

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]~~ New Mexico Chiropractic Board.

[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]~~ 61-4-1 to 61-4-17.

[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 chiropractic physician” 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]~~ ~~[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 ~~an~~ agency that has been recognized by the board and must 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]~~ board and must be updated annually.

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]~~ CHIROPRACTIC CERTIFICATION REGISTRY GENERAL PROVISIONS: An ~~A~~ advanced practice ~~[registration]~~ chiropractic certification registry 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]~~ compounded substances, prepared by a certified, licensed compounding pharmacy, 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]~~ board and as by statute, by the New Mexico board of pharmacy and the New Mexico medical board. The ~~[New Mexico board of chiropractic examiners]~~ board 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 approved by the board and after December 31, 2012 successfully completed a graduate degree in a chiropractic clinical practice specialty that is approved by the board;

- (2) documentation that the chiropractic physician has successfully completed 90 clinical and didactic hours of education approved by the board and provided by an institution approved by the New Mexico medical board and the board as established under NMSA § 61-4-9.1(D)(2); and

- (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]~~ 16.4.12.8 (A)(2) 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.~~

An advanced practice registration that is not renewed by the annual renewal date will be reinstated upon payment of a fine of \$100 for each month that the license was not renewed, not to exceed \$1000. If an advanced practice registration is not renewed within a two (2) year period, the chiropractic physician must reapply for advanced 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]~~ 16.4.22 NMAC have been paid; and

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

- (3) any other reinstatement provisions, ~~[required by board rule]~~ set by the board, 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.

K. An Advanced Practice Chiropractor, when administering an injection, shall provide the patient with a written consent form that states the necessity for the injection, the substance(s) to be injected, the expected benefit(s), and the possible side effects. The patient shall sign the form prior to receiving the injection and shall be provided with a copy of the signed form.

[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]~~ **continuing education** 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]~~ **continuing education credit** 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.

D. If a licensee has been licensed for a period of four (4) months or less before their first licensee renewal period, the licensee is not required to submit continuing education credits for that license renewal period. If the licensee has been licensed for longer than four (4) months before their first renewal period, the licensee is required to submit ten (10) hour advanced practice chiropractic continuing education credits.

E. Any excess continuing education hours above the minimum educational requirement in any applicable compliance period may not be "carried over" in order to meet the minimum educational requirements in any succeeding compliance period. A licensee shall only count continuing education hours completed for the present renewal period.

[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~~ **relaxer**; cyclobenzaprine
 - (4) sodium chanel antagonist; lidocaine
- E. Homeopathics requiring prescription
- F. Other substances by **subcutaneous (SubQ) or intramuscular (IM)** 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]