

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 2 ACUPUNCTURE AND ORIENTAL MEDICINE PRACTITIONERS
PART 7 EDUCATIONAL PROGRAMS

16.2.7.1 ISSUING AGENCY: New Mexico Board of Acupuncture and Oriental Medicine
[16.2.7.1 NMAC - Rp, 16.2.7.1 NMAC, 10-22-03]

16.2.7.2 SCOPE: All licensed doctors of oriental medicine, temporarily licensed doctors of oriental medicine, approved educational programs and all applicants for licensure as a doctor of oriental medicine, temporary licensure and for approval of an educational program.
[16.2.7.2 NMAC - Rp, 16.2.7.2 NMAC, 10-22-03]

16.2.7.3 STATUTORY AUTHORITY: This part is promulgated pursuant to the Acupuncture and Oriental Medicine Practice Act, Sections 61-14A-8, 9 and 14, NMSA 1978.
[16.2.7.3 NMAC - Rp, 16.2.7.3 NMAC, 10-22-03]

16.2.7.4 DURATION: Permanent.
[16.2.7.4 NMAC - Rp, 16.2.7.4 NMAC, 10-22-03]

16.2.7.5 EFFECTIVE DATE: October 22, 2003, unless a later date is cited at the end of a section.
[16.2.7.5 NMAC - Rp, 16.2.7.5 NMAC, 10-22-03]

16.2.7.6 OBJECTIVE: This part establishes the requirements for approval of educational programs, the requirements for making an application for approval of an educational program, the renewal of the approval of the educational program and the requirement of notification of changes.
[16.2.7.6 NMAC - Rp, 16.2.7.6 NMAC, 10-22-03]

16.2.7.7 DEFINITIONS: Refer to definitions in 16.2.1.7 NMAC (Section 7 of Part 1 of the rules).
[16.2.7.7 NMAC - Rp, 16.2.7.7 NMAC, 10-22-03; A, 02-15-05]

16.2.7.8 EDUCATIONAL PROGRAM REQUIREMENTS: All educational programs shall be approved by the board. Using the requirements of 16.2.7.8 NMAC and 16.2.7.9 NMAC (Sections 8 and 9 of Part 7 of the rules), the board will evaluate whether or not an educational program shall be approved. If a visit is necessary to evaluate the educational program, the cost of the visit, including any administrative costs, shall be paid in advance by the educational program.

A. The foundation educational program requirement shall be the four academic year masters of oriental medicine program that meets the national certification commission for acupuncture and oriental medicine (NCCAOM) accreditation/equivalent education policy as defined here. Graduation/education must be obtained from a formal education program that has met the standards of the accreditation commission for acupuncture and oriental medicine (ACAOM) or an equivalent educational body. A program may be established as having satisfied this requirement by demonstration of one of the following:

- (1) accreditation or candidacy for accreditation by ACAOM; or
- (2) approval by a foreign government's ministry of education, ministry of health, or equivalent foreign government agency; each candidate must submit their documents for approval by a foreign credential equivalency service approved by the NCCAOM for that purpose; programs attempting to meet the eligibility requirement under this method must also meet the curricular requirements of ACAOM in effect at the time of application; or
- (3) approval by a foreign private accreditation agency that has an accreditation process and standards substantially equivalent to that of ACAOM, and that is recognized for that purpose by the appropriate government entity in that foreign country; each candidate must submit their documents for approval by a foreign credential equivalency service approved by the NCCAOM for that purpose; programs attempting to meet the eligibility requirement under this method must also meet the curricular requirements of ACAOM in effect at the time of application.

B. The educational program shall provide a program that shall be at least four academic years and shall include in-class education that comprises a minimum of 2,400 clock hours of classes including a minimum of

1,100 hours of didactic education in acupuncture and oriental medicine and a minimum of 900 hours of supervised clinical practice, instruction and observation in acupuncture and oriental medicine. The curriculum shall provide the knowledge and skills required to maintain appropriate standards of acupuncture and oriental medical care.

C. The educational program shall include a didactic curriculum that educates and graduates physicians who are competent to practice acupuncture and oriental medicine and who are able to diagnose, prescribe, and treat accurately and that specifically includes, in addition to the requirements of the act, oriental principles of life therapy, including the prescription of herbal medicine, diet and nutrition, manual therapy/physical medicine and counseling, not to exceed 900 hours of the required 2,400 hours specified in Subsection B of 16.2.7.8 NMAC (Subsection 8.B. of Part 7 of the rules) and that includes a minimum of 450 hours of education in herbal medicine.

D. The educational program shall include a clinical curriculum that includes clinical instruction and direct patient contact. This clinical part of the educational program shall include at least 900 hours of supervised clinical practice, instruction and observation in the following areas:

(1) the observation of and assistance in the application of principles and techniques of oriental medicine including diagnosis, acupuncture, moxibustion, manual therapy/physical medicine, diet and nutrition, counseling and the prescription of herbal medicine; and

(2) a minimum of 400 hours of actual treatment in which the student is required to perform complete treatment as the primary student practitioner.

E. The educational program shall include a curriculum that educates and graduates physicians who are competent to demonstrate a clinically relevant, complementary and integrative knowledge of biomedicine and biomedical diagnosis sufficient to treat and refer patients when appropriate.

F. The educational program may honor credit from other educational programs.

G. The names and educational qualifications of all teaching supervisors, resident teachers, and visiting teachers of acupuncture and oriental medicine shall be submitted to the board and shall meet the following:

(1) all teachers of acupuncture and oriental medicine in New Mexico shall have a license or temporary license to practice acupuncture and oriental medicine in New Mexico issued by the board; any educational program in violation of this provision shall be subject to suspension or revocation of the educational program approval or subject to disciplinary proceedings, including fines as defined in 16.2.12 NMAC (Part 12 of the rules);

(2) all teachers of acupuncture and oriental medicine at educational programs outside New Mexico shall be licensed, certified, registered or legally recognized to practice acupuncture and oriental medicine in the state or country in which he or she practices and teaches; any educational program in violation of this provision shall be subject to suspension or revocation of the educational program approval or subject to disciplinary proceedings, including fines as defined in 16.2.12 NMAC (Part 12 of the rules);

(3) exceptions may be made at the board's discretion and for good cause.

H. Educational programs may employ or contract with tutors to teach components of the educational program. Educational programs may honor credit from tutors. A tutor is defined in the act as "a doctor of oriental medicine with at least ten years of clinical experience who is a teacher of acupuncture and oriental medicine."

I. The educational program may be subject to inspection by the board.
[16.2.7.8 NMAC - Rp, 16.2.7.8 NMAC, 10-22-03; A, 02-15-05]

16.2.7.9 EDUCATIONAL PROGRAM CERTIFICATE OR DIPLOMA AND TRANSCRIPT REQUIREMENTS: Educational programs shall provide the following:

A. A transcript of grades, as part of the student's record, that includes the following:

- (1) Name of the student;
- (2) Address of the student;
- (3) Date of birth;
- (4) Course titles;
- (5) Grade received in each course; and
- (6) Number of clock hours per course.

B. A certificate or diploma stating that the student has satisfactorily completed the educational program only after personal attendance in all required classes, and satisfactory completion of the educational program requirements.

[16.2.7.9 NMAC - Rp, 16.2.7.9 NMAC, 10-22-03]

16.2.7.10 APPLICATION FOR ANNUAL APPROVAL OF AN EDUCATIONAL PROGRAM: All educational programs in New Mexico are required to be annually approved by the board. Any educational program outside New Mexico, that so chooses, may apply to receive annual approval status. These educational programs shall be granted approval after submitting to the board:

A. The initial application fee for annual approval of an educational program specified in 16.2.10 NMAC (Part 10 of the rules) and paid by certified check or money order in U.S. funds; and

B. An application that is complete and in English on a form prescribed by the board that contains the matriculation date for the educational program and the information necessary to verify that the standards of professional education required by 16.2.7.8 and 16.2.7.9 NMAC (Sections 8 and 9 of Part 7 of the rules) are being met including an official copy of the curriculum. The board shall act upon the application within sixty (60) days of the receipt of the application and shall inform the educational program of the status of the application in writing by mail postmarked within seven (7) days of acting on it.

[16.2.7.10 NMAC - Rp, 16.2.7.10 NMAC, 10-22-03]

16.2.7.11 APPLICATION FOR SINGLE INSTANCE APPROVAL OF AN EDUCATIONAL

PROGRAM: An educational program that does not have annual approval status from the board shall receive a single instance approval of the educational program for use by a single applicant after the educational program that graduated the applicant has submitted to the board:

A. The application fee for a single instance approval of an educational program, specified in 16.2.10 NMAC (Part 10 of the rules), paid by certified check or money order in U.S. funds; and

B. An application that is complete and in English on a form prescribed by the board that contains the matriculation date for the educational program and the information necessary to verify that the standards of professional education required by 16.2.7.8 and 16.2.7.9 NMAC (Sections 8 and 9 of Part 7 of the rules) are being met including an official copy of the curriculum. The application and the application fee shall be received at the board's office at least ninety (90) days prior to the next scheduled clinical skills examination. The board shall send a written response to the applicant for approval of an educational program informing the applicant of the application's completeness or needed documentation postmarked at least eighty-five (85) days before the next scheduled clinical skills examination date. All documentation requested to complete the application shall be received at the board's office at least seventy (70) days before the next scheduled clinical skills examination date. The applicant shall be notified of approval or denial of the application in writing by mail postmarked at least sixty (60) days prior to the next scheduled clinical skills examination date. Note that the above deadlines exist to synchronize with the deadlines for applicants regarding the clinical skills exam as defined in 16.2.4.11 NMAC (Section 11 of Part 4 of the rules).

[16.2.7.11 NMAC - Rp, 16.2.7.11 NMAC, 10-22-03]

16.2.7.12 ANNUAL RENEWAL, LATE RENEWAL AND EXPIRED APPROVAL: To maintain annual approval status, an educational program shall submit by May 1st an annual renewal application that is complete and in English on a form prescribed by the board and the required fee for renewal of approval of an educational program, specified in 16.2.10 NMAC (Part 10 of the rules), paid by certified check or money order in U.S. funds. The approval period is defined as August 1st to July 31st of the subsequent year. The approval expires at 12:00 midnight on July 31st. Renewal applications received after September 30th of any year must be submitted with the late fee specified in 16.2.10 NMAC (Part 10 of the rules) and paid by certified check or money order in U.S. funds. If the annual renewal application and fee are not received within sixty (60) days after expiration, following the approval period, the annual approval is expired and the educational program shall submit the initial application and initial application fee to become approved.

[16.2.7.12 NMAC - Rp, 16.2.7.12 NMAC, 10-22-03]

16.2.7.13 NOTIFICATION OF CHANGES: If ownership of the educational program changes or the educational program is substantially changed the educational program shall notify the board within ten (10) days of such change. The educational program may then be subject to inspection. The educational program shall be on a probationary approval status until final approval is given under the changed circumstances.

[16.2.7.13 NMAC - Rp, 16.2.7.13 NMAC, 10-22-03]

History of 16.2.3 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 10-5-81;

AB 82-1, Regulations Governing Acupuncture Practitioners, filed 6-16-82;

AB 84-1, Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-84;

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

ACU 88-1 Regulations Governing Acupuncture Practitioners, Tutors and Institutes, filed 3-13-89;

ACU 91-12, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes Approval of Institutes and Private Tutorship, filed 2-18-91;

ACU 91-12, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes Approval of Institutes and Private Tutorship, filed 12-18-91;

Rule 12 Regulations Governing Acupuncture Practitioners, Tutors, and Institutes Approval of Institutes and Private Tutorship, filed 2-24-93.

History of Repealed Material:

16.2.7 NMAC Approval of Educational Programs (filed 4-20-00) - Repealed 10-22-03.

Other History:

Rule 12, Regulations Governing Acupuncture Practitioners, Tutors, and Institutes Approval of Institutes and Private Tutorships (filed 12-18-91) replaced by 16 NMAC 2.7, Approval of Educational Programs, effective 7-01-96;

16 NMAC 2.7, Approval of Educational Programs (filed 06-14-96) renumbered and amended as 16.2.7 NMAC, Approval of Educational Programs, effective 5-20-00;

16.2.7 NMAC, Approval of Educational Programs (filed 4-20-00) replaced by 16.2.7 NMAC, Approval of Educational Programs, effective 10-22-03.