



## **2019 Legislative Session**

### **Advanced Practice Chiropractors & Expanded Scope of Practice – HB 448**

#### **Position**

The New Mexico Medical Society strongly opposes HB 448 which amends the chiropractic act to expand the scope of and decrease the requirements to become a “certified advanced practice chiropractic physician,” a category unique to New Mexico in the United States. A “certified advanced practice chiropractic physician” (APCP) is not a category recognized by the National Board of Chiropractic Examiners, the American Board of Chiropractic Specialties, nor the Federation of Chiropractic Licensing Boards.

#### **What is the Profession?**

*"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."*

#### **What HB 448 would Allow:**

Currently, New Mexico APCP's have prescriptive authority to administer through injection and prescribe the compounding of substances that are authorized in the advanced practice formulary as agreed to by the New Mexico board of chiropractic examiners, board of pharmacy, and board of medicine.

HB 448 would allow the chiropractic board to develop a formulary\* for topical, oral, compounded, and injections with no participation by the medical or pharmacy boards.

*\* Includes 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.*

Currently, New Mexico APCP's applying for the registry shall successfully complete a graduate degree in chiropractic clinical practice specialty.

HB 448 removes the requirement for successful completion of a graduate degree and substitutes three years of experience and "an advanced practice chiropractic certification by a nationally recognized credentialing agency providing credentialing and demonstrated competency by examination". There is a problem in that none of the national chiropractic organizations (NBCE, ABCS, or FCLB) recognize advanced practice chiropractors as a category, and therefore there is no credentialing or examination for this unique class of provider. So, in effect, a graduate degree is replaced with three years of (good or bad) experience.

### **Conclusion**

Expanding this unique category of "advanced practice chiropractic physician" has been attempted for the last ten plus years (see summary of history below). And though proponents are tenacious, their premise remains faulty and devalues the profession of chiropractic treatment. This attempt would allow future APCP to skip the current educational requirement of completing a graduate degree in chiropractic clinical practice specialty and allow expanded formulary privileges to all APCP without involvement of the medical or pharmacy boards. New Mexico Medical Society asks you to vote against HB 448 and to help protect the people of New Mexico from unfounded and ill-advised experimentation with our health.



## Short History of Advanced Practice Chiropractic Physicians in New Mexico

HB14 was signed into law in April 2009 and established:

### **61-4-9.2 Certified advanced practice chiropractic physician authority defined (Repealed effective 7-1-16)**

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."

Two years later HB127, which would have granted the NM Board of Chiropractic Examiners the authority to add injectables to the New Mexico Chiropractic Formulary without the oversight of the NM Medical Board, was soundly defeated (as was a similar bill, SB 376, in 2015). In August of 2011, the NMBCE proposed to add a series of injectables and IV therapies to the Chiropractic Formulary. Despite testimony in a public hearing by the NM Medical Board and the NM Regulations and Licensing Department that NMBCE did not have the legal authority to add injectables without the approval of the medical board; the NMBCE proceeded to pass the additions to the Chiropractic formulary. As a result, the NM Medical Board, the NM Pharmacy Board, and the International Chiropractor Association (ICA) filed suit in the NM Court of Appeals. In the summer of 2013, the NM Court of Appeals found in favor of the NM Medical Board, NM Pharmacy Board and ICA and threw out the formulary changes of 2011 and reverted to the standard of 2010.

From 2009 to 2012 the requirement to be an Advanced Practice Chiropractor in New Mexico is an extra 90 hours of education. Section D of NMSA 61-4-9.1 states there are to be course hours

in pharmacology, pharmacognosy, medication administration and toxicology and an examination “from an institution of higher education” that is approved by the NM Board of Chiropractor Examiners and the NM Medical Board. There is no specification as to how many hours of each subject or how many hours of hands-on-practice in the class or in a clinical setting should be required. Beginning in 2013, AP Chiropractors also must have completed a graduate degree in a chiropractic clinical practice specialty - the hours of education are in whatever specialty area the practitioner chooses-pharmacology or clinical practicum are not required. The 10 hours of CE are not accredited by either the Accreditation Council of Continuing Medical Education (ACCME), or a state body recognized by ACCME, or the Accreditation Council for Graduate Medical Education (ACGME). It is important to note that the chiropractic profession does not have the equivalent of any of these councils monitoring and standardizing continuing or graduate education.

A national standard for higher education of professionals is a cornerstone for assuring uniform education and practicums across states and across teaching institutions. Currently, there are no universally recognized requirements for certified advanced practice of chiropractic diagnosis or therapy. There are no national standards because NM is the ONLY state that HAS advanced practice chiropractors. Higher education accreditation for teaching institutions must be uniform for educating health professionals to allow for interstate equivalency of qualifications and training of chiropractors. To allow for non-standardized and locally determined advance practice education and skill requisites sets an inappropriate precedent for patient care and puts New Mexico patients at risk.

The development of an advanced practice of chiropractic degree accredited by the National Board of Chiropractic Examination (NBCE) should originate from the universities that are nationally accredited in chiropractic studies by the NBCE. Minimal standards need to be determined, studied for effectiveness, and implemented for advanced practice chiropractors. At a very minimum, education for an advance practice chiropractor should include an undergraduate degree from a recognized 4-year institution with a concentration of science/biology/anatomy, the equivalency of a Nurse Practitioner Masters, and the passing of the National Board of Chiropractic Examination for advance practice. None of this background has been established – the NBCE does not even examine for advanced practice. And as an unnamed source has written,

The chiropractic community is divided on this expanded scope of practice and unrestricted formulary causing concern that important safe guards have not been met.

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