

ARTICLE 12G
Naturopathic Doctors' Practice Act

61-12G-1. Short title.

Sections 1 through 13 [61-12G-1 through [61-12G-13](#) NMSA 1978] of this act may be cited as the "Naturopathic Doctors' Practice Act".

History: [Laws 2019, ch. 244, § 1.](#)

61-12G-2. Definitions.

As used in the Naturopathic Doctors' Practice Act:

A. "approved naturopathic medical educational program" means an educational program that the board has approved as meeting the requirements of Section 4 [[61-12G-4](#) NMSA 1978] of the Naturopathic Doctors' Practice Act that prepares naturopathic doctors for the practice of naturopathic medicine;

B. "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;

C. "biological product" means any of the following that is applicable to the prevention, treatment or cure of a disease or condition of human beings:

- (1) a virus;
- (2) a therapeutic serum;
- (3) a toxin;
- (4) an antitoxin;
- (5) a vaccine;
- (6) blood;
- (7) a blood component or derivative;
- (8) an allergenic product;
- (9) a protein, except any chemically synthesized polypeptide;
- (10) a product that is analogous to any of the products listed in Paragraphs (1) through (9) of this subsection; or

(11) arsphenamine, a derivative of arsphenamine or any other trivalent organic arsenic compound;

D. "board" means the New Mexico medical board established pursuant to the Medical Practice Act [Chapter [61](#), Article [6](#) NMSA 1978];

E. "clinical laboratory procedure" means the use of venipuncture consistent with naturopathic medical practice, commonly used diagnostic modalities consistent with naturopathic practice, the recording of a patient's health history, physical examination, ordering and interpretation of radiographic diagnostics and other standard imaging and examination of body orifices, excluding endoscopy and colonoscopy. "Clinical laboratory procedure" includes the practice of obtaining samples of human tissues, except surgical excision beyond surgical excision that is authorized as a minor office procedure;

F. "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];

G. "council" means the naturopathic doctors' advisory council;

H. "dangerous drug" has the same meaning as set forth in Section [26-1-2](#) NMSA 1978;

I. "drug" has the same meaning as set forth in Section [26-1-2](#) NMSA 1978;

J. "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;

K. "hygiene" means the use of preventive techniques, including personal hygiene, asepsis, public health and safety;

L. "laboratory examination" means:

(1) phlebotomy;

(2) a clinical laboratory procedure;

(3) an orificial examination;

(4) a physiological function test; or

(5) a screening or test that the board has authorized naturopathic doctors to perform, when indicated, which results are interpreted by the naturopathic doctor;

M. "legend drug" means a drug that is an unscheduled dangerous drug;

N. "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;

O. "licensee" means a naturopathic doctor licensed by the board to practice naturopathic medicine in the state;

P. "minor office procedure" means minor surgical care and procedures, including:

- (1) surgical care incidental to superficial laceration, lesion or abrasion, excluding surgical care to treat a lesion suspected of malignancy;
- (2) the removal of foreign bodies located in superficial structures, excluding the globe of the eye;
- (3) trigger point therapy;
- (4) dermal stimulation;
- (5) allergy testing and treatment; and
- (6) the use of antiseptics and topical or local anesthetics;

Q. "naturopathic doctor" means an individual licensed pursuant to the Naturopathic Doctors' Practice Act as a naturopathic doctor to practice naturopathic medicine in the state;

R. "naturopathic medicine" means:

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

S. "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:

- (1) air;
- (2) water;
- (3) heat;

- (4) cold;
- (5) sound;
- (6) light;
- (7) electromagnetism;
- (8) colon hydrotherapy;
- (9) soft tissue therapy;
- (10) joint mobilization;
- (11) therapeutic exercise; or
- (12) naturopathic manipulation;

T. "naturopathic therapy" means the use of:

- (1) naturopathic physical medicine;
- (2) suggestion;
- (3) hygiene;
- (4) a therapeutic substance;
- (5) a dangerous drug;
- (6) nutrition and food science;
- (7) homeopathic medicine;
- (8) a clinical laboratory procedure; or
- (9) a minor office procedure;

U. "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;

V. "prescription" has the same meaning as set forth in Section [26-1-2](#) NMSA 1978;

W. "professional examination" means a competency- based national naturopathic doctor licensing examination administered by the North American board of naturopathic examiners or

its successor agency, which board has been nationally recognized to administer a naturopathic examination that represents federal standards of education and training;

X. "suggestion" means a technique using:

- (1) biofeedback;
- (2) hypnosis;
- (3) health education; or
- (4) health counseling; and

Y. "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.

History: [Laws 2019, ch. 244, § 2.](#)

61-12G-3. Qualifications for licensure.

The board shall license an applicant who:

A. is of good moral character, in accordance with standards established by rules of the board;

B. submits, in accordance with rules of the board, the following items to the board:

- (1) an application for licensure designed and approved by the board and submitted in accordance with rules of the board;
- (2) an application fee submitted in an amount and manner established by rules of the board;
- (3) evidence that the applicant has graduated from an approved naturopathic medical educational program;
- (4) evidence that the applicant has passed a professional examination;
- (5) evidence that the applicant has passed a state jurisprudence examination that meets standards established in rules of the board; and
- (6) evidence of professional liability insurance with policy limits not less than prescribed by the board;

C. is determined by the board, upon recommendation by the council, to be physically and mentally capable of safely practicing naturopathic medicine with or without reasonable accommodation; and

D. has not had a license to practice naturopathic medicine or other health care license registration or certificate refused, revoked or suspended by any other jurisdiction for reasons that relate to the applicant's ability to skillfully and safely practice naturopathic medicine unless that license, registration or certification has been restored to good standing by that jurisdiction.

History: [Laws 2019, ch. 244, § 3.](#)

61-12G-4. Approved naturopathic medical educational program.

With the advice and consent of the council, the board shall establish by rule guidelines for an approved naturopathic medical educational program, which guidelines shall meet the following requirements and the board's specifications for the education of naturopathic doctors. The approved naturopathic medical educational program shall:

- A. offer graduate-level, full-time didactic and supervised clinical training;
- B. be accredited, or shall have achieved candidacy status for accreditation, by the council on naturopathic medical education or an equivalent federally recognized accrediting body for naturopathic medical programs that is also recognized by the board; and
- C. be conducted by an institution, or a division of an institution of higher education, that:
 - (1) is accredited or is a candidate for accreditation by a regional or national institutional accrediting agency recognized by the United States secretary of education or a diploma-granting, degree-equivalent college or university; or

(2) meets equivalent standards for recognition of accreditation established in rules of the board for medical education programs offered in Canada.

History: [Laws 2019, ch. 244, § 4.](#)

61-12G-5. Display of license.

A licensee shall display the licensee's license in the licensee's place of business in a location clearly visible to the licensee's patients and shall also display evidence of the licensee having completed an approved naturopathic medical educational program.

History: [Laws 2019, ch. 244, § 5.](#)

61-12G-6. Scope of practice.

A. A licensee may practice naturopathic medicine only to provide primary care, as "primary care" is defined in rules of the board, as follows:

(1) in collaboration with a physician licensed pursuant to the Medical Practice Act [Chapter [61](#), Article [6](#) NMSA 1978] or the Osteopathic Medicine Act [Chapter [61](#), Article [10](#) NMSA 1978]; and

(2) in alignment with naturopathic medical education to:

(a) perform physical examinations;

(b) order laboratory examinations;

(c) order diagnostic imaging studies;

(d) interpret the results of laboratory examinations for diagnostic purposes;

(e) order and, based on a radiologist's report, take action on diagnostic imaging studies in a manner consistent with naturopathic training;

(f) prescribe, administer, dispense and order the class of drugs that excludes the natural derivatives of opium, which are morphine and codeine, and related synthetic and semi-synthetic compounds that act upon opioid receptors;

(g) after passing a pharmacy examination authorized by rules of the board, prescribe, administer, dispense and order: 1) all legend drugs; and 2) testosterone products and all drugs within Schedules III, IV and V of the Controlled Substances Act [Chapter [30](#), Article [31](#) NMSA 1978], excluding all benzodiazapines, opioids and opioid derivatives;

(h) administer intramuscular, intravenous, subcutaneous, intra-articular and intradermal injections of substances appropriate to naturopathic medicine;

(i) use routes of administration that include oral, nasal, auricular, ocular, rectal, vaginal, transdermal, intradermal, subcutaneous, intravenous, intra-articular and intramuscular consistent with the education and training of a naturopathic doctor;

(j) perform naturopathic physical medicine;

(k) employ the use of naturopathic therapy; and

(l) use therapeutic devices, barrier contraception, intrauterine devices, hormonal and pharmaceutical contraception and durable medical equipment.

B. As used in this section, "collaboration" means the process by which a licensed physician and a naturopathic doctor jointly contribute to the health care and medical treatment of patients; provided that:

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

(2) collaboration shall not be construed to require the physical presence of the licensed physician at the time and place services are rendered.

History: [Laws 2019, ch. 244, § 6.](#)

61-12G-7. Referral requirement.

A licensee shall refer to a physician authorized to practice in the state under the Medical Practice Act [Chapter [61](#), Article [6](#) NMSA 1978] or the Osteopathic Medicine Act [Chapter [61](#), Article [10](#) NMSA 1978] any patient whose medical condition should, at the time of evaluation or treatment, be determined to be beyond the scope of practice of the licensee.

History: [Laws 2019, ch. 244, § 7.](#)

61-12G-8. Prohibitions.

A licensee shall not:

A. provide care outside of the scope of primary care, as that term is defined in rules of the board;

B. perform surgery outside of the scope of minor office procedures permitted in the employment of naturopathic therapy;

C. use general or spinal anesthetics;

D. administer ionizing radioactive substances for therapeutic purposes;

E. perform a surgical procedure using a laser device;

F. perform a surgical procedure involving any of the following areas of the body that extend beyond superficial tissue:

(1) eye;

(2) ear;

(3) tendon;

(4) nerves;

(5) veins; or

(6) artery;

G. perform a surgical abortion;

H. treat any lesion suspected of malignancy or requiring surgical removal; or

I. perform acupuncture.

History: [Laws 2019, ch. 244, § 8.](#)

61-12G-9. Exemptions.

Nothing in the Naturopathic Doctors' Practice Act shall be construed to prohibit or to restrict:

A. the practice of a health care profession by an individual who is licensed, certified or registered under other laws of this state and who is performing services within the individual's authorized scope of practice;

B. the practice of naturopathic medicine by a student enrolled in an approved naturopathic medical educational program; provided that the practice of naturopathic medicine by a student is performed pursuant to a course of instruction or an assignment from an instructor and under the supervision of the instructor who is a licensee or a duly licensed professional in the instructed field;

C. any person that sells a vitamin or herb from providing information about the vitamin or herb;

D. the practice of naturopathic medicine by persons who are licensed to practice in any other state or district in the United States and who enter this state to consult with a naturopathic doctor of this state; provided that the consultation is limited to examination, recommendation or testimony in litigation; or

E. any person or practitioner who is not licensed as a naturopathic doctor from recommending ayurvedic medicine, herbal remedies, nutritional advice, homeopathy or other therapy that is within the scope of practice of the Unlicensed Health Care Practice Act [61-35-1 through [61-35-8](#) NMSA 1978]; provided that the person or practitioner shall not:

- (1) use a title protected pursuant to Section 10 [[61-12G-10](#) NMSA 1978] of the Naturopathic Doctors' Practice Act;
- (2) represent or assume the character or appearance of a licensee; or
- (3) otherwise use a name, title or other designation that indicates or implies that the person is a licensee.

History: [Laws 2019, ch. 244, § 9.](#)

61-12G-10. Protected titles.

A. A licensee shall use the title "naturopathic doctor" and the recognized abbreviation "N.D.".

B. A licensee has the exclusive right to use the following terms in reference to the licensee's self:

- (1) "naturopathic doctor";
- (2) "doctor of naturopathic medicine";
- (3) "doctor of naturopathy";
- (4) "N.D.";
- (5) "ND";
- (6) "NMD"; and
- (7) "N.M.D.".

C. An individual represents the individual's self to be a naturopathic doctor when the individual uses or adopts any of the following terms in reference to the individual's self:

- (1) "naturopathic doctor";
- (2) "doctor of naturopathic medicine";
- (3) "doctor of naturopathy";

- (4) "N.D.";
- (5) "ND";
- (6) "NMD"; and
- (7) "N.M.D."

D. An individual shall not represent the individual's self to the public as a naturopathic doctor, a doctor of naturopathic medicine or a doctor of naturopathy, or as being otherwise authorized to practice naturopathic medicine in the state, unless the individual is a licensee.

E. A licensee shall not represent the licensee's self as a "naturopathic physician"; provided that representing that the licensee is a member of an organization that uses the term "naturopathic physicians" in the organization's name shall not be construed to be a violation of the provisions of this subsection.

History: [Laws 2019, ch. 244, § 10.](#)

61-12G-11. Naturopathic doctors' advisory council created.

A. The "naturopathic doctors' advisory council" is created as a council to the board under the direction of the board. The council shall advise the board regarding:

- (1) licensure of naturopathic doctors; and
- (2) the board's approval of matters relating to the training and licensure of naturopathic doctors.

B. By July 1, 2019, the board shall appoint an initial council of one member for a term of four years and two members for terms of three years each. The initial council shall consist of three voting members as follows:

- (1) either:
 - (a) two members of an association; or
 - (b) one member of an association and one member who is a physician licensed pursuant to the Medical Practice Act who has worked collaboratively with a member of an association for at least two years prior to being appointed to the council; and
- (2) one member who is a resident of the state who is not, and never has been, a licensed health care practitioner and who does not have an interest in naturopathic education, naturopathic medicine or naturopathic business or practice.

C. As the terms of the initial council members expire, the board shall appoint successors for terms of four years each as follows:

(1) either:

(a) two licensees; or

(b) one licensee and one member who is a physician licensed pursuant to the Medical Practice Act [Chapter [61](#), Article [6](#) NMSA 1978] who has worked collaboratively with a member of the association for at least two years prior to being appointed to the council; and

(2) one member who is a resident of the state who is not, and never has been, a licensed health care practitioner and who does not have an interest in naturopathic education, naturopathic medicine or naturopathic business or practice.

D. By August 1, 2019, the board shall call the first meeting of the council, at which meeting members shall elect a chair. By August 1, 2020 and at least once during each calendar quarter thereafter, the council shall hold a meeting at the call of the chair. The council may hold additional meetings at the call of the chair or at the written request of any two members of the council.

E. Vacancies on the council shall be filled by the board from a list of not fewer than three candidates provided by the association.

F. A majority of the council membership shall constitute a quorum.

G. At the discretion of the board, members of the council may receive per diem and mileage reimbursement pursuant to the Per Diem and Mileage Act [10-8-1 through [10-8-8](#) NMSA 1978] and shall receive no other compensation, perquisite or allowance.

History: [Laws 2019, ch. 244, § 11](#).

61-12G-12. Council duties.

The council shall develop guidelines for the board to consider for rulemaking with regard to:

A. regulating the licensure of naturopathic doctors and determining the hours of continuing education units required for maintaining licensure as a naturopathic doctor;

B. prescribing the manner in which records of examinations and treatments shall be kept and maintained;

C. establishing standards for professional responsibility and conduct;

D. identifying disciplinary actions and circumstances that require disciplinary action;

- E. developing a means to provide information to all licensees in the state;
- F. providing for the investigation of complaints against licensees or persons holding themselves out as naturopathic doctors in the state;
- G. providing for the publication of information for the public about licensees and the practice of naturopathic medicine in the state;
- H. providing for an orderly process for reinstatement of a license;
- I. establishing criteria for advertising or promotional materials;
- J. establishing by rule, in accordance with the Naturopathic Doctors' Practice Act:
 - (1) continuing education hours and content;
 - (2) standards for the state jurisprudence examination;
 - (3) schedules for providing licensing examinations and for the issuance of examination results;
 - (4) procedures and standards for reviewing licensing examination scores; and
 - (5) procedures for reviewing transcripts demonstrating completion of the approved naturopathic medical educational program;
- K. the requirements for issuance and renewal of licenses; and
- L. any other matter necessary to implement the Naturopathic Doctors' Practice Act.

History: [Laws 2019, ch. 244, § 12.](#)

61-12G-13. License expiration; renewal; denial; revocation; continuing education.

A. A license issued or renewed pursuant to the Naturopathic Doctors' Practice Act shall expire three years following its issuance or last renewal.

B. The board may renew the license of any licensee who, upon the expiration of the licensee's license:

- (1) has submitted an application for renewal;
- (2) has paid the renewal fee established by rules of the board;
- (3) meets the qualifications for licensure set forth in the Naturopathic Doctors' Practice Act and rules of the board; and

(4) meets the continuing education requirements established by the board.

C. The board shall grant applicants and licensees for whom the board intends to refuse to issue or renew a license, or whose license the board proposes to revoke or suspend, opportunity for a hearing in accordance with the procedures provided in the Uniform Licensing Act [61-1-1 through [61-1-31](#) NMSA 1978].

History: [Laws 2019, ch. 244, § 13](#).