

**NEW MEXICO CHIROPRACTIC PHYSICIAN PRACTICE ACT
JURISPRUDENCE EXAM**

NAME _____ Lic# _____ DATE _____

These worksheets have several sections that are in violation of the New Mexico chiropractic Physician Practice Act or Board Rules that can lead to suspension, restriction, or revocation of the Doctors' license. Write the letter of the most applicable statute or rule in the blank next to the violation.

SECTION I
STATUTE VIOLATION

- _____ Licensee allows a CA to apply therapy when he/she is not on the premises.
- _____ Licensee does minor surgery.
- _____ Licensee does not display his/her license in his office.
- _____ Licensee is convicted of a felony.
- _____ Licensee gives false information to obtain a license or license renewal.
- _____ Licensee repeatedly practices in a way that is below the standard of care.
- _____ Licensee invades a field of practice of another branch of the healing arts that the licensee is not licensed to practice.
- _____ Licensee becomes addicted to drugs or alcohol.
- _____ Licensee practices under a different name or does not identify himself/herself as a D.C.

NEW MEXICO STATUTES FOR SECTION I

- A. **61-4-10.A (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 him unfit to practice chiropractic.
- B. **61-4-10.A (1)** is convicted of a felony; a copy of the record of conviction, certified to by the clerk of the court entering the conviction, will be conclusive evidence of such conviction.
- C. **61-4-2.F** "chiropractic assistant" means a person who practices under on-premises supervision of a licensed chiropractic physician.
- D. **61-4-10.A (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 his practice or advertisements.
- E. **61-4-6.E** Failure to display the license will be grounds for the suspension of the license to practice chiropractic profession or in connection with applying for or procuring license renewal.
- F. **61-4-10.A (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.
- G. **61-4-6.D** including but not limited to 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 supplements and homeopathic remedies, but excluding operative surgery and prescription or use of controlled or dangerous drugs.

- H. **61-4-10.A (3)** is guilty of incompetence.
- I. **61-4-10.A (7)** is guilty of willfully or negligently practicing beyond the scope of chiropractic practice as defined in the Chiropractic Physician Practice Act.

SECTION II
STATUE VIOLATION

- _____ Licensee advertises with false statements that are known to be false.
- _____ Licensee makes false, misleading or fraudulent statements.
- _____ Licensee advertises board certification when he or she is not board certified.
- _____ Licensee aids the practice of chiropractic by an unlicensed person.
- _____ Licensee had a suspension or revocation of a chiropractic license in another state and did not report it to the New Mexico Board.
- _____ Licensee tells a patient things about chiropractic that are false to obtain fees.
- _____ Licensee claims a cure for a sickness, disease, or injury that is known as incurable.
- _____ Licensee gives information about the patient without the patient’s permission.
- _____ Licensee performs an abortion.

NEW MEXICO STATUTES FOR SECTION II

- A. **61-4-10.A (16-c)** is guilty of unprofessional conduct that includes but is not limited to willfully or negligently divulging a professional confidence.
- B. **61-4-10.A (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 license similar to acts described in this section and by board rules promulgated pursuant to Paragraph (6) of this subsection.
- C. **61-4-10.A (8)** is guilty of advertising by means of knowingly false statements.
- D. **61-4-10.A (15)** is guilty of making a false, misleading or fraudulent claim.
- E. **61-4-10.A (12)** is guilty of making false or misleading statements regarding the licensee’s or applicant’s skill of the efficacy or treatment or remedy prescribed or administered buy the licensee or applicant or at the licensee’s or applicant’s direction.
- F. **61-4-10.A (16-b)** is guilty of unprofessional conduct that includes but not limited to representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured.
- G. **61-4-10.A (11)** is guilty of obtaining any fee by fraud or misrepresentation.
- H. **61-4-10.A (16-a)** is guilty of unprofessional conduct that includes but is not limited to procuring, aiding or abetting a criminal abortion.
- I. **61-4-10.A (13)** is guilty of aiding or abetting the practice of chiropractic by a person not licensed by the board.

- J. **61-4-10.A (10)** advertises or attempts to attract patronage in any unethical manner prohibited by the rules and regulations of the board;

SECTION III
STATUTE VIOLATIONS

- _____ Licensee is convicted of an offense punishable by being sent to a state or federal prison.
- _____ Licensee permits another person to use his/her license or impersonates someone else.
- _____ Licensee refers patient to another health care provider and accepts a referral fee.
- _____ Licensee advertises free x-rays and then bills the patient's insurance company for those services
- _____ Licensee fails to report to the board any adverse action by any other licensing agency, any peer review body, any health care entity or any government agency that would constitute grounds for action.
- _____ Licensee refuses to furnish board with information requested for an investigation of a complaint.
- _____ Licensee engages in improper breast exams or engages in sexual contact with a patient.

NEW MEXICO STATUTES FOR SECTION III

- A. **61-4-10.A (16-p)** intentionally engaging in sexual contact with a patient other than the licensee's or applicant's spouse during the doctor-patient relationship;
- B. **61-4-10.A (16-j)** employing abusive billing practices;
- C. **61-4-10.A (16-e)** impersonating another person licensed in the practice of chiropractic or permitting or allowing any person to use his license;
- D. **61-4-10.A (16-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. **61-4-10.A (16-m)** failure to furnish the board, its investigators or representatives with information requested by the board;
- F. **61-4-10.A (16-l)** failure to report to the board surrender of a license or other authorization to practice chiropractic in another state of jurisdiction or surrender or 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 defined in the section;
- G. **61-4-10.A (16-g)** suspension or revocation on the grounds of fee splitting;

- H. **61-4-10.A (16-o)** failure to adequately supervise, as provided by board regulation, a chiropractic assistant or technician or professional licensee who renders care;
- I. **61-4-10.A (16-b)** representing to a patient that a manifestly incurable condition of sickness, disease or injury can be cured;

SECTION IV
RULE VIOLATIONS

- _____ Licensee advertises professional superiority.
- _____ Licensee advertises that results will be guaranteed or treatment is painless.
- _____ Licensee advertises without identifying himself/herself as a D.C.
- _____ Licensee engaging in telemarketing, does not tell who they are, who they represent and fails to keep a log of calls for three years.
- _____ Licensee does not send renewal and continuing education certificates postmarked by June 30th of each year.
- _____ Licensee does not complete 16 hours of continuing education that has been approved by the board.
- _____ Licensee is not current with the Parental Responsibility Act.
- _____ Licensee delivers a human child.

NEW MEXICO RULES FOR SECTION IV

- A. **Part 16, 16.4.16.8 B** If an applicant or licensee is not in compliance with a judgment to order for support, the Board:
 - (1) shall deny an application for licensee;
 - (2) shall deny the renewal of a license; and
 - (3) has grounds for suspension or revocation of a license.
- B. **Part 9, 16.4.9.8 A (2) Renewal.** The license shall expire at midnight on June 30th of each year. The Board shall renew the license upon receipt from the licensee, the non-refundable license renewal fee, along with a properly filled out original form with signature, and copies of continuing education certificate plus any applicable non-refundable penalty fees.
- C. **Part 20, 16.4.20.9 B (9)** advertising which fails to conspicuously identify the chiropractor or chiropractors referred to in the advertising as practitioners or chiropractic by use of the term “chiropractor”, “chiropractors”, “chiropractic”, “chiropractic physician”, “chiropractic physicians”, “doctor of chiropractic”, or “doctors of chiropractic”;
- D. **Part 20, 16.4.20.9 B (3)** advertising that makes claims of, or conveys the impression of superior professional qualifications which cannot be substantiate by the chiropractor.
- E. **Part 18, 16.4.18.10 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 an emergency or where another practitioner of the healing arts whose license authorizes him to deliver human children is present and actively participating in the delivery.

- F. **Part 20, 16.4.20.9 E (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.
- G. **Part 10, 16.4.10.8 (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 (16) hours of board approved education annually for license renewal.
- H. **Part 20, 16.4.20.9 B (6)** advertising which guarantees the results of any service, painless treatment, or which promises to perform any procedure painlessly;