

## NEW MEXICO CHIROPRACTIC ASSOCIATION

### CONSTITUTION and BYLAWS

#### Article I

- SECTION 1. **Name**  
The name of this organization shall be the New Mexico Chiropractic Association (NMCA).
- SECTION 2. **Purposes and Objectives**  
A. To provide the resources and information needed to assist each Doctor of Chiropractic in being successful in practice.  
B. To serve as a representative membership organization of the Chiropractic profession.  
C. To maintain the science of chiropractic as a distinct healing arts profession.  
D. To advance to art, science and philosophy of chiropractic, and the professional welfare of its members.  
E. To serve as official spokesperson and representative of the chiropractic profession in the State of New Mexico.  
F. To establish and maintain the ethics, and professional behavior necessary or desirable to meet the requirements of the profession and the expectations of society.  
G. To establish and maintain the most desirable relationships within the Chiropractic profession and with other professions, organizations, governmental agencies and groups.  
H. To establish in the public mind an understanding that will assure maximum recognition and acceptance of the profession, its programs and practices, thereby contributing to the health and welfare of society in the State of New Mexico.
- SECTION 3. **Division of the Association into Districts**  
A. The association within the state New Mexico shall be divided into nine (9) districts: Northwest, North Central, Northeast, East Central, Southeast, South Central, Southwest, West Central and Central.  
B. Each District shall have at least one District Director, and the North and South Central Districts shall have at least 2 Directors, and the Central District shall have at least three Directors that shall report to members within their individual Districts and make a report to the Board of Directors.  
C. The District shall be divided in the following manner:  
1. The Northwest District shall consist of San Juan County, that portion of Sandoval County west of Highway 197, inclusive of the town of Cuba, and that portion of Rio Arriba County west of Highway 112, to the junction of Highway 84 north to and inclusive of the town of Chama.  
2. The North Central District shall include Santa Fe County, exclusive of the town of Edgewood, Sandoval County East of Highway 197 and exclusive of the towns of Bernalillo, Rio Rancho and Corrales and Rio Arriba County east of Highway 112, and includes the towns of Eagle Nest, Angel Fire and Pecos.

3. The Northeast District shall include Colfax, Union, Mora, Harding, and San Miguel Counties, exclusive of the towns of Eagle Nest, Angel Fire, and Pecos.
4. The East Central District shall include Quay, Curry, Roosevelt, Guadalupe and De Baca Counties.
5. The Southeast District shall include Chavez, Lea and Eddy Counties.
6. The South Central District shall include Dona Ana, Otero, and Lincoln Counties, that portion of Sierra County east of I-25, inclusive of the town of Truth or Consequences.
7. The Southwest District shall include Luna, Hidalgo, Grant and Catron Counties, that portion of Sierra County west of I-25, and that portion of Socorro County west of I-25, exclusive of the town of Socorro.
8. The West Central District shall include McKinley and Cibola Counties.
9. The Central District shall include Bernalillo, Valencia and Torrence Counties, inclusive of the towns of Bernalillo, Rio Rancho, Corrales and Edgewood, and that portion of Socorro County east of I-25, inclusive of the town of Socorro.

**SECTION 4. Elected Officers**

The elected officers of NMCA shall be:

- A. A President, Vice President, Secretary, Treasurer and thirteen (13) District Directors.
- B. There shall be one Director from the Northwest, Northeast, East Central, Southeast, Southwest and West Central Districts. The North Central District and South Central District shall have two Directors each. The Central District shall have three Directors.
- C. Each District should have alternate Directors to serve if District Directors are unable to attend Board of Directors meetings.

**Article II**

**ELECTED OFFICIALS: QUALIFICATIONS AND ELECTION**

**SECTION 1. Elected Officers**

- A. All elected officers of the NMCA shall be licensed Chiropractic physicians in the State of New Mexico and members of the NMCA in good standing at the time of their election.
- B. All elected officers shall have practiced in the State of New Mexico for at least two years prior to their election, the only exception being those doctors that have been in practice for over five years and have held a position on the Board of another state chiropractic association.
- C. All elected officers shall be active practicing Chiropractic physicians.

**SECTION 2. Voting Rights of Elected Officers**

- A. The President shall exercise his/her right to vote in the General Assembly only to break a tie vote therein.
- B. The President shall retain all voting privileges when voting for elective positions in the NMCA.

**SECTION 3.** Elected state officers, except the District Directors, shall be elected by secret ballot majority vote of the General Assembly of the NMCA at state convention. In the event that a candidate is unopposed, that candidate may be accepted via a vote of acclamation. Each officer serves for a period of one year.

**SECTION 4.** Year, as referred to in this section and throughout this article, is construed to mean the passage of time between successive annual state conventions. Time

lapse between successive annual conventions shall not be shorter than 10 months, or longer than 13 months.

SECTION 5. District Directors shall be elected by the members of the NMCA present and voting in their respective district's caucus at state conventions. Said elections may be conducted by secret ballot majority vote. Each director shall be elected to serve for the period of two years following the date of his/her election.

**Article III**  
**DUTIES OF OFFICERS**

SECTION 1. **President**

A. The President shall preside over the General Assembly of the NMCA at the State Convention and any other special State Convention called as per article IX, Section 1, by the Board of Directors and the Executive Committee.

B. The President shall exercise a vote on all matters coming before the Board of Directors meetings and the Executive Committee. In addition to their individual vote, the President shall have a special vote for the purpose of breaking a tie vote for a meeting of the Executive Committee.

C. The President shall appoint the chairman of all the committees of the NMCA. Said appointees serve during the length of the President's term.

D. The President shall make interim appointments to standing committees, chairman, and elective positions, whenever a vacancy shall occur.

E. Any and all appointments the President is empowered to make are subject to the approval of the Board of Directors.

F. The President shall appoint ad hoc committees, as needed, on his own authority.

G. The President is charged with maintaining the functional efficiency of all appointed committees, and of reporting any dereliction to the Board of Directors for appropriate action.

H. The President shall be an ex-officio member of all committees.

SECTION 2. **Vice President**

A. The Vice President shall be a member of the Executive Committee, the Board of Directors, and the General Assembly of the NMCA, and shall have a vote in each.

B. The Vice President shall assist the President in the execution of his or her duties.

C. In the event the President is unable to serve out his/her time, the Vice President shall assume the President's position and duties.

D. The Vice President shall be responsible for establishing an on-going communication and supportive relationship with the NMCA District Directors that supports the NMCA Mission Statement.

SECTION 3. **Secretary**

The Secretary shall assist the President in addition to the assistance rendered by the Vice President. The Secretary shall be a member of the General Assembly, the Board of Directors, and the Executive Committee with a vote in each.

A. The Secretary shall have custody of all records of the NMCA.

B. The Secretary shall perform such duties as described in Robert's Rules of Order, revised or as the Board of Directors may direct, provided that such directives are not in conflict with the Bylaws.

C. The Secretary shall prepare all minutes of all Board meetings and shall submit said minutes to all Board members of the NMCA not less than 15 days after a meeting.

D. The Secretary shall make available to the general membership of the NMCA all records and minutes.

E. The Secretary shall inform the general membership of the NMCA at least 15 days in advance as to the time and place of all Board of Directors meetings and special state conventions.

F. The Secretary shall inform the general membership of the NMCA at least 30 days in advance of all proposed resolutions and amendments to be considered at the state conventions.

G. The Secretary shall be responsible for purging from the Association's voting roster, any members delinquent in their association dues as outlined in Article IV, Section 6 of the Bylaws. A report of such action is to be presented at the next Board Meeting.

**SECTION 4. Treasurer**

A. The Treasurer shall be a member of the General Assembly, Board of Directors and the Executive Committee with a vote in each.

B. As Treasurer, he or she shall be responsible for keeping all funds of the association.

C. The Treasurer shall present in writing a budget for the following year, prepared and approved by the Executive Committee and the Board of Directors.

D. The Treasurer shall present in writing a financial report as to the current fiscal status of the NMCA and shall do so at all Board Meetings.

E. The Treasurer shall pay all bills resulting from the adopted association budget, duly ratified at the previous Annual State Convention or as constitutionally revised at an interim Board Meeting.

NOTE: Items A through E maybe delegated to the Business Administrator, when and if the post of business administrator exists and for so long as the post of business administrator exists.

**SECTION 5. Past President**

The Past President shall assist the President. The Past President shall be a member of the Board of Directors, the Executive Committee and the General Assembly of the NMCA and shall have a vote in each.

**SECTION 6. District Directors**

Each District Director shall serve as official liaison between their respective Districts and the Board of Directors.

A. The District Directors shall have membership on the Board of Directors and in the General Assembly of the NMCA with a vote in each.

B. The District Directors shall at all times adhere to the tenets set forth in Article VI and Article VII of the Bylaws.

C. The District Directors shall submit a written report to the Vice President not less than 15 days prior to a regular scheduled Board Meeting.

**SECTION 7.** In the event a member has been appointed to fill an unexpired term of office, that member is eligible to seek election to the office on completion of the appointed unexpired term.

**SECTION 8.** It is expected that an officer of NMCA will avoid any conflict of interest, which may prevent the unprejudiced execution of his or her NMCA duties. In the event a conflict of interest arises, the officer will be expected to: 1) abstain from voting on matters where a conflict of interest may exist, 2) not engage in NMCA agendas or activities where a conflict may exist, and 3) excuse themselves from any activity which is a cause of conflict. The officer, if unable to disengage from the conflicting business or activity, will be expected to resign as a NMCA officer.

**Article IV**  
REQUIREMENTS, DUTIES, AND POWERS OF THE GENERAL ASSEMBLY

**SECTION 1. Membership**

A. Membership in the General Assembly of the NMCA shall be divided into the following classes: Regular, Honorary, and Associate.

**SECTION 2. Regular Membership**

A. Regular membership in the General Assembly of the NMCA shall be composed of licensed Chiropractic physicians in good standing, practicing in the State of New Mexico. Each member shall have a voice in the affairs of this organization and shall be entitled to one vote. Each member shall further have the right to use the trademarks, servicemarks, and membership marks of the NMCA as set forth in ARTICLE XIV.

**SECTION 3. Honorary Membership**

A. A Doctor of Chiropractic not actively practicing due to retirement or disability or a layperson, who has contributed some measure of note may be granted this membership. A disabled doctor must be unable to work due to the disability and a retired doctor must have attained age 60.

**SECTION 4. Associate Members**

A. Out-of-State membership shall be composed of Licensed Chiropractic physicians in good standing in the state in which they practice and/or meeting the requirements of their jurisdiction.

B. Active, student Doctors of Chiropractic, attending Chiropractic colleges that meet the requirements of the Counsel on Chiropractic Education, are also eligible for Associate Membership.

C. Businesses and/or individuals that support the activities of the NMCA and its members shall be eligible for membership as associate members. Business members have all the privileges of membership except when voting and holding office.

D. Registered Chiropractic Assistants in good standing, working in the State of New Mexico, that support the activities of the NMCA and its members shall be eligible for membership as associate members. Chiropractic Assistant members have all the privileges of membership except they will not be voting members and they may not hold office.

**SECTION 5. Membership Dues**

Dues for membership in the NMCA will run from January 1 to December 31 of the applicable year. Regular membership for a doctor that is practicing part time due to impairment or illness, confirmed by a treating physician, will be one-half the regular membership dues.

A. The dues for regular membership shall be five hundred dollars (\$500) per calendar year. The registration fee for the Annual Convention will be waived for all members of record as having paid their dues prior to the Convention. The waiver of Convention fees shall apply to all other classes of members that meet the stated criteria.

B. Dues shall not exceed five hundred dollars (\$500.00) per year without a 2/3 majority vote of the regular voting members at the Annual Convention.

C. The dues for membership for the first year of licensure and practice shall be zero dollars for the year in which they receive their license. The membership will include the State Annual Convention for that year.

D. Dues for membership during the second year of licensure and practice shall be one hundred dollars (\$100) if paid prior to the State Annual Convention and shall include the cost of attendance at the State Annual Convention.

E. Dues for membership during the third year of licensure and practice shall be two hundred dollars (\$200) if paid prior to the State Annual Convention and shall include the cost of attendance at the State Annual Convention.

F. Dues for membership during the fourth year of licensure and practice shall be the full fee of five hundred dollars (\$500) if paid prior to the State Annual Convention and shall include the cost of attendance at the State Annual Convention.

G. Dues for membership of a doctor having moved to the State of New Mexico, but having been in practice in another state prior to that move, shall be one-half of the regular annual dues of five hundred dollars (\$500) for their first year in New Mexico. Dues for the second year and all following years in New Mexico shall return to the regular and full amount of five hundred dollars (\$500).

H. Dues must be paid in full at the time of the State Convention in order to attend the General Assembly.

I. Dues may be paid monthly, quarterly, semi-annually and annually. Dues paid monthly, quarterly, or semi-annually will include attendance at the Annual Convention. If a member chooses to pay in segments as mentioned above, attends the Annual Convention, and then does not continue their payments for the entire year, canceling their membership, the following penalties will be applied prior to regaining status as a member of the association: 1) total membership dues payment in advance for the current yearly membership, and 2) back payment of the previous yearly dues left unpaid to cover attendance at the convention.

J. Dues for Associate Members

1. Chiropractic physicians in practice from out of state shall pay one hundred fifty (\$150.00) per year. An out-of-state member can attend the State Annual Convention for an additional fee of three hundred dollars (\$300.00).

2. Student Chiropractic physicians shall pay twenty-five dollars (\$25.00) per year and attend the State Annual Convention.

3. Business members shall pay one hundred and fifty (\$150) dollars per year.

4. Chiropractic Assistants shall pay fifty dollars (\$50) per year and can attend the State Annual Convention with no additional fee.

K. Honorary members are exempt from dues. An Honorary member can attend the State Annual Convention for an additional fee of one hundred and fifty dollars (\$150).

L. The President's Circle shall consist of members of the Association who have contributed at least One Thousand dollars in any given fiscal year and shall be acknowledged as such at the Annual Awards Presentation at the Annual Meeting of the General Assembly.

SECTION 6. Any member who shall become six months delinquent in dues may be dropped from the membership roll by order of the Secretary/Treasurer.

A. Such delinquent members shall be reinstated upon payment of dues for the current fiscal year. Reinstated members shall not be eligible to hold elective office for a period of two (2) years from the date of their reinstatement.

B. In the event of unusual hardship, the Board of Directors has the discretion to waive a member's dues, granting membership for this time.

SECTION 7. All members in attendance at the Annual General Assembly for the NMCA who have met the requirements of Section 2 of the Article shall approve, by majority vote, all annual NMCA fiscal policies as presented to them at the State Convention by the Board of Directors. The annual fiscal policies shall be general in nature, and the assembly shall approve the general principals behind the policies, while leaving the actual execution of fiscal policy with the Board of

Directors and the Executive Committee of the Board of Directors. The specific method of execution of fiscal policy shall be set forth within Article V.

- SECTION 8. The General Assembly of the NMCA shall be the legislative body of this association.  
A. The General Assembly shall determine general and specific association policies, aims and purposes.  
B. The General Assembly shall receive, consider and take action on all reports, resolutions, and recommendations submitted by the Board of Directors, special and standing committees, and individual members of the NMCA.
- SECTION 9. Motions and resolutions adopted by the General Assembly by majority vote or as otherwise herein provided shall be binding upon the Board of Directors to execute to the best of its ability, according to available resources.
- SECTION 10. The General Assembly of the NMCA may, by a two-thirds vote, amend the Bylaws of this association as provided in Article XI.
- SECTION 11. All members of the General Assembly of the NMCA have the right to attend any NMCA convention, and have the right to participate in discussions concerning any measures proposed; however, only regular members as defined in Section 2 of this Article may vote on such matters.
- SECTION 12. **Legislative Responsibility**  
A. No member of the NMCA, according to Sections 2 through 5 of this Article, shall be empowered to sponsor prospective legislation in New Mexico State Legislature as NMCA endorsed legislation, which is designed to alter the Chiropractic Act unless said prospective legislation has had prior approval by the Board of Directors.  
B. No NMCA member shall in any way present him/herself as representing or expressing the views of the NMCA unless authorized to do so by the NMCA Board of Directors.  
C. Any member not adhering to this protocol shall be subject to suspension or revocation of NMCA Membership or censure by the NMCA Board of Directors as provided for in Article XII.

#### **Article V**

#### **DUTIES, POWERS, AND PREROGATIVES OF THE BOARD OF DIRECTORS**

- SECTION 1. **Members**  
The Board of Directors of the NMCA shall consist of the President, Vice President, Past President, Secretary, Treasurer, and thirteen (13) District Directors, who each have a vote concerning matters brought before the Board of Directors meeting. Other members of the Board of Directors who shall advise the Board of Directors, and should be present at the Board of Directors Meetings, but are not otherwise entitled to vote at the meeting of the Board of Directors, are the Executive Director of the Association and the Association Attorney.
- Section 1A. **Special members**  
The Special members of the Board of Directors shall consist of but not be limited to the Executive Director, the Association Attorney, and any Lobbyists hired by the Board of Directors. The Duties of the Special Members include but are not limited to the following:  
A. Executive Director-- The NMCA Board will determine the Executive Director's duties and responsibilities. At the Board's discretion, any and all of the officer's duties outlined in Article III may be delegated to the Executive Director.

B. Lobbyist -- Shall maintain communication with the State Legislature and keep the NMCA apprized of all legislation that may affect the chiropractic profession in any way.

C. The Attorney shall advise on any legal question, which may arise and upon the Board's decision, take any and all steps necessary to resolve such questions.

Section 1B. The Board of Directors shall manage the general activities of the Association, except for those matters, which must be submitted to the General Assembly, as set forth in Article IV. These activities may include but are not limited to:

A. management and control of the Association,

B. engaging in the regular business activities of the association, which includes but is not limited to:

1. Collection and spending of Association funds,
2. Allocation of economic and personnel resources,
3. Hiring and firing of employees and advisers of the Association,
4. Creating and suggesting all matters of policy or any other matter to the general assembly, if required.
5. Informing the General Assembly of any matters that are listed within Article IV, which come before the Board of Directors.
6. The authority to allocate funds and to develop business projects, including the ability to incorporate entities, such as for-profit entities, charitable entities, and additional non-profit entities, that would, in the view of the Board of Directors, be of benefit to the membership and the NMCA as an organization.
7. Any other matters that come before the Board of Directors that do not require the consent of the General Assembly as stated in Article IV.

**SECTION 2. Chairman**

The President of the NMCA shall be the Chairman of the Board of Directors, unless a majority of said Board of Directors shall select another of its members as Chairman. The Chairman in the event of a tie vote of the Board of Directors shall possess and utilize a special vote to break the tie vote.

**SECTION 3. General Meetings**

The Board of Directors shall meet on call of its Chairman, not less than three times annually.

**SECTION 4. Special Meetings**

The Board of Directors may convene for a special meeting at any time upon a motion made by any member of the association, which is signed by a majority of either the general membership, or by a majority of the Board of Directors. Once a special meeting has been called for and approved by the general members or the Board of Directors, then the Secretary shall issue the notice of the special meeting, which shall include the place and time of the meeting to each member of the general membership and the Board of Directors, at least 15 days ahead of the scheduled date and time of the meeting.

**SECTION 5. Electronic Meetings**

The Board of Directors, Executive Committee, standing committees, and special committees are authorized to meet and conduct business by electronic or conventional means including mail, telephone, fax, e-mail, computer, or other appropriate means, provided that all members have access to the information and/or debate through one or more of the means listed.

**SECTION 6.** The Board of Directors at its regular meeting may empower the Executive Committee with the full authority of the Board of Directors by a majority vote of

the Board of Directors present at the regular Board of Directors meeting, until the next regular meeting of the Board of Directors.

SECTION 7. The Executive Committee of the NMCA shall consist of the President, Vice President, Past President, Secretary and Treasurer, who are entitled to vote at the Executive Committee Meetings. The Executive Director is considered to be a non-voting members of the Executive Committee, and should be present at all meetings of the Executive Committee.

SECTION 8. **Additional duties of the Board of Directors**  
In addition to their duties immediately contingent upon respective elected positions as stated under Article III, Sections 1 through 6, the Board of Directors shall tender a preferred list of appointees for the New Mexico Board of Chiropractic Examiners to the Governor, whenever a position on the Board of Examiners becomes vacant.

SECTION 9. **Resignation of a Board Member**  
In the event a director, chairperson, or elected officer chooses to resign his/her office, he/she may do so by written notice to the Board of Directors.

SECTION 10. **Removal of an Officer or Board Member**  
In the event any elected officer, or member of the Board of Directors, fails, refuses, or neglects to perform the duties enjoined upon them by the Bylaws or misses two consecutive meetings, said official may be removed by a two-thirds (2/3) majority vote of the Board of Directors.  
A. An indicted officer or Board member shall be informed of his/her hearing before the Board of Directors by the President of the NMCA at least 30 days in advance and shall be given the opportunity to be heard on his/her own behalf.  
B. If the indicted officer or Board member has been removed, the President of the NMCA shall immediately appoint a replacement to fill out the unexpired term, subject to the approval of the Board of Directors.

SECTION 11. **Time and Place of Board Meetings**  
The time and place of the Board of Directors meetings shall be determined by a majority vote of the Board of Directors. In the event that such a vote is not taken, the President of the Board shall set the time and place for the next scheduled meeting.

SECTION 12. **Notice**  
The notice of date, time and place of all Board of Directors meetings shall be given to all regular members of the NMCA by the State Secretary/Treasurer. Fifteen days notice shall be required for regular meetings; however, in the case of an emergency, special meetings may be held on shorter notice provided due notification is given all members of the NMCA.

SECTION 13. A majority of the Board members entitled to vote shall constitute a quorum for a Board of Directors meeting. A Quorum is assumed to be in place at a Board of Directors Meeting, unless specifically called for and seconded by a member of the Board of Directors. If a Quorum is called for and is not present, then the meeting shall be adjourned at that time until the next scheduled Board of Directors meeting. If a Quorum is not called for, then a Quorum is presumed to exist at a Board of Directors meeting, and the majority vote of the Directors present at said Board meeting, with the ability to vote, shall be presumed to represent the majority vote of all members of the Board of Directors and shall be binding upon the Board as if an actual majority vote of the Board of Directors, who are entitled to vote, had occurred. Any member of the Board of Directors,

who is unable to attend a meeting of the Board of Directors, shall be able to give their vote to another member of the Board of Directors who is entitled to vote, and the member receiving said vote shall be able to vote for the absentee member as their proxy.

Votes being taken by fax or e-mail must have a majority of the eligible voting Board members in agreement to pass. To be counted as an official vote by a Board member, the returned Ballot must contain the name and position of the Board member and a date of submission. In addition, for fax votes, a signature is required. All votes by e-mail or fax must be made a part of the Minutes of the next regularly scheduled Board meeting.

**SECTION 14. Finance Committee**

The Board of Directors shall also serve as a Finance Committee. Before the Annual State Convention each year they shall compose a budget for the coming fiscal year; said budget to be presented at the State Convention to the General Assembly of the NMCA for ratification as delineated under Article IV, Section 7 of the Constitution.

**SECTION 15. Emergency Fund**

Included in the budget, \$500.00 or a maximum of 5% of available receipts each year shall be placed in a ready fund for emergency purposes. Said fund is to be utilized under direction of the Executive Officers to meet all unforeseen NMCA financial obligations arising between Board meetings or between Board meetings and State Conventions for which no provisions are made in the Annual Budget, presented by the Board of Directors and approved by the General Assembly at State Convention. A full report of such expenditures is to be made in writing at the next meeting of the Board of Directors or the State Convention, whichever shall come first.

**SECTION 16.** A reimbursement of \$50.00 will be made to any NMCA Board member or Chairperson who in the performance of their duty to attend NMCA Board Meetings must travel 125 miles or more one way.

**SECTION 17.** A credit of \$50.00 will be given to any NMCA Board member for each and every meeting that they attend during the year they hold office. The credit will be applied to membership dues in the year following their year of service as a member of the Board.

**Article VI**  
**STANDING COMMITTEES**

**SECTION 1.** The NMCA shall be served by the following standing committees:

- Committee on Bylaws and Resolutions;
- Convention Committee;
- Committee on Ethics;
- Workers Compensation Committee;
- Committee on Peer Review;
- Committee on Insurance Relations;
- Legislative Committee;
- Public Relations Committee;
- National Legislative Affairs Committee;
- Education Committee;
- Membership Committee;

- Scholarship Committee; and
- Congress of Chiropractic State Associations Committee.

Standing committee chairmen should attend Board of Directors Meeting. If a committee chairperson cannot attend the Board of Directors meeting to make a report, that chairman should designate a member of his/her committee to report to the Board of Directors.

SECTION 2. Each standing committee shall have a duly appointed chairman and as many committee members as are herein provided for, providing that all standing committee chairmen and their committee members shall be appointed from the roster of duly qualified members of the NMCA, in accordance with Article IV, Section 2.

SECTION 3. The chairman of standing committees shall be appointed by the President and approved by the Board of Directors. Said chairman shall serve a one-year term, concurrent with the one-year administration of the appointing President. Each standing committee chairman shall appoint his/her committee and said committee shall serve with their appointing chairman for the duration of his/her term.

SECTION 4. In the event any appointed chairman fails, refuses, or neglects to perform the duties enjoined upon him/her by the bylaws or misses two consecutive meetings, the appointing President and Board of Directors of the NMCA may remove said chairman or committee member by a two-thirds (2/3) majority vote of the Board of Directors.

A. The indicted chairman or committee member shall be informed of his/her hearing before the Board of Directors by the President of the NMCA at least 30 days in advance and shall be given an opportunity to be heard on his/her own behalf.

B. If the indicted chairman or committee member has been removed, the President of the NMCA or the standing committee chairman, according to Section 2 and 3 of this Article, shall appoint a replacement to fill out the vacated unexpired term subject to the approval of those present and voting at the indicting board meeting.

C. Any regular member of the NMCA has the right and duty to report any chairman or committee member's dereliction of duty and has the right to indict them before a meeting of the Board of Directors in accordance with the above stated stipulations.

## **Article VII**

### **DUTIES AND POWERS OF THE STANDING COMMITTEES**

SECTION 1. **Committee on Bylaws and Resolutions**

A. A chairman and at least two committee members shall comprise this standing committee.

B. This committee shall, prior to the meeting of the General Assembly of the NMCA at the State Convention and after due deliberation and consideration, prepare a docket of new business for the impending State Convention and shall present said docket with the committee's consideration and recommendations to the Board of Directors and General Assembly of the NMCA at the State Convention for reception, deliberation, revision, ratification or repudiation of each individual item.

C. All pending resolutions for consideration by the General Assembly of the NMCA at State Convention shall be forwarded in writing to the chairman of the

Committee on Bylaws and Resolutions for the committee's consideration and recommendations at least thirty (30) days prior to the State Convention.

D. Resolutions must also be filed with the Secretary/Treasurer of the NMCA at least thirty (30) days prior to the State Convention.

E. Any item originating after these deadline dates may gain access to the General Assembly agenda for a new business following the presentation of a signed petition by at least twenty (20) members present and voting at General Assembly and following a recorded majority vote of those members present and voting at General Assembly to so consider.

F. The committee shall receive and review all proposed amendments to the Bylaws tendered to them in writing at least forty-five (45) days prior to the commencement of the State Convention.

G. Said committee, prior to the meeting of the General Assembly at the State Convention, shall deliberate upon all tendered proposals and after due deliberation and preparation, report their opinions of same to the assembled membership of the NMCA at General Assembly.

H. The proposed amendments shall also be filed by their originator with the Secretary of the NMCA at least thirty (30) days prior to the State Convention, so as to allow the Secretary ample time to comply with Article XI, Section 1 of these Bylaws.

**SECTION 2. Convention Committee**

A. Following the selection of a site for the subsequent Annual State Convention by majority vote of the Board of Directors, a chairman and at least two committee members shall be duly selected and ratified.

B. Said committee shall be in charge of and responsible for all convention arrangements and prerequisite preparations for said convention.

**SECTION 3. Committee on Ethics**

A. A chairman and at least two (2) committee members shall comprise this standing committee.

B. This committee shall consistently review the Code of Ethics, which are part of these Bylaws, and keep it up to date with contemporary thinking.

C. Any and all revisions of the Code of Ethics must be ratified by a two-thirds (2/3) majority of the members of the NMCA voting at the General Assembly of the State Convention.

D. The committee shall investigate all violations of the Code of Ethics that are reported in writing and submit its findings to the Board of Directors.

**SECTION 4. Workers Compensation Committee**

A. This committee shall consist of a chairman and a minimum of two (2) committee members.

B. This committee shall represent the NMCA in all matters pertaining to Workers Compensation with the State of New Mexico and all third party payers.

**SECTION 5. Committee on Peer Review**

A. This committee shall consist of a chairman and a minimum of two (2) committee members.

B. The immediate past chairman of this committee is an automatic member of the next succeeding Committee on Peer Review.

C. The chairman may, if the circumstances warrant, call upon any member of the NMCA for help.

D. The responsibilities of the Peer Review Committee shall be to review any insurance claim submitted by a chiropractor, patient, or insurance company. All such claims shall be submitted in writing and authorized by the chiropractor involved.

E. All claims shall be reviewed in accordance with the guidelines for peer review established by the NMCA.

**SECTION 6. Committee on Insurance Relations**

A. This committee shall consist of a chairman and a minimum of two (2) committee members.

B. This committee shall act as the representative and/or intermediary for the NMCA in matters relating to insurance companies, the State Health and Social Services Department or any like official agency of the city, state or federal government in matters of insurance relations.

C. This committee shall work to educate insured persons, insurance companies, management and labor, relative to the chiropractic profession.

D. This committee will promote safety, health, and welfare of all industrial personnel.

E. This committee shall promote the demand that insured and members of industry and labor be allowed free choice of physician and method of healing.

**SECTION 7. Legislative Committee**

A. This committee shall consist of a chairman and a minimum of two (2) committee members.

B. All activities of this committee shall be under the supervision and knowledge of the President, officers, and Board members of the NMCA.

C. The duties of this committee shall include, but not necessarily be limited to, the handling each year of the Roundhouse Treatment schedule, including all aspects of this volunteer program to make it a successful event each Legislative Session.

D. The immediate past chairman of this committee is an automatic member of the next succeeding Legislative Committee.

**SECTION 8. Public Relations Committee**

A. This committee shall be comprised of the chairman and a minimum of two (2) committee members, and as many volunteers as deemed necessary by the chairperson.

B. This committee is concerned with plans for informing the public about chiropractic objectives, programs, and activities and disseminating this information to the public of New Mexico.

C. This committee works with and under the guidance of the duly elected officers of the NMCA and its Board of Directors.

**SECTION 9. National Legislative Affairs Committee**

A. This committee shall consist of a chairman and however many committee members the chairman deems necessary to carry out the duties of the committee.

B. This committee shall establish a liaison and work with any and all of the national Chiropractic organizations, especially with their national legislative committees.

C. This committee will establish contact with the offices of our national legislators, Senators and Representatives, keeping them informed of the chiropractic profession's legal and moral rights, purposes, and desires.

D. This committee will report to the Board of Directors and the General Assembly of the NMCA any and all of the national activities affecting the chiropractic profession.

**SECTION 10. Education Committee**

A. This committee shall consist of a chairman and at least two (2) committee members.

B. This committee will arrange and promote educational seminars and other educational programs as approved by the Board of Directors.

**SECTION 11. Membership Committee**

A. This committee will be chaired by the President of the NMCA or a chairman appointed by the President.

B. All District Directors will be members of this committee.

C. The duties of this committee will be to recruit new members for the association and reactivate past members.

**SECTION 12. Scholarship Committee**

A. This committee shall consist of a Chairman and at least two (2) committee members including the President of the NMCA or a member of the Board of Directors.

B. This committee shall establish guidelines for submission of scholarship requests, review all applications and make recommendations to the NMCA Board of Directors.

C. The NMCA Board of Directors shall determine which candidate(s) shall receive scholarship funds and what dollar amount will be presented. Monies will be forwarded to the student, made payable to the school, to be applied to his or her tuition, book, or supply expenses.

D. Those applicants receiving NMCA Scholarship funds will be announced at the NMCA Annual Convention General Assembly held in April of that year.

**SECTION 13. Congress of State Chiropractic Associations (COCSA) Committee**

A. This committee will consist of a Chairman and any other members or representatives as appointed.

B. This committee will serve as a liaison between the NMCA and COCSA.

C. This committee will maintain contact with the COCSA officers representing the wishes of the NMCA and its Board of Directors on issues of state and/or national association concerns.

D. This committee will represent the NMCA at the Annual COCSA Meeting and its membership may serve on the COCSA Board of Directors as officers if duly elected.

SECTION 14. All of the above committees are required to meet at least four (4) times a year.

**Article VIII**

**ORDER OF BUSINESS FOR THE GENERAL ASSEMBLY AT THE STATE CONVENTION**

SECTION 1. The following shall be the prescribed order of business for the NMCA General Assembly at the State Convention:

A. Call to order by the presiding officer.

B. Invocation.

C. The Secretary shall present his/her list of qualified voters in the General Assembly, in accordance with the dictates of Article III, Section 3 and Article IV, Section 6, as well as Article IV, Section 2, of the Bylaws.

D. Roll call shall be made by the Secretary.

E. Reading of minutes by the Secretary.

F. Annual financial report by the Treasurer.

G. Reports of District Directors.

H. Reports of current standing and other committees.

I. Unfinished business.

J. New business:

1. Report by the Bylaws and Resolutions Committee on new amendments, discussion, ratification and/or repudiation of same;

- 2. Financial proposals by the Board of Directors and subsequent adoption of a new annual budget;
- 3. Report by the Committee on Ethics concerning new proposals, discussion and subsequent ratification and/or repudiation of same; and any other new business, properly filed with the Chairperson of the Bylaws and Resolutions Committee and the Secretary/Treasurer of the NMCA, or otherwise introduced as provided for in Article VII, Section 1, of these articles.

K. Nomination and election of state officers.

L. Talks for benefit of NMCA - guest speakers.

M. Adjournment.

- SECTION 2. This prescribed order of business is subject to change by a two-thirds (2/3) majority vote of the General Assembly present and voting at the State Convention.

#### **Article IX**

##### **SPECIAL CONVENING OF THE NMCA STATE CONVENTION**

- SECTION 1. Special state conventions of the NMCA may be called by a signed petition of a majority of qualified NMCA members, and must be called by the President. Furthermore, special state conventions may be called by a signed petition of a majority of the Board of Directors, and must be called by the President.

#### **Article X**

##### **PROVISIONS FOR A QUORUM AT STATE CONVENTIONS**

- SECTION 1. The presence of at least twenty-five (25) members, duly qualified and in good standing with the NMCA, shall constitute a quorum at all State Conventions.

#### **Article XI**

##### **AMENDMENTS**

- SECTION 1. A. These Bylaws may be amended by a majority vote of the General Assembly of the NMCA present at the State Convention, providing the proposed amendment has been filed with the chairman of the Bylaws Committee at least thirty (30) days prior to the Annual State Convention.  
B. Amendments may be proposed by any member of the NMCA in good standing by petition signed by ten (10) other NMCA members in good standing.

#### **Article XII**

##### **SUSPENSION, REVOCATION, AND CENSURE**

- SECTION 1. The NMCA Board of Directors present at a Board of Directors meeting, may suspend or revoke membership in the NMCA or censure any member, for due cause, if there is a violation of the New Mexico Board of Chiropractic Examiners' Rules and Regulations and/or the NMCA Bylaws or Code of Ethics. Complaints made against Business members who are not Doctors of Chiropractic may be only made by a NMCA regular doctor member and must be made in writing and delivered to the NMCA Board at any regularly scheduled Board meeting. Article XII, Section 2, does not apply to Business members.

- SECTION 2. Procedures for suspending, revoking or censuring NMCA members or applicants for membership in the NMCA are:

- A. Any NMCA member, meeting the requirements of Article IV, Section 2, may initiate suspension, revocation or censure proceedings against any other NMCA member.
- B. Complaints shall be submitted in writing with supporting evidence to the Chairman of the Ethics Committee and each Executive Committee member.
- C. All copies shall be signed by the NMCA member making the complaint.
- D. The Ethics Committee chair shall furnish the accused member with a copy of the complaint and notify the member of the time and place of the next scheduled NMCA Board Meeting that is no less than 45 days after receipt of the complaint, at which time the Board will hear the matter set forth in the complaint. The accused member shall be given 30 days to respond to the complaint.
- E. The Ethics Committee chair shall make an investigation, considering all factual evidence and make a recommendation to the Board based on the evidence. The Board shall be furnished with all evidence at the NMCA Board meeting where the matter is heard. Both the accusing member and the accused member shall have the right to attend the Board meeting. The matter shall be voted on no later than the next regularly convened or specially convened meeting of the Board of Directors.
- F. Any such hearing shall take place at a regularly convened or specially convened meeting of the Board of Directors.
- G. Any action suspending or revoking membership, or censuring of any NMCA member is subject to two-thirds (2/3) majority vote at a Board meeting.
- H. In the event the accusing member or the accused member is also a member of the NMCA Board of Directors, neither may vote on any issue involving the complaint, or the complaint itself.
- I. An appeal of any Board action, resulting in suspension or revocation of membership, or censure of any NMCA membership may be made to the General Assembly of the NMCA at the next constitutionally convened General Assembly.
- J. An appeal of any Board action may be made at a General Assembly under "old business," and said appeal may be upheld by a two-thirds (2/3) vote of those voting at any constitutionally convened General Assembly. Any such appeal will be upheld by a majority vote of those voting at any constitutionally convened General Assembly.
- K. Any action suspending or revoking membership of the NMCA President can only be done by two-thirds (2/3) majority vote at a specially convened General Assembly.

### **ARTICLE XIII**

#### **ETHICAL GUIDELINES FOR CHIROPRACTORS IN THE STATE OF NEW MEXICO "The Greatest Good for the Patient"**

##### **SECTION I. PREAMBLE**

This Code of Ethics is based upon the fundamental principle that the ultimate end and objective of the chiropractor's professional services and efforts should be "The greatest good for the patient." This Code of Ethics is for the guidance of the profession with respect to the responsibilities to the patients, the public, to fellow practitioners and for such consideration as may be given them by the New Mexico State Legislature, The New Mexico Board of Chiropractic Examiners and also by the New Mexico Chiropractic Association to the extent that they are authorized under New Mexico law to exercise enforcement or disciplinary function.

##### **SECTION 2. RESPONSIBILITY TO THE PATIENT**

- A. Doctors of chiropractic should hold themselves ready at all times to respond to the call of those needing their professional services, although they are free to accept or reject a particular patient.
- B. Doctors of chiropractic should attend to their patients only as often as they consider necessary to insure the well-being of their patients. Clinical judgment and practices should be exercised solely for the benefit of the patient.
- C. Doctors of chiropractic should terminate a professional relationship with a patient and/or make an appropriate referral when it becomes reasonably clear that the patient will not benefit from further care. Doctors of chiropractic should be ready to consult and seek the expertise of other health-care professionals when such consultation would benefit their patients or when their patients express a desire for such consultation.
- D. Having once undertaken to serve a patient, doctors of chiropractic should not neglect the patient. Doctors of chiropractic should not terminate their professional services to patients without taking reasonable steps to protect such patients, including notice, allowing the patient to obtain the professional services of another doctor and delivering to their patients all papers and documents in compliance with this Code of Ethics.
- E. Doctors of chiropractic should practice with the highest degree of professional competency and honesty in the care of their patients.
- F. Doctors of chiropractic should comply with a patient's authorization to provide records, or copies of such records, to those whom the patient designates as authorized to inspect or receive all or part of such records. A reasonable charge may be made for the cost of duplicating records that are pertinent to the treating diagnosis.
- G. Doctors of chiropractic should preserve and protect the patient's confidences and records, except as the patient direct or consents or the law requires.
- H. Doctors of chiropractic should be loyal, compassionate and respectful to their patients.
- I. Doctors of chiropractic should recognize and respect the right of every person to free choice of chiropractors or other health care providers, and the right to change such choices at will.
- J. Doctors of chiropractic are entitled to receive proper and reasonable compensation for their professional services commensurate with the value of the services they have rendered and the nature of the condition.
- K. Doctors of chiropractic should maintain the highest standards of professional and personal conduct and should refrain from illegal or morally reprehensible conduct or comments.
- L. Doctors of chiropractic should assure that the patient is presented with enough information to make an informed decision in regard to proposed chiropractic treatment.

### SECTION 3. RESPONSIBILITY TO THE PUBLIC

- A. Doctors of chiropractic should observe the appropriate laws, decisions of the New Mexico Board of Chiropractic Examiners and cooperate with the pertinent activities and policies of the Association, or any other body that is legally authorized to regulate or assist in the regulation of the chiropractic profession

- B. Doctors of chiropractic may advertise but should exercise utmost care that such advertising is accurate, not misleading, and is correct in representing the chiropractor's professional status. Communications to the public should not create unjustified expectations of results. Doctors of chiropractic should conform to all applicable New Mexico laws and regulations in connection with professional advertising.
- C. Doctors of chiropractic should continually strive to improve their skills and competency by keeping abreast of current developments contained in health and scientific literature and by participating in continuing chiropractic educational programs and utilizing all other appropriate means as well.
- D. Doctors of chiropractic may testify either as an expert witness or as a treating doctor when their patients are involved in court cases, workers' compensation proceedings or in other similar administrative proceedings in personal injury and related cases.
- E. Doctors of chiropractic should be concerned with the reputation of the chiropractic profession and should bring to the attention of the appropriate authorities those chiropractors who engage in conduct inconsistent with this Code of Ethics, or statutes or regulations within the State of New Mexico.

#### SECTION 4. RESPONSIBILITY TO THE ASSOCIATION AND THE PROFESSION

- A. Doctors of chiropractic should recognize that their public behavior may have an impact on the ability of the profession to serve the public. Doctors of chiropractic should promote public confidence in the chiropractic profession.
- B. Doctors of chiropractic should recognize their obligation to help others acquire knowledge and skill in the practice of the profession. They should maintain high standards of scholarship, education, training and objectivity in the accurate and full dissemination of information and ideas.
- C. Doctors of chiropractic should promote and maintain cordial inter-professional and intra-professional relationships.
- D. Doctors of chiropractic should support the New Mexico Chiropractic Association and actively participate in assisting with the goals of the association.
- E. The New Mexico Chiropractic Association does not condone any illegal and /or unethical activities. Officers, and members found guilty of such activities shall be subject to board disciplinary action as outlined in the policies and bylaws of the NMCA.

Adopted by the NMCA Board of Directors at its meeting on December 11, 2004  
Incorporated into the NMCA Bylaws April 9, 2005, General Assembly, NMCA Annual Convention

### **ARTICLE XIV**

#### **GUIDELINES FOR USE OF TRADEMARKS, SERVICEMARKS, AND MEMBERSHIP MARKS**

SECTION 1. The NMCA logo and name (the Marks) are protected as common law and/or federally registered servicemarks and collective membership marks. The NMCA has exclusive rights to control use of the Marks, and expressly forbids their use by anyone other than the NMCA

and current members in good standing of the NMCA. Current members in good standing of the NMCA may use the Marks only as follows:

1. To indicate current membership in the NMCA; and
2. To identify and advertise their own chiropractic services rendered as members in good standing of the NMCA.

Members may use the Marks in accurate and non-misleading ways for the foregoing purposes on their stationery, advertising, buildings, signage, telephone listings, and printed matter. All other uses of the Marks are expressly prohibited without prior written authorization of the NMCA Board of Directors.

The Marks may be used only in the form distributed or specifically authorized by the NMCA, and all displays of the Marks shall be maintained in excellent condition.

SECTION 2. The Board of Directors may revoke permission for any use of the Marks that it deems inappropriate or inconsistent with the foregoing standards. Members agree to immediately cease any non-permitted use of the Marks.

The Board of Directors may take all necessary and appropriate action to stop unauthorized or infringing use of the Marks.