

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC PRACTITIONERS
PART 7 IMPAIRED PRACTITIONER PROGRAMS

16.4.7.1 ISSUING AGENCY: New Mexico Chiropractic Board, PO Box 25101, Santa Fe, New Mexico 87504. [
[16.4.7.1 NMAC - Rp, 16.4.7.1 NMAC 8/10/2019]

16.4.7.2 SCOPE: All licensed chiropractic physicians.
[16.4.7.2 NMAC - Rp, 16.4.7.2 NMAC 8/10/2019]

16.4.7.3 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, (Sections 61-4-1 through 17 NMSA 1978).
[16.4.7.3 NMAC - Rp, 16.4.7.3 NMAC 8/10/2019]

16.4.7.4 DURATION: Permanent.
[16.4.7.4 NMAC - Rp, 16.4.7.4 NMAC 8/10/2019]

16.4.7.5 EFFECTIVE DATE: August 10, 2019, unless a later date is cited at the end of a section.
[16.4.7.5 NMAC - Rp, 16.4.7.5 NMAC 8/10/2019]

16.4.7.6 OBJECTIVE: To clarify the procedures identified in the Impaired Health Care Provider Act.
[16.4.7.6 NMAC - Rp, 16.4.7.6 NMAC 8/10/2019]

16.4.7.7 DEFINITIONS:

- A.** Impaired physicians programs is defined as programs that protect the public and educate the chiropractic physicians.
 - B.** Programs may monitor, educate and intercede in the prevention and treatment of chiropractic physicians impaired or at risk of impairment.
 - C.** All impairment fees received shall be designated for these programs.
- [16.4.7.7 NMAC - Rp, 16.4.7.7 NMAC 8/10/2019]

16.4.7.8 COMPLAINTS: Anyone may file a complaint with the board if they have reasonable cause to believe a chiropractor is impaired by:

- A.** mental illness;
 - B.** physical illness, including but not limited to deterioration through the aging process or loss of motor skills;
 - C.** habitual or excessive use or abuse of drugs, as defined in the Controlled Substances Act; or
 - D.** habitual or excessive use or abuse of alcohol.
- [16.4.7.8 NMAC - Rp, 16.4.7.8 NMAC 8/10/2019]

16.4.7.9 PROCESS: Complaints received in the board office that allege impaired practice will be processed in the following manner, unless there are exceptional circumstances which require the board to consider the complaint without referral to the complaint committee because of a potential threat to the health or safety of the licensee or patients.

- A.** The complaint committee of the board shall review the complaint to determine if the board has jurisdiction over the matter and if the complaint may have merit.
 - B.** The complaint committee may conduct a preliminary investigation to determine if the allegations in the complaint are supported by facts.
 - C.** Upon completion of the review and or investigation, the complaint committee shall submit its recommendations to the board.
 - D.** The board shall determine if an examination to ascertain impaired practice is required.
- [16.4.7.9 NMAC - Rp, 16.4.7.9 NMAC 8/10/2019]

16.4.7.10 DISCIPLINARY ACTION: No action or investigation or proceedings under the Impaired Health Care Provider Act (61-7-1 through 12 NMSA 1978) precludes the board from investigating or acting simultaneously, in its sole discretion, under the Chiropractic Physician Practice Act (61-4-1 through 17 NMSA 1978).

[16.4.7.10 NMAC - Rp, 16.4.7.10 NMAC 8/10/2019]

History of 16.4.7 NMAC: 16.4.7 NMAC, Impaired Practitioner Programs filed 12/15/2004, Repealed effective 8/10/2019.

Other History: 16.4.7 NMAC, Impaired Practitioner Programs filed 12/15/2004 was replaced by 16.4.7 NMAC, Impaired Practitioner Programs effective 8/10/2019.