

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 2 SCOPE OF PRACTICE

16.2.2.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine.
[16.2.2.1 NMAC - Rp, 16.2.2.1 NMAC, 02-15-05]

16.2.2.2 SCOPE: All licensed doctors of oriental medicine, all licensed doctors of oriental medicine certified for expanded practice as defined in 16.2.19 NMAC, temporary licensees engaging in only those activities authorized on the temporary license, externs engaging in only those activities authorized by the externship and students enrolled in an educational program in acupuncture and oriental medicine approved by the board working under the direct supervision of a teacher at the approved educational program as part of the educational program in which they are enrolled.
[16.2.2.2 NMAC - Rp, 16.2.2.2 NMAC, 02-15-05; A, 11-28-09]

16.2.2.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-3, 4, 6, 8 and 8.1 NMSA 1978.
[16.2.2.3 NMAC - Rp, 16.2.2.3 NMAC, 02-15-05]

16.2.2.4 DURATION: Permanent.
[16.2.2.4 NMAC - Rp, 16.2.2.4 NMAC, 02-15-05]

16.2.2.5 EFFECTIVE DATE: 02-15-05, unless a later date is cited at the end of a section.
[16.2.2.5 NMAC - Rp, 16.2.2.5 NMAC, 02-15-05]

16.2.2.6 OBJECTIVE: This part clarifies the scope of practice of doctors of oriental medicine, temporary licensees, externs and students and doctors of oriental medicine certified for expanded practice.
[16.2.2.6 NMAC - Rp, 16.2.2.6 NMAC, 02-15-05; A, 11-28-09]

16.2.2.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).
[16.2.2.7 NMAC - Rp, 16.2.2.7 NMAC, 02-15-05]

16.2.2.8 SCOPE OF PRACTICE: Pursuant to Section 61-14A-3 NMSA 1978, the practice of oriental medicine in New Mexico is a distinct system of primary health care with the goal of prevention, cure, or correction of any disease, illness, injury, pain or other physical or mental condition by controlling and regulating the flow and balance of energy, form and function to restore and maintain health. Oriental medicine includes all traditional and modern diagnostic, prescriptive and therapeutic methods utilized by practitioners of acupuncture and oriental medicine. The scope of practice of doctors of oriental medicine shall include but is not limited to:

- A. evaluation, management and treatment services;
- B. diagnostic examination, testing and procedures;
- C. the ordering of diagnostic imaging procedures and laboratory or other diagnostic tests;
- D. the surgical procedures of acupuncture and other related procedures;
- E. the stimulation of points, areas of the body or substances in the body using qi, needles, heat, cold, color, light, infrared and ultraviolet, lasers, sound, vibration, pressure, magnetism, electricity, electromagnetic energy, bleeding, suction, or other devices or means;
- F. physical medicine modalities, procedures and devices;
- G. therapeutic exercises, qi exercises, breathing techniques, meditation, and the use of biofeedback devices and other devices that utilize heat, cold, color, light, infrared and ultraviolet, lasers, sound, vibration, pressure, magnetism, electricity, electromagnetic energy and other means therapeutically;
- H. dietary and nutritional counseling and the prescription or administration of food, beverages and dietary supplements therapeutically;
- I. counseling and education regarding physical, emotional and spiritual balance in lifestyle;
- J. prescribing, administering, combining, providing, compounding and dispensing any non-injectable herbal medicine, homeopathic medicines, vitamins, minerals, enzymes, glandular products, natural substances, protomorphogens, live cell products, amino acids, dietary and nutritional supplements; cosmetics as they are defined

in the New Mexico Drug, Device and Cosmetic Act and nonprescription drugs as they are defined in the Pharmacy Act;

K. the prescription or administration of devices, restricted devices and prescription devices as defined in the New Mexico Drug, Device and Cosmetic Act (Section 26-1-1 NMSA 1978) by a doctor of oriental medicine who meets the requirements of 16.2.2.9 NMAC.

[16.2.2.8 NMAC - Rp, 16.2.2.8 NMAC, 02-15-05; A, 11-28-09]

16.2.2.9 DEVICES, RESTRICTED DEVICES AND PRESCRIPTION DEVICES: The board determines that devices, restricted devices and prescription devices as defined in the New Mexico Drug, Device and Cosmetic Act (Section 26-1-1 NMSA 1978) are necessary in the practice of oriental medicine. Doctors of oriental medicine who have the training recommended by the manufacturer of the device shall be authorized to prescribe, administer or dispense the device.

[16.2.2.9 NMAC - Rp, 16.2.2.9 NMAC, 02-15-05; A, 11-28-09]

16.2.2.10 SCOPE OF PRACTICE FOR EXPANDED PRACTICE:

A. In addition to the scope of practice for a licensed New Mexico doctor of oriental medicine, the scope of practice for those certified in expanded practice shall include certification in any or all of the following modules: basic injection therapy, injection therapy, intravenous therapy and bioidentical hormone therapy. practitioners previously certified as Rx1 extended prescriptive authority, will be certified for basic injection therapy and practitioners previously certified as Rx2 expanded prescriptive authority, will be certified for injection therapy, intravenous therapy and bioidentical hormone therapy.

B. The expanded practice shall include:

(1) the prescribing, administering, compounding and dispensing of herbal medicines, homeopathic medicines, vitamins, minerals, amino acids, proteins, enzymes, carbohydrates, lipids, glandular products, natural substances, natural medicines, protomorphogens, live cell products, gerovital, dietary and nutritional supplements, cosmetics as they are defined in the New Mexico Drug, Device and Cosmetic Act (26-1-1 NMSA 1978) and nonprescription drugs as they are defined in the Pharmacy Act (61-11-1 NMSA 1978); and

(2) the prescribing, administering, compounding and dispensing of the following dangerous drugs or controlled substances as they are defined in the New Mexico Drug, Device and Cosmetic Act, the Controlled Substances Act (30-31-1 NMSA 1978) or the Pharmacy Act:

- (a) sterile water;
- (b) sterile saline;
- (c) sarapin or its generic;
- (d) caffeine;
- (e) procaine;
- (f) oxygen;
- (g) epinephrine;
- (h) vapocoolants;
- (i) bioidentical hormones; and
- (j) biological products, including therapeutic serum.

C. When compounding drugs for their patients, doctors of oriental medicine certified for expanded practice and prescriptive authority shall comply with the compounding requirements for licensed health care professionals in the United States pharmacopeia and national formulary.

[16.2.2.10 NMAC - N, 02-15-05; A, 11-28-09]

16.2.2.11 [RESERVED]

[16.2.2.11 NMAC - Rp 16.2.2.10 NMAC, 02-15-05; Repealed, 11-28-09]

16.2.2.12 PRESCRIPTION PADS: A doctor of oriental medicine, when prescribing, shall use prescription pads imprinted with his name, address, telephone number and license number. If a doctor of oriental medicine is using a prescription pad printed with the names of more than one doctor of oriental medicine, each doctor of oriental medicine shall have a separate signature line indicating the name and license number. Each specific prescription shall indicate the name of the doctor of oriental medicine for that prescription.

[16.2.2.12 NMAC - Rp 16.2.2.11 NMAC, 02-15-05; A, 11-28-09]

16.2.2.13 [RESERVED]

[16.2.2.13 NMAC - N, 02-15-05; Repealed, 11-28-09 A/E, 06-15-10; A/E, 06-15-10; Re-pr, 11-28-10]

16.2.2.14 [RESERVED]

[16.2.2.14 NMAC - N, 02-15-05; Repealed, 11-28-09]

History of 16.2.2 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

AB 81-1, Regulations Governing Acupuncture Practitioners, filed 10-05-81;

AB 82-1, Regulations Governing Acupuncture Practitioners, filed 06-16-82;

AB 84-1, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes, filed 03-13-84;

BCD 87-1 Regulations Governing Acupuncture Practitioners, Tutors, and Institutes, filed 10-30-87;

ACU 88-1, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes, filed 03-13-89;

ACU 91-11, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes - Scope of Practice, filed 02-18-91;

ACU 91-11, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes - Scope of Practice, filed 05-11-92;

Rule 11, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes - Scope of Practice, filed 08-28-92;

Rule 11, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes - Scope of Practice, filed 12-19-94.

History of Repealed Material: 16.2.2 NMAC, Scope of Practice (filed 09-15-2000) repealed 02-15-05.

Other History:

Rule 11, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes - Scope of Practice (filed 12-19-94) was renumbered, reformatted and amended to 16 NMAC 2.2, Acupuncture and Oriental Medicine - Scope of Practice, effective 07-01-96.

16 NMAC 2.2, Acupuncture and Oriental Medicine - Scope of Practice (filed 06-14-96) was renumbered, reformatted, amended and replaced by 16.2.2 NMAC, Scope of Practice, effective 10-15-2000.

16.2.2 NMAC, Scope of Practice (filed 09-15-2000) was replaced by 16.2.2 NMAC, Scope of Practice, effective 02-15-05.