

This is an emergency amendment to 16.10.22 NMAC, Sections 7 and adding 23 effective 4/17/2020.

16.10.22.7 DEFINITIONS:

A. Definitions beginning with "A":

(1) **"Approved naturopathic medical educational program"** means a naturopathic educational program accredited by the council of naturopathic medical education and approved by the board with recommendation of the council, pursuant to Chapter 61, Article 12G-4 NMSA 1978 of the Naturopathic Doctors' Practice Act.

(2) **"Association"** means an entity that is approved by the American association of naturopathic physicians, which entity represents the interests of naturopathic doctors in the state.

B. Definitions beginning with "B": **"Board"** means the New Mexico medical board established pursuant to the Medical Practice Act Chapter 61, Article 6 NMSA 1978.

C. Definitions beginning with "C":

(1) **"Clinical laboratory procedure"** means the use of commonly used diagnostic modalities consistent with naturopathic practice including venipuncture, ordering of radiographic diagnostics and following guidance of radiologist interpretation of diagnostic imaging techniques including but not limited to ultrasounds, MRI's and CT scans and examination of body orifices, excluding endoscopy and colonoscopy.

(2) **"Collaboration"** means the process by which a licensed physician and a naturopathic doctor jointly contribute to the health care and treatment of patients; provided that:

(a) each collaborator performs actions that the collaborator is licensed or otherwise authorized to perform; and

(b) collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered by the collaborating naturopathic doctor.

(3) **"Controlled substance"** means a drug, substance or immediate precursor enumerated in Schedules I through V of the Controlled Substances Act Chapter 30, Article 31 NMSA 1978.

(4) **"Council"** means the naturopathic doctors' advisory council;

(5) **"Criminal history record"** means information concerning a person's arrests, indictments, or other formal criminal charges and any dispositions arising there from, including convictions, dismissals, acquittals, sentencing and correctional supervision, collected by state or federal criminal justice agencies or their political subdivisions and stored in the computerized databases of the federal bureau of investigation, the national law enforcement telecommunications systems, the department of public safety or the repositories of criminal history information in other states or their political subdivisions.

(6) **"Criminal history screening"** means a criminal history background investigation of an applicant for a naturopathic doctor license, or a licensee applying for licensure renewal, through the use of fingerprints reviewed by the department of public safety and submitted to the federal bureau of investigation, resulting in the generation of a nationwide criminal history record for that applicant.

D. Definitions beginning with "D":

(1) **"Dangerous drug"** has the same meaning as set forth in Section 26-1-2 NMSA 1978.

(2) **"Drug"** has the same meaning as set forth in Section 26-1-2 NMSA 1978.

E. Definitions beginning with "E": **"Expired"** means a license was not renewed by the triennial renewal date of March 1 or at the end of the grace period of May 1, and licensee is not eligible to practice within the state of New Mexico after the grace period ends.

F. Definitions beginning with "F": [RESERVED]

G. Definitions beginning with "G": **"Grace period"** means the 60 day period granted after the triennial licensing term has expired on March 1, during which time the status of the licensee shall remain in effect as long as the renewal payment and late fee is made during the grace period, and all other renewal requirements are met on or before May 1. A licensee may continue to practice as long as the payment of the required renewal fee and the late fee are received, and all other renewal requirements are met on or before May 1 of the triennial period.

H. Definitions beginning with "H":

(1) **"Homeopathic medicine"** means a system of medicine based on the use of infinitesimal doses of substances capable of producing symptoms similar to those of the disease treated, as listed in the homeopathic pharmacopoeia of the United States.

(2) **"Hygiene"** means the use of preventive techniques, including personal hygiene, asepsis,

public health and safety.

- I. Definitions beginning with “I”: [RESERVED]**
- J. Definitions beginning with “J”: [RESERVED]**
- K. Definitions beginning with “K”: [RESERVED]**
- L. Definitions beginning with “L”: [RESERVED]**

(1) **Laboratory examination** means:

- (a) phlebotomy;
- (b) a clinical laboratory procedure;
- (c) an orificial examination;
- (d) a physiological function test; or
- (e) a screening or test that the board has authorized naturopathic doctors to perform,

when indicated, which results are interpreted by the naturopathic doctor;

(2) **“Legend drug”** means an FDA approved prescription drug including an unscheduled dangerous drug.

(3) **“License”** means a license issued by the board to an individual pursuant to the Naturopathic Doctors' Practice Act and board rules authorizing that individual to practice naturopathic medicine in the state;

(4) **“Licensee”** means a naturopathic doctor licensed by the board to practice naturopathic medicine in the state;

M. Definitions beginning with “M”:

(1) **“Major disaster”** means a declaration of a major disaster by the federal emergency management agency (FEMA).

~~[(4)]~~ (2) **“Military service member”** means a person who is serving in the armed forces of the United States or in a reserve component of the armed forces of the United States, including the National Guard.

~~[(2)]~~ (3) **“Minor office procedure”** means minor surgical care and procedures, including:

- (a) surgical care incidental to superficial laceration, lesion or abrasion, excluding surgical care to treat a lesion suspected of malignancy;
- (b) the removal of foreign bodies located in superficial structures, excluding the globe of the eye;
- (c) trigger point therapy on myofascial trigger points including manual techniques, insertion of filiform needles or trigger point injections directly in the trigger point; excluding deep muscle bodies, visceral, and distal acupuncture meridian therapy;
- (d) dermal stimulation;
- (e) allergy testing and treatment;
- (f) the use of antiseptics and topical or local anesthetics;
- (g) wound care;
- (h) diabetic foot care; and
- (i) injections as referenced in Subparagraph (h) of Paragraph (2) of Subsection A of

16.10.22.11 NMAC.

N. Definitions beginning with “N”:

(1) **“Naturopathic doctor”** means an individual licensed pursuant to the Naturopathic Doctors' Practice Act as a naturopathic doctor to practice naturopathic medicine in the state;

(2) **“Naturopathic medicine”** means:

- (a) a system of health care for the prevention, diagnosis and treatment of human health conditions, injury and disease;
- (b) the promotion or restoration of health; and
- (c) the support and stimulation of a patient's inherent self-healing processes through patient education and the use of naturopathic therapies and therapeutic substances;

(3) **“Naturopathic physical medicine”** means the use of one or more of the following physical agents in a manner consistent with naturopathic medical practice on a part or the whole of the body, by hand or by mechanical means, in the resolution of a human ailment or conditions:

- (a) air;
- (b) water;
- (c) heat;
- (d) cold;
- (e) sound;

- (f) light;
- (g) electromagnetism;
- (g) colon hydrotherapy;
- (i) soft tissue therapy;
- (j) joint mobilization;
- (k) therapeutic exercise; or
- (l) naturopathic manipulation within the scope of the naturopathic doctor's

education;

(4) **"Naturopathic therapy"** means the use of:

- (a) naturopathic physical medicine;
- (b) suggestion;
- (c) hygiene;
- (d) a therapeutic substance;
- (e) a legend drug;
- (f) nutrition and food science;
- (g) homeopathic medicine;
- (h) a clinical laboratory procedure;
- (i) a minor office procedure; or
- (j) mental health and substance use screening and referral.

(5) **"Nutrition and food science"** means the prevention and treatment of disease or other human conditions through the use of food, water, herbs, roots, bark or natural food elements;

O. Definitions beginning with "O": [RESERVED]

P. Definitions beginning with "P":

(1) **"Prescription"** has the same meaning as set forth in Section 26-1-2 NMSA 1978;

(2) **"Primary care"** means health care provided by a healthcare provider who typically acts as the first contact and principal point of continuing care for patients and coordinates other specialist care or services that the patient may require. Primary care providers are trained in non-specialty internal medicine and pediatrics, family medicine, general internal medicine, geriatrics (gerontology), general obstetrics and gynecology and general pediatrics, and refer to specialists when those services are warranted.

(3) **"Professional examination"** means a competency- based national naturopathic doctor licensing examination administered by the North American board of naturopathic examiners (NABNE), whose board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;

Q. Definitions beginning with "Q": [RESERVED]

R. Definitions beginning with "R":

(1) **"Renewal date"** means the deadline date upon which the license shall be made valid again for another period of time without a penalty fee.

(2) **"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 applies for a naturopathic doctor license pursuant to 16.10.22.20 NMAC. The veteran shall submit a copy of Form DD214, or its equivalent, as part of the application process.

S. Definitions beginning with "S": "Suggestions" means counseling techniques using: (1) biofeedback, (2) hypnosis, (3) health education, (4) health counseling; or (5) therapeutic lifestyle changes.

T. Definitions beginning with "T": "Therapeutic substance" means any of the following exemplified in a standard naturopathic medical text, journal or pharmacopeia: (1) a vitamin, (2) a mineral, (3) a nutraceutical, (4) a botanical medicine, (5) oxygen, (6) a homeopathic medicine, (7) a hormone, (8) a hormonal or pharmaceutical contraceptive device; or, (9) other physiologic substance.

[16.10.22.7 NMAC- N, 3/24/2020; A/E, 4/17/2020]

16.10.22.23 PROVISIONS FOR NATUROPATHIC DOCTOR LICENSURE DURING A DECLARED DISASTER: The board may waive documentation requirements for any new or pending applications when the disaster delays or prohibits the procuring of the required documents. The board will determine the length of time the emergency provisions will be in effect for each major disaster that results in applications for a federal emergency license.

A. Federal emergency license. The board may waive specific requirements in Subsections B, D and G of 16.10.22.10 NMAC if the applicant is unable to obtain the documentation from individuals or institutions

located in the disaster area.

B. License expiration. Initial federal emergency licenses shall be valid for not less than three months or more than fifteen months. Licenses shall be renewed on March 1 following the date of issue, pursuant to 16.10.22.14 NMAC. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license renewal. At the time a federal emergency license is approved for renewal it will be transferred to a full naturopathic doctor license.

C. License renewal. The temporary federal emergency license may be renewed one time for a period of not more than twelve months with a prorated fee of \$120.00, provided the federal emergency is still in effect.

[16.10.22.23 NMAC – N/E, 4/17/2020]