

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

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

[16.4.10.1 NMAC - Rp, 16.4.10.2 NMAC 8/10/2019]

16.4.10.2 SCOPE: All licensed chiropractic physicians.

[16.4.10.2 NMAC - Rp, 16.4.10.2 NMAC 8/10/2019]

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, Subsections F and G of Section 61-4-3 NMSA 1978.

[16.4.10.3 NMAC - Rp, 16.4.10.3 NMAC 8/10/2019]

16.4.10.4 DURATION: Permanent.

[16.4.10.4 NMAC - Rp, 16.4.10.4 NMAC 8/10/2019]

16.4.10.5 EFFECTIVE DATE: August 10, 2019, unless a later date is cited at the end of a section.

[16.4.10.5 NMAC - Rp, 16.4.10.5 NMAC 8/10/2019]

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

[16.4.10.6 NMAC - Rp, 16.4.10.6 NMAC 8/10/2019]

16.4.10.7 DEFINITIONS: (Refer to 16.4.1 NMAC).

[16.4.10.7 NMAC - Rp, 16.4.10.7 NMAC 8/10/2019]

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 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. Credit hours are calculated as a “contact hour” i.e. a 60 minute hour.

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 regulation and licensing department (RLD) computer processes, no less than ten percent of renewal applications for audit to verify completion of acceptable continuing education.

(1) Audit requests ~~[will]~~ **may** be included with the renewal notice **or requested after a renewal application is submitted. Chiropractors selected for audit will be notified by email;**

(2) ~~[and t]~~ Those selected chiropractors will be asked to submit proof of compliance with the continuing education requirements~~[-];~~

(3) The board may audit continuing education records at any time. Continuing education (CE) records must be maintained for three years following the renewal cycle in which they are earned~~[-];~~

(4) **An individual who submits a sworn attestation on their renewal application to demonstrate compliance with continuing education requirements but is found to be non-compliant during an audit will be subject to fines and other penalties determined appropriate by the board.**

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]~~ **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. Seminars and continuing education programs that meet board criteria as stated in Subsection C of 16.4.10.8 NMAC, will be approved after a properly submitted application has been received and payment of the assessed fee as set forth in Paragraph (4) of Subsection A of 16.4.1.13 NMAC. This includes the following:

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

(2) those courses that have secured accreditation through the Federation of Chiropractic Licensing Boards "FCLB" and carry the providers of approved continuing education "PACE" designation;

(3) webinar, teleseminar, compact disc (CD), videotaped or audiotaped 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.

(4) Based on the agreement set forth between the board and PACE, PACE approved courses shall be required to submit to the board an application with the appropriate assessed fee, but shall not be required to submit to the board the items listed in Paragraphs (1) through (6) of Subsection F of 16.4.10.8 NMAC.

F. All 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 board's 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.

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. Any excess continuing education hours that are 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.

J. Any licensee licensed between March 1 and June 30, of a renewal year is not required to submit continuing education credits for license renewal for that renewal period. If the licensee has been licensed for longer

than four months before their first renewal period, the licensee is required to meet all continuing education

requirements as set forth in 16.4.10.8 NMAC and if a licensee holds an advanced chiropractic certificate, the licensee is required to meet the continuing education requirements in 16.4.15.10 NMAC.

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

L. This rule supersedes all prior continuing education rules.

M. Seminars or continuing education programs meeting the board's criteria as stated in Subsection C of 16.4.15.10 NMAC for advanced practice continuing education shall be approved upon receipt of a properly executed application and payment of the fees required in 16.4.22.8 NMAC:

N. All seminars or educational programs that are provided for both doctors of chiropractic and advanced practice chiropractors continuing education shall be submitted to the board for approval at least 90 days in advance of the start of the program whenever possible and shall meet the requirements set forth in Paragraph (1) through (6) of Subsection F of 16.4.10.8 NMAC.

O. The department, in consultation with the
[16.4.10.8 NMAC - Rp, 16.4.10.8 NMAC 8/10/2019]

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 12/12/1973.

Rule 11-86, Continuing Education, filed 9/23/1986.

Rule 11-95, Continuing Education, filed 2/20/1995.

History of Repealed Material: 16.4.10 NMAC, Continuing Education filed 7/20/2012, Repealed effective 8/10/2019.

Other History:

Rule 11-95, Continuing Education (filed 2/20/1995) was renumbered, reformatted and replaced by 16 NMAC 4.10, Continuing Education, effective 11/16/1997.

16 NMAC 4.10, Continuing Education (filed 10/17/1997) was renumbered, reformatted, amended and replaced by 16.4.10 NMAC, Continuing Education, effective 1/15/2005.

16.4.10 NMAC, Continuing Education filed 7/20/2012 was replaced by 16.4.10 NMAC, Continuing Education effective 8/10/2019.