

ARTICLE 14A
Acupuncture and Oriental Medicine Practice

Section

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61-14A-1. Short title. (Repealed effective July 1, 2024.)

[Chapter 61, Article 14A](#) NMSA 1978 may be cited as the "Acupuncture and Oriental Medicine Practice Act".

History

History: 1978 Comp., § 61-14A-1, enacted by Laws 1993, ch. [158](#), § [9](#); 1997, ch. [240](#), § [2](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [9](#) repeals former 61-14A-1 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [1](#), and enacted the above section, effective June 18, 1993. For provisions of former section, see 1989 Replacement Pamphlet.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

Cross references. — For the Parental Responsibility Act, see [40-5A-1](#) NMSA 1978 et seq.

For freedom of choice in selection of doctor of oriental medicine, see [59A-32-22](#) NMSA 1978.

For prohibition of discrimination against oriental medical doctors, see [59A-47-28.2](#) NMSA 1978.

The 1997 amendment, effective June 20, 1997, substituted "Chapter 61, Article 14A" for "Sections 61-14A-1 through 61-14A-21".

61-14A-2. Purpose. (Repealed effective July 1, 2024.)

In the interest of the public health, safety and welfare and to protect the public from the unprofessional, improper, incompetent and unlawful practice of acupuncture and oriental medicine, it is necessary to provide laws and regulations to govern the practice of acupuncture and oriental medicine. The primary responsibility and obligation of the board of acupuncture and oriental medicine is to protect the public.

History

History: 1978 Comp., § 61-14A-2, enacted by Laws 1993, ch. [158](#), § [10](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [10](#) repealed former 61-14A-2 NMSA 1978, as amended by Laws 1989, ch. [96](#), § [4](#), defining certain terms, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

61-14A-3. Definitions. (Repealed effective July 1, 2024.)

As used in the Acupuncture and Oriental Medicine Practice Act:

A. "acupuncture" means the surgical use of needles inserted into and removed from the body and the use of other devices, modalities and procedures at specific locations on the body for the prevention, cure or correction of any disease, illness, injury, pain or other condition by controlling and regulating the flow and balance of energy and function to restore and maintain health;

B. "board" means the board of acupuncture and oriental medicine;

C. "doctor of oriental medicine" means a person licensed as a physician to practice acupuncture and oriental medicine with the ability to practice independently, serve as a primary care provider and as necessary collaborate with other health care providers;

D. "moxibustion" means the use of heat on or above specific locations or on acupuncture needles at specific locations on the body for the prevention, cure or correction of any disease, illness, injury, pain or other condition;

E. "oriental medicine" means the distinct system of primary health care that uses all allied techniques of oriental medicine, both traditional and modern, to diagnose, treat and prescribe for the prevention, cure or correction of 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;

F. "primary care provider" means a health care practitioner acting within the scope of the health care practitioner's license who provides the first level of basic or general health care for a person's health needs, including diagnostic and treatment services, initiates referrals to other health care practitioners and maintains the continuity of care when appropriate;

G. "techniques of oriental medicine" means:

(1) the diagnostic and treatment techniques used in oriental medicine that include diagnostic procedures; acupuncture; moxibustion; manual therapy, also known as tui na; other physical medicine modalities and therapeutic procedures; breathing and exercise techniques; and dietary, nutritional and lifestyle counseling;

(2) the prescribing, administering, combining and providing of herbal medicines, homeopathic medicines, vitamins, minerals, enzymes, glandular products, natural substances, natural medicines, protomorphogens, live cell products, gerovital, amino acids, dietary and nutritional supplements, cosmetics as they are defined in the New Mexico Drug, Device and Cosmetic Act [Chapter [26](#), Article [1](#) NMSA 1978] and nonprescription drugs as they are defined in the Pharmacy Act [Chapter [61](#), Article [11](#) NMSA 1978]; and

(3) the prescribing, administering and providing of devices, restricted devices and prescription devices, as those devices are defined in the New Mexico Drug, Device and Cosmetic Act, if the board determines by rule that the devices are necessary in the practice of oriental medicine and if the prescribing doctor of oriental medicine has fulfilled requirements for prescriptive authority in accordance with rules promulgated by the board for the devices enumerated in this paragraph; and

H. "tutor" means a doctor of oriental medicine with at least ten years of clinical experience who is a teacher of acupuncture and oriental medicine.

History

History: 1978 Comp., § 61-14A-3, enacted by Laws 1993, ch. [158](#), § [11](#); 1997, ch. [240](#), § [3](#); 2000, ch. [53](#), § [2](#); 2001, ch. [266](#), § [1](#); 2007, ch. [276](#), § [1](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [11](#) repealed former 61-14A-3 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [3](#), relating to the requirement of a license, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14B-25](#) NMSA 1978.

The 2007 amendment, effective June 15, 2007, defined "techniques of oriental medicine" to include prescribing, administering, combining or providing medicines, including natural medicines and cosmetics as defined in the New Mexico Drug, Device and Cosmetic Act and nonprescription drugs as defined in the Pharmacy Act and the prescribing, administering and providing devices as defined in the New Mexico Drug, Device and Cosmetic Act.

The 2001 amendment, effective July 1, 2001, in Subsection F, substituted "health care practitioner" for "health care professional"; and inserted "initiates referrals to other health care practitioners and maintains the continuity of care when appropriate" at the end of the subsection.

The 2000 amendment, effective May 17, 2000, in Subsection A, inserted "surgical" and deleted "human" preceding "body"; substituted "function" for "functioning of the person" in Subsections

A and E; deleted Subsection C, which read "'department' means the regulation and licensing department" and redesignated the remaining subsections accordingly; substituted "a person's health" for "an individual's health" in Subsection F; inserted "natural substances, protomorphogens, live cell products, gerovital" in Subsection G(2); inserted "biological products, including" in the beginning of Subsection G(4); in Subsection G(5), inserted "or controlled substances", "or the Controlled Substances Act", and "extended or expanded" in the introductory paragraph; added Subsection G(5)(d) through (g) and (i), deleted former G(5)(e) which read "topical application of naturally occurring hormones" and redesignated the remaining subsections accordingly; added "or controlled substances; and" to the end of Subsection G(5)(j); and added Subsection H.

The 1997 amendment, effective June 20, 1997, in Subsection A, inserted "and removed from" following "inserted into" and "devices" following "other" near the beginning, rewrote Subsection D, deleted "as defined in Subsection G of this section" following "prescribe" in Subsection F, added Subsection G and redesignated the following subsection accordingly, in Subsection H designated the existing language as Paragraphs H(1) and H(2), in Paragraph H(1), deleted "but are not limited to" following "include" near the beginning, and inserted "other physical medicine modalities and therapeutic procedures" following the first semicolon, rewrote the language in Paragraph H(2), and added Paragraphs H(3) through H(5), and made minor stylistic changes.

61-14A-4. License required. (Repealed effective July 1, 2024.)

Unless licensed as a doctor of oriental medicine pursuant to the Acupuncture and Oriental Medicine Practice Act, no person shall:

- A. practice acupuncture or oriental medicine;
- B. use the title or represent himself as a licensed doctor of oriental medicine or use any other title, abbreviation, letters, figures, signs or devices that indicate the person is licensed to practice as a doctor of oriental medicine; or
- C. advertise, hold out to the public or represent in any manner that he is authorized to practice acupuncture and oriental medicine.

History

History: 1978 Comp., § 61-14A-4, enacted by Laws 1993, ch. [158](#), § [12](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [12](#) repealed former 61-14A-4 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [4](#), relating to exemptions, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

61-14A-4.1. Certified auricular detoxification specialists, supervisors and training programs; fees. (Repealed effective July 1, 2024.)

A. A person who is not a doctor of oriental medicine or who is not a person certified as an auricular detoxification specialist pursuant to the Acupuncture and Oriental Medicine Practice Act shall not:

- (1) practice auricular acupuncture for the treatment of alcoholism, substance abuse or chemical dependency;

(2) use the title of or represent as a certified auricular detoxification specialist or use any other title, abbreviation, letters, figures, signs or devices that indicate that the person is certified to practice as an auricular detoxification specialist; or

(3) advertise, hold out to the public or represent in any manner that the person is authorized to practice auricular detoxification.

B. The board shall issue an auricular detoxification specialist certification to a person who has paid an application fee to the board and has successfully completed all board requirements. The board shall adopt rules that require an applicant to:

(1) successfully complete the national acupuncture detoxification association training or equivalent training approved by the board that shall include clean needle technique training;

(2) demonstrate experience in treatment, disease prevention, harm reduction and counseling of people suffering from alcoholism, substance abuse or chemical dependency or become employed by a substance abuse treatment program;

(3) complete a board-approved training program that will include examinations on clean needle technique, jurisprudence and other skills required by the board; and

(4) demonstrate a record free of convictions for drug- or alcohol-related offenses for at least two consecutive years before the person applied to the board for certification.

C. A certified auricular detoxification specialist is authorized to perform auricular acupuncture and the application to the ear of simple board-approved devices that do not penetrate the skin for the purpose of treating and preventing alcoholism, substance abuse or chemical dependency. The specialist shall use the five auricular point national acupuncture detoxification procedure or auricular procedures approved or established by rule of the board and shall only treat or prevent alcoholism, substance abuse or chemical dependency within a board-approved program that demonstrates experience in disease prevention, harm reduction or the treatment or prevention of alcoholism, substance abuse or chemical dependency.

D. A person certified pursuant to this section shall use the title "certified auricular detoxification specialist" or "C.A.D.S." for the purpose of advertising auricular acupuncture services to the public.

E. A certified auricular detoxification specialist shall apply with the board to renew the certification. The board shall for one year renew the certification of an applicant who pays a renewal fee and completes the requirements established by rule of the board. An applicant who does not apply for renewal before the last date that the certification is valid may be required to pay a late fee pursuant to a rule of the board. The board shall deem a certification for which a renewal has not been applied within sixty days of that date as expired and an applicant that seeks valid certification shall apply with the board for new certification. The board shall by rule require an applicant for renewal of the certification to demonstrate a record free of convictions for drug- or alcohol-related offenses for a minimum of one year prior to application for renewal with the board.

F. A certified auricular detoxification specialist shall practice under the supervision of a licensed doctor of oriental medicine registered with the board as an auricular detoxification specialist supervisor. A supervising doctor of oriental medicine shall be accessible for consultation directly or by telephone to a practicing auricular detoxification specialist. The supervising doctor of oriental medicine shall not supervise more specialists than permitted by board rule. Supervision requirements shall be provided by rule of the board.

G. A doctor of oriental medicine who supervises a certified auricular detoxification specialist shall apply for registration with the board. The board shall issue an auricular detoxification specialist supervisor registration to a doctor of oriental medicine who fulfills board

requirements. The board shall by rule require an applicant for registration to list the certified auricular detoxification specialists that will be supervised, pay an application fee for registration and demonstrate clinical experience in treating or counseling people suffering from alcoholism, substance abuse or chemical dependency.

H. A training program that educates auricular detoxification specialists for certification shall apply for approval by the board. The board shall approve a training program that fulfills the board requirements established by rule and that pays an application fee. The approval shall be valid until July 31 following the initial approval.

I. A training program that is approved by the board to provide training for certification of auricular detoxification specialists shall apply to renew the approval with the board. The board shall renew the approval of a program that fulfills board requirements established by rule, and the renewal shall be valid for one year. An applicant who does not renew before the last date that the renewed approval is valid shall pay a late fee. The board shall deem a program approval that is not renewed within sixty days of that date as expired and a program that seeks board approval shall apply with the board for new approval.

J. The board shall impose the following fees:

(1) an application fee not to exceed one hundred fifty dollars (\$150) for auricular detoxification specialist certification;

(2) a fee not to exceed seventy-five dollars (\$75.00) for renewal of an auricular detoxification specialist certification;

(3) an application fee not to exceed two hundred dollars (\$200) for registration of a certified auricular detoxification specialist supervisor;

(4) an application fee not to exceed two hundred dollars (\$200) for the approval of an auricular detoxification specialist training program;

(5) a fee not to exceed one hundred fifty dollars (\$150) for the renewal of the approval of an auricular detoxification training specialist training program; and

(6) a late fee not to exceed fifty dollars (\$50.00) for applications for renewal filed after the last valid date of a registration, certification, approval or renewal issued pursuant to this section.

K. In accordance with the procedures set forth in the Uniform Licensing Act [[61-1-1](#) through [61-1-31](#) NMSA 1978], the board may deny, revoke or suspend any certification, registration, approval or renewal that a person holds or applies for pursuant to this section upon findings by the board that the person violated any rule established by the board.

History

History: Laws 2003, ch. [193](#), § [1](#); 2007, ch. [276](#), § [2](#).

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 2007 amendment, effective June 15, 2007, deleted Subsection H to eliminate the provision for renewal of registration of doctors of oriental medicine who are registered to supervise certified auricular detoxification specialists and eliminates the fee for renewal of the registration.

61-14A-5. Title. (Repealed effective July 1, 2024.)

Any person licensed pursuant to provisions of the Acupuncture and Oriental Medicine Practice Act, in advertising his services to the public, shall use the title "doctor of oriental medicine" or "D.O.M.". The title "doctor of oriental medicine" or "D.O.M." shall supersede the use of all other titles that include the words "medical doctor" or the initials "M.D." unless the person is a medical

doctor licensed pursuant to provisions of the Medical Practice Act [Chapter [61](#), Article [6](#) NMSA 1978].

History

History: 1978 Comp., § 61-14A-5, enacted by Laws 1993, ch. [158](#), § [13](#); 1997, ch. [240](#), § [4](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [13](#) repealed former 61-14A-5 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [5](#), relating to criminal offender's character evaluation, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 1997 amendment, effective June 20, 1997, substituted "pursuant to provisions" for "under" in the first sentence, and in the last sentence, deleted "Effective July 1, 1994" at the beginning, and inserted "other" following "of all" and "provisions of" following "pursuant to".

61-14A-6. Exemptions. (Repealed effective July 1, 2024.)

A. Nothing in the Acupuncture and Oriental Medicine Practice Act is intended to limit, interfere with or prevent any other class of licensed health care professionals from practicing within the scope of their licenses, but they shall not hold themselves out to the public or any private group or business by using any title or description of services that includes the term acupuncture, acupuncturist or oriental medicine unless they are licensed under the Acupuncture and Oriental Medicine Practice Act.

B. The Acupuncture and Oriental Medicine Practice Act shall not apply to or affect the following practices if the person does not hold himself out as a doctor of oriental medicine or as practicing acupuncture or oriental medicine:

- (1) the administering of gratuitous services in cases of emergency;
- (2) the domestic administering of family remedies;
- (3) the counseling about or the teaching and demonstration of breathing and exercise techniques;
- (4) the counseling or teaching about diet and nutrition;
- (5) the spiritual or lifestyle counseling of a person or spiritual group or the practice of the religious tenets of a church;
- (6) the providing of information about the general usage of herbal medicines, homeopathic medicines, vitamins, minerals, enzymes or glandular or nutritional supplements; or
- (7) the use of needles for diagnostic purposes and the use of needles for the administration of diagnostic or therapeutic substances by licensed health care professionals.

History

History: 1978 Comp., § 61-14A-6, enacted by Laws 1993, ch. [158](#), § [14](#); 1997, ch. [240](#), § [5](#); 2000, ch. [53](#), § [3](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [14](#) repealed former 61-14A-6 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [6](#), creating the board and relating to officers and compensation, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14B-25](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, in Subsection A, substituted "licenses," for "license as defined by each profession's New Mexico licensing statutes" and substituted "term acupuncture" for "terms acupuncture"; deleted former Subsection B allowing students to practice

acupuncture and oriental medicine under supervision, and redesignated former Subsection C as present Subsection B; in present Subsection B, substituted "person" for "individual" in the introductory language, substituted "a person" for "any individual" and substituted "a church" for "any church" in Paragraph (5).

The 1997 amendment, effective June 20, 1997, inserted "approved by the board" near the beginning of Subsection B, substituted "if" for "provided that" in Subsection C, and added Paragraph C(7).

61-14A-7. Board created; appointment; officers; compensation. (Repealed effective July 1, 2024.)

Statute text

A. The "board of acupuncture and oriental medicine" is created.

B. The board is administratively attached to the regulation and licensing department.

C. The board shall consist of seven members appointed by the governor for terms of three years each. Four members of the board shall be doctors of oriental medicine who have been residents of and practiced acupuncture and oriental medicine in New Mexico for at least five years immediately preceding the date of their appointment. Three members shall be appointed to represent the public and shall not have practiced acupuncture and oriental medicine in this or any other jurisdiction or have any financial interest in the profession regulated. No board member shall be the owner, principal or director of an institute offering educational programs in acupuncture and oriental medicine. No more than one board member may be from each of the following categories:

(1) a faculty member at an institute offering educational programs in acupuncture and oriental medicine;

(2) a tutor in acupuncture and oriental medicine; or

(3) an officer or director in a professional association of acupuncture and oriental medicine.

D. Members of the board shall be appointed by the governor for staggered terms of three years that shall be made in such a manner that the terms of board members expire on July 1. A board member shall serve until his successor has been appointed and qualified. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

E. A board member shall not serve more than two consecutive full terms, and a board member who fails to attend, after he has received proper notice, three consecutive meetings shall be recommended for removal as a board member unless excused for reasons established by the board.

F. The board shall elect annually from its membership a chairman and other officers as necessary to carry out its duties.

G. The board shall meet at least once each year and at other times deemed necessary. Other meetings may be called by the chairman, a majority of board members or the governor. A simple majority of the board members serving constitutes a quorum of the board.

H. Members of the board shall be reimbursed as provided in 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

History: 1978 Comp., § 61-14A-7, enacted by Laws 1993, ch. [158](#), § [15](#); 2000, ch. [53](#), § [4](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [15](#) repealed former 61-14A-7 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [7](#), relating to powers and duties of the board, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, inserted "regulation and licensing" in Subsection B; in Subsection C, changed the requirements of board members by adding a residency requirement and increasing the years of practice required immediately before appointment, added "No board member shall be the owner, principal, or director of an institute offering educational programs in acupuncture and oriental medicine", and rewrote the distribution of board members; in Subsection D, substituted "A board member" for "When a board member's term has expired, he" and inserted "and qualified".

61-14A-8. Board; powers. (Repealed effective July 1, 2024.)

Statute text

The board has the power to:

- A. enforce the provisions of the Acupuncture and Oriental Medicine Practice Act;
- B. adopt, publish and file, in accordance with the Uniform Licensing Act [[61-1-1](#) through [61-1-31](#) NMSA 1978] and the State Rules Act [Chapter [14](#), Article [4](#) NMSA 1978], all rules necessary for the implementation and enforcement of the provisions of the Acupuncture and Oriental Medicine Practice Act;
- C. adopt a code of ethics;
- D. adopt and use a seal;
- E. inspect facilities of approved educational programs, extern programs and the offices of licensees;
- F. adopt rules implementing continuing education requirements for the purpose of protecting the health and well-being of the citizens of this state and maintaining and continuing informed professional knowledge and awareness;
- G. issue investigative subpoenas for the purpose of investigating complaints against licensees prior to the issuance of a notice of contemplated action;
- H. administer oaths and take testimony on any matters within the board's jurisdiction;
- I. conduct hearings upon charges relating to the discipline of licensees, including the denial, suspension or revocation of a license in accordance with the Uniform Licensing Act; and
- J. grant, deny, renew, suspend or revoke licenses to practice acupuncture and oriental medicine or grant, deny, renew, suspend or revoke approvals of educational programs and extern programs in accordance with the provisions of the Uniform Licensing Act for any cause stated in the Acupuncture and Oriental Medicine Practice Act or the rules of the board.

History

History: 1978 Comp., § 61-14A-8, enacted by Laws 1993, ch. [158](#), § [16](#); 2000, ch. [53](#), § [5](#); 2003, ch. [408](#), § [21](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [16](#) repealed former 61-14A-8 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [8](#), relating to funds and fees, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 2003 amendment, effective July 1, 2003, deleted "In addition to any authority provided by law" at the beginning of the first paragraph; and deleted former Subsection G, concerning employment of professional and clerical assistance, and redesignated the subsequent subsections accordingly.

The 2000 amendment, effective May 17, 2000, deleted "and regulations" following "rules" in Subsections B and K, substituted "facilities of approved educational programs, extern programs" for "institutes, tutorships" in Subsection E, substituted "such professional and clerical assistance as necessary to carry out the powers and duties of the board" for "agents and attorneys" in Subsection G, and inserted "or grant, deny, renew, suspend or revoke approvals of educational programs and extern programs" in Subsection K.

61-14A-8.1. Expanded practice and prescriptive authority; certifications. (Repealed effective July 1, 2024.)

A. The board shall issue certifications, as determined by rule of the board, for expanded practice and prescriptive authority only for the substances enumerated in Paragraphs (1) and (2) of Subsection C of this section to a doctor of oriental medicine who has submitted completed forms provided by the board, paid the application fee for certification and submitted proof of successful completion of additional training required by rule of the board. The board shall adopt the rules determined by the board of pharmacy for additional training required for the prescribing, administering, compounding or dispensing of caffeine, procaine, oxygen, epinephrine and bioidentical hormones. The board and the board of pharmacy shall consult as appropriate.

B. The board shall issue certifications in the four expanded practices of basic injection therapy, injection therapy, intravenous therapy and bioidentical hormone therapy.

C. The expanded practice and prescriptive authority 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 [Chapter [26](#), Article [1](#) NMSA 1978] and nonprescription drugs as they are defined in the Pharmacy Act [Chapter [61](#), Article [11](#) 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 [Chapter [30](#), Article [31](#) NMSA 1978] or the Pharmacy Act, if the prescribing doctor of oriental medicine has fulfilled the requirements for expanded practice and prescriptive authority in accordance with the rules promulgated by the board for the substances enumerated in this paragraph:

- (a) sterile water;
- (b) sterile saline;
- (c) sarapin or its generic;
- (d) caffeine;
- (e) procaine;
- (f) oxygen;
- (g) epinephrine;
- (h) vapocoolants;
- (i) bioidentical hormones;

(j) biological products, including therapeutic serum; and
(k) any of the drugs or substances enumerated in Paragraph (1) of this subsection if at any time those drugs or substances are classified as dangerous drugs or controlled substances.

D. 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.

History

History: Laws 2000, ch. [53](#), § [12](#); 2007, ch. [276](#), § [3](#).

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 2007 amendment, effective June 15, 2007, redefined the scope of certificates for expanded practice and prescriptive authority and added Subsections B through D.

Regulation of fees. — Where the board adopted regulations that imposed new application and renewal fees for expanded practice certification and an administrative fee for approval of an expanded practice educational program; the application and renewal fees did not exceed the maximum set forth in the statutory schedule of application and renewal fees; the board discussed the reasons for the additional fees at a hearing before the regulations were adopted; and the new administrative fee covered the additional administrative work required to certify and approve continuing education for expanded practice, the new fees were authorized by statute and the board adequately justified its reasons for imposing the fees. *Wilcox v. N.M. Bd. of Acupuncture & Oriental Med.*, [2012-NMCA-106](#), [288 P.3d 902](#).

Regulation of the administration of substances. — The board has the power to determine how the substances listed in Section [61-14A-8.1](#) NMSA 1978 are to be administered. *Wilcox v. N.M. Bd. of Acupuncture & Oriental Med.*, [2012-NMCA-106](#), [288 P.3d 902](#).

Authority to define terms. — Where the board issued new regulations that redefined the terms "bioidentical hormones" and "natural substances" which had different definitions in prior regulations; the terms were not defined in the Acupuncture and Oriental Medicine Practice Act; the new definitions were developed by a joint committee of the board and the Board of Pharmacy; the definitions were informed by the Endocrine Society's characterization of such hormones; and the Attorney General advised the board that the prior definition of "natural substances" was so broad as to render the term meaningless, the board had the statutory authority to define the terms and the definitions were based on substantial evidence. *Wilcox v. N.M. Bd. of Acupuncture & Oriental Med.*, [2012-NMCA-106](#), [288 P.3d 902](#).

Regulations were lawful. — Where the board held hearings on proposed regulations to establish a formulary to guide extended prescriptive authority, admitted numerous exhibits, heard testimony and public comment, sifted through testimony and records and weighed evidence compiled during the prior three-year period when the board considered the same regulations, and issued more than one hundred findings of fact and conclusions of law before the board adopted the regulations, the board's adoption of the regulations was not willful, arbitrary, or capricious. *Wilcox v. N.M. Bd. of Acupuncture & Oriental Med.*, [2012-NMCA-106](#), [288 P.3d 902](#).

61-14A-9. Board; duties. (Repealed effective July 1, 2024.)

The board shall:

A. establish fees;

B. provide for the examination of applicants for licensing as doctors of oriental medicine as provided in the Acupuncture and Oriental Medicine Practice Act;

C. keep a record of all examinations held, together with the names and addresses of all persons taking the examinations, and the examination results;

D. notify each applicant, in writing, of the results of his examinations within twenty-one days after the results of an examination are available to the board;

E. keep a licensee record in which the names, addresses and license numbers of all licensees shall be recorded together with a record of all license renewals, suspensions and revocations;

F. provide for the granting and renewal of licenses and approval of educational programs; and

G. keep an accurate record of all its meetings, receipts and disbursements.

History

History: 1978 Comp., § 61-14A-9, enacted by Laws 1993, ch. [158](#), § [17](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [17](#) repealed former 61-14A-9 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [9](#), relating to qualifications for examination, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

61-14A-10. Requirements for licensing. (Repealed effective July 1, 2024.)

The board shall grant a license to practice acupuncture and oriental medicine to a person who has:

A. submitted to the board:

(1) the completed application for licensing on the form provided by the board;

(2) the required documentation as determined by the board;

(3) the required fees;

(4) an affidavit stating that the applicant has not been found guilty of unprofessional conduct or incompetency;

(5) proof, as determined by the board, that the applicant has completed a board-approved educational program in acupuncture and oriental medicine as provided for in the Acupuncture and Oriental Medicine Practice Act and the rules of the board; and

(6) proof that he has passed the examinations approved by the board; and

B. complied with any other requirements of the board.

History

History: 1978 Comp., § 61-14A-10, enacted by Laws 1993, ch. [158](#), § [18](#); 1997, ch. [240](#), § [6](#); 2000, ch. [53](#), § [6](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [18](#) repealed former 61-14A-10 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [10](#), relating to requirements for institutes and private tutorships, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, redesignated the existing provisions of the section as Subsection A with Paragraphs (1) to (6) and added Subsection B.

The 1997 amendment, effective June 20, 1997, in Subsection E, substituted "a board-approved" for "an" following "completed" and deleted "and regulations" following "rules", and in Subsection F, substituted "the examinations" for "an examination".

61-14A-11. Examinations. (Repealed effective July 1, 2024.)

A. The board shall establish procedures to ensure that examinations for licensing are offered at least once a year.

B. The board shall establish the deadline for receipt of the application for licensing examination and other rules relating to the taking and retaking of licensing examinations.

C. The board shall establish the passing grades for its approved examinations.

D. The board may approve, and use as a basis for licensure, examinations that are used for national certification or other examinations.

E. The board shall require each qualified applicant to pass a validated, objective written examination that covers areas that are not included in other examinations approved by the board, including, as a minimum, the following subjects:

- (1) anatomy and physiology;
- (2) pathology;
- (3) diagnosis;
- (4) pharmacology; and
- (5) principles, practices and treatment techniques of acupuncture and oriental medicine.

F. The board may require each qualified applicant to pass a validated, objective practical examination that covers areas that are not included in other examinations approved by the board and that demonstrates his knowledge of and skill in the application of the diagnostic and treatment techniques of acupuncture and oriental medicine.

G. The board shall require each qualified applicant to pass a written or a practical examination or both in the following subjects:

- (1) hygiene, sanitation and clean-needle technique; and
- (2) needle and instrument sterilization techniques.

H. The board may require each qualified applicant to pass a written examination on the state laws and rules that pertain to the practice of acupuncture and oriental medicine.

I. If English is not the primary language of the applicant, the board may require that the applicant pass an English proficiency examination prescribed by the board.

History

History: 1978 Comp., § 61-14A-11, enacted by Laws 1993, ch. [158](#), § [19](#); 1997, ch. [240](#), § [7](#); 2000, ch. [53](#), § [7](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [19](#) repealed former 61-14A-11 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [11](#), and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14B-25](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, deleted "by rule" following "shall establish" in Subsections B and C; in Subsection D, deleted "by rule" following "approve" and added the proviso that examinations may be used as a basis for licensure; in Subsection E, inserted "validated, objective" and substituted "covers areas that are not included in other examinations approved by the board, including" for "includes"; in Subsection F, substituted "a validated, objective practical examination that covers areas that are not included in other examinations approved by the board and that" for "a practical examination that"; and added Subsection I.

The 1997 amendment, effective June 20, 1997, added Paragraph E(4) and redesignated the following paragraph accordingly, in Subsection H, substituted "rules" for "regulations", and made minor stylistic changes.

61-14A-12. Requirements for temporary licensing. (Repealed effective July 1, 2024.)

A. The board shall establish the criteria for temporary licensing of out-of-state doctors of oriental medicine.

B. The board may grant a temporary license to a person who:

(1) is legally recognized to practice acupuncture and oriental medicine in another state or a foreign country or is legally recognized in another state or foreign country to practice another health care profession and who possesses knowledge and skills that are included in the scope of practice of doctors of oriental medicine;

(2) is under the sponsorship of and in association with a licensed New Mexico doctor of oriental medicine or New Mexico institute offering an educational program approved by the board;

(3) submits the completed application for temporary licensing on the form provided by the board;

(4) submits the required documentation, including proof of adequate education and training, as determined by the board;

(5) submits the required fee for application for temporary licensing;

(6) submits an affidavit stating that the applicant has not been found guilty of unprofessional conduct or incompetency; and

(7) submits an affidavit from the sponsoring and associating New Mexico doctor of oriental medicine or New Mexico institute attesting to the qualifications of the applicant and the activities the applicant will perform.

C. The board may grant a temporary license to allow the temporary licensee to:

(1) teach acupuncture and oriental medicine;

(2) consult, in association with the sponsoring doctor of oriental medicine, regarding the sponsoring doctor's patients;

(3) perform specialized diagnostic or treatment techniques in association with the sponsoring doctor of oriental medicine regarding the sponsoring doctor's patients;

(4) assist in the conducting of research in acupuncture and oriental medicine; and

(5) assist in the implementation of new techniques and technology related to acupuncture and oriental medicine.

D. Temporary licensees may engage in only those activities authorized on the temporary license.

E. The temporary license shall identify the sponsoring and associating New Mexico doctor of oriental medicine or institute.

F. The temporary license shall be issued for a period of time established by rule; provided that temporary licenses may not be issued for a period of time to exceed eighteen months, including renewals.

G. The temporary license may be renewed upon submission of:

(1) the completed application for temporary license renewal on the form provided by the board; and

(2) the required fee for temporary license renewal.

H. In the interim between regular board meetings, whenever a qualified applicant has filed his application and complied with all other requirements of this section, the board's chairman or an authorized representative of the board may grant an interim temporary license that will suffice until the next regular licensing meeting of the board.

History

History: 1978 Comp., § 61-14A-12, enacted by Laws 1993, ch. [158](#), § [20](#); 2000, ch. [53](#), § [8](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [20](#) repealed former 61-14A-12 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [12](#), relating to reciprocal licensure requirements, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, deleted "by rule" following "establish" in Subsection A, substituted "a person" for "any person" in Subsection B, and rewrote Subsection B(1).

61-14A-13. Requirements for reciprocal licensing. (Repealed effective July 1, 2024.)

The board may grant a license to practice acupuncture and oriental medicine to a person who has been licensed, certified, registered or legally recognized as a doctor of oriental medicine in another state, district or territory of the United States or foreign country if the applicant:

A. submits the completed application for reciprocal licensing on the form provided by the board;

B. submits the required documentation as determined by the board;

C. submits the required fee for application for reciprocal licensing;

D. submits an affidavit stating that the applicant has not been found guilty of unprofessional conduct or incompetency;

E. has passed a practical examination that demonstrates his knowledge of and skill in the application of the diagnostic and treatment techniques of acupuncture and oriental medicine, if the board requires regular applicants to pass a practical examination, or within the last six years has five years of clinical experience, as defined by rule, in the practice of acupuncture and oriental medicine;

F. has passed a written examination on the state laws and rules that pertain to the practice of acupuncture and oriental medicine, if the board requires regular applicants for licensure to pass such an examination;

G. is licensed, certified, registered or legally recognized as a doctor of oriental medicine in another state, district or territory of the United States or foreign country in which the requirements for practice are similar to those of this state; and

H. is licensed, certified, registered or legally recognized as a doctor of oriental medicine in a state, district or territory of the United States or foreign country that permits a doctor of oriental medicine licensed under the provisions of the Acupuncture and Oriental Medicine Practice Act to practice acupuncture and oriental medicine in that jurisdiction by reciprocal credentials review.

History

History: 1978 Comp., § 61-14A-13, enacted by Laws 1993, ch. [158](#), § [21](#); 1997, ch. [240](#), § [8](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [21](#) repealed former 61-14A-13 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [13](#), relating to continuing education, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 1997 amendment, effective June 20, 1997, in Subsection E, inserted "if the board requires regular applicants to pass a practical examination" near the middle, added Subsection F, and redesignated the following subsections accordingly.

61-14A-14. Approval of educational programs. (Repealed effective July 1, 2024.)

A. The board shall establish by rule the criteria for board approval of educational programs in acupuncture and oriental medicine. For an educational program to meet board approval, proof shall be submitted to the board demonstrating that the educational program as a minimum:

- (1) was for a period of not less than four academic years;
- (2) included a minimum of nine hundred hours of supervised clinical practice;
- (3) was taught by qualified teachers or tutors;
- (4) required as a prerequisite to graduation personal attendance in all classes and clinics

and, as a minimum, the completion of the following subjects:

- (a) anatomy and physiology;
- (b) pathology;
- (c) diagnosis;
- (d) pharmacology;
- (e) oriental principles of life therapy, including diet, nutrition and counseling;
- (f) theory and techniques of oriental medicine;
- (g) precautions and contraindications for acupuncture treatment;
- (h) theory and application of meridian pulse evaluation and meridian point location;
- (i) traditional and modern methods of qi or life-energy evaluation;
- (j) the prescription of herbal medicine and precautions and contraindications for its

use;

- (k) hygiene, sanitation and clean-needle technique;
- (l) care and management of needling devices; and
- (m) needle and instrument sterilization techniques; and

(5) resulted in the presentation of a certificate or diploma after completion of all the educational program requirements.

B. All in-state educational programs in acupuncture and oriental medicine with the intent to graduate students qualified to be applicants for licensing examination by the board shall be approved annually by the board. The applicant shall submit the following:

- (1) the completed application for approval of an educational program;
- (2) the required documentation as determined by the board;
- (3) proof, as determined by the board, that the educational requirements provided for in Subsection A of this section are being met; and
- (4) the required fee for application for approval of an educational program.

C. Out-of-state educational programs in acupuncture and oriental medicine with the intent to graduate students qualified to be applicants for licensing examination by the board may apply for approval by the board. The applicant shall submit the following:

- (1) the completed application for approval of an educational program;

- (2) the required documentation as determined by the board;
- (3) proof, as determined by the board, that the educational requirements provided for in Subsection A of this section are being met; and
- (4) the required fee for application for approval of an educational program.

D. Each in-state approved educational program shall renew its approval annually by submitting prior to the date established by the board:

- (1) the completed application for renewal of approval of an educational program on the form provided by the board;
- (2) proof, as determined by the board, that the educational requirements provided for in Subsection A of this section are being met; and
- (3) the required fee for application for renewal of approval of an educational program.

E. Each out-of-state approved educational program may renew its approval annually by submitting prior to the date established by the board:

- (1) the completed application for renewal of approval of an educational program on the form provided by the board;
- (2) proof, as determined by the board, that the educational requirements provided for in Subsection A of this section are being met; and
- (3) the required fee for application for renewal of approval of an educational program.

F. A sixty-day grace period shall be allowed each educational program after the end of the approval period, during which time the approval may be renewed by submitting:

- (1) the completed application for renewal of approval of an educational program on the form provided by the board;
- (2) proof, as determined by the board, that the educational requirements provided for in Subsection A of this section are being met;
- (3) the required fee for application for renewal of approval of an educational program; and
- (4) the required fee for late renewal of approval.

G. An approval that is not renewed by the end of the grace period shall be considered expired, and the educational program must apply as a new applicant.

History

History: 1978 Comp., § 61-14A-14, enacted by Laws 1993, ch. [158](#), § [22](#); 1997, ch. [240](#), § [9](#); 2000, ch. [53](#), § [9](#).

Repeals and reenactments. — Laws 1993, ch. [158](#), § [22](#) repealed former 61-14A-14 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [14](#), relating to refusal, suspension or revocation of license, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, in the introductory language of Subsection A, deleted "in acupuncture and oriental medicine" preceding "to meet board approval" and inserted "as a minimum"; in Subsection A(2), substituted "nine hundred hours" for "seven hundred fifty hours"; substituted "tutors" for "a qualified private tutor" in Subsection A(3); deleted "traditional and modern acupuncture and" preceding "oriental" in Subsection A(4)(f); inserted "qi or" in Subsection A(4)(i); and rewrote the introductory language in Subsections B through G.

The 1997 amendment, effective June 20, 1997, added Subparagraph A(4)(d) and redesignated the following subparagraphs accordingly, and made minor stylistic changes throughout the section.

61-14A-14.1. Students and externs; supervised practice. (Repealed effective July 1, 2024.)

A. A student enrolled in an approved educational program may practice acupuncture and oriental medicine under the direct supervision of a teacher or tutor as part of the educational program.

B. The board may promulgate rules to govern the practice of acupuncture and oriental medicine by externs. The rules shall include qualifications for externs and supervising doctors of oriental medicine or other supervising health care professionals and the allowable scope of practice for externs. The board may charge a fee for approval and renewal of approval of extern programs. Participation as an extern is optional and not a requirement for licensure.

History

History: Laws 2000, ch. [53](#), § [11](#).

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

61-14A-15. License renewal. (Repealed effective July 1, 2024.)

A. Each licensee shall renew his license annually by submitting prior to the date established by the board:

- (1) the completed application for license renewal on the form provided by the board; and
- (2) the required fee for annual license renewal.

B. The board may require proof of continuing education or other proof of competency as a requirement for renewal.

C. A sixty-day grace period shall be allowed each licensee after the end of the licensing period, during which time the license may be renewed by submitting:

- (1) the completed application for license renewal on the form provided by the board;
- (2) the required fee for annual license renewal; and
- (3) the required late fee.

D. Any license not renewed at the end of the grace period shall be considered expired and the licensee shall not be eligible to practice within the state. For reinstatement of an expired license within one year of the date of renewal, the board shall establish any requirements or fees that are in addition to the fee for annual license renewal and may require the former licensee to reapply as a new applicant.

History

History: 1978 Comp., § 61-14A-15, enacted by Laws 1993, ch. [158](#), § [23](#); 2000, ch. [53](#), § [10](#).

Annotations

Repeals and reenactments. — Laws 1993, ch. [158](#), § [23](#) repealed former 61-14A-15 NMSA 1978, as enacted by Laws 1981, ch. [62](#), § [15](#), relating to penalties, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 2000 amendment, effective May 17, 2000, changed the requirement that licenses be renewed biennially to annually; added "prior to the date established by the board" in Subsection A; substituted "late fee" for "fee for late license renewal" in Subsection C(3); in Subsection D, substituted "reinstatement" for "renewal", inserted "within one year of the date of renewal", and deleted "by rule" following "establish".

61-14A-16. Fees. (Repealed effective July 1, 2024.)

The board shall establish a schedule of reasonable nonrefundable fees not to exceed the following amounts:

A. application for licensing	\$800;
B. application for reciprocal licensing	750;
C. application for temporary licensing	500;
D. examination, not including the cost of any nationally recognized examination	700;
E. annual license renewal	400;
F. late license renewal	200;
G. expired license renewal	400;
H. temporary license renewal	100;
I. application for approval or renewal of approval of an educational program	600;
J. late renewal of approval of an educational program	200;
K. annual continuing education provider registration	200;
L. application for extended or expanded prescriptive authority	500;
M. application for externship supervisor registration	500;
N. application for extern certification	500;
and	
O. any and all fees to cover reasonable and necessary administrative expenses.	

History

History: 1978 Comp., § 61-14A-16, enacted by Laws 1993, ch. 158, § 24; 2001, ch. 263, § 1; 2001, ch. 266, § 2.

Repeals and reenactments. — Laws 1993, ch. 158, § 24 repealed former 61-14A-16 NMSA 1978, as enacted by Laws 1987, ch. 124, § 5, providing for termination of agency life and delayed repeal, and enacted the above section, effective June 18, 1993.

Delayed repeals. — For delayed repeal of this section, *see* 61-14B-25 NMSA 1978.

2001 amendments. — Identical amendments to this section were enacted by Laws 2001, ch 263, § 1 and Laws 2001, ch. 266, § 2, effective July 1, 2001, which substituted "\$800" for "\$500" in Subsection A; substituted "\$500" for "\$300" in Subsection C; substituted "\$700" for "\$350" in Subsection D; substituted "annual" for "biennial" in Subsection E; deleted former Subsection K, which read "expired renewal of approval of an educational program. 400"; redesignated former Subsection L as K; added Subsections L, M and N; and redesignated former Subsection M as O. This section was set out as amended by Laws 2001, ch. 266, § 2. *See* 12-1-8 NMSA 1978.

61-14A-17. Disciplinary proceedings; judicial review; application of Uniform Licensing Act. (Repealed effective July 1, 2024.)

A. In accordance with the procedures contained in the Uniform Licensing Act [61-1-1 through 61-1-31 NMSA 1978], the board may deny, revoke or suspend any permanent or temporary license held or applied for under the Acupuncture and Oriental Medicine Practice Act, upon findings by the board that the licensee or applicant:

- (1) is guilty of fraud or deceit in procuring or attempting to procure a license;

- (2) has been convicted of a felony. A certified copy of the record of conviction shall be conclusive evidence of such conviction;
- (3) is guilty of incompetence as defined by board rule;
- (4) is habitually intemperate, is addicted to the use of habit-forming drugs or is addicted to any vice to such a degree as to render him unfit to practice as a doctor of oriental medicine;
- (5) is guilty of unprofessional conduct, as defined by board rule;
- (6) is guilty of any violation of the Controlled Substances Act [Chapter [30](#), Article [31](#) NMSA 1978];
- (7) has violated any provision of the Acupuncture and Oriental Medicine Practice Act or rules promulgated by the board;
- (8) is guilty of failing to furnish the board, its investigators or representatives with information requested by the board;
- (9) is guilty of willfully or negligently practicing beyond the scope of acupuncture and oriental medicine as defined in the Acupuncture and Oriental Medicine Practice Act;
- (10) is guilty of failing to adequately supervise a sponsored temporary licensee;
- (11) is guilty of aiding or abetting the practice of acupuncture and oriental medicine by a person not licensed by the board;
- (12) is guilty of practicing or attempting to practice under an assumed name;
- (13) advertises by means of knowingly false statements;
- (14) advertises or attempts to attract patronage in any unethical manner prohibited by the Acupuncture and Oriental Medicine Practice Act or the rules of the board;
- (15) has been declared mentally incompetent by regularly constituted authorities;
- (16) has had a license, certificate or registration to practice as a doctor of oriental medicine revoked, suspended or denied in any jurisdiction of the United States or a foreign country for actions of the licensee similar to acts described in this subsection. A certified copy of the record of the jurisdiction taking such disciplinary action will be conclusive evidence thereof; or
- (17) fails, when diagnosing or treating a patient, to possess or apply the knowledge or to use the skill and care ordinarily used by reasonably well-qualified doctors of oriental medicine practicing under similar circumstances, giving due consideration to the locality involved.

B. Disciplinary proceedings may be instituted by any person, shall be by sworn complaint and shall conform with the provisions of the Uniform Licensing Act. Any party to the hearing may obtain a copy of the hearing record upon payment of the costs of the copy.

C. Any person filing a sworn complaint shall be immune from liability arising out of civil action if the complaint is filed in good faith and without actual malice.

D. The licensee shall bear the costs of disciplinary proceedings unless exonerated.

History

History: 1978 Comp., § 61-14A-17, enacted by Laws 1993, ch. [158](#), § [25](#); 1997, ch. [240](#), § [10](#).

Annotations

Delayed repeals. — For delayed repeal of this section, see [61-14A-22](#) NMSA 1978.

The 1997 amendment, effective June 20, 1997, in Paragraph A(3), added "as defined by board rule" at the end, substituted "promulgated" for "and regulations adopted" in Paragraph A(7), deleted "and regulations" following "rules" in Paragraph A(15), added Paragraph A(17) and Subsection D, and made a minor stylistic change.

Rights as to notice and hearing in proceeding to revoke or suspend license to practice medicine, 10 A.L.R.5th 1.

70 C.J.S. Physicians, Surgeons, and Other Health-Care Providers §§ 24, 35 to 42.

61-14A-18. Fund created. (Repealed effective July 1, 2024.)

A. There is created in the state treasury the "board of acupuncture and oriental medicine fund".

B. All money received by the board pursuant to the Acupuncture and Oriental Medicine Practice Act shall be deposited with the state treasurer for credit to the board of acupuncture and oriental medicine fund. The state treasurer shall invest the fund as other state funds are invested. All balances in the fund shall remain in the fund and shall not revert to the general fund.

C. Money in the board of acupuncture and oriental medicine fund is appropriated to the board and shall be used only for the purpose of meeting the necessary expenses incurred in carrying out the provisions of the Acupuncture and Oriental Medicine Practice Act.

History

History: 1978 Comp., § 61-14A-18, enacted by Laws 1993, ch. [158](#), § [26](#).

Annotations

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

61-14A-19. Penalties. (Repealed effective July 1, 2024.)

A. A person who violates a provision of the Acupuncture and Oriental Medicine Practice Act is guilty of a misdemeanor and upon conviction shall be punished as provided in Section [31-19-1](#) NMSA 1978.

B. In addition to criminal penalties, a person who engages in acupuncture or oriental medicine without a license is subject to disciplinary proceedings by the board. The provisions of Section [61-1-3.2](#) NMSA 1978 notwithstanding, the board may impose a civil penalty in an amount not to exceed two thousand dollars (\$2,000) against such person and may assess the person for administrative costs, including investigative costs and the cost of conducting a hearing. The fine shall be deposited to the credit of the current school fund.

History

History: 1978 Comp., § 61-14A-19, enacted by Laws 1993, ch. [158](#), § [27](#); 2017, ch. [52](#), § [3](#).

Annotations

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

The 2017 amendment, effective June 16, 2017, provided additional penalties for engaging in acupuncture or oriental medicine without a license, directed that money collected from fines be deposited to the credit of the current school fund; added the subsection designation "A." preceding the first sentence of the section; in Subsection A, after the subsection designation, deleted "Any" and added "A", and after "who violates", deleted "any" and added "a"; and added new Subsection B.

61-14A-20. Criminal Offender Employment Act. (Repealed effective July 1, 2024.)

Statute text

The provisions of the Criminal Offender Employment Act [[28-2-1](#) through [28-2-6](#) NMSA 1978] shall govern any consideration of criminal records required or permitted by the Acupuncture and Oriental Medicine Practice Act.

History

History: 1978 Comp., § 61-14A-20, enacted by Laws 1993, ch. [158](#), § [28](#).

Annotations

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

61-14A-21. Licensed acupuncture practitioner; license valid under new act. (Repealed effective July 1, 2024.)

Any person validly licensed as an acupuncture practitioner under prior law of this state shall be deemed licensed under the provisions of the Acupuncture and Oriental Medicine Practice Act.

History

History: 1978 Comp., § 61-14A-21, enacted by Laws 1993, ch. [158](#), § [29](#).

Delayed repeals. — For delayed repeal of this section, *see* [61-14A-22](#) NMSA 1978.

61-14A-22. Termination of agency life; delayed repeal. (Repealed effective July 1, 2024.)

The board of acupuncture and oriental medicine is terminated on July 1, 2023 pursuant to the Sunset Act [[12-9-11](#) through [12-9-21](#) NMSA 1978]. The board shall continue to operate according to the Acupuncture and Oriental Medicine Practice Act until July 1, 2024. Effective July 1, 2024, Chapter [61](#), Article [14A](#) NMSA 1978 is repealed.

History

History: 1978 Comp., § 61-14A-22, enacted by Laws 1993, ch. [158](#), § [30](#); 2000, ch. [4](#), § [10](#); 2000, ch. [53](#), § [13](#); 2005, ch. [208](#), § [11](#); 2017, ch. [52](#), § [4](#).

The 2017 amendment, effective June 16, 2017, changed "July 1, 2017" to "July 1, 2023", and changed "July 1, 2018" to "July 1, 2024".

The 2005 amendment, effective June 17, 2005, changed the termination, operation and repeal dates.

The 2000 amendment, effective May 17, 2000, extended the termination date of the board from 1999 to 2005, substituted "the Acupuncture and Oriental Medicine Practice Act" for "Sections [61-14A-1](#) through [61-14A-21](#) NMSA 1978" and "July 1, 2006" for "July 1 2000" in the second sentence, and substituted "2006, Chapter [61](#), Article [14A](#) NMSA 1978 is" for "2000, Sections [61-14A-1](#) through [61-14A-21](#) NMSA 1978 are" in the last sentence. This section was also amended by Laws 2000, ch. [4](#), § [10](#). The section was set out as amended by Laws 2000, ch. [53](#), § [13](#). *See* [12-1-8](#) NMSA 1978.
