relevant or material facts;
- (c) advertising which makes claims of, or conveys the impression of superior professional qualifications which cannot be substantiated by the chiropractor;
- (d) advertising which contains distorted claims or statements about any individual chiropractor, chiropractic group or chiropractic office, clinic or center;
- (e) advertising which creates unjustified expectations of beneficial treatment or successful cures;
- (f) advertising which guarantees the results of any service, painless treatment, or which promises to perform any procedure painlessly;
- (g) advertising which in any way appeals to fears, ignorance or anxieties regarding a persons state of health or physical or mental well-being;
- (h) advertising which in any way intimidates or exerts undue pressure on the recipient;
- (i) advertising which fails to conspicuously identify the chiropractor or chiropractors referred to in the advertising as practitioners of chiropractic by use of the term “chiropractor”, “chiropractors”, “chiropractic”, “chiropractic physician”, “chiropractic physicians”, “doctor of chiropractic”, or “doctors of chiropractic”;
- (j) advertising which fails to be conspicuously identified as “chiropractic” advertising;
- (k) advertising which fails to conspicuously identify the chiropractic practice, office, clinic or center being advertised by a name which includes the term “chiropractor”, “chiropractors”, “chiropractic”, “chiropractic physician”, “chiropractic physicians”, “doctor of chiropractic” or “doctors of chiropractic”;
- (l) advertising which invades the field of practice of other healthcare practitioners when the chiropractor is not licensed to practice such profession;
- (m) advertising which appears in a classified directory or listing, or otherwise under a heading which, when considered alone or together with the advertisement, does not accurately convey the professional status of the chiropractor or the professional services being advertised;
- (n) advertising which concerns a transaction that is in itself illegal;
- (o) advertising which employs testimonials which, by themselves or when taken together with the remainder of the advertisement intimidate, exert undue pressure on, or otherwise improperly influence the recipient.

C. Advertising which offers gratuitous services or discounts in connection with professional services; provided, however, that advertising may offer gratuitous services or discounts if:

(1) such advertising clearly and conspicuously states whether or not additional charges may be incurred for related services which may be needed or appropriate in individual cases, and the possible range of such additional charges if such charges may be incurred;

(2) such advertising is not otherwise false, fraudulent, deceptive, misleading or confusing;

(3) such advertising offering a “spinal examination” or “scoliosis examination” or using any other similar phrase includes, at a minimum, the following tests or procedures: blood pressure, weight, height, reflexes, pulse, range of motion and orthopedic tests appropriate to the history; and

(4) such advertising offering “an examination” or using any other similar phrase includes the taking of a history of the patient as it relates to the presenting complaints, and a comprehensive neurological, orthopedic, chiropractic and physical examination including, where necessary, the taking, developing and interpretation of x-

rays and the performance and interpretation of laboratory or other specialized tests when necessary to establish a diagnosis; such x-rays and laboratory and other specialized tests must constitute a diagnostically complete study.

D. Advertisements may quote fixed prices for specific routine services if such advertising clearly and conspicuously states whether or not additional charges may be incurred for related services and the possible range of such additional charges if such charges may be incurred. A routine service is one which is not so unique that a fixed rate cannot meaningfully be established.

E. Chiropractors, their agents or any representatives who engage in telemarketing are required to inform the parties they call at the beginning of the call:

- (1) who they are (caller's name);
- (2) who they represent (clinic/doctor); and
- (3) chiropractors, their agents or representatives engaging in telemarketing, either directly or through

others, shall keep a voice recorded log of all phone call conversations and a written log to include date, telephone number, and the name of every person called; all such chiropractors, their agents or representatives shall keep such logs for a period of three years from the date of the telemarketing.

F. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall misrepresent to the person called any association with an insurance company or another chiropractor or group of chiropractors, nor shall such solicitor promise successful chiropractic treatment of injuries, or make any other misrepresentation of whatever kind for the purpose of selling chiropractic services.

G. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall engage in such practices during hours prohibited by applicable municipal ordinance or state law, or in the absence of either, then other than between the hours 9 a.m. and 8 p.m. local time.

H. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall make more than one telephone call to any telephone number unless requested by the recipient to call again.

I. No chiropractor shall advertise directly or indirectly, through any device or artifice, that the advertising chiropractor will not collect from any prospective patient, that patient's insurance deductible or co-payment obligations arising by virtue of any medical insurance policy provided for the payment, in whole or in part, of any chiropractor's charge. The words free initial consultation must be explicitly explained what a consultation consist of and at exactly what point charges begin to accrue with clear delineation between a free consultation and an exam with treatment for which services will be charged. At no time can any representation in regards to payment for services be misleading to the consumer or patient and it must be stated up front that if the patient decides to accept the care that they will be charged for all services and that payment will be expected whether it be from the patient, third-party payor, insurance, or medpay.

J. No applicant for licensure to practice chiropractic, and no unlicensed practitioner, shall advertise chiropractic services in this state in any way.

K. All advertisements by a chiropractor must include the full name of the chiropractor as it appears on his or her chiropractic license followed by the letters D.C. or the designation "chiropractor", "chiropractic physician" or "doctor of chiropractic".

L. Any form of solicitation offered to individuals whose identities are known through the use of any form of public record, including but not limited to police reports, shall be reviewed and approved by the board and re-approved annually. Unless specifically disapproved by the committee designated by the board the copy submitted may be used for patient solicitation. If approved or disapproved, that information shall be communicated to the submitting doctor within 30 days of submission. The submitting physician has the right to request a determination be made by the full board at its next scheduled meeting. The board holds the right during each renewal cycle to complete a random audit of all written materials, and mandatory voice recordings of all phone conversations for a period up to three years following any telemarketing procedures from public record.

M. Any direct, individual contact by a licensee or the agent of a licensee with prospective patients through the use of public records, including but not limited to police or accident reports is prohibited.

[3/1/72, 2/27/87, 9/18/80, 3/5/93, 10/31/93, 11/16/97, 10/31/98; 16.4.1.12 NMAC - Rn & A, 16 NMAC 4.1.12, 1/15/2005; A, 4/10/06; A, 11/13/2011; A, 01/01/2012]

#### **16.4.1.13 ADMINISTRATIVE FEES:**

A. In accordance with Section 61-4-7.G and Section 61-4-13.B of the New Mexico Chiropractic Physicians Practice Act, NMSA 1978, the board of chiropractic examiners establishes the following nonrefundable fees:

- (1) fees:

- (a) application fee \$350;
- (b) without examination \$350;
- (c) temporary licensure \$50;
- (d) reinstatement of license \$125 (in addition to back renewal and penalty fees for each year, not to exceed two years);
- (e) initial license fee \$300.
- (2) annual renewal fees:
  - (a) active \$300;
  - (b) inactive \$100;
  - (c) impairment fee of \$25 in addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60 per renewal period.
- (3) penalty for late renewal \$100 (per month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed \$500).
- (4) continuing education fee \$50.
- (5) miscellaneous fees listed below will be approved annually by the board and made available by the board office upon request:
  - (a) photocopying;
  - (b) written license verifications;
  - (c) list of licensees;
  - (d) duplicate licenses;
  - (e) duplicate renewal certificate;
  - (f) copies of statutes, rules and regulations.

B. The board shall annually designate that proportion of renewal fees which shall be used for the exclusive purposes of investigating and funding hearings regarding complaints against chiropractic physicians. [3/22/95, 11/16/97, 10/31/98, 1/29/99; 16.4.1.13 NMAC - Rn & A, 16 NMAC 4.1.13, 1/15/2005; A, 4/10/06; A, 11/19/07]

**16.4.1.14 INSPECTION OF PUBLIC RECORDS:** The board operates in compliance with the Inspection of Public Records Act, NMSA 1978 Sections 14-2-1 through 14-2-16. The board administrator is the custodial of the board's records.  
[16.4.1.14 NMAC - N, 4/10/06]

**16.4.1.15 MALPRACTICE INSURANCE:** Chiropractic physicians shall maintain continuous malpractice insurance coverage in amounts equal to or greater than the amounts defined in the Medical Malpractice Act NMSA 1978 41-5-5 A (1).  
[16.4.1.15 NMAC - N, 4/10/06]

**16.4.1.16 PRE-PAID TREATMENT PLANS:** Chiropractic physicians accepting pre-payment for services planned but not yet delivered must:

- A. Establish an escrow account to hold all pre-payment funds.
  - (1) Funds may be removed from the escrow account following the delivery of services in such amounts equal to the chiropractors usual and customary charges for like services with any discounted percentage contained in the pre-paid agreement for the contracted treatment plan.
  - (2) Funds received in advance of the day services are delivered must be deposited into the escrow account in a timely manner.
- B. The patient's file must contain the proposed treatment plan including enumeration of all aspects of evaluation, management and treatment planned to therapeutically benefit the patient relative to the condition determined to be present and necessitating treatment.
  - (1) The patient's financial file must contain documents outlining any necessary procedures for refunding unused payment amounts in the event that either the patient or the doctor discharge the others services or therapeutic association.
  - (2) The treatment plan in such cases were prepayment is contracted must contain beginning and ending dates and a proposed breakdown of the proposed treatment frequency, types of modalities and procedures included in the contracted treatment and methods of evaluating the patients progress or serial outcome assessment plan and method of recording or assessing patient satisfaction.

C. A contract for services and consent of treatment document must be maintained in the patient's file that specifies the condition for which the treatment plan is formulated, prognosis and alternate treatment options.

D. The chiropractic physician is responsible for providing all treatment appropriate and necessary to address and manage the condition including unforeseen exacerbations or aggravations, within the chiropractic physician's licensure, that may occur during the course of time for which the contract is active. This does not include alternative services procured by the patient or treatment by providers other than the treating chiropractor or those under the chiropractor's direct supervision.

E. If nutritional products or other hard goods including braces, supports or patient aids are to be used during the proposed treatment plan the patient documents must state whether these items are included in the gross treatment costs or if they constitute a separate and distinct service and fee.

[16.4.1.16 NMAC - N, 4/10/06]

**HISTORY OF 16.4.1 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

BCE 69-1, Board Rules and Regulations, filed 9/30/69.

BCE 69-1, Rule 10, Relating to Unethical Advertising, filed 1/31/72.

BCE 80-2, Relating to Unethical Advertising, filed 8/19/80.

Rule 2-87, Practicing Without a License, filed 1/28/87.

Rule 3-87, Annual Registration Displayed, filed 1/28/87.

Rule 10-87, Advertisements, filed 1/28/87.

Rule 4-87, Duplicate License, filed 1/28/87.

Rule 6-87, Change of Address, filed 1/28/87.

Rule 10-93 Advertising, filed 2/3/93.

Rule 10-93 Advertising, filed 10/1/93.

Rule 19-95, Administrative Fees, filed 2/20/95.

Rule 19-95, Administrative Fees, filed 3/31/95.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 19-95, Administrative Fees (filed 3/31/95) renumbered, reformatted, and amended to 16 NMAC 4.1, Chiropractic Practitioners, General Provisions, effective 11/16/1997.

16 NMAC 4.1, Chiropractic Practitioners, General Provisions (filed 10/17/97) renumbered, reformatted, amended and replaced by 16.4.1 NMAC, Chiropractic Practitioners, General Provisions, effective 1/15/2005.

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 2         TEMPORARY LICENSURE**

**16.4.2.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101 Santa Fe, New Mexico 87504.

[11/16/97; 16.4.2.1 NMAC - Rn, 16 NMAC 4.2.1, 3/15/06]

**16.4.2.2        SCOPE:** All applicants.

[11/16/97; 16.4.2.2 NMAC - Rn, 16 NMAC 4.2.2, 3/15/06]

**16.4.2.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-8 NMSA 1978.

[11/16/97; 16.4.2.3 NMAC - Rn, 16 NMAC 4.2.3, 3/15/06]

**16.4.2.4        DURATION:** Permanent.

[11/16/97; 16.4.2.4 NMAC - Rn, 16 NMAC 4.2.4, 3/15/06]

**16.4.2.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.2.5 NMAC - Rn & A, 16 NMAC 4.2.5, 3/15/06]

**16.4.2.6        OBJECTIVE:** To provide requirements for the granting of a temporary license.

[11/16/97; 16.4.2.6 NMAC - Rn, 16 NMAC 4.2.6, 3/15/06]

**16.4.2.7        DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.2.7 NMAC - Rn, 16 NMAC 4.2.7, 3/15/06]

**16.4.2.8        [RESERVED]**

[3/22/95, 11/16/97; 16.4.2.8 NMAC - Rn & A, 16 NMAC 4.2.8, 3/15/06; A, 8/20/12; A, 1/30/15]

**16.4.2.9        PROVISIONS FOR EMERGENCY LICENSURE:**

A. Chiropractic physicians, currently licensed, actively practicing and in good standing and otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months or remainder of the current licensing year, which ever is greater, following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application which has been signed and notarized and which is accompanied by proof of identity, which may include a copy of a drivers license, passport or other photo identification issued by a governmental entity;

(2) completion of all actions described in 16.4.4.8 NMAC.

B. The board may waive any or all of the aforementioned requirements for licensure except those contained in Subsection A of 16.4.4.8 NMAC.

C. The board may waive the specific forms required under 16.4.4.8 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.4.4.8 NMAC.

E. Licensed issued under Provisions for Emergency Licensure shall expire on July 1 or the date 160 days following the issuance of emergency licensure which ever is greater, unless the board approves a renewal application. Application for renewal shall be made on or before the expiration of the emergency license to avoid late renewal fees, by completion of any and all remaining procedures described in 16.4.4.8 NMAC.

[16.4.2.9 NMAC - N, 3/15/06]

**16.4.2.10 EMERGENCY LICENSE TERMINATION:**

- A. The emergency license shall terminate upon the following circumstances:
- (1) the issuance of a permanent license under 16.4.4 NMAC;
  - (2) proof that the emergency license holder has engaged in fraud, deceit, or misrepresentation in procuring or attempting to procure a license under this section;
  - (3) expiration as defined in Subsection E of 16.4.2.9 NMAC;
  - (4) the results of the background check indicate negative findings.
- B. Termination of an emergency license shall not preclude application for permanent licensure.  
[16.4.2.10 NMAC - N, 3/15/06]

**HISTORY OF 16.4.2 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

BCE 69-1, Board Rules and Regulations, filed 9/30/69.

Rule 1-87, Temporary Licensure, filed 1/28/87.

Rule 1-95, Temporary Licensure, filed 2/20/95.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 1-95, Temporary Licensure (filed 2/20/95) was reformatted, renumbered, amended and replaced by 16 NMAC 4.2 NMAC, Temporary Licensure, effective 11/16/97.

16 NMAC 4.2 NMAC, Temporary Licensure (filed 10/17/97) was reformatted, renumbered, amended and replaced by 16.4.2 NMAC, Temporary Licensure, effective 3/15/06.



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**

**CHAPTER 4 CHIROPRACTIC PRACTITIONERS  
PART 3 REQUIREMENTS FOR LICENSURE**

**16.4.3.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.3.1 NMAC - Rn, 16 NMAC 4.3.1 1/15/2005]

**16.4.3.2 SCOPE:** Chiropractors for licensure who must take a licensing examination for the state of New Mexico.

[11/16/97; 16.4.3.2 NMAC - Rn, 16 NMAC 4.3.2, 1/15/2005]

**16.4.3.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-3.G and 61-4-4 NMSA 1978.

[11/16/97; 16.4.3.3 NMAC - Rn, 16 NMAC 4.3.3, 1/15/2005]

**16.4.3.4 DURATION:** Permanent.

[11/16/97; 16.4.3.4 NMAC - Rn, 16 NMAC 4.3.4, 1/15/2005]

**16.4.3.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.3.5 NMAC - Rn & A, 16 NMAC 4.3.5, 1/15/2005]

**16.4.3.6 OBJECTIVE:** To outline the documents necessary for candidates who must complete the application process for examination.

[11/16/97; 16.4.3.6 NMAC - Rn, 16 NMAC 4.3.6, 1/15/2005]

**16.4.3.7 DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.3.7 NMAC - Rn, 16 NMAC 4.3.7, 1/15/2005]

**16.4.3.8 APPLICATION FOR LICENSURE:**

A. The board shall recognize successful completion of all parts of the examination conducted by the national board of chiropractic examiners. If the applicant has not completed all IV parts and physiotherapy of the national board of examiner then the New Mexico chiropractic board shall examine each applicant in the act of chiropractic adjusting, procedures and methods as shall reveal the applicants qualifications. The board may waive the requirements for the board administered examination and request proof of satisfactory completion of any missing exam conducted by the national board of chiropractic examiners at the time of the applicants graduation form chiropractic college. The applicant must also complete the state jurisprudence exam with a score of at least 75%. No application for licensure under the Chiropractic Physician Practice Act, Sections 61-4-1 through 61-4-17 NMSA 1978, shall be deemed complete until the board's administrator certifies that the application contains all of the following:

- (1) a completed application form;
- (2) a nonrefundable application fee of \$350.00 payable by cashier's check or money order;
- (3) letter size, copy of original chiropractic diploma;
- (4) 2" x 2" photograph attached to the application;
- (5) transcript from the national board of chiropractic examiners (parts I, II, III, IV and physiotherapy exam), demonstration a passing score;
- (6) all transcripts must be sent directly from each agency to the New Mexico board;
- (7) verification of licensure and good standing in any state where the applicant holds a current or inactive license must be sent directly from a state licensing agency to the New Mexico board;
- (8) the applicant has had no disciplinary action imposed, or criminal convictions, applicant agrees to a national practitioners databank, a federation of chiropractic licensing boards background check, and will sign a criminal record releases.

B. All Applications deemed completed by the board's administer shall be forwarded to the board's licensing committee with all the supporting information related to the applications. After review of the applications and supporting information the committee shall submit their recommendations to the board for consideration.

C. No applicant shall be reviewed for approval until the application is complete.

D. If an applicant does not meet the minimal requirements as set forth above, applicant may, at the discretion of the board, be required to take and pass part I, II, III, IV, physiotherapy exam, other NBCE specialty examination or the special purpose examination (SPEC) of the national boards, or any combination thereof.

E. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources.

[2/27/87, 5/26/89, 9/5/91, 2/12/93, 11/16/97, 10/31/98, 1/29/99; 16.4.3.8 NMAC - Rn & A, 16 NMAC 4.3.8, 1/15/2005; A, 3/15/06; A, 8/30/06; A, 08/9/08; A, 11/13/2011; A, 1/30/15]

**16.4.3.9 [RESERVED]**

[1/29/99; 16.4.3.9 NMAC - Rn & A, 16 NMAC 4.3.9, 1/15/2005; A, 3/15/06; Repealed, 08/9/08]

**HISTORY OF 16.4.3 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 7-87, Application for Licensure, filed 1/28/87.

Rule 7-89, Application for Licensure, filed 4/26/89.

Rule 7-91, Application for Licensure, filed 8/6/91.

Rule 7-93, Application for Licensure, filed 1/13/93.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 7-93, Application for Licensure (filed 1/13/93) renumbered, reformatted, and amended to 16 NMAC 4.3, Chiropractic Practitioners, Requirements for Licensure by Examination, effective 11/16/1997.

16 NMAC 4.3, Requirements for Licensure by Examination (filed 10/17/97) renumbered, reformatted, amended and replaced by 16.4.3 NMAC, Requirements for Licensure by Examination, effective 1/15/2005.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 4 LICENSURE WITHOUT EXAMINATION**

**16.4.4.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.4.1 NMAC - Rn, 16 NMAC 4.4.1, 1/15/05]

**16.4.4.2 SCOPE:** Applicants for licensure as a chiropractic physician without examination.

[11/16/97; 16.4.4.2 NMAC - Rn, 16 NMAC 4.4.2, 1/15/05; A, 8/20/12]

**16.4.4.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-8 NMSA 1978.

[11/16/97; 16.4.4.3 NMAC - Rn, 16 NMAC 4.4.3, 1/15/05]

**16.4.4.4 DURATION:** Permanent.

[11/16/97; 16.4.4.4 NMAC - Rn, 16 NMAC 4.4.4, 1/15/05]

**16.4.4.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.4.5 NMAC - Rn & A, 16 NMAC 4.4.5, 1/15/05]

**16.4.4.6 OBJECTIVE:** To establish requirements for licensure without examination.

[11/16/97; 16.4.4.6 NMAC - Rn, 16 NMAC 4.4.6, 1/15/05; A, 8/20/12]

**16.4.4.7 DEFINITIONS:** (Refer to 16.4.1 NMAC.)

[11/16/97; 16.4.4.7 NMAC - Rn, 16 NMAC 4.4.7, 1/15/05]

**16.4.4.8 LICENSURE:**

A. In accordance with Section 61-4-8 NMSA 1978, of the New Mexico Chiropractic Physician Practice Act, the board may, at its discretion, issue licenses to practice chiropractic in New Mexico to doctors who provide evidence of meeting the following minimal requirements:

(1) is of good moral character and has maintained an active practice for at least seven of the last ten years prior to the filing of the application as a doctor of chiropractic in another state, territory, country or foreign jurisdiction whose licensure requirements are equal to or exceed those of New Mexico; and

(a) has a doctor of chiropractic diploma from a council on chiropractic education accredited or board accepted equivalent chiropractic college;

(b) for those who have served in the military services of the United States for two years or more within one year prior to application, two of the seven out of 10 years of active practice required can be substituted for and;

(c) is an applicant showing evidence of having passed all examinations conducted by the NBCE that were in effect at the time of graduation from chiropractic college;

(2) has had no disciplinary action imposed, nor criminal convictions entered against any chiropractic license the applicant held or holds; applicant agrees to a national practitioners databank and a federation of chiropractic licensing boards background check;

(3) can attest that the applicant has never been found guilty of any action which, had it been committed in New Mexico, would be grounds for disciplinary action against the license;

(4) provides national board transcripts that have been sent directly from each agency to the board.

B. Applicant must complete application for licensure without examination, pay nonrefundable application fee of \$350.00, pay a licensing fee of \$350.00 once applicant is accepted for licensure, and should meet all other applicable requirements of New Mexico statutes pertaining to the practice of chiropractic and all other applicable provisions of the board's rules. The applicant will be required to completed the jurisprudence exam with a score of at least 75 percent.

C. If an applicant does not meet the minimal requirements of 61-4-8.B NMSA 1978, applicant may at the discretion of the board, be required to take and pass part I, II, III or IV, or physiologic therapeutics or the special

purpose examination (SPEC) of the national boards or request to be placed on the agenda at the next scheduled board meeting.

D. Upon receipt of a completed application, including all required documentation as set forth in Subsection A of 16.4.3.8 NMAC and fees, as stated in Subsection B of 16.4.4.8 NMAC the board administrator or the delegate of the board will review and may approve the application. The results of the background check must either indicate no negative findings, or if there are negative findings, those findings will be considered by the board. The board may formally accept the approval of the application at the next scheduled meeting.

E. The board may designate a professional background information service, which compiles background information regarding an applicant from multiple sources.  
[3/22/95, 11/16/97; 10/31/98; 16.4.4.8 NMAC - Rn & A, 16 NMAC 4.4.8, 1/15/2005; A, 3/15/06; A, 8/30/06; A, 8/9/08; A, 11/13/11; A, 8/20/12; A, 1/30/15]

**HISTORY OF 16.4.4 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 17-95, Licensure By Endorsement, filed 2/20/95.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 17-95, Licensure By Endorsement (filed 2/20/95) was renumbered, reformatted and replaced by 16 NMAC 4.4, Licensure By Endorsement, effective 11/16/97.

16 NMAC 4.4, Licensure By Endorsement (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.4 NMAC, Licensure By Endorsement, effective 1/15/05.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 5 CRITERIA FOR DETERMINATION OF EQUIVALENCY TO COUNCIL OF**  
**CHIROPRACTIC EDUCATION C.C.E.**

**16.4.5.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.5.1 NMAC - Rn, 16 NMAC 4.5.1, 8/20/12]

**16.4.5.2 SCOPE:** All chiropractic physicians.

[11/16/97; 16.4.5.2 NMAC - Rn, 16 NMAC 4.5.2, 8/20/12]

**16.4.5.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-5 NMSA 1978.

[11/16/97; 16.4.5.3 NMAC - Rn, 16 NMAC 4.5.3, 8/20/12]

**16.4.5.4 DURATION:** Permanent.

[11/16/97; 16.4.5.4 NMAC - Rn, 16 NMAC 4.5.4, 8/20/12]

**16.4.5.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.5.5 NMAC - Rn & A, 16 NMAC 4.5.5, 8/20/12]

**16.4.5.6 OBJECTIVE:** To establish C.C.E. equivalency standards for chiropractic colleges.

[11/16/97; 16.4.5.6 NMAC - Rn, 16 NMAC 4.5.6, 8/20/12]

**16.4.5.7 DEFINITIONS:** Refer to 16.4.1.7 NMAC.

[11/16/97; 16.4.5.7 NMAC - Rn & A, 16 NMAC 4.5.7, 8/20/12]

**16.4.5.8 CRITERIA FOR DETERMINATION OF EQUIVALENCY TO C.C.E.:** Any chiropractic college that is not accredited by the council of chiropractic education (C.C.E.) must have:

A. recognition of the program by the Canadian, European or Australasian councils on chiropractic education; and

B. any other chiropractic accrediting bodies that the board may determine to be equivalent to the C.C.E. - USA; and

C. clinical competencies equal to or greater than those of C.C.E.

[2/12/93, 11/16/97; 16.4.5.8 NMAC - Rn & A, 16 NMAC 4.5.8, 8/20/12]

**HISTORY OF 16.4.5 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 14-93, Criteria For Determination Of Equivalency To C.C.E., filed 1/13/93.

**History of Repealed Material:** [RESERVED]



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 6 EXAMINATIONS**

**16.4.6.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.6.1 NMAC - Rn, 16 NMAC 4.6.1, 7/17/08]

**16.4.6.2 SCOPE:** Chiropractic applicants who apply for licensure by examination.

[11/16/97; 16.4.6.2 NMAC - Rn, 16 NMAC 4.6.2, 07/17/08]

**16.4.6.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-6.B NMSA 1978.

[11/16/97; 16.4.6.3 NMAC - Rn, 16 NMAC 4.6.3, 07/17/08]

**16.4.6.4 DURATION:** Permanent.

[11/16/97; 16.4.6.4 NMAC - Rn, 16 NMAC 4.6.4, 07/17/08]

**16.4.6.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section

[11/16/97; 16.4.6.5 NMAC - Rn & A, 16 NMAC 4.6.5, 07/17/08]

**16.4.6.6 OBJECTIVE:** To establish procedures that applicants for examination must follow.

[11/16/97; 16.4.6.6 NMAC - Rn, 16 NMAC 4.6.6, 07/17/08]

**16.4.6.7 DEFINITIONS:** Refer to 16.4.1.7 NMAC.

[11/16/97; 16.4.6.7 NMAC - Rn & A, 16 NMAC 4.6.7, 07/17/08]

**16.4.6.8 EXAMINATIONS:** The Chiropractic Physician Practice Act provides that the board shall examine candidates for licensure in the act of chiropractic adjusting, producers and methods as shall reveal the applicant's qualifications; provided that the board may waive the requirements for the board administered examination upon satisfactory completion of the examination conducted by the national board of chiropractic examiners. The board will accept successful completion of all parts of the examination conducted by the national board of chiropractic examiners.

A. National boards: an applicant for licensure by examination must have passed the national board exams I, II, III, and IV and physiotherapy conducted by the national board of chiropractic examiners with a passing score required by the national board of chiropractic examiners.

B. Jurisprudence exam: all licensure applicants must successfully pass the board's jurisprudence exam.

(1) The applicant will receive the jurisprudence examination with instructions from the board office after the board receives both the application and the application fees.

(2) To complete the jurisprudence examination, the applicant will use the statutes and rules and regulations of the board.

(3) The applicant must pass the jurisprudence exam with a minimum score of 75%.

(4) Applicants may retake the examination as many times necessary to achieve a passing grade.

(5) The jurisprudence examination may be developed for on-line access and available through the board web site.

[2/27/87, 11/16/97; 16.4.6.8 NMAC - Rn & A, 16 NMAC 4.6.8, 07/17/08; A, 8/20/12]

**HISTORY OF 16.4.6 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under: Rule 8-87, Examinations, filed 1/28/87.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 8-87, Examinations, (filed 1/28/87) renumbered, reformatted, and amended to 16 NMAC 4.6, Chiropractic Practitioners, Examinations, effective 11/16/97.

16 NMAC 4.6, Chiropractic Practitioners, Examinations, (filed 10/17/97) renumbered, reformatted, amended and replaced by 16.4.6 NMAC, Chiropractic Practitioners, Examinations, effective 07/17/08.



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 7 IMPAIRED PRACTITIONER PROGRAMS**

**16.4.7.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.7.1 NMAC - N, 1/15/2005]

**16.4.7.2 SCOPE:** All licensed chiropractic physicians.

[16.4.7.2 NMAC - N, 1/15/2005]

**16.4.7.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, (Sections 61-4-1 through 17 NMSA 1978).

[16.4.7.3 NMAC - N, 1/15/2005]

**16.4.7.4 DURATION:** Permanent.

[16.4.7.4 NMAC - N, 1/15/2005]

**16.4.7.5 EFFECTIVE DATE:** January 15, 2005, unless a later date is cited at the end of a section.

[16.4.7.5 NMAC - N, 1/15/2005]

**16.4.7.6 OBJECTIVE:** To clarify the procedures identified in the Impaired Health Care Provider Act.

[16.4.7.6 NMAC - N, 1/15/2005]

**16.4.7.7 DEFINITIONS:**

A. Impaired physicians programs is defined as programs that protect the public and educate the chiropractic physicians.

B. Programs may monitor, educate and intercede in the prevention and treatment of chiropractic physicians impaired or at risk of impairment.

C. All impairment fees received shall be designated for these programs.

[16.4.7.7 NMAC - N, 1/15/2005]

**16.4.7.8 COMPLAINTS:** Anyone may file a complaint with the board if they have reasonable cause to believe a chiropractor is impaired by:

A. mental illness;

B. physical illness, including but not limited to deterioration through the aging process or loss of motor skills;

C. habitual or excessive use or abuse of drugs, as defined in the Controlled Substances Act; or

D. habitual or excessive use or abuse of alcohol.

[16.4.7.8 NMAC - N, 1/15/2005]

**16.4.7.9 PROCESS:** Complaints received in the board office that allege impaired practice will be processed in the following manner, unless there are exceptional circumstances which require the board to consider the complaint without referral to the complaint committee because of a potential threat to the health or safety of the licensee or patients.

A. The complaint committee of the board shall review the complaint to determine if the board has jurisdiction over the matter and if the complaint may have merit.

B. The complaint committee may conduct a preliminary investigation to determine if the allegations in the complaint are supported by facts.

C. Upon completion of the review and or investigation, the complaint committee shall submit its recommendations to the board.

D. The board shall determine if an examination to ascertain impaired practice is required.

[16.4.7.9 NMAC - N, 1/15/2005]

**16.4.7.10 DISCIPLINARY ACTION:** No action or investigation or proceedings under the Impaired Health Care Provider Act (61-7-1 through 12 NMSA 1978) precludes the board from investigating or acting simultaneously, in its sole discretion, under the Chiropractic Physician Practice Act (61-4-1 through 17 NMSA 1978).

[16.4.7.10 NMAC - N, 1/15/2005]

**History of 16.4.7 NMAC:** [RESERVED]

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 8         DISCIPLINARY PROCEEDINGS**

**16.4.8.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.8.1 NMAC - N, 3/15/06]

**16.4.8.2        SCOPE:** The provisions of 16.4.8 NMAC apply to all active license holders and applicants for licensure. These provisions may also be of interest to anyone who may wish to file a complaint against a chiropractor licensed by the board.

[16.4.8.2 NMAC - N, 3/15/06]

**16.4.8.3        STATUTORY AUTHORITY:** 16.4.8 NMAC is promulgated pursuant to the Chiropractic Physician Practice Act, NMSA 1978, Section 61-4-10.

[16.4.8.3 NMAC - N, 3/15/06]

**16.4.8.4        DURATION:** Permanent.

[16.4.8.4 NMAC - N, 3/15/06]

**16.4.8.5        EFFECTIVE DATE:** March 15, 2006, unless a later date is cited at the end of a section.

[16.4.8.5 NMAC - N, 3/15/06]

**16.4.8.6        OBJECTIVE:** To establish the procedures for filing complaints against licensees and applicants, the disciplinary actions available to the board, the authority to issue investigative subpoenas and to further define actions by a licensee which are considered incompetent or unprofessional practice.

[16.4.8.6 NMAC - N, 3/15/06]

**16.4.8.7        DEFINITIONS:** [RESERVED]

**16.4.8.8        COMPLAINTS:** Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the board and complaint/review committee. Any hearing held pursuant to the complaint shall conform to the provisions of the Uniform Licensing Act, the Chiropractic Physician Practice Act, and the Impaired Practitioners Act.

[16.4.8.8 NMAC - N, 3/15/06]

**16.4.8.9        ACTIONS:**

A. The board may penalize, deny, revoke, suspend, stipulate, or otherwise limit a license if the board determines the licensee is guilty of violating any of the provisions of the Chiropractic Physician Practice Act, the Uniform Licensing Act, the Impaired Healthcare Care Providers Act, these Rules, or discipline imposed by other governing bodies.

B. The board may reprimand, censure, or require licensees to fulfill additional continuing education hours within limited time constraints for violations of the act or rules.

C. The board may at its discretion hire investigators to investigate complaints made to the board regarding chiropractic physicians.

D. Licensees shall bear all costs of disciplinary proceedings unless exonerated.

[16.4.8.9 NMAC - N, 3/15/06]

**16.4.8.10       GUIDELINES:** The board shall use the following as guidelines for disciplinary action.

A. "Gross incompetence" or "gross negligence" means, but shall not be limited to, a significant departure from the prevailing standard of care in treating patients.

B. "Unprofessional conduct" means, but is not limited to because of enumeration:

(1) performing, or holding oneself out as able to perform, professional services beyond the scope of one's license and field or fields of competence as established by education, experience, training, or any

combination thereof; this includes, but is not limited to, the use of any instrument or device in a manner that is not in accordance with the customary standards and practices of the chiropractic profession;

- (2) representing to a patient that a manifestly incurable condition or sickness, disease or injury can be cured;
- (3) willfully or negligently divulging a professional confidence;
- (4) failure to release to a patient copies of that patients's records and x-rays;
- (5) failure to seek consultation whenever the welfare of the patient would be safeguarded or advanced by consultation with individuals having special skills, knowledge, and experience;
- (6) failure of a chiropractor to comply with and following advertising guidelines as set in

16.4.1.12 NMAC;

- (7) failure to use appropriate infection control techniques and sterilization procedures;
- (8) deliberate and willful failure to reveal, at the request of the board, the incompetent, dishonest, or corrupt practices of another chiropractor licensed or applying for licensure by the board;
- (9) accept rebates, or split fees or commissions from any source associated with the service rendered to a patient;
- (10) intentionally engaging in sexual contact with a patient other than his spouse during the doctor-patient relationship;
- (11) the use of a false, fraudulent or deceptive statement in any document connected with the practice of chiropractics;
- (12) fraud, deceit or misrepresentation in any renewal or reinstatement application;
- (13) violation of any order of the board, including any probation order;
- (14) failure to adequately supervise, as provided by board regulation, a chiropractic assistant or technician who renders care as a chiropractic assistant under 16.4.19 NMAC of these rules;
- (15) cheating on an examination for licensure;
- (16) is habitually intemperate or is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render him unfit to practice chiropractic;
- (17) is guilty of failing to comply with any of the provisions of the Chiropractic Physician Practice Act (Chapter 61, Article 4 NMSA 1978) or rules and regulations promulgated by the board and filed in accordance with the State Rules Act (Chapter 14, Article 4 NMSA 1978);
- (18) has been declared mentally incompetent by regularly constituted authorities or is manifestly incapacitated to practice chiropractic;
- (19) has incurred a prior suspension or revocation in another state where the suspension or revocation of a license to practice chiropractics was based upon acts by the licensee similar to acts described in this section and by board rules;
- (20) failure to report to the board within 90 days any adverse action taken after due process has been afforded to the licensee by:
  - (a) another licensing jurisdiction;
  - (b) any health care entity, not involving disputes over fees;
  - (c) any governmental agency, not involving disputes overseas;
  - (d) any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section;

(21) failure to furnish the board, its investigators or representatives with information requested by the board;

- (22) abandonment of patients;
- (23) providing a false, materially incomplete, factually unsupported opinion or opinions which are not congruent with current teachings and standards of care as taught in CCE accredited chiropractic colleges in a peer review, records review, independent medical examination, or chiropractic examination.

[16.4.8.10 NMAC - N, 3/15/06; A, 3/31/09; A, 8/20/12; A, 1/30/15]

**16.4.8.11 COMPLAINT/REVIEW COMMITTEE:** The complaint/review committee of the board is authorized to:

- A. carry out the instructions of the board in the investigation and processing of complaints against licensees.
- B. disciplinary actions taken by the board shall be reported as required to the following entities:
  - (1) national practioner databank-healthcare integrity and protection databank "NPDB-HIPD";

- (2) federation of chiropractic licensing boards “FCLB”;
- (3) or their successors.

[16.4.8.11 NMAC - N, 3/15/06]

**HISTORY OF 16.4.8 NMAC:** [RESERVED]



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 9         LICENSE RENEWAL PROCEDURES**

**16.4.9.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.9.1 NMAC - Rn, 16 NMAC 4.9.1, 1/15/05]

**16.4.9.2        SCOPE:** All licensed chiropractic physicians.

[11/16/97; 16.4.9.2 NMAC - Rn, 16 NMAC 4.9.2, 1/15/05]

**16.4.9.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-13 and Section 61-4-14 NMSA 1978.

[11/16/97; 16.4.9.3 NMAC - Rn, 16 NMAC 4.9.3, 1/15/05]

**16.4.9.4        DURATION:** Permanent.

[11/16/97; 16.4.9.4 NMAC - Rn, 16 NMAC 4.9.4, 1/15/05]

**16.4.9.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.9.5 NMAC - Rn & A, 16 NMAC 4.9.5, 1/15/05]

**16.4.9.6        OBJECTIVE:** To establish procedures for the annual renewal of licenses.

[11/16/97; 16.4.9.6 NMAC - Rn, 16 NMAC 4.9.6, 1/15/05]

**16.4.9.7        DEFINITIONS:** (Refer to 16.4.1 NMAC.)

[11/16/97; 16.4.9.7 NMAC - Rn, 16 NMAC 4.9.7, 1/15/05]

**16.4.9.8        LICENSE RENEWAL PROCEDURES:**

A. In accordance with Section 61-4-13 and Section 61-4-14 NMSA 1978, of the New Mexico Chiropractic Physician Practice Act, the board of chiropractic examiners establishes the following procedures for license renewal.

(1) Renewal notice. On or before June 1st of each year, the chiropractic board shall mail to the last address on file with the board a renewal notice to each person licensed to practice chiropractic in New Mexico.

(2) Renewal. The license shall expire at midnight on June 30th of each year. The board may renew the license upon receipt from the licensee, the nonrefundable license renewal fee, along with a properly filled out original form with signature, and copies of continuing education certificate plus any applicable nonrefundable penalty fees.

(3) Renewal deadline. Each licensee shall submit the nonrefundable license renewal fee and properly completed application to the board postmarked on or before July 1 of the year for which the nonrefundable license renewal fee is requested.

(4) Penalty fees. A licensee shall submit to the board, in addition to the nonrefundable license renewal fee, a nonrefundable penalty fee as set forth in Paragraph (3) of Subsection A of 16.4.1.13 NMAC.

(5) Impairment fee. In addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60.00 per renewal period.

(6) The board during each renewal cycle will complete a random audit of continuing education hours. The board may select by accepted RLD random computer process, up to 10% of the renewing applicants. Individuals selected must submit proof of all continuing education for that cycle. The records indicated in 16.4.10.8 NMAC are acceptable forms of documentation continuing education records must be maintained for three years following the renewal cycle and in which they are earned and they may be obtain by the board at any time.

B. Notice. By July 31st of each year, the board shall send, by certified mail, to the address on file with the board, a forfeiture notice to each licensee who has not made the application for license renewal. The notice shall state that:

- (1) the licensee has failed to make application for renewal;
  - (2) the amount of renewal and late fees;
  - (3) the information required about continuing education hours which must be submitted to renew the license;
  - (4) the licensee may voluntarily retire the license or the licensee may apply for a permissive temporary cancellation, by notifying the board in writing;
  - (5) any person whose license has been placed on inactive status over one year but less than two may apply to reactivate licensure status at any time. Documentation required must include:
    - (a) reactivation application;
    - (b) reactivation application fee of \$200;
    - (c) evidence of meeting all CE requirements (for current year);
  - (6) failure to respond to the notice by the date specified, which date must be at least 31 days after the forfeiture notice is sent by the board, either by submitting the renewal application and applicable fees, or the information required about continuing education hours, or by notifying the board that the licensee has voluntarily retired the license, or has applied for permissive temporary cancellation, shall result in forfeiture of the license to practice chiropractic in New Mexico upon order of the board;
  - (7) the board may select by accepted RLD random computer processes, up to 10% of the renewal applicants which may be submitted for background findings review.
- [3/22/95, 11/16/97, 10/31/98; 16.4.9.8 NMAC - Rn & A, 16 NMAC 4.9.8, 1/15/05; A, 3/15/06; A, 11/13/11; A, 8/20/12; A, 1/30/15]

**HISTORY OF 16.4.9 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 18-95, License Renewal Procedures, filed 2/20/95.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 18-95, License Renewal Procedures (filed 2/20/95) was renumbered, reformatted and replaced by 16 NMAC 4.9, License Renewal Procedures, effective 11/16/97.

16 NMAC 4.9, License Renewal Procedures (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.9 NMAC, License Renewal Procedures, effective 1/15/05.



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 10        CONTINUING EDUCATION**

**16.4.10.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.10.1 NMAC - Rn, 16 NMAC 4.10.1, 1/15/05]

**16.4.10.2        SCOPE:** All licensed chiropractic physicians.

[11/16/97; 16.4.10.2 NMAC - Rn, 16 NMAC 4.10.2, 1/15/05]

**16.4.10.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-3.H NMSA 1978.

[11/16/97; 16.4.10.3 NMAC - Rn, 16 NMAC 4.10.3, 1/15/05]

**16.4.10.4        DURATION:** Permanent.

[11/16/97; 16.4.10.4 NMAC - Rn, 16 NMAC 4.10.4, 1/15/05]

**16.4.10.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.10.5 NMAC - Rn & A, 16 NMAC 4.10.5, 1/15/05]

**16.4.10.6        OBJECTIVE:** To establish continuing education requirements for chiropractic physicians to renew their licenses in the state of New Mexico.

[11/16/97; 16.4.10.6 NMAC - Rn, 16 NMAC 4.10.6, 1/15/05]

**16.4.10.7        DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.10.7 NMAC - Rn, 16 NMAC 4.10.7, 1/15/05]

**16.4.10.8        CONTINUING EDUCATION:**

A. In accordance with Section 61-4-3 NMSA 1978, New Mexico Chiropractic Physician Practice Act, chiropractic physicians licensed in New Mexico are required to complete a minimum of sixteen (16) hours of board approved continuing education annually by the time of license renewal. Credit hours may be earned at any time during the annual reporting period, July 1 through June 30, immediately preceding annual renewal.

B. Each chiropractor renewing a license shall attest that they have obtained the required hours of continuing education on the renewal form. The board will select by random RLD computer processes, no less than 10% of renewal applications for audit to verify completion of acceptable continuing education. Audit requests will be included with the renewal notice and those selected chiropractors will be asked to submit proof of compliance with the continuing education requirements. The board may audit continuing education records at any time. Continuing education records must be maintained for three years following the renewal cycle in which they are earned.

C. The board will approve continuing education programs which in its determination, advance the professional skills, risk management understanding and knowledge of the licensee that is directly related to the practice of chiropractic art, science or philosophy. Practice building and self-motivational courses, and courses that are determined not to have significant or a direct relationship to the safe and effective practice of chiropractics; or such portions of those programs or courses, may not be approved. There will be no charge to a licensee for individual request for approval.

D. The board may determine that, in its opinion, a particular course or area of professional education is of such importance or addresses an area of special need as it pertains to public protection that all licensees shall be required to take the course of study as a part of or in addition to the CE requirements:

(1) the declaration of a mandatory course must be made by a majority vote of the board at a regular scheduled meeting;

(2) the course title, approved instructors (if appropriate), locations of course delivery or methods of securing approved print or electronic presentations of the course must be communicated to all licensed New Mexico chiropractors on or before September 1st of the year that the course is made mandatory;

(3) the mandatory nature of courses so designated shall expire on June 30th of the current licensing year or the determination must be renewed by a majority vote of the board at a regular scheduled meeting and the extension of the mandatory nature communicated to all active licensees on or before September 1st.

E. The following seminars or continuing education programs meeting board criteria for license renewal credit by the following entities shall be automatically approved:

(1) American chiropractic association and international chiropractic association, or their successors;  
(2) the annual convention of any New Mexico recognized chiropractic association; or  
(3) chiropractic colleges having accreditation status with the chiropractic council on education (CCE);

(4) officiating during national board examinations shall be credited to the professional members of the NMBCE as approved hours of continuing education;

(5) those courses that have secured accreditation through the "NBCE" and carry the "PACE" designation;

(6) webinar, teleseminar, compact disc (CD), video taped or audio taped courses produced or endorsed by approved entities may be accepted for continuing education credit:

(a) the completion of such education shall be supported through record keeping with a letter, memo or on a form approved by the board, that includes the dates, times, vendors' or presenters' name/s, and total hours claimed for each course;

(b) the licensee's retained records must include the following statement, "I swear or affirm that I viewed or listened to these continuing education courses in their entirety on the dates and times specified in this document";

(c) a maximum of eight hours may be obtained through these distance learning methods unless specific individual approval by the board is obtained.

F. All non approved entities, sponsoring institutions, or organizations requesting approval of seminars or continuing education programs must be submitted to the board office in writing by the licensee or sponsoring entity must include:

(1) course title, objective and format;

(2) sponsoring entity;

(3) total class hours;

(4) method for certification of attendance; or documentation of completion of program;

(5) instructors credentials; and

(6) courses that in the boards opinion enhance the professional practice procedures, risk management, clinical skills or the doctor's ability to understand and operate within managed care guidelines and regulations will be considered for approval or will be approved.

G. The board may waive or extend the time for completion of the annual continuing education requirement if the licensee has reached the age of 70 years or if the licensee files with the board the statement of a licensed physician certifying the physical inability of the licensee to attend a seminar.

H. Licensees serving in the United States military practicing or residing outside the United States shall not be required to fulfill the continuing education requirements for the period of the absence.

(1) The board must be notified prior to license expiration that the licensee will be outside the United States, including the period of the absence.

(2) Upon return to the United States, the licensee shall complete the continuing education required for the years of practice within the United States during the renewal cycle, or apply for an emergency deferral.

(3) All renewal fees shall be waived while the licensee is practicing or residing outside the country serving in the military or under armed services contract.

(4) The board may waive any and all deadlines by special request of licensee in active military service or under armed services or federal contract requiring absence from the jurisdiction.

I. All licensees shall comply with the requirements of this regulation on or before July 1st of each year.

J. This rule supersedes all prior continuing education rules.

K. The board may recognize, upon application, a chiropractic association for the purpose of this part if the association:

(1) has 100% voluntary membership as evidenced by a written affirmative request for membership;

(2) has 100% of its membership which is licensed in New Mexico, in good standing as a chiropractic physician;

(3) submits a copy of the association charter, by-laws and any similar association documents;

(4) is organized for the express purpose of promoting good and ethical chiropractic practice.

L. The following seminars or continuing education programs meeting board criteria for advanced practice license renewal credit by the following entities shall be automatically approved:

- (1) grossman wellness center
- (2) heel, inc.
- (3) guna
- (4) American association of orthopedic medicine (AAOM)
- (5) hackett hemwall foundation
- (6) American academy of musculoskeletal medicine (AAMSM)
- (7) American academy of anti-aging and regenerative medicine (A4M)
- (8) apex energetics seminars
- (9) MSKUS; all seminars or educational programs that are provided by the above list of organizations

shall be submitted to the board at least 30 days in advance of the start of the program whenever possible and shall include a syllabus of the course that includes a description of the program, the days and hours of the course, and the teaching faculty.

M. All approved and non approved entities, sponsoring institutions, or organizations that conform to the standards as set forth in Subsection C of 16.4.10.8 NMAC requesting approval of any seminar or continuing education program will be assessed a fee as set forth in Paragraph (4) of Subsection A of 16.4.1.13 NMAC.

[1/11/74; 10/23/86; 3/22/95; 11/16/97; 10/31/98; 1/29/99; 16.4.10.8 NMAC - Rn & A, 16 NMAC 4.10.8, 1/15/05; A, 3/15/06; A, 11/19/07; A, 3/31/09; A, 11/13/11; A, 8/20/12]

#### **HISTORY OF 16.4.10 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

BCE 69-1, Board Rules and Regulations, Amendment No. 2, Adding Rules 11.00, 11.01, 11.02, 11.03 and 12.00, filed 12/12/73.

Rule 11-86, Continuing Education, filed 9/23/86.

Rule 11-95, Continuing Education, filed 2/20/95.

**History of Repealed Material:** [RESERVED]

#### **Other History:**

Rule 11-95, Continuing Education (filed 2/20/95) was renumbered, reformatted and replaced by 16 NMAC 4.10, Continuing Education, effective 11/16/97.

16 NMAC 4.10, Continuing Education (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.10 NMAC, Continuing Education, effective 1/15/05.



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 11        FORFEITURE OF LICENSE**

**16.4.11.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.11.1 NMAC - Rp, 16 NMAC 4.11.1, 1/30/15]

**16.4.11.2        SCOPE:** All licensed chiropractic physicians.

[16.4.11.2 NMAC - Rp, 16 NMAC 4.11.2, 1/30/15]

**16.4.11.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-14 NMSA 1978.

[16.4.11.3 NMAC - Rp, 16 NMAC 4.11.3, 1/30/15]

**16.4.11.4        DURATION:** Permanent.

[16.4.11.4 NMAC - Rp, 16 NMAC 4.11.4, 1/30/15]

**16.4.11.5        EFFECTIVE DATE:** January 30, 2015, unless a later date is cited at the end of a section.

[16.4.11.5 NMAC - Rp, 16 NMAC 4.11.5, 1/30/15]

**16.4.11.6        OBJECTIVE:** To establish forfeiture procedures.

[16.4.11.6 NMAC - Rp, 16 NMAC 4.11.6, 1/30/15]

**16.4.11.7        DEFINITIONS:** Refer to 16.4.1 NMAC.

[16.4.11.7 NMAC - Rp, 16 NMAC 4.11.7, 1/30/15]

**16.4.11.8        DATE OF FORFEITURE:** The board will send a notice of forfeiture by July 31st of each year as set forth in Subsection B of 16.4.9.8 NMAC. If the application for renewal, including required information about continuing education and the annual and late fees, or request for inactive status is not received by September 1st of each year, the license shall be canceled and the licensee shall forfeit the right to practice chiropractic in the state of New Mexico. By the order of the board the forfeiture shall not be considered a disciplinary action against the licensee.

[16.4.11.8 NMAC - Rp, 16 NMAC 4.11.8, 1/30/15]

**HISTORY OF 16.4.11 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 18-95, License Renewal Procedures, filed 2/20/95.

**History of Repealed Material:**

16 NMAC 4.11, Chiropractic Practitioners - Forfeiture Of License, filed 10-17-1997, repealed 1/30/2015.



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 12        CLASSIFICATION OF CHIROPRACTIC LICENSURE**

**16.4.12.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.12.1 NMAC - Rn, 16 NMAC 4.12.1, 3/15/06]

**16.4.12.2        SCOPE:** All chiropractic physicians.

[11/16/97; 16.4.12.2 NMAC - Rn, 16 NMAC 4.12.2, 3/15/06]

**16.4.12.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-13 and 61-4-14 NMSA 1978.

[11/16/97; 16.4.12.3 NMAC - Rn, 16 NMAC 4.12.3, 3/15/06]

**16.4.12.4        DURATION:** Permanent.

[11/16/97; 16.4.12.4 NMAC - Rn, 16 NMAC 4.12.4, 3/15/06]

**16.4.12.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.12.5 NMAC - Rn & A, 16 NMAC 4.12.5, 3/15/06]

**16.4.12.6        OBJECTIVE:** To designate licensure status.

[11/16/97; 16.4.12.6 NMAC - Rn, 16 NMAC 4.12.6, 3/15/06]

**16.4.12.7        DEFINITIONS:** (Refer to Part 1) [now 16.4.1 NMAC].

[11/16/97; 16.4.12.7 NMAC - Rn, 16 NMAC 4.12.7, 3/15/06]

**16.4.12.8        LICENSURE STATUS:**

A. There shall be two licensure statuses.

(1) Active. An active license entitles a chiropractic physician to engage in the practice of chiropractic by providing professional services to patients within the state of New Mexico. This status may be maintained by following the license renewal procedures as set forth in Subsection A of 16.4.9.8 NMAC and by payment of the required fee as set forth in Subparagraph (a) of Paragraph (2) of Subsection A of 16.4.1.13 NMAC.

(2) Inactive. An inactive license may be held by a chiropractic physician not engaging in the active practice of chiropractic in New Mexico. This status may be maintained by payment of the required fee as set forth in Subparagraph (b) of Paragraph (2) of Subsection A of 16.4.1.13 NMAC. Continuing education is not required while on inactive status. Inactive status will not be granted for a period of less than one year. The board may consider a petition by the licensee for early reinstatement due to undue hardship or special circumstances.

B. Change in licensure status - A change from one status to another shall require a written request to the board.

C. A change from inactive status to active status shall require a written license renewal application sent by the board, fulfillment of the continuing education requirements for the year in which the applicant petitions for a change in status and payment of reinstatement of license fees, active renewal fees, impairment fees, and any late fees required by the board. Applicant must include in the application, evidence that applicant meets the current requirements for licensure. If the applicant has been on inactive license status and not been in active practice in another jurisdiction for two or more years and desires to return to active status, a competency test may be required in addition to any other materials deemed reasonably necessary to assure the public safety.

[11/16/97; 16.4.12.8 NMAC - Rn & A, 16 NMAC 4.12.8, 3/15/06; A, 07/17/08]

**HISTORY OF 16.4.12 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

BCE 69-1, Board Rules And Regulations, filed 9/30/69.

Rule 5-87, Reinstatement Of Temporary Suspension, filed 1/28/87.

Rule 18-95, License Renewal Procedures, filed 2/20/95.

**History of Repealed Material:** [RESERVED]

**Other History:**

That portion of Rule 18-95, License Renewal Procedures (filed 2/20/95) was renumbered, reformatted and replaced by 16 NMAC 4.12, Classification of Chiropractic Licensure, effective 11/16/97.

16 NMAC 4.12, Classification of Chiropractic Licensure (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.12 NMAC, Classification of Chiropractic Licensure, effective 3/15/06.



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 13        REINSTATEMENT OF CHIROPRACTIC LICENSURE**

**16.4.13.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.13.1 NMAC - Rn, 16 NMAC 4.13.1, 3/15/06]

**16.4.13.2        SCOPE:** All chiropractic physicians.

[11/16/97, 16.4.13.2 NMAC - Rn, 16 NMAC 4.13.2, 3/15/06]

**16.4.13.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-14 NMSA 1978.

[11/16/97; 16.4.13.3 NMAC - Rn, 16 NMAC 4.13.3, 3/15/06]

**16.4.13.4        DURATION:** Permanent.

[11/16/97; 16.4.13.4 NMAC - Rn, 16 NMAC 4.13.4, 3/15/06]

**16.4.13.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.13.5 NMAC - Rn & A, 16 NMAC 4.13.5, 3/15/06]

**16.4.13.6        OBJECTIVE:** To establish reinstatement procedures for chiropractic physicians.

[11/16/97; 16.4.13.6 NMAC - Rn, 16 NMAC 4.13.6, 3/15/06]

**16.4.13.7        DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.13.7 NMAC - Rn, 16 NMAC 4.13.7, 3/15/06]

**16.4.13.8        REINSTATEMENT OF CHIROPRACTIC LICENSURE:**

A. Any person whose license has been suspended, revoked or which has lapsed may apply to the board for reinstatement of the license at any time within two (2) years of the suspension, revocation or lapse.

(1) In making application for reinstatement, the applicant should state why the license should be reinstated and should specifically set forth any changed circumstances which would justify reinstatement.

(2) Applicant must include in the application, evidence that applicant meets the current requirements for licensure.

(3) Any licensed chiropractor applying for reinstatement of a license must pay all back renewal and penalty fees for each year of suspension, revocation or lapse, an application fee as set forth in Subparagraph (d) of Paragraph (1) of Subsection A of 16.4.1.13 NMAC and provide proof of attendance of continuing education hours as set forth in Subsection A of 16.4.10.8 NMAC for each year of suspension, revocation or lapse to a maximum of two years.

B. The board may require an applicant to complete certain education or training requirements, in addition to any continuing education requirements; to be completed prior to or after reinstatement to ensure that the applicant is competent to practice chiropractic. The board may, in its discretion, require that an applicant for reinstatement take and pass a written examination as prescribed by the board.

C. Upon receipt of an application for reinstatement, the board shall grant the applicant a hearing, at which time the applicant may appeal to the board to reinstate the license.

D. After two years, the applicant must apply for licensure without examination.

E. Applicant agrees to a national practitioners databank and a federation of chiropractic licensing boards background check.

[10/30/69, 2/27/87, 2/12/93, 11/16/97; 16.4.13.8 NMAC - Rn & A, 16 NMAC 4.13.8, 3/15/06; A, 8/9/08]

**HISTORY OF 16.4.13 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

BCE 69-1, Board Rules And Regulations, filed 9/30/69.

Rule 5-87, Reinstatement Of Temporary Suspension, filed 1/28/87.  
Rule 5-93, Reinstatement Of Licensure, filed 1/13/93.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 5-93, Reinstatement Of Licensure (filed 1/13/93) was renumbered, reformatted and replaced by 16 NMAC 4.13, Reinstatement of Chiropractic Licensure, effective 11/16/97.

16 NMAC 4.12, Reinstatement of Chiropractic Licensure (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.13 NMAC, Reinstatement of Chiropractic Licensure, effective 3/15/06.

**TITLE 16      OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4    CHIROPRACTIC PRACTITIONERS**  
**PART 14      MANAGEMENT OF MEDICAL RECORDS**

**16.4.14.1      ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.14.1 NMAC - N, 8/9/2008]

**16.4.14.2      SCOPE:** Chiropractors for licensure who must take a licensing examination for the state of New Mexico.

[16.4.14.2 NMAC - N, 8/9/2008]

**16.4.14.3      STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-3.G and 61-4-4 NMSA 1978.

[16.4.14.3 NMAC - N, 8/9/2008]

**16.4.14.4      DURATION:** Permanent.

[16.4.14.4 NMAC - N, 8/9/2008]

**16.4.14.5      EFFECTIVE DATE:** 8/9/2008, unless a later date is cited at the end of a section.

[16.4.14.5 NMAC - N, 8/9/2008]

**16.4.14.6      OBJECTIVE:** This part establishes requirements and procedures for management of chiropractic records.

[16.4.14.6 NMAC - N, 8/9/2008]

**16.4.14.7      DEFINITIONS.** “Chiropractic record” means all information maintained by a chiropractic physician relating to the past, present or future physical or mental health of a patient, and for the provision of health care to a patient. This information includes, but is not limited to, the chiropractic physician’s notes, reports summaries, and x-rays and laboratory and other diagnostic test results. A patient’s complete chiropractic record includes information generated and maintained by the chiropractic physician, as well as information provided to chiropractic physician by the patient, by any other physician who has consulted with or treated the patient, and other information acquired by the chiropractic physician about the patient in connection with the provision of health care to the patient.

[16.4.14.7 NMAC - N, 8/9/2008]

**16.4.14.8      RELEASE OF CHIROPRACTIC RECORDS.** Chiropractic physicians must provide complete copies of medical records to a patient or to another physician in a timely manner when legally requested to do so by the patient or by a legally designated representative of the patient. This should occur with a minimum of disruption in the continuity and quality of medical care being provided to the patient. If the medical records are the property of a separate and independent organization, the chiropractic physician should act as the patient’s advocate and work to facilitate the patient’s request for records.

**A.** Medical records may not be withheld because an account is overdue or a bill for treatment medical records, or other services is owed.

**B.** A reasonable cost-based charge may be made for the cost of duplicating and mailing chiropractic records. A reasonable charge is not more than \$25 and \$0.25 per page. Patients may be charged the actual cost of reproduction for electronic records and record formats other than paper, such as x-rays. The board will review the reasonable charge periodically. Chiropractic physicians charging for the cost of reproduction of 16.4.1 NMAC medical records shall give consideration to the ethical and professional duties owed to other physicians and their patients.

[16.4.14.8 NMAC - N, 8/9/2008]

**16.4.14.9 CLOSING, SELLING, RELOCATING OR LEAVING A PRACTICE.** Due care should be taken when closing or departing from a practice to ensure a smooth transition from the current chiropractic physician to the new treating physician. This should occur with a minimum of disruption in the continuity and quality of medical care being provided to the patient. Whenever possible, notification of patients is the responsibility of the current treating physician.

**A.** Whenever possible, active patients and patients seen within the previous three years must be notified at least 30 days before closing, selling, relocating or leaving a practice.

**B.** Whenever possible, patients should be notified within at least 30 days after the death of their chiropractic physician.

**C.** Notification shall be through a notice in newspaper in the local practice area, and should include responsible entity/agent name of contact to obtain records or request transfer of records, telephone number and mailing address. To reach a maximum number of patients, the notification must run a minimum of two times per month for three months. In addition to a notice in the newspaper, notification may also be through an individual letter to the patient's last known address. Notification shall also be sent to the board.

**D.** A chiropractic physician or chiropractic physician group should not withhold patient lists or other information from a departing chiropractic physician that is necessary for notification of patients.

**E.** Patients of a chiropractic physician who leaves a group practice must be notified the chiropractic physician is leaving, notified of the chiropractic physician's new address and offered the opportunity to have their medical records transferred to the departing chiropractic physician at his new practice.

**F.** When a practice is sold, all active patients must be notified that the chiropractic physician is transferring the practice to another chiropractic physician or entity who will retain custody of their records and that at their written request the records (or copies) will be sent to another physician or entity of their choice.

[16.4.14.9 NMAC - N, 8/9/2008]

**16.4.14.10 RETENTION, MAINTENANCE AND DESTRUCTION OF MEDICAL RECORDS.**

**A.** Improper management of medical records, including failure to maintain timely, accurate, legible and complete medical records constitutes a violation of (61-4-10A(16) Chiropractic physicians must post a written copy of their policy or their employer's policy for medical record retention, maintenance and destruction.

**B.** Written medical record policy shall include:

(1) responsible entity/agent name of contact to obtain records or request transfer of records, telephone number and mailing address;

(2) how the records can be obtained or transferred;

(3) how long the records will be maintained before they are destroyed; and

(4) cost of obtaining copies of records, and of recovering records/transferring records.

**C.** Chiropractic physicians must retain medical records that they own for at least 2 years beyond what is required by state insurance laws and by medicare and medicaid regulations. Medical records for patients who are minors must be retained for at least 2 years beyond the date that the patient is 18 years old.

**D.** A log must be kept of all charts destroyed, including the patient's name and date of record destruction.

[16.4.14.10 NMAC - N, 8/9/2008]

**HISTORY OF 16.4.14 NMAC: [RESERVED]**

**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 15        CHIROPRACTIC ADVANCED PRACTICE CERTIFICATION REGISTRY**

**16.4.15.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners.  
[16.4.15.1 NMAC - N, 3/31/2009]

**16.4.15.2        SCOPE:** All chiropractic practitioners who are certified for advanced practice or who are applicants for certification for advanced practice.  
[16.4.15.2 NMAC - N, 3/31/2009]

**16.4.15.3        STATUTORY AUTHORITY:** This part is promulgated pursuant to the Chiropractic Examiners Practice Act Sections 61-4-2, 61-4-4, 61-4-6, 61-4-12 and 61-4-13 NMSA 1978.  
[16.4.15.3 NMAC - N, 3/31/2009]

**16.4.15.4        DURATION:** Permanent.  
[16.4.15.4 NMAC - N, 3/31/2009]

**16.4.15.5        EFFECTIVE DATE:** March 31, 2009, unless a later date is cited at the end of a section.  
[16.4.15.5 NMAC - N, 3/31/2009]

**16.4.15.6        OBJECTIVE:** 16.4.15 NMAC lists the requirements for advanced practice registration including course approval, formulary, continuing education, registration, application and fees.  
[16.4.15.6 NMAC - N, 3/31/2009]

**16.4.15.7        DEFINITIONS:**

A.        “Chiropractic” means the science, art and philosophy of things natural, the science of locating and removing interference with the transmissions or expression of nerve forces in the human body by the correction of misalignments or subluxations of the articulations and adjacent structures, more especially those of the vertebral column and pelvis, for the purpose of restoring and maintaining health for treatment of human disease primarily by, but not limited to, adjustment and manipulation of the human structure. It shall include, but not be limited to, the prescription and administration of all natural agents in all forms to assist in the healing act, such as food, water, heat, light, 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, except as provided by the board by rule and regulation.

B.        “Certified advanced practice chiropractor” means advanced practice chiropractor who shall have prescriptive authority for therapeutic and diagnostic purposes as authorized by statute and stated by the board in 16.4.15.11 NMAC.

C.        “Chiropractic physician” includes doctor of chiropractic, chiropractor, doctor of chiropractic and medicine chiropractic physician and means a person who practices chiropractic as defined in the Chiropractic Physician Practice Act. Chiropractors are physicians that attempt to improve the quality of life, relieve pain and suffering and promote health and wellness with evidence-based and patient centered care as taught in their chiropractic educational institutions. The chiropractic profession, through its institutions, professional associations, continuing educational providers and requirements teaches its health care professionals to use natural treatments, therapeutic interventions and patient education to promote health and wellness when indicated by the evidence and with other interventions as taught within chiropractic educational institutions and providers of approved continuing education instruction when necessary to safely treat individuals with disease, deformity, disability and neuromusculoskeletal maladies.

D.        “Nationally recognized credentialing agency” means agency that has been recognized by the board and may be updated annually. Any educational institution allowed to provide clinical and didactic programs credited toward advanced practice certification must have concurrent approval from the New Mexico medical board and the New Mexico board of chiropractic examiners.

E. “Chiropractic formulary” shall mean those substances that have been approved for use by the chiropractor registered in advanced practice by the chiropractic board and as by statute with consensus between the New Mexico medical board and New Mexico board of pharmacy.  
[16.4.15.7 NMAC - N, 3/31/2009; A, 7/23/2010; A, 1/30/15; A, 2/13/2015]

**16.4.15.8 ADVANCED PRACTICE REGISTRATION GENERAL PROVISIONS:** Advanced practice registration is authorized by 61-4-9.1(C) NMSA of the act and defined in 61-4-9.2 NMSA 1978 and allows the use of approved substances through injection for therapeutic purposes.

A. A chiropractic physician shall have the prescriptive authority to administer through injection and prescribe the compounding of substances that are authorized in the advanced practice formulary. Those with active registration are allowed prescription authority that is limited to the current formulary as agreed on by the New Mexico board of chiropractic examiners and as by statute, by the New Mexico board of pharmacy and the New Mexico medical board. The New Mexico board of chiropractic examiners shall maintain a registry of all chiropractic physicians who are registered in advanced practice and shall notify the New Mexico board of pharmacy of all such current registered licensees no later than September 1st of each licensing period.

B. Chiropractic physicians applying for registry shall submit to the board:

(1) documentation that the doctor has successfully completed a competency examination administered by a nationally recognized credentialing agency or after December 31, 2012 successfully completed a graduate degree in a chiropractic clinical practice specialty;

(2) documentation that the chiropractic physician has successfully completed 90 clinical and didactic hours of education provided by an institution approved by the New Mexico medical board and the New Mexico board of chiropractic examiners;

(3) an application provided by the board for registry of the advanced practice certification.

C. A chiropractic physician without advanced practice certification may administer, dispense and prescribe any natural substance that is to be used in an oral or topical manner so long as that substance is not considered a dangerous drug.

D. The board shall annually renew the registration of a doctor of chiropractic medicine in good standing who is registered in advanced practice if the licensee has completed all continuing education required by 16.4.10 NMAC.

E. All advanced practice registrations shall automatically terminate when licensure as a doctor of chiropractic medicine

(1) is placed permissive temporary cancellation as stated in Paragraph (2) of Subsection A of 16.4.12.8 NMAC; or

(2) expires as stated in 16.4.13.8 NMAC; or

(3) is suspended, revoked or terminated for any reason as stated in 16.4.13.8 NMAC;

(4) is not renewed prior to the annual renewal date (July 1).

F. An advanced practice registration that is revoked or terminated shall not be reinstated. The chiropractic physician must reapply for expanded practice certification as a new applicant.

G. All advanced practice registrations that were automatically terminated due to inactive status, expiration or suspension as stated in 16.4.13.8 NMAC shall be automatically reinstated when licensure as a chiropractic physician is reinstated, provided that:

(1) all fees required by 16.4.1.13 NMAC have been paid; and

(2) all continuing education requirements stated in Subsection C of 16.4.15.10 NMAC have been completed; and

(3) any other reinstatement provisions, required by board rule, have been completed.

H. Each year the board may review the advanced practice formularies for necessary amendments. When new substances are added to a formulary, appropriate education in the use of the new substances may be approved and required by the board for chiropractic physician applying for registration or as continuing education for renewal of the applicable advanced practice registration. All amendments to the formulary shall be made following consensus of the NM board of medicine, NM pharmacy board and the NM board of chiropractic examiners.

I. A chiropractic physician certified for advanced practice under 16.4.15.11 NMAC that includes the use of controlled substances shall register with the federal DEA (drug enforcement agency) prior to obtaining, prescribing, administering, compounding the controlled substance.

J. A chiropractic physician registered in advanced practice, when prescribing, shall use prescription pads printed with his or her name, address, telephone number, license number and his or her advanced practice

certification. If a chiropractic physician is using a prescription pad printed with the names of more than one chiropractic physician the above information for each chiropractic physician shall be on the pad and the pad shall have a separate signature line for each chiropractic physician. Each specific prescription shall indicate the name of the chiropractic physician for that prescription and shall be signed by the prescribing chiropractic physician. [16.4.15.8 NMAC - N, 3/31/2009; A, 7/23/2010; A, 1/30/15; A, 2/13/2015]

**16.4.15.9 ADVANCED PRACTICE REGISTRATION - BOARD REQUIREMENTS:**

- A. The board shall have final authority for registration of all applicants.
- B. The board shall notify the applicant in writing by mail postmarked no more than thirty (30) days after the receipt of the initial application as to whether the application is complete or incomplete and missing specified application documentation.
- C. The board shall notify the applicant in writing by mail postmarked no more than thirty (30) days after the notice of receipt of the complete application sent out by the board, whether the application is approved or denied.
- D. If the application is denied, the notice of denial shall state the reason the application was denied.
- E. In the interim between regular board meetings the board's chairman or an authorized representative of the board may certify a chiropractic physician into the advanced practice registry to an applicant who has filed with the board a complete application and complied with all requirements for advanced practice registration.
- F. The board shall have the authority to deny, suspend, revoke or otherwise discipline an expanded practice certification, in accordance with the Uniform Licensing Act, 61-1-1 to 61-1-31 NMSA 1978, for reasons authorized in the act and clarified in Paragraph (24) of Subsection B of 16.4.8.10 NMAC. [16.4.15.9 NMAC - N, 3/31/2009]

**16.4.15.10 FEES, RENEWAL and CONTINUING EDUCATION:**

- A. A fee of \$100 shall accompany the initial application. When that application is approved a fee of \$100 shall be submitted for registry of the advanced practice certification.
- B. A fee of \$100 shall be assessed for all renewal applications, in addition to the standard fee for renewal of the chiropractic license.
- C. Chiropractic physicians seeking renewal of advanced practice certification registration shall have completed 10 hours of continuing education, in addition to the required number of CE hours for the general chiropractic licensure, from an approved institution as stated in 16.4.15.8 NMAC or approved by submission to the board for CE credited as stated in 16.4.15.8 NMAC. The education should include pharmacology, toxicology, medication administration or pharmacognosy appropriate to the current formulary and procedures authorized to be performed by the advanced practice chiropractic certification. [16.4.15.10 NMAC - N, 3/31/2009; A, 1/30/15]

**16.4.15.11 CHIROPRACTIC FORMULARY:**

- A. Hormones for topical, sublingual, oral use
  - (1) estradiol
  - (2) progesterone
  - (3) testosterone
  - (4) desicated thyroid
- B. Muscle relaxers; cyclobenzaprine
- C. NSAIDs - prescription strength
  - (1) ibuprofen
  - (2) naproxen
- D. Prescription medications for topical use
  - (1) NMDC Ca2 dextromethorphan
  - (2) NSAIDSs
    - (a) ketoprofen
    - (b) piroxicam
    - (c) naproxen
    - (d) ibuprofen
    - (e) diclofenac
  - (3) muscle relaxers; cyclobenzaprine

- (4) sodium channel antagonist; lidocaine
- E. Homeopathics requiring prescription
- F. Other substances by injection
  - (1) sterile water
  - (2) sterile saline
  - (3) sarapin or its generic
  - (4) caffeine
  - (5) procaine HCL
  - (6) epinephrine
  - (7) homeopathic for injection
- G. Glutathione for inhalation

[16.4.15.11 NMAC - N, 09/11/2009; A, 7/23/2010; A, 11/13/11; A, 04/30/2014]

**16.4.15.12 [RESERVED]**

[16.4.15.12 NMAC - N, 11/13/11; Repealed, 1/30/15]

**HISTORY OF 16.4.15 NMAC: [RESERVED]**



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 16        PARENTAL RESPONSIBILITY ACT COMPLIANCE**

**16.4.16.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.  
[11/16/97; Recompiled 12/31/01]

**16.4.16.2        SCOPE:** All chiropractic physicians.  
[11/16/97; Recompiled 12/31/01]

**16.4.16.3        STATUTORY AUTHORITY:** Parental Responsibility Act Ch. 25, Laws of 1995, Sections 40-5A-1 to 40-5A-13 NMSA 1978.  
[11/16/97; Recompiled 12/31/01]

**16.4.16.4        DURATION:** Permanent.  
[11/16/97; Recompiled 12/31/01]

**16.4.16.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section or paragraph.  
[11/16/97; Recompiled 12/31/01]  
[Compiler's note: The term "*or paragraph*," above, is no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

**16.4.16.6        OBJECTIVE:** This part establishes the requirements and possible penalties for non-compliance of the Parental Responsibility Act.  
[11/16/97; Recompiled 12/31/01]

**16.4.16.7        DEFINITIONS:** All terms defined in the Parental Responsibility Act shall have the same meanings in this part.  
[1/13/96, 11/16/97; Recompiled 12/31/01]

**16.4.16.8        PARENTAL RESPONSIBILITY ACT COMPLIANCE:**

A. The board adopts this rule pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995 40-5A-1 TO 40-5a-13 NMSA 1978). All terms defined in the Parental Responsibility Act shall have the same meanings in this rule.

- B. If an applicant or licensee is not in compliance with a judgment or order for support, the board:
- (1) shall deny an application for license;
  - (2) shall deny the renewal of a license; and
  - (3) has grounds for suspension or revocation of a license.

C. Upon determination that the name and social security number of an applicant or licensee appears on a certified list of obligors not in compliance with a judgment or order for support provided by the human services department, the board shall:

- (1) notify the licensee that the licensee's name is on the certified list and that the licensee must provide the board with a subsequent certified statement from the human services department or court order stating that the licensee is in compliance with such judgment or order for support; or
- (2) commence a formal proceeding under subsection 8.3 [now Subsection C of 16.4.16.8 NMAC] to take the appropriate action under subsection 8.1 [now Subsection A of 16.4.16.8 NMAC].

D. Prior to taking any action specified in subsection 8.1 [now Subsection A of 16.4.16.8 NMAC], the board shall serve upon the applicant or licensee a written notice stating that the board has grounds to take such action and that the board shall take such action unless the applicant or licensee:

- (1) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or

(2) provides the board, within thirty (30) days of the date of the notice, a certified statement from the human services department or court order stating that the applicant or licensee is in compliance with a judgment or order of support.

E. In any hearing under this rule relevant evidence shall include, but not be limited to, the following:

(1) A certified statement from the human services department stating that the applicant or licensee is not in compliance with a judgment or order for support is prima facie evidence that requires the board to take any action under subsection 8.1 [now Subsection A of 16.4.16.8 NMAC] of this rule, unless:

(2) The applicant or licensee can provide the board with a subsequent certified statement from the human service department or court order stating that the applicant or licensee is in compliance with such judgment or order for support. Such statement of compliance shall preclude the board from taking any action specified in subsection 8.1 [now Subsection A of 16.4.16.8 NMAC].

(3) Any other evidence which the applicant or licensee presents to evidence of compliance with a judgment or order of support.

F. When an action is taken under this rule solely because the applicant or licensee is not in compliance with a judgment or order of support, the board's order shall state that the application or license shall be reinstated upon presentation of a subsequent certified statement of compliance from the human services department or upon presentment of other proof of compliance.

G. Proceedings under this rule shall be governed by the Uniform Licensing Act, Section 61-1-1 NMSA 1978 et seq. (Repl. Pamp. 1993).  
[1/13/96, 11/16/97; Recompiled 12/31/01]

**HISTORY OF 16.4.16 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 21-95, Parental Responsibility Act Compliance, filed 12/14/95.

History of Repealed Material: [RESERVED]

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 17 SUPERVISION OF INTERNS**

**16.4.17.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.17.1 NMAC - Rn, 16 NMAC 4.17.1, 1/15/2005]

**16.4.17.2 SCOPE:** All chiropractic physicians.

[11/16/97; 16.4.17.2 NMAC - Rn, 16 NMAC 4.17.2, 1/15/2005]

**16.4.17.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Section 61-4-15.C NMSA 1978.

[11/16/97; 16.4.17.3 NMAC - Rn, 16 NMAC 4.17.3, 1/15/2005]

**16.4.17.4 DURATION:** Permanent.

[11/16/97; 16.4.17.4 NMAC - Rn, 16 NMAC 4.17.4, 1/15/2005]

**16.4.17.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.17.5 NMAC - Rn & A, 16 NMAC 4.17.5, 1/15/2005]

**16.4.17.6 OBJECTIVE:** To establish requirements for supervising chiropractic physicians to safely train interns.

[11/16/97; 16.4.17.6 NMAC - Rn, 16 NMAC 4.17.6, 1/15/2005]

**16.4.17.7 DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.17.7 NMAC - Rn, 16 NMAC 4.17.7, 1/15/2005]

**16.4.17.8 SUPERVISION OF INTERNS PRE AND POST:**

A. The purpose for the intern program in New Mexico shall be to safely complete advanced training for the under graduate and graduate chiropractic intern in the areas including, but not limited to, history taking, exams, imaging procedures, proper shielding and radiation monitoring procedures and interpretation, patient report of findings, treatment recommendations, treatment room control, staff management, general clinic policies, problem solving skills, team concepts, goal setting, administrative skills, and other training the doctor may feel appropriate to complete the intern's advanced chiropractic training. This purpose enhances the professional training of the intern, the chiropractic college curriculum, the teaching skills of the doctor, the professional status of the profession of chiropractic and the professional standard of chiropractic health care available to New Mexico consumers.

B. Supervising doctor must have a current New Mexico license in "good standing" with the New Mexico board of chiropractic examiners and have been in active practice for at least three years.

C. Supervising doctor must have written verification from the college that intern or unlicensed graduate of a CCE, or board approved equivalent thereof, accredited chiropractic college sanctioned intern program, and the doctor must assure compliance to the guidelines of the intern program.

D. Supervising doctor must personally train intern in chiropractic procedure.

E. Supervising doctor must be physically in the same building and immediately available in order for the intern to adjust any patient.

F. Public must be informed that the intern is an "intern chiropractor, not licensed in the state", and must sign an informed consent document approved by the board to this effect.

G. The supervising doctor must consult with intern prior to the intern's initial treatment of any patient.

H. Supervising doctor must continue to supervise progress of the patient and must personally treat the patient at least every third visit, or at any time there is a significant change in the patient's condition.

I. Supervising doctor may allow intern to assist in various exams and therapies after being trained and cleared by the supervising doctor on proper chiropractic procedures.

J. The supervising doctor must inform the college and the board if the intern is deemed professionally incompetent in diagnosis or treatment or if the intern has other personal habits (alcoholism, drug addiction, moral turpitude, etc.) that would be unsafe for the public.

K. A supervising doctor may not supervise more than two interns at one time. The board must approve the training of more than four interns in any individual or group practice at the same time.

L. Supervising doctor must register with the New Mexico board of chiropractic examiners the interns' names, the college they are from, and the term of the internship, and provide proof of malpractice insurance for the supervising doctor in minimum amount of \$100,000 per person - \$300,000 per occurrence coverage, at least 15 days before the first day of the internship.

M. Supervising doctor must sign an affidavit agreeing to abide by the rule as set forth in 16.4.17 NMAC.

N. The board is to be sent a copy of any regular report sent to the college involving the intern at the time the report is sent to the college.

[5/2/92, 11/16/97; 10/31/98; 16.4.17.8 NMAC - Rn & A, 16 NMAC 4.17.8, 1/15/2005; A, 3/15/06]

#### **16.4.17.9 CHIROPRACTIC INSURANCE CONSULTANTS AND PEER REVIEW CONTRACTORS:**

A. Chiropractic insurance consultants and peer review contractors advise insurance companies, third-party administrators and other similar entities of New Mexico standards of:

(1) recognized and accepted chiropractic services and procedures permitted by the New Mexico chiropractic statute, usual and customary practices and procedures and administrative rules; and

(2) the propriety of chiropractic diagnosis and care.

B. All licensees who review chiropractic records for the purposes of determining the adequacy or sufficiency of chiropractic treatments, or the clinical indication for those treatments, shall notify the board annually that they are engaged in those activities and of the location where those activities are performed.

C. Any person or professional shall not hold themselves out as chiropractic insurance consultants or provide chiropractic peer review services unless they meet the following requirements:

(1) hold a current chiropractic license in New Mexico;

(2) have practiced chiropractic in the state of New Mexico during the immediately preceding five years;

(3) are actively involved in a chiropractic practice during the term of employment as a chiropractic insurance consultant or peer review consultant; active practice includes but is not limited to maintaining an office location and providing clinical care to patients that comprises more than 50% of their total compensable work product.

[16.4.17.9 NMAC - N, 3/31/09]

#### **HISTORY OF 16.4.17 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center and Archives under:

Rule 13-92, Supervision of Interns, filed 4/2/92.

**History of Repealed Material:** [RESERVED]

#### **Other History:**

Rule 13-92, Supervision of Interns (filed 4/2/92) was renumbered, reformatted and replaced by 16 NMAC 4.17, Supervision of Interns, effective 11/16/97.

16 NMAC 4.17, Supervision of Interns (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.17 NMAC, Supervision of Interns, effective 1/15/2005.

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 18 PRACTICE PROCEDURES**

**16.4.18.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[11/16/97; 16.4.18.1 NMAC - Rn, 16 NMAC 4.18.1, 1/15/2005]

**16.4.18.2 SCOPE:** All chiropractic physicians.

[11/16/97; 16.4.18.2 NMAC - Rn, 16 NMAC 4.18.2, 1/15/2005]

**16.4.18.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-3.F, 61-4-6.D and 61-4-9.B NMSA 1978.

[11/16/97; 16.4.18.3 NMAC - Rn, 16 NMAC 4.18.3, 1/15/2005]

**16.4.18.4 DURATION:** Permanent.

[11/16/97; 16.4.18.4 NMAC - Rn, 16 NMAC 4.18.4, 1/15/2005]

**16.4.18.5 EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section.

[11/16/97; 16.4.18.5 NMAC - Rn & A, 16 NMAC 4.18.5, 1/15/2005]

**16.4.18.6 OBJECTIVE:** To establish practice procedures to include diagnostic procedures, meridian therapy, obstetrics, invasive therapeutic procedures, imaging examinations, chiropractic rehabilitation of the neuromusculoskeletal system, manipulation under anesthesia and spinal manipulation.

[11/16/97; 16.4.18.6 NMAC - Rn & A, 16 NMAC 4.18.6, 1/15/2005; A, 4/10/06; A, 8/30/06]

**16.4.18.7 DEFINITIONS:** (Refer to 16.4.1 NMAC).

[11/16/97; 16.4.18.7 NMAC - Rn, 16 NMAC 4.18.7, 1/15/2005]

**16.4.18.8 DIAGNOSTIC PROCEDURES:**

A. Chiropractic physicians being primary care providers are authorized to perform diagnostic procedures specified in this regulation, on the general population ranging from pediatrics through geriatrics, which shall include the authority to perform and take.

(1) Medical case history.

(2) Physical examination of all body systems including, but not limited to:

(a) skin, hair, nails, head, eyes, ears, nose, throat and teeth;

(b) cardio-vascular and respiratory system, including auscultation;

(c) thorax and abdomen, including breast and rectal examination, when clinically

appropriate;

(d) genito-urinary and reproductive system, to include vaginal and prostate

examination, when clinically appropriate;

(e) musculo-skeletal system;

(f) neurological system.

B. Authority to order diagnostic procedures. Chiropractic physicians are authorized to order any diagnostic procedure reasonably necessary to clinically correlate a physical examination to a diagnostic impression, which shall include, but not be limited to:

(1) laboratory procedures involving the collection of human fluids such as saliva, blood, urine, vaginal and seminal fluids, hair, feces;

(2) EEG,EKG,ECG and surface or needle EMG;

(3) imaging procedures such as xray, CT scan, MRI, nuclear scans, PET scans, SPECT, ultrasonography, thermography or other pertinent diagnostic studies.

C. Authority to perform diagnostic procedures.

(1) Chiropractic physicians are required to perform appropriate diagnostic procedures reasonably necessary to clinically correlate a physical examination to a diagnostic impression, (excluding surgical

procedures and invasive procedures not herein specified), including but not limited to the collection and testing of human fluids, such as saliva, blood, urine, vaginal and seminal fluids, hair, feces, and conventional radiography.

(2) Chiropractic physicians who are trained in a course of doctoral or post-doctoral studies certified with an accredited institution recognized by the board are authorized to perform diagnostic procedures, including but not limited to MRI, CT, nuclear scans, ultrasonography; thermography, B.E.A.M., EEG, EKG, ECG and surface or needle EMG.

[5/4/94, 11/16/97; 16.4.18.8 NMAC - Rn & A, 16 NMAC 4.18.8, 1/15/2005; A, 4/10/06; A, 1/30/15]

**16.4.18.9 MERIDIAN THERAPY:**

A. Chiropractors who practice meridian therapy must do so in conjunction with standard chiropractic adjusting and/or manipulative techniques.

B. Chiropractors who practice meridian therapy may not advertise or promote themselves in the media to be acupuncturists unless licensed pursuant to the Acupuncture Act.

[10/30/69, 2/28/87, 9/6/91, 5/2/92, 11/16/97; 16.4.18.9 NMAC - Rn, 16 NMAC 4.18.9, 1/15/2005; A, 4/10/06; A, 8/30/06]

**16.4.18.10 OBSTETRICS:**

A. No chiropractor shall undertake to deliver a human child or to assist the mother of the child during such delivery, except in cases of emergency or where another practitioner of the healing arts whose license authorizes him or her to deliver human children is present and actively participating in the delivery.

B. Nothing in this regulation shall preclude a chiropractor from undertaking to provide prenatal care to a pregnant woman provided that the chiropractor affirmatively advises the woman that it would be unlawful for the chiropractor to deliver the child and that the patient should make arrangements with another practitioner of the healing arts whose license authorizes him or her to deliver human children to attend the woman during her delivery; and provided further that during the course of the delivery the chiropractor refrains from any cutting of human tissues, including but not limited to the cutting of the umbilical cord.

C. Nothing in this regulation shall be construed to prevent a licensed chiropractor from obtaining a license in another healing arts profession which includes the delivery of human babies in the normal scope of its practice and from practicing obstetrics pursuant to such a second healing arts license.

[8/11/80, 2/28/87, 11/16/97; 16.4.18.10 NMAC - Rn, 16 NMAC 4.18.10, 1/15/2005]

**16.4.18.11 IMAGING EXAMINATION:**

A. The following requirements for imaging examination have been established because of concerns about over-radiation and unnecessary X-ray exposure. The following should appear on films:

- (1) patient's name and age;
- (2) doctor's name, facility name, and address;
- (3) date of study;
- (4) left or right marker;
- (5) other markers as indicated;
- (6) adequate collimation;
- (7) gonad shielding, where applicable.

B. Minimum of A-P and lateral views are necessary for any regional study unless clinically justified.

C. As clinical evidence indicates, it may be advisable to produce multiple projections where there is an indication of possible fracture, significant pathology, congenital defects, or when an individual study is insufficient to make a comprehensive diagnosis/analysis.

D. Each film should be of adequate density, contrast, and definition, and no artifacts should be present.

E. The subjective complaints, if any, and the objective findings substantiating the imaging study must be documented in the patient record.

F. These rules are intended to complement and not supersede those rules adopted by the environmental improvement board set forth in 20 NMAC.3.1, Subpart 6 [20.3.6 NMAC], "X-rays in the Healing Arts," including but not limited to the requirement of certification.

[4/18/93, 2/7/94, 11/16/97, 10/31/98; 16.4.18.11 NMAC - Rn & A, 16 NMAC 4.18.11, 1/15/2005]

**16.4.18.12 CHIROPRACTIC EXERCISE AND THERAPUTIC TREATMENT OF THE NEUROMUSCULOSKETLETAL SYSTEM:** Chiropractic physicians may prescribe or administer all necessary mechanical, hygienic and sanitary measures incident to the care of the body including but not limited to air, sound, cold, diet, nutritional adjuncts, exercise, heat, light, massage, physical culture, rest, ultrasound, water, oxygen and electricity and other devices used for the delivery of chiropractic physiologic therapeutic procedures.  
[16.4.18.12 NMAC - N, 1/15/2005; A, 4/10/06]

**16.4.18.13 MANIPULATION UNDER ANESTHESIA:** Chiropractic physicians who can demonstrate training in a course of doctoral or post-doctoral studies certified within an accredited institution recognized by the board are authorized to perform manipulation under anesthesia, with that anesthesia administered by an appropriate, licensed provider.  
[16.4.18.13 NMAC - N, 1/15/2005]

**HISTORY OF 16.4.18 NMAC:**

**PRE-NMAC History:** The material in this part was derived from that previously filed with the state records center and archives under:

BCE 69-1, Board Rules and Regulations, filed 9/30/69.

BCE 80-1, Obstetrics (Rule 12.00), filed 7/11/80.

Rule 9-87, Acupuncture, filed 1/28/97.

Rule 12-87, Obstetrics, filed 1/28/87.

Rule 9-91, Meridian Therapy, filed 8/6/91.

Rule 9-92, Meridian Therapy, filed 4/2/92.

Rule 15-93, Radiographic Examination, filed 3/18/93.

Rule 15-94, Radiographic Examination, filed 1/7/94.

Rule 16-94, Diagnostic Procedures, filed 4/4/94.

**History of Repealed Material:** [RESERVED]

**Other History:**

Rule 9-92, Meridian Therapy (filed 4/2/92); Rule 12-87, Obstetrics (filed 1/28/87); Rule 15-94, Radiographic Examination (filed 1/7/94); and Rule 16-94, Diagnostic Procedures (filed 4/4/94) were all renumbered, reformatted, and replaced by 16 NMAC 4.18, Practice Procedures, effective 11/16/97.

16 NMAC 4.18, Practice Procedures (filed 10/17/97) was renumbered, reformatted, amended and replaced by 16.4.18 NMAC, Practice Procedures, effective 1/15/2005.





**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 19        CHIROPRACTIC ASSISTANTS**

**16.4.19.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.  
[11/16/97; Recompiled 12/31/01]

**16.4.19.2        SCOPE:** All chiropractic physicians and chiropractic assistants.  
[11/16/97; Recompiled 12/31/01]

**16.4.19.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-3.F and 61-4-5.D NMSA 1978.  
[11/16/97; Recompiled 12/31/01]

**16.4.19.4        DURATION:** Permanent.  
[11/16/97; Recompiled 12/31/01]

**16.4.19.5        EFFECTIVE DATE:** November 16, 1997, unless a later date is cited at the end of a section or paragraph.  
[11/16/97; Recompiled 12/31/01]  
[Compiler's note: The term "*or paragraph,*" above, is no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

**16.4.19.6        OBJECTIVE:** To establish educational requirements and duties for chiropractic assistants and defines supervision of a chiropractic physician and define supervision of a chiropractic physician.  
[11/16/97; Recompiled 12/31/01]

**16.4.19.7        DEFINITIONS:** (Refer to Part 1) [now 16.4.1 NMAC].  
[11/16/97; Recompiled 12/31/01]

**16.4.19.8        CHIROPRACTIC ASSISTANT:**

- A. The minimum education requirement for a chiropractic assistant is high school graduation or equivalent with a minimum of three months of supervised training in the specific duties and procedures the chiropractic assistant will perform.
  - B. The chiropractic assistant can, under the supervision of the chiropractic physician, perform diagnostic tests and administer the use of any or all natural agencies imbued with the healing act such as food, water, heat, cold, electrical mechanical appliances, herbs, nutritional supplements and homeopathic remedies.
  - C. As used in this section, the term "under the supervision of the chiropractic physician" means that:
    - (1) the chiropractic physician shall have a current New Mexico license in "good standing" with the New Mexico board of chiropractic examiners;
    - (2) the chiropractic physician shall personally train the chiropractic assistant in any procedure they practice; and
    - (3) the chiropractic physician must be physically present in the same building and immediately available in order for the chiropractic assistant to treat the patient.
- [1/13/96, 11/16/97; Recompiled 12/31/01]

**HISTORY OF 16.4.19 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:  
Rule 20-95, Chiropractic Assistant, filed 12/14/95.

History of Repealed Material: [RESERVED]



**TITLE 16        OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4      CHIROPRACTIC PRACTITIONERS**  
**PART 20        ADVERTISING**

**16.4.20.1        ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.20.1 NMAC - N, 8/20/12]

**16.4.20.2        SCOPE:** All licensed chiropractic physicians.

[16.4.20.2 NMAC - N, 8/20/12]

**16.4.20.3        STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Sections 61-4-2, 61-4-4, 61-4-6, 61-4-12 and 61-4-13 NMSA 1978.

[16.4.20.3 NMAC - N, 8/20/12]

**16.4.20.4        DURATION:** Permanent.

[16.4.20.4 NMAC - N, 8/20/12]

**16.4.20.5        EFFECTIVE DATE:** 8/20/12, unless a later date is cited at the end of a section.

[16.4.20.5 NMAC - N, 8/20/12]

**16.4.20.6        OBJECTIVE:** To establish guidelines for advertising which must be followed by all licensed chiropractic physicians and non-licensed chiropractic practice owners.

[16.4.20.6 NMAC - N, 8/20/12]

**16.4.20.7        DEFINITIONS:** Refer to 16.4.1.7 NMAC.

[16.4.20.7 NMAC - N, 8/20/12]

**16.4.20.8        STATEMENT OF POLICY:** It is the policy of the board that advertising by licensed practitioners of chiropractic should be regulated in order to fulfill the duty of the state of New Mexico to protect the health, safety and welfare of its residents, while not abridging any rights guaranteed to the practitioners or to the public by the Constitution of the United States and the Constitution of the state of New Mexico as construed by the United States supreme court and the New Mexico supreme court. To that end, the board permits the dissemination of legitimate information to the public concerning the science of chiropractic and individual practitioners thereof. Such dissemination of information must be done in accordance with this rule which is designed to reasonably facilitate the flow of accurate information and prevent fraudulent, false, deceptive, misleading or confusing advertising. Advertising not contrary to the prohibitions in this rule shall be deemed an appropriate means of informing the public of the availability of professional services.

[16.4.20.8 NMAC - Rn & A, 16.4.1.12 NMAC, 8/20/12]

**16.4.20.9        CERTAIN ADVERTISING PROHIBITED:**

A. Any chiropractor who disseminates or causes to be disseminated or allows to be disseminated any advertising which is in any way fraudulent, false, deceptive, misleading or confusing, shall be deemed to be in violation of the Chiropractic Physician Practice Act.

B. Fraudulent, false, deceptive, misleading or confusing advertising includes, but is not limited, to:

- (1) advertising which contains a misrepresentation of any fact or facts;
- (2) advertising which, because of its contents or the context in which it is presented, fails to disclose relevant or material facts or makes only partial disclosure of relevant or material facts;
- (3) advertising which makes claims of, or conveys the impression of superior professional qualifications which cannot be substantiated by the chiropractor;
- (4) advertising which contains distorted claims or statements about any individual chiropractor, chiropractic group or chiropractic office, clinic or center;
- (5) advertising which creates unjustified expectations of beneficial treatment or successful cures;

- (6) advertising which guarantees the results of any service, painless treatment, or which promises to perform any procedure painlessly;
- (7) advertising which in any way appeals to fears, ignorance or anxieties regarding a persons state of health or physical or mental well-being;
- (8) advertising which in any way intimidates or exerts undue pressure on the recipient;
- (9) advertising which fails to conspicuously identify the chiropractor or chiropractors referred to in the advertising as practitioners of chiropractic by use of the term “chiropractor”, “chiropractors”, “chiropractic”, “chiropractic physician”, “chiropractic physicians”, “doctor of chiropractic”, or “doctors of chiropractic”;
- (10) advertising which fails to be conspicuously identified as “chiropractic” advertising;
- (11) advertising which fails to conspicuously identify the chiropractic practice, office, clinic or center being advertised by a name which includes the term “chiropractor”, “chiropractors”, “chiropractic”, “chiropractic physician”, “chiropractic physicians”, “doctor of chiropractic” or “doctors of chiropractic”;
- (12) advertising which invades the field of practice of other licensed healthcare practitioners when the chiropractor is not allowed by rule or license to practice such profession;
- (13) advertising which appears in a classified directory or listing, or otherwise under a heading which, when considered alone or together with the advertisement, does not accurately convey the professional status of the chiropractor or the professional services being advertised;
- (14) advertising which concerns a transaction that is in itself illegal;
- (15) advertising which employs testimonials which, by themselves or when taken together with the remainder of the advertisement intimidate, exert undue pressure on, or otherwise improperly influence the recipient.

C. Advertising which offers gratuitous services or discounts in connection with professional services; provided, however, that advertising may offer gratuitous services or discounts if:

- (1) such advertising clearly and conspicuously states whether or not additional charges may be incurred for related services which may be needed or appropriate in individual cases, and the possible range of such additional charges if such charges may be incurred;
- (2) such advertising is not otherwise false, fraudulent, deceptive, misleading or confusing;
- (3) such advertising offering a “spinal examination”, “examination” or “scoliosis examination” or using any other similar phrase includes, at a minimum, the following tests or procedures: blood pressure, weight, height, reflexes, pulse, range of motion and orthopedic tests appropriate to the history; and
- (4) such advertising offering “an examination” or using any other similar phrase includes the taking of a detailed problem focused history of the patient as it relates to the presenting complaints, and an appropriate neurological, orthopedic, and chiropractic physical examination including, where professionally indicated, the taking, developing and interpretation of x-rays and the performance and interpretation of laboratory or other specialized tests when necessary to establish a diagnosis; such x-rays and laboratory and other specialized tests must constitute a diagnostically complete study.

D. Advertisements may quote fixed prices for specific routine services if such advertising clearly and conspicuously states whether or not additional charges may be incurred for related services and the possible range of such additional charges if such charges may be incurred. A routine service is one which is not so unique that a fixed rate cannot meaningfully be established.

E. Chiropractors, their agents or any representatives who engage in telemarketing are required to inform the parties they call at the beginning of the call:

- (1) who they are (caller’s name);
- (2) who they represent (clinic/doctor); and
- (3) chiropractors, their agents or representatives engaging in telemarketing, either directly or through others, shall keep a voice recorded log of all phone call conversations and a written log to include date, telephone number, and the name of every person called; all such chiropractors, their agents or representatives shall keep such logs for a period of three years from the date of the telemarketing.

F. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall misrepresent to the person called any association with an insurance company, other licensed health care provider or another chiropractor or group of chiropractors, nor shall such solicitor promise successful chiropractic treatment of injuries, or make any other misrepresentation of whatever kind for the purpose of selling chiropractic services.

G. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall engage in such practices during hours prohibited by applicable municipal ordinance or state law, or in the absence of either, then other than between the hours 9 a.m. and 8 p.m. local time.

H. No chiropractor engaging in, or authorizing another to engage in, telemarketing of prospective patients shall make more than one telephone call to any telephone number unless requested by the recipient to call again.

I. No chiropractor shall advertise directly or indirectly, through any device or artifice, that the advertising chiropractor will not collect from any prospective patient, that patient's insurance deductible or co-payment obligations arising by virtue of any medical insurance policy provided for the payment, in whole or in part, of any chiropractor's charge. The words free initial consultation must be explicitly explained what a consultation consist of and at exactly what point charges begin to accrue with clear delineation between a free consultation and an exam with treatment for which services will be charged. At no time can any representation in regards to payment for services be misleading to the consumer or patient and it must be stated up front that if the patient decides to accept the care that they will be charged for all services and that payment will be expected whether it be from the patient, third-party payor, insurance, or medpay.

J. No applicant for licensure to practice chiropractic, and no unlicensed practitioner, shall advertise chiropractic services in this state in any way.

K. All advertisements by a chiropractor must include the full name of the chiropractor as it appears on his or her chiropractic license followed by the letters D.C. or the designation "chiropractor", "chiropractic physician" or "doctor of chiropractic".

L. Any form of solicitation offered to individuals whose identities are known through the use of any form of public record, including but not limited to police reports, shall be reviewed and approved by the board and re-approved annually. Unless specifically disapproved by the committee designated by the board the copy submitted may be used for patient solicitation. If approved or disapproved, that information shall be communicated to the submitting doctor within 30 days of submission. The submitting physician has the right to request a determination be made by the full board at its next scheduled meeting. The board holds the right during each renewal cycle to complete a random audit of all written materials, and mandatory voice recordings of all phone conversations for a period up to three years following any telemarketing procedures from public record.

M. Any direct, individual contact by a licensee or the agent of a licensee with prospective patients through the use of public records, including but not limited to police or accident reports is prohibited.

N. The script for any telemarketing advertising shall be submitted to the board for approval and must be resubmitted yearly for ongoing use by any licensee or their agent.

[16.4.20.9 NMAC - Rn & A, 16.4.1.12 NMAC, 8/20/12]

**HISTORY OF 16.4.20 NMAC: [RESERVED]**



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 22 FEES**

**16.4.22.1 ISSUING AGENCY:** New Mexico Board of Chiropractic Examiners, PO Box 25101, Santa Fe, New Mexico 87504.

[16.4.22.1 NMAC - N, 8/20/12]

**16.4.22.2 SCOPE:** All licensed chiropractic physicians and non-licensee owners.

[16.4.22.2 NMAC - N, 8/20/12]

**16.4.22.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physician Practice Act, Subsection F of 61-4-7 and Subsection B of 61-4-13 NMSA 1978.

[16.4.22.3 NMAC - N, 8/20/12]

**16.4.22.4 DURATION:** Permanent.

[16.4.22.4 NMAC - N, 8/20/12]

**16.4.22.5 EFFECTIVE DATE:** August 20, 2012, unless a later date is cited at the end of a section.

[16.4.22.5 NMAC - N, 8/20/12]

**16.4.22.6 OBJECTIVE:** To establish annual administrative fees.

[16.4.22.6 NMAC - N, 8/20/12]

**16.4.22.7 DEFINITIONS:** Refer to 16.4.1.7 NMAC.

[16.4.22.7 NMAC - N, 8/20/12]

**16.4.22.8 ADMINISTRATIVE FEES:**

A. In accordance with Subsection F of Section 61-4-7 and Subsection B of Section 61-4-13 of the New Mexico Chiropractic Physicians Practice Act, NMSA 1978, the board of chiropractic examiners establishes the following nonrefundable fees:

- (1) fees:
  - (a) application fee \$350;
  - (b) initial license fee with or without examination \$350;
  - (c) reinstatement of license \$125 (in addition to back renewal and penalty fees for each year, not to exceed two years);
  - (d) reactivation application fee \$200;
  - (e) application fee for advanced practice certification \$100;
- (2) annual renewal fees:
  - (a) active \$300;
  - (b) inactive \$100;
  - (c) advanced practice certification \$100;
  - (d) impairment fee of \$25 in addition to the license renewal fee, each chiropractor subject to renewal will be assessed an amount not to exceed \$60 per renewal period;
- (3) penalty for late renewal \$100 (per month or portion of a month for which the license renewal fee is in arrears, the penalty not to exceed \$1000);
- (4) continuing education fee individual course \$50;
- (5) continuing education fee yearly for approved institution \$500;
- (6) miscellaneous fees listed below will be approved annually by the board and made available by the board office upon request:
  - (a) photocopying \$0.25;
  - (b) written license verifications \$25;
  - (c) list of licensees \$75;
  - (d) duplicate licenses \$25;

(e) duplicate renewal certificate \$25;

(f) copies of statutes, rules and regulations are free online at board web site.

B. The board shall annually designate that proportion of renewal fees which shall be used for the exclusive purposes of investigating and funding hearings regarding complaints against chiropractic physicians.  
[16.4.22.8 NMAC - Rn & A, 16.4.1.13 NMAC, 8/20/12; A, 1/30/15]

**HISTORY OF 16.4.22 NMAC: [RESERVED]**



**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 4 CHIROPRACTIC PRACTITIONERS**  
**PART 23 LICENSURE FOR MILITARY SERVICE MEMBERS, SPOUSES AND VETERANS**

**16.4.23.1 ISSUING AGENCY:** New Mexico Regulation and Licensing Department.  
[16.4.23.1 NMAC - N, 1/30/15]

**16.4.23.2 SCOPE:** This part sets forth application procedures to expedite licensure for military service members, spouses and veterans.  
[16.4.23.2 NMAC; N, 1/30/15]

**16.4.23.3 STATUTORY AUTHORITY:** These rules of practice and procedure govern the practice of chiropractic in New Mexico and are promulgated pursuant to and in accordance with the Chiropractic Physicians Act, Section 61-4-5 NMSA 1978.  
[16.4.23.3 NMAC; N, 1/30/15]

**16.4.23.4 DURATION:** Permanent.  
[16.4.23.4 NMAC; N, 1/30/15]

**16.4.23.5 EFFECTIVE DATE:** January 30, 2015 unless a later date is cited at the end of a section.  
[16.4.23.5 NMAC; N, 1/30/15]

**16.4.23.6 OBJECTIVE:** The purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to Chapter 61, Articles 4 through 17 NMSA 1978.  
[16.4.23.6 NMAC; N, 1/30/15]

**16.4.23.7 DEFINITIONS:**

A. Military service member: means a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard.

B. Recent veteran: means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

C. Spouse: means any partner of a "military service member" or "recent veteran" who has been legally recognized by any state or country.

[16.4.23.7 NMAC; N, 1/30/15]

**16.4.23.8 APPLICATION REQUIREMENTS:**

A. In accordance with the section of the Uniform Licensing Act entitled "Expedited Licensure Military service members, spouses of military service members and Veterans" the board shall expedite the issuance of a license to practice chiropractic in New Mexico doctors who provide evidence of meeting the following minimal requirements. Applications for registration shall be completed on a form provided by the board.

B. The information shall include:

(1) Completed application and fee pursuant to 16.4.23 NMAC.

(2) Satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Article 4, NMSA 1978.

(3) Proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.

[16.4.23.8 NMAC; N, 1/30/15]

**16.4.23.9 FEES:** Applicant must complete the application for Expedited Licensure, pay a non-refundable fee of \$350.00, and pay a licensing fee of \$350.00 once the applicant is accepted for licensure.

[16.4.23.9 NMAC; N, 1/30/15]

**16.4.23.10 RENEWAL REQUIREMENTS:**

A. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance and for the renewal of a license pursuant to Chapter 61, Article 4, NMSA 1978.

B. A license issued pursuant to this section shall be required to meet the provisions stated in 16.4.9 NMAC for the renewal of the granted license.

[16.4.23.10 NMAC; N, 1/30/15]

**HISTORY OF 16.4.23 NMAC: [RESERVED]**