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HOUSE BILL 187

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO HEALTH CARE; AMENDING THE NEW MEXICO DRUG, DEVICE AND COSMETIC ACT AND THE DENTAL HEALTH CARE ACT TO PROVIDE FOR EXPANDED-FUNCTION DENTAL AUXILIARIES AND COMMUNITY DENTAL HEALTH COORDINATORS; RECONCILING MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2003.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 26-1-2 NMSA 1978 (being Laws 1967, Chapter 23, Section 2, as amended) is amended to read:

"26-1-2. DEFINITIONS.--As used in the New Mexico Drug, Device and Cosmetic Act:

A. "board" means the board of pharmacy or its duly authorized agent;

B. "person" includes an individual, partnership, corporation, association, institution or establishment;

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1 C. "biological product" means a virus, therapeutic
2 serum, toxin, antitoxin or analogous product applicable to the
3 prevention, treatment or cure of diseases or injuries of humans
4 and domestic animals, and, as used within the meaning of this
5 definition:

6 (1) a "virus" is interpreted to be a product
7 containing the minute living cause of an infectious disease and
8 includes filterable viruses, bacteria, rickettsia, fungi and
9 protozoa;

10 (2) a "therapeutic serum" is a product
11 obtained from blood by removing the clot or clot components and
12 the blood cells;

13 (3) a "toxin" is a product containing a
14 soluble substance poisonous to laboratory animals or humans in
15 doses of one milliliter or less of the product and [~~having the~~
16 ~~property~~], following the injection of nonfatal doses into an
17 animal, having the property of or causing to be produced
18 therein another soluble substance that specifically neutralizes
19 the poisonous substance and that is demonstrable in the serum
20 of the animal thus immunized; and

21 (4) an "antitoxin" is a product containing the
22 soluble substance in serum or other body fluid of an immunized
23 animal that specifically neutralizes the toxin against which
24 the animal is immune;

25 D. "controlled substance" means a drug, substance

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1 or immediate precursor enumerated in Schedules I through V of
2 the Controlled Substances Act;

3 E. "drug" means articles:

4 (1) recognized in an official compendium;

5 (2) intended for use in the diagnosis, cure,
6 mitigation, treatment or prevention of disease in humans or
7 other animals and includes the domestic animal biological
8 products regulated under the federal Virus-Serum-Toxin Act,
9 37 Stat 832-833, 21 U.S.C. 151-158, and the biological products
10 applicable to humans regulated under Federal 58 Stat 690, as
11 amended, 42 U.S.C. 216, Section 351, 58 Stat 702, as amended,
12 and 42 U.S.C. 262;

13 (3) other than food, that affect the structure
14 or any function of the human body or the bodies of other
15 animals; and

16 (4) intended for use as a component of
17 Paragraph (1), (2) or (3) of this subsection, but "drug" does
18 not include devices or their component parts or accessories;

19 F. "dangerous drug" means a drug, other than a
20 controlled substance enumerated in Schedule I of the Controlled
21 Substances Act, that because of a potentiality for harmful
22 effect or the method of its use or the collateral measures
23 necessary to its use is not safe except under the supervision
24 of a practitioner licensed by law to direct the use of such
25 drug and hence for which adequate directions for use cannot be

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1 prepared. "Adequate directions for use" means directions under
2 which the layperson can use a drug or device safely and for the
3 purposes for which it is intended. A drug shall be dispensed
4 only upon the prescription of a practitioner licensed by law to
5 administer or prescribe the drug if it:

6 (1) is a habit-forming drug and contains any
7 quantity of a narcotic or hypnotic substance or a chemical
8 derivative of such substance that has been found under the
9 federal act and the board to be habit forming;

10 (2) because of its toxicity or other potential
11 for harmful effect or the method of its use or the collateral
12 measures necessary to its use is not safe for use except under
13 the supervision of a practitioner licensed by law to administer
14 or prescribe the drug;

15 (3) is limited by an approved application by
16 Section 505 of the federal act to the use under the
17 professional supervision of a practitioner licensed by law to
18 administer or prescribe the drug;

19 (4) bears the legend: "Caution: federal law
20 prohibits dispensing without prescription.";

21 (5) bears the legend: "Caution: federal law
22 restricts this drug to use by or on the order of a licensed
23 veterinarian."; or

24 (6) bears the legend "RX only";

25 G. "counterfeit drug" means a drug that is

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1 deliberately and fraudulently mislabeled with respect to its
2 identity, ingredients or sources. Types of such pharmaceutical
3 counterfeits may include:

4 (1) "identical copies", which are counterfeits
5 made with the same ingredients, formulas and packaging as the
6 originals but not made by the original manufacturer;

7 (2) "look-alikes", which are products that
8 feature high-quality packaging and convincing appearances but
9 contain little or no active ingredients and may contain harmful
10 substances;

11 (3) "rejects", which are drugs that have been
12 rejected by the manufacturer for not meeting quality standards;
13 and

14 (4) "relabels", which are drugs that have
15 passed their expiration dates or have been distributed by
16 unauthorized foreign sources and may include placebos created
17 for late-phase clinical trials;

18 H. "device", except when used in Subsection P of
19 this section and in Subsection G of Section 26-1-3, Subsection
20 L and Paragraph (4) of Subsection A of Section 26-1-11 and
21 Subsection C of Section 26-1-24 NMSA 1978, means an instrument,
22 apparatus, implement, machine, contrivance, implant, in vitro
23 reagent or other similar or related article, including any
24 component, part or accessory, that is:

25 (1) recognized in an official compendium;

1 (2) intended for use in the diagnosis of
2 disease or other conditions or in the cure, mitigation,
3 treatment or prevention of disease in humans or other animals;
4 or

5 (3) intended to affect the structure or a
6 function of the human body or the bodies of other animals and
7 that does not achieve any of its principal intended purposes
8 through chemical action within or on the human body or the
9 bodies of other animals and that is not dependent on being
10 metabolized for achievement of any of its principal intended
11 purposes;

12 I. "prescription" means an order given individually
13 for the person for whom prescribed, either directly from a
14 licensed practitioner or the practitioner's agent to the
15 pharmacist, including by means of electronic transmission, or
16 indirectly by means of a written order signed by the
17 prescriber, and bearing the name and address of the prescriber,
18 the prescriber's license classification, the name and address
19 of the patient, the name and quantity of the drug prescribed,
20 directions for use and the date of issue;

21 J. "practitioner" means a certified advanced
22 practice chiropractic physician, physician, doctor of oriental
23 medicine, dentist, veterinarian, euthanasia technician,
24 certified nurse practitioner, clinical nurse specialist,
25 pharmacist, pharmacist clinician, certified nurse-midwife,

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1 physician assistant, prescribing psychologist, dental hygienist
2 or other person licensed or certified to prescribe and
3 administer drugs that are subject to the New Mexico Drug,
4 Device and Cosmetic Act;

5 K. "cosmetic" means:

6 (1) articles intended to be rubbed, poured,
7 sprinkled or sprayed on, introduced into or otherwise applied
8 to the human body or any part thereof for cleansing,
9 beautifying, promoting attractiveness or altering the
10 appearance; and

11 (2) articles intended for use as a component
12 of any articles enumerated in Paragraph (1) of this subsection,
13 except that the term shall not include soap;

14 L. "official compendium" means the official United
15 States pharmacopoeia national formulary or the official
16 homeopathic pharmacopoeia of the United States or any
17 supplement to either of them;

18 M. "label" means a display of written, printed or
19 graphic matter upon the immediate container of an article. A
20 requirement made by or under the authority of the New Mexico
21 Drug, Device and Cosmetic Act that any word, statement or other
22 information appear on the label shall not be considered to be
23 complied with unless the word, statement or other information
24 also appears on the outside container or wrapper, if any, of
25 the retail package of the article or is easily legible through

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1 the outside container or wrapper;

2 N. "immediate container" does not include package
3 liners;

4 O. "labeling" means all labels and other written,
5 printed or graphic matter:

6 (1) on an article or its containers or
7 wrappers; or

8 (2) accompanying an article;

9 P. "misbranded" means a label to an article that is
10 misleading. In determining whether the label is misleading,
11 there shall be taken into account, among other things, not only
12 representations made or suggested by statement, word, design,
13 device or any combination of the foregoing, but also the extent
14 to which the label fails to reveal facts material in the light
15 of such representations or material with respect to
16 consequences that may result from the use of the article to
17 which the label relates under the conditions of use prescribed
18 in the label or under such conditions of use as are customary
19 or usual;

20 Q. "advertisement" means all representations
21 disseminated in any manner or by any means, other than by
22 labeling, for the purpose of inducing, or that are likely to
23 induce, directly or indirectly, the purchase of drugs, devices
24 or cosmetics;

25 R. "antiseptic", when used in the labeling or

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1 advertisement of an antiseptic, shall be considered to be a
2 representation that it is a germicide, except in the case of a
3 drug purporting to be or represented as an antiseptic for
4 inhibitory use as a wet dressing, ointment, dusting powder or
5 such other use as involves prolonged contact with the body;

6 S. "new drug" means a drug:

7 (1) the composition of which is such that the
8 drug is not generally recognized, among experts qualified by
9 scientific training and experience to evaluate the safety and
10 efficacy of drugs, as safe and effective for use under the
11 conditions prescribed, recommended or suggested in the labeling
12 thereof; or

13 (2) the composition of which is such that the
14 drug, as a result of investigation to determine its safety and
15 efficacy for use under such conditions, has become so
16 recognized, but that has not, otherwise than in such
17 investigations, been used to a material extent or for a
18 material time under such conditions;

19 T. "contaminated with filth" applies to a drug,
20 device or cosmetic not securely protected from dirt, dust and,
21 as far as may be necessary by all reasonable means, from all
22 foreign or injurious contaminations, or a drug, device or
23 cosmetic found to contain dirt, dust, foreign or injurious
24 contamination or infestation;

25 U. "selling of drugs, devices or cosmetics" shall

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1 be considered to include the manufacture, production,
2 processing, packing, exposure, offer, possession and holding of
3 any such article for sale and the sale and the supplying or
4 applying of any such article in the conduct of a drug or
5 cosmetic establishment;

6 V. "color additive" means a material that:

7 (1) is a dye, pigment or other substance made
8 by a process of synthesis or similar artifice or extracted,
9 isolated or otherwise derived, with or without intermediate or
10 final change of identity, from a vegetable, mineral, animal or
11 other source; or

12 (2) when added or applied to a drug or
13 cosmetic or to the human body or a part thereof, is capable,
14 alone or through reaction with other substances, of imparting
15 color thereto; except that such term does not include any
16 material that has been or hereafter is exempted under the
17 federal act;

18 W. "federal act" means the Federal Food, Drug and
19 Cosmetic Act;

20 X. "restricted device" means a device for which the
21 sale, distribution or use is lawful only upon the written or
22 oral authorization of a practitioner licensed by law to
23 administer, prescribe or use the device and for which the
24 federal food and drug administration requires special training
25 or skills of the practitioner to use or prescribe. This

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1 definition does not include custom devices defined in the
2 federal act and exempt from performance standards or premarket
3 approval requirements under Section 520(b) of the federal act;

4 Y. "prescription device" means a device that,
5 because of its potential for harm, the method of its use or the
6 collateral measures necessary to its use, is not safe except
7 under the supervision of a practitioner licensed in this state
8 to direct the use of such device and for which "adequate
9 directions for use" cannot be prepared, but that bears the
10 label: "Caution: federal law restricts this device to sale by
11 or on the order of a _____", the blank to be filled with
12 the word "physician", "physician assistant", "certified
13 advanced practice chiropractic physician", "doctor of oriental
14 medicine", "dentist", "veterinarian", "euthanasia technician",
15 "certified nurse practitioner", "clinical nurse specialist",
16 "pharmacist", "pharmacist clinician", [~~or~~] "certified nurse-
17 midwife" or "dental hygienist" or with the descriptive
18 designation of any other practitioner licensed in this state to
19 use or order the use of the device;

20 Z. "valid practitioner-patient relationship" means
21 a professional relationship, as defined by the practitioner's
22 licensing board, between the practitioner and the patient; and

23 AA. "pedigree" means the recorded history of a
24 drug."

25 SECTION 2. Section 61-5A-2 NMSA 1978 (being Laws 1994,

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1 Chapter 55, Section 2, as amended) is amended to read:

2 "61-5A-2. PURPOSE.--

3 A. In the interest of the public health, safety and
4 welfare and to protect the public from the improper,
5 unprofessional, incompetent and unlawful practice of dentistry
6 and dental hygiene, it is necessary to provide laws and rules
7 controlling the granting and use of the privilege to practice
8 dentistry and dental hygiene and to establish a board of dental
9 health care and a dental hygienists committee to implement and
10 enforce those laws and rules.

11 B. The primary duties of the New Mexico board of
12 dental health care are:

13 (1) to issue licenses to qualified dentists
14 and owners of dental practices;

15 (2) to certify qualified dental assistants,
16 expanded-function dental auxiliaries and community dental
17 health coordinators;

18 (3) to issue licenses to dental hygienists
19 through the dental hygienists committee;

20 (4) to discipline incompetent or
21 unprofessional dentists, dental assistants, owners of dental
22 practices and, through the dental hygienists committee, dental
23 hygienists; and

24 (5) to aid in the rehabilitation of impaired
25 dentists and dental hygienists for the purpose of protecting

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1 the public."

2 SECTION 3. Section 61-5A-3 NMSA 1978 (being Laws 1994,
3 Chapter 55, Section 3, as amended) is amended to read:

4 "61-5A-3. DEFINITIONS.--As used in the Dental Health Care
5 Act:

6 A. "assessment" means the review and documentation
7 of the oral condition, and the recognition and documentation of
8 deviations from the healthy condition, without a diagnosis to
9 determine the cause or nature of disease or its treatment;

10 B. "board" means the New Mexico board of dental
11 health care;

12 C. "certified dental assistant" means an individual
13 certified by the dental ~~[assistant]~~ assisting national board;

14 D. "collaborative dental hygiene practice" means a
15 New Mexico licensed dental hygienist practicing according to
16 Subsections D ~~[and E]~~ through G of Section 61-5A-4 NMSA 1978;

17 E. "committee" means the New Mexico dental
18 hygienists committee;

19 F. "community dental health coordinator" means a
20 dental assistant, a dental hygienist or other trained personnel
21 certified by the board as a community dental health coordinator
22 to provide educational, preventive and limited palliative care
23 and assessment services working collaboratively under the
24 general supervision of a licensed dentist in settings other
25 than traditional dental offices and clinics;

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1 ~~[F.]~~ G. "consulting dentist" means a dentist who
2 has entered into an approved agreement to provide consultation
3 and create protocols with a collaborating dental hygienist and,
4 when required, to provide diagnosis and authorization for
5 services, in accordance with the rules of the board and the
6 committee;

7 H. "dental hygiene-focused assessment" means the
8 documentation of existing oral and relevant system conditions
9 and the identification of potential oral disease to develop,
10 communicate, implement and evaluate a plan of oral hygiene care
11 and treatment;

12 ~~[G.]~~ I. "dental assistant certified in expanded
13 functions" means a dental assistant who meets specific
14 qualifications set forth by rule of the board;

15 ~~[H.]~~ J. "dental hygienist" means an individual who
16 has graduated and received a degree from a dental hygiene
17 educational program that is accredited by the ~~[joint]~~
18 commission on dental accreditation, ~~[which]~~ that provides a
19 minimum of two academic years of dental hygiene curriculum and
20 that is an institution of higher education; and "dental
21 hygienist" means, except as the context otherwise requires, an
22 individual who holds a license to practice dental hygiene in
23 New Mexico;

24 ~~[I.]~~ K. "dental laboratory" means any place where
25 dental restorative, prosthetic, cosmetic and therapeutic

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1 devices or orthodontic appliances are fabricated, altered or
2 repaired by one or more persons under the orders and
3 authorization of a dentist;

4 ~~[J-]~~ L. "dental technician" means an individual,
5 other than a licensed dentist, who fabricates, alters, repairs
6 or assists in the fabrication, alteration or repair of dental
7 restorative, prosthetic, cosmetic and therapeutic devices or
8 orthodontic appliances under the orders and authorization of a
9 dentist;

10 ~~[K-]~~ M. "dentist" means an individual who has
11 graduated and received a degree from a school of dentistry that
12 is accredited by the ~~[joint]~~ commission on dental accreditation
13 and, except as the context otherwise requires, who holds a
14 license to practice dentistry in New Mexico;

15 N. "direct supervision" means the process under
16 which an act is performed when a dentist licensed pursuant to
17 the Dental Health Care Act:

18 (1) is physically present throughout the
19 performance of the act;

20 (2) orders, controls and accepts full
21 professional responsibility for the act performed; and

22 (3) evaluates and approves the procedure
23 performed before the patient departs the care setting;

24 O. "expanded-function dental auxiliary" means a
25 dental assistant, dental hygienist or other dental practitioner

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1 that has received education beyond that required for licensure
2 or certification in that individual's scope of practice and
3 that has been certified by the board as an expanded-function
4 dental auxiliary who works under the direct supervision of a
5 dentist;

6 [E-] P. "general supervision" means the
7 authorization by a dentist of the procedures to be used by a
8 dental hygienist, dental assistant or dental student and the
9 execution of the procedures in accordance with a dentist's
10 diagnosis and treatment plan at a time the dentist is not
11 physically present and in facilities as designated by rule of
12 the board;

13 [M-] Q. "indirect supervision" means that a
14 dentist, or in certain settings a dental hygienist or dental
15 assistant certified in expanded functions, is present in the
16 treatment facility while authorized treatments are being
17 performed by a dental hygienist, dental assistant or dental
18 student; [~~and~~

19 N-] R. "non-dentist owner" means an individual not
20 licensed as a dentist in New Mexico or a corporate entity not
21 owned by a majority interest of a New Mexico licensed dentist
22 that employs or contracts with a dentist or dental hygienist to
23 provide dental or dental hygiene services;

24 S. "palliative procedures" means nonsurgical,
25 reversible procedures that are meant to alleviate pain and

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1 stabilize acute or emergent problems; and

2 T. "teledentistry" means a dentist's use of health
3 information technology in real time to provide limited
4 diagnostic and treatment planning services in cooperation with
5 another dentist, a dental hygienist, a community dental health
6 coordinator or a student enrolled in a program of study to
7 become a dental assistant, dental hygienist or dentist."

8 SECTION 4. A new section of the Dental Health Care Act is
9 enacted to read:

10 "[NEW MATERIAL] EXPANDED-FUNCTION DENTAL AUXILIARY--
11 CERTIFICATION.--

12 A. The board shall establish academic standards and
13 criteria for certifying dental assistants, dental hygienists or
14 other dental personnel to practice as expanded-function dental
15 auxiliaries. Those standards and criteria shall include a
16 formal curriculum and a certifying examination.

17 B. The board shall promulgate rules relating to the
18 certification of expanded-function dental auxiliaries pursuant
19 to the State Rules Act."

20 SECTION 5. Section 61-5A-4 NMSA 1978 (being Laws 1994,
21 Chapter 55, Section 4, as amended) is amended to read:

22 "61-5A-4. SCOPE OF PRACTICE.--

23 A. As used in the Dental Health Care Act, "practice
24 of dentistry" means:

25 (1) the diagnosis, treatment, correction,

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1 change, relief, prevention, prescription of remedy, surgical
2 operation and adjunctive treatment for any disease, pain,
3 deformity, deficiency, injury, defect, lesion or physical
4 condition involving both the functional and aesthetic aspects
5 of the teeth, gingivae, jaws and adjacent hard and soft tissue
6 of the oral and maxillofacial regions, including the
7 prescription or administration of any drug, medicine, biologic,
8 apparatus, brace, anesthetic or other therapeutic or diagnostic
9 substance or technique by an individual or the individual's
10 agent or employee gratuitously or for any fee, reward,
11 emolument or any other form of compensation whether direct or
12 indirect;

13 (2) representation of an ability or
14 willingness to do any act mentioned in Paragraph (1) of this
15 subsection;

16 (3) the review of dental insurance claims for
17 therapeutic appropriateness of treatment, including but not
18 limited to the interpretation of radiographs, photographs,
19 models, periodontal records and narratives;

20 (4) the offering of advice or authoritative
21 comment regarding the appropriateness of dental therapies, the
22 need for recommended treatment or the efficacy of specific
23 treatment modalities for other than the purpose of consultation
24 to another dentist; or

25 (5) with specific reference to the teeth,

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1 gingivae, jaws or adjacent hard or soft tissues of the oral and
2 maxillofacial region in living persons, to propose, agree or
3 attempt to do or make an examination or give an estimate of
4 cost with intent to, or undertaking to:

5 (a) perform a physical evaluation of a
6 patient in an office or in a hospital, clinic or other medical
7 or dental facility prior to, incident to and appropriate to the
8 performance of any dental services or oral or maxillofacial
9 surgery;

10 (b) perform surgery, an extraction or
11 any other operation or to administer an anesthetic in
12 connection therewith;

13 (c) diagnose or treat a condition,
14 disease, pain, deformity, deficiency, injury, lesion or other
15 physical condition;

16 (d) correct a malposition;

17 (e) treat a fracture;

18 (f) remove calcareous deposits;

19 (g) replace missing anatomy with an
20 artificial substitute;

21 (h) construct, make, furnish, supply,
22 reproduce, alter or repair an artificial substitute or
23 restorative or corrective appliance or place an artificial
24 substitute or restorative or corrective appliance in the mouth
25 or attempt to adjust it;

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1 (i) give interpretations or readings of
2 dental radiographs; [~~or~~]

3 (j) provide limited diagnostic and
4 treatment planning via teledentistry; or

5 [~~(j)~~] (k) do any other remedial,
6 corrective or restorative work.

7 B. As used in the Dental Health Care Act, "the
8 practice of dental hygiene" means the application of the
9 science of the prevention and treatment of oral disease through
10 the provision of educational, assessment, preventive, clinical
11 and other therapeutic services under the general supervision of
12 a dentist. A dental hygienist in a collaborative practice may
13 perform the procedures listed in this section without general
14 supervision while the hygienist is in a cooperative working
15 relationship with a consulting dentist, pursuant to rules
16 promulgated by the board and the committee. "The practice of
17 dental hygiene" includes:

18 (1) prophylaxis, which is the [~~treatment of~~
19 ~~human teeth by removing from their surface calcareous deposits~~
20 ~~and stain, removing accumulated accretions and polishing the~~
21 ~~surfaces of the teeth]~~ removal of plaque, calculus and stains
22 from the tooth structures as a means to control local
23 irritational factors;

24 (2) removing diseased crevicular tissue and
25 related nonsurgical periodontal procedures;

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1 (3) except in cases where a tooth exhibits
2 cavitation of the enamel surface, assessing without a dentist's
3 evaluation whether the application of pit and fissure sealants
4 is indicated;

5 ~~[(3) the application of]~~ (4) except in cases
6 where a tooth exhibits cavitation of the enamel surface,
7 applying pit and fissure sealants without mechanical alteration
8 of the tooth ~~[fluorides and other topical therapeutic and~~
9 ~~preventive agents];~~

10 (5) applying fluorides and other topical
11 therapeutic and preventive agents;

12 ~~[(4)]~~ (6) exposing and ~~[referring to]~~
13 assessing oral radiographs for abnormalities;

14 ~~[(5)]~~ (7) screening to identify indications of
15 oral abnormalities;

16 (8) performing dental hygiene-focused
17 assessments;

18 ~~[(6) assessment of]~~ (9) assessing periodontal
19 conditions; and

20 ~~[(7)]~~ (10) such other closely related services
21 as permitted by the rules of the committee and the board.

22 C. In addition to performing dental hygiene as
23 defined in Subsection B of this section, a dental hygienist may
24 apply preventive topical fluorides and remineralization agents
25 without supervision in public and community medical facilities,

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1 schools, hospitals, long-term care facilities and such other
2 settings as the committee may determine by rule ratified by the
3 board, so long as the dental hygienist's license is not
4 restricted pursuant to the Impaired Dentists and Dental
5 Hygienists Act.

6 D. In addition to performing dental hygiene as
7 defined in Subsection B of this section, dental hygienists who
8 have met the criteria as the committee shall establish and the
9 board shall ratify may administer local anesthesia under
10 indirect supervision of a dentist.

11 E. The board may certify a dental hygienist to
12 administer local anesthetic under the general supervision of a
13 dentist if the dental hygienist, in addition to performing
14 dental hygiene as defined in Subsection B of this section:

15 (1) has administered local anesthesia under
16 the indirect supervision of a dentist for at least two years,
17 during which time the dental hygienist has competently
18 administered at least twenty cases of local anesthesia and can
19 document this with a signed affirmation by the supervising
20 dentist;

21 (2) administers local anesthetic under the
22 written prescription or order of a dentist; and

23 (3) emergency medical services are available
24 in accordance with rules promulgated by the board.

25 F. A dental hygienist:

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1 (1) may prescribe, administer and dispense a
2 fluoride supplement, topically applied fluoride or topically
3 applied antimicrobial only when the prescribing, administering
4 or dispensing is performed:

5 (a) under the supervision of a dentist;

6 (b) pursuant to rules the board and the
7 committee have adopted;

8 (c) within the parameters of a drug
9 formulary approved by the board in consultation with the board
10 of pharmacy;

11 (d) within the parameters of guidelines
12 established pursuant to Section 61-5A-10 NMSA 1978; and

13 (e) in compliance with state laws
14 concerning prescription packaging, labeling and recordkeeping
15 requirements; and

16 (2) shall not otherwise dispense dangerous
17 drugs or controlled substances.

18 ~~[E.]~~ G. A New Mexico licensed dental hygienist may
19 be certified for collaborative dental hygiene practice in
20 accordance with the educational and experience criteria
21 established collaboratively by the committee and the board.

22 H. An expanded-function dental auxiliary may
23 perform the following procedures under the direct supervision
24 of a dentist:

25 (1) placing and shaping direct restorations;

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1 (2) taking final impressions, excluding those
2 for fixed or removable prosthetics involving multiple teeth;

3 (3) cementing indirect and provisional
4 restorations for temporary use;

5 (4) applying pit and fissure sealants without
6 mechanical alteration of the tooth;

7 (5) placing temporary and sedative restorative
8 material in hand-excavated carious lesions and unprepared tooth
9 fractures;

10 (6) removal of orthodontic bracket cement; and

11 (7) fitting and shaping of stainless steel
12 crowns to be cemented by a dentist.

13 I. An expanded-function dental auxiliary may re-
14 cement temporary or permanent crowns with temporary cement
15 under the general supervision of a dentist in a situation that
16 a dentist deems to be an emergency.

17 J. An expanded-function dental auxiliary may
18 perform other related functions for which the expanded-function
19 dental auxiliary meets the training and educational standards
20 established by the board and that are not expressly prohibited
21 by the board.

22 ~~[F-]~~ K. For the purpose of this section,
23 "collaborative dental hygiene practice" means the application
24 of the science of the prevention and treatment of oral disease
25 through the provision of educational, assessment, preventive,

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1 clinical and other therapeutic services as specified in
2 Subsection B of this section in a cooperative working
3 relationship with a consulting dentist, but without general
4 supervision as set forth by the rules established and approved
5 by both the board and the committee."

6 SECTION 6. Section 61-5A-5 NMSA 1978 (being Laws 1994,
7 Chapter 55, Section 5, as amended) is amended to read:

8 "61-5A-5. LICENSE REQUIRED--EXEMPTIONS.--

9 A. Unless licensed to practice as a dentist under
10 the Dental Health Care Act, no person shall:

11 (1) practice dentistry;
12 (2) use the title "dentist", "dental surgeon",
13 "oral surgeon" or any other title, abbreviation, letters,
14 figures, signs or devices that indicate the person is a
15 licensed dentist; or

16 (3) perform any of the acts enumerated under
17 the definition of the practice of dentistry as defined in the
18 Dental Health Care Act.

19 B. The following, under the stipulations described,
20 may practice dentistry or an area of dentistry without a New
21 Mexico dental license:

22 (1) regularly licensed physicians or surgeons
23 are not prohibited from extracting teeth or treating any
24 disease coming within the province of the practice of medicine;

25 (2) New Mexico licensed dental hygienists and

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1 community dental health coordinators may provide those services
2 within their scope of practice that are also within the scope
3 of the practice of dentistry;

4 (3) any dental student duly enrolled in an
5 accredited school of dentistry recognized by the board, while
6 engaged in educational programs offered by the school in
7 private offices, public clinics or educational institutions
8 within the state of New Mexico under the indirect supervision
9 of a licensed dentist;

10 (4) any dental hygiene or dental assisting
11 student duly enrolled in an accredited school of dental hygiene
12 or dental assisting engaged in procedures within or outside the
13 scope of dental hygiene that are part of the curriculum of that
14 program in the school setting and under the indirect
15 supervision of a faculty member of the accredited program who
16 is a licensed dentist, dental hygienist or dental assistant
17 certified in the procedures being taught;

18 (5) unlicensed persons performing for a
19 licensed dentist merely mechanical work upon inert matter in
20 the construction, making, alteration or repairing of any
21 artificial dental substitute, dental restorative or corrective
22 appliance, when the casts or impressions for the work have been
23 furnished by a licensed dentist and where the work is
24 prescribed by a dentist pursuant to a written authorization by
25 that dentist;

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1 (6) commissioned dental officers of the
2 uniformed forces of the United States and dentists providing
3 services to the United States public health service, the
4 ~~[veterans' administration of the]~~ United States department of
5 veterans affairs or within federally controlled facilities in
6 the discharge of their official duties, provided that such
7 persons who hold dental licenses in New Mexico shall be subject
8 to the provisions of the Dental Health Care Act; and

9 (7) dental assistants performing adjunctive
10 services to the provision of dental care, under the indirect
11 supervision of a dentist, as determined by rule of the board if
12 such services are not within the practice of dental hygiene as
13 specifically listed in Subsection B of Section 61-5A-4 NMSA
14 1978, unless allowed in Subsection E of this section.

15 C. Unless licensed to practice as a dental
16 hygienist under the Dental Health Care Act, no person shall:

17 (1) practice as a dental hygienist;
18 (2) use the title "dental hygienist" or
19 abbreviation "R.D.H." or any other title, abbreviation,
20 letters, figures, signs or devices that indicate the person is
21 a licensed dental hygienist; or

22 (3) perform any of the acts defined as the
23 practice of dental hygiene in the Dental Health Care Act.

24 D. The following, under the stipulations described,
25 may practice dental hygiene or the area of dental hygiene

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1 outlined without a New Mexico dental hygiene license:

2 (1) students enrolled in an accredited dental
3 hygiene program engaged in procedures that are part of the
4 curriculum of that program and under the indirect supervision
5 of a licensed faculty member of the accredited program;

6 (2) dental assistants and community dental
7 health coordinators working under general supervision who:

8 (a) expose dental radiographs after
9 being certified in expanded functions by the board;

10 (b) perform rubber cup coronal
11 polishing, which is not represented as a prophylaxis, having
12 satisfied the educational requirements as established by rules
13 of the board;

14 (c) apply fluorides as established by
15 rules of the board; and

16 (d) perform those other dental hygienist
17 functions as recommended to the board by the committee and set
18 forth by rule of the board; and

19 (3) dental assistants certified in expanded
20 functions, working under the indirect supervision of a dental
21 hygienist certified for collaborative practice and under the
22 protocols established in a collaborative practice agreement
23 with a consulting dentist.

24 E. Dental assistants working under the indirect
25 supervision of a dentist and in accordance with the rules and

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1 regulations established by the board may:

- 2 (1) expose dental radiographs;
- 3 (2) perform rubber cup coronal polishing that
4 is not represented as a prophylaxis;
- 5 (3) apply fluoride and pit and fissure
6 sealants without mechanical alteration of the tooth;
- 7 (4) perform those other dental hygienist
8 functions as recommended to the board by the committee and set
9 forth by rule of the board; and
- 10 (5) perform such other related functions that
11 are not expressly prohibited by statute or rules of the board.

12 F. A community dental health coordinator working
13 under the general supervision of a dentist and in accordance
14 with the rules established by the board may:

- 15 (1) place temporary and sedative restorative
16 material in unexcavated carious lesions and unprepared tooth
17 fractures;
- 18 (2) collect and transmit diagnostic data and
19 images via telemetric connection;
- 20 (3) dispense and apply medications on the
21 specific order of a dentist;
- 22 (4) provide limited palliative procedures for
23 dental emergencies in consultation with a supervising dentist
24 as allowed by the rules the board has promulgated; and
- 25 (5) perform other related functions for which

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1 the community dental health coordinator meets training and
2 educational standards established by the board and that are not
3 expressly prohibited by statute or rules promulgated by the
4 board.

5 ~~[F.]~~ G. Unless licensed as a dentist or non-dentist
6 owner, or as otherwise exempt from the licensing requirements
7 of the Dental Health Care Act, no individual or corporate
8 entity shall:

9 (1) employ or contract with a dentist or
10 dental hygienist for the purpose of providing dental or dental
11 hygiene services as defined by their respective scopes of
12 practice; or

13 (2) enter into a managed care or other
14 agreement to provide dental or dental hygiene services in New
15 Mexico.

16 ~~[G.]~~ H. The following, under stipulations
17 described, may function as a non-dentist owner without a New
18 Mexico license:

19 (1) government agencies providing dental
20 services within affiliated facilities;

21 (2) government agencies engaged in providing
22 public health measures to prevent dental disease;

23 (3) spouses of deceased licensed dentists or
24 dental hygienists for a period of one year following the death
25 of the licensee;

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1 (4) accredited schools of dentistry, dental
2 hygiene and dental assisting providing dental services solely
3 in an educational setting;

4 (5) dental hygienists licensed in New Mexico
5 or corporate entities with a majority interest owned by a
6 dental hygienist licensed in New Mexico;

7 (6) federally qualified health centers, as
8 designated by the United States department of health and human
9 services, providing dental services;

10 (7) nonprofit community-based entities and
11 organizations that use public funds to provide dental and
12 dental hygiene services for indigent persons; and

13 (8) hospitals licensed by the department of
14 health."

15 SECTION 7. Section 61-5A-6 NMSA 1978 (being Laws 1994,
16 Chapter 55, Section 6) is amended to read:

17 "61-5A-6. CERTIFICATION OF DENTAL ASSISTANTS, EXPANDED-
18 FUNCTION DENTAL AUXILIARIES AND COMMUNITY DENTAL HEALTH
19 COORDINATORS.--

20 A. A certified dental assistant, an expanded-
21 function dental auxiliary, a community dental health
22 coordinator or a dental assistant certified in expanded
23 functions shall be required to adhere to the educational
24 requirements, examinations, recertification criteria and fees
25 as established by rules and [~~regulation~~] regulations of the

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1 board. The fee shall be the same for one or more expanded
2 functions.

3 B. Certificates granted by the board may be
4 revoked, suspended, stipulated or otherwise limited, and a
5 [~~dental assistant~~] certificate holder may be fined or placed on
6 probation if found guilty of violation of the Dental Health
7 Care Act.

8 C. No individual shall use the title "C.D.A."
9 unless granted certification by the dental assistant national
10 board.

11 D. Unless certified to practice as a dental
12 assistant certified in expanded functions or an expanded-
13 function dental auxiliary, no person shall:

14 (1) practice as a dental assistant certified
15 in expanded functions as defined by [~~rule~~] rules of the board;
16 or

17 (2) use the title or represent oneself as an
18 assistant certified in expanded functions or an expanded-
19 function dental auxiliary or use any title, abbreviation,
20 letters, figures, signs or devices that indicate the person is
21 a dental assistant certified in expanded functions or an
22 expanded-function dental auxiliary."

23 SECTION 8. Section 61-5A-10 NMSA 1978 (being Laws 1994,
24 Chapter 55, Section 10, as amended by Laws 2003, Chapter 408,
25 Section 6 and by Laws 2003, Chapter 409, Section 8) is amended

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1 to read:

2 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND
3 COMMITTEE.--In addition to any other authority provided by law,
4 the board and the committee, ~~[where]~~ when designated, shall
5 ~~[have the power to]~~:

6 A. enforce and administer the provisions of the
7 Dental Health Care Act;

8 B. adopt, publish, file and revise, in accordance
9 with the Uniform Licensing Act and the State Rules Act, all
10 rules as may be necessary to:

11 (1) regulate the examination and licensure of
12 dentists and, through the committee, regulate the examination
13 and licensure of dental hygienists;

14 (2) provide for the examination and
15 certification of dental assistants by the board;

16 (3) provide for the regulation of dental
17 technicians by the board;

18 (4) regulate the practice of dentistry, dental
19 assisting and, through the committee, regulate the practice of
20 dental hygiene; and

21 (5) provide for the regulation and licensure
22 of non-dentist owners by the board;

23 C. adopt and use a seal;

24 D. administer oaths to all applicants, witnesses
25 and others appearing before the board or the committee, as

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1 appropriate;

2 E. keep an accurate record of all meetings,
3 receipts and disbursements;

4 F. grant, deny, review, suspend and revoke licenses
5 and certificates to practice dentistry, dental assisting and,
6 through the committee, dental hygiene and censure, reprimand,
7 fine and place on probation and stipulation dentists, dental
8 assistants and, through the committee, dental hygienists, in
9 accordance with the Uniform Licensing Act for any cause stated
10 in the Dental Health Care Act;

11 G. grant, deny, review, suspend and revoke licenses
12 to own dental practices and censure, reprimand, fine and place
13 on probation and stipulation non-dentist owners, in accordance
14 with the Uniform Licensing Act, for any cause stated in the
15 Dental Health Care Act;

16 H. maintain records of the name, address, license
17 number and such other demographic data as may serve the needs
18 of the board of licensees, together with a record of license
19 renewals, suspensions, revocations, probations, stipulations,
20 censures, reprimands and fines. The board shall make available
21 composite reports of demographic data but shall limit public
22 access to information regarding individuals to their names,
23 addresses, license numbers and license actions or as required
24 by statute;

25 I. hire and contract for services from persons as

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1 necessary to carry out the board's duties;

2 [~~F.~~] J. establish ad hoc committees whose members
3 shall be appointed by the [~~chairman~~] chair with the advice and
4 consent of the board or committee and shall include at least
5 one member of the board or committee as it deems necessary for
6 carrying on its business;

7 [~~J.~~] K. have the authority to pay per diem and
8 mileage to individuals who are appointed by the board or the
9 committee to serve on ad hoc committees;

10 [~~K.~~] L. have the authority to hire or contract with
11 investigators to investigate possible violations of the Dental
12 Health Care Act;

13 [~~L.~~] M. have the authority to issue investigative
14 subpoenas prior to the issuance of a notice of contemplated
15 action for the purpose of investigating complaints against
16 dentists, dental assistants and, through the committee, dental
17 hygienists licensed under the Dental Health Care Act; [~~and~~]

18 N. have the authority to sue or be sued and to
19 retain the services of an attorney at law for counsel and
20 representation regarding the carrying out of the board's
21 duties;

22 O. have the authority to create and maintain a
23 formulary, in consultation with the board of pharmacy, of
24 medications that a dental hygienist may prescribe, administer
25 or dispense in accordance with rules the board has promulgated;

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1 and

2 [M-] P. establish continuing education or continued
3 competency requirements for dentists, certified dental
4 assistants in expanded functions, dental technicians and,
5 through the committee, dental hygienists."

6 SECTION 9. Section 61-5A-12 NMSA 1978 (being Laws 1994,
7 Chapter 55, Section 12, as amended) is amended to read:

8 "61-5A-12. DENTISTS--REQUIREMENTS FOR LICENSURE--
9 SPECIALTY LICENSE.--

10 A. All applicants for licensure as a dentist shall
11 have graduated and received a degree from a school of dentistry
12 that is accredited by the [~~joint~~] commission on dental
13 accreditation and shall have passed the written portion of the
14 dental examination administered by the joint commission on
15 national dental examinations of the American dental association
16 or, if the test is not available, another written examination
17 determined by the board.

18 B. Applicants for a general license to practice
19 dentistry by examination shall be required, in addition to the
20 requirements set forth in Subsection A of this section, to pass
21 a test covering the laws and rules for the practice of
22 dentistry in New Mexico. Written examinations shall be
23 supplemented by the board or its agents by administering to
24 each applicant a practical or clinical examination that
25 reasonably tests the applicant's qualifications to practice

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1 general dentistry. These examinations shall include
2 examinations offered by the central regional dental testing
3 service, northeast regional board of dental examiners, southern
4 regional testing agency or western regional examining board or
5 any other comparable practical clinical examination the board
6 approves; provided, however, that the board may disapprove any
7 examination after it considers compelling evidence to support
8 disapproval. Upon an applicant passing the written and
9 clinical examinations and payment in advance of the necessary
10 fees, the board shall issue a license to practice dentistry.

11 C. The board may issue a general license to
12 practice dentistry, by credentials, without a practical or
13 clinical examination to an applicant who is duly licensed by a
14 clinical examination as a dentist under the laws of another
15 state or territory of the United States; provided that license
16 is active and that all dental licenses that individual
17 possesses have been in good standing for five years prior to
18 application. The credentials must show that no dental board
19 actions have been taken during the five years prior to
20 application; that no proceedings are pending in any states in
21 which the applicant has had a license in the five years prior
22 to application; and that a review of public records, the
23 national ~~[practitioners]~~ practitioner data bank or other
24 nationally recognized data resources that record actions
25 against a dentist in the United States does not reveal any

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1 activities or unacquitted civil or criminal charges that could
2 reasonably be construed to constitute evidence of danger to
3 patients, including acts of moral turpitude.

4 D. The board may issue a general license to
5 practice dentistry by credentials to an applicant who meets the
6 requirements, including payment of appropriate fees and the
7 passing of an examination covering the laws and rules of the
8 practice of dentistry in New Mexico, of the Dental Health Care
9 Act and rules promulgated pursuant to that act, and who:

10 (1) has maintained a uniform service practice
11 in the United States military or public health service for
12 three years immediately preceding the application; or

13 (2) is duly licensed by examination as a
14 dentist pursuant to the laws of another state or territory of
15 the United States.

16 E. The board may issue a specialty license by
17 examination to an applicant who has passed a clinical and
18 written examination given by the board or its examining agents
19 that covers the applicant's specialty. The applicant shall
20 have a postgraduate degree or certificate from an accredited
21 dental college, school of dentistry of a university or other
22 residency program that is accredited by the [~~joint~~] commission
23 on dental accreditation in one of the specialty areas of
24 dentistry recognized by the American dental association. The
25 applicant shall also meet all other requirements as established

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1 by rules of the board, which shall include an examination
2 covering the laws and rules of the practice of dentistry in New
3 Mexico. A specialty license limits the licensee to practice
4 only in that specialty area.

5 F. The board may issue a specialty license, by
6 credentials, without a practical or clinical examination to an
7 applicant who is duly licensed by a clinical examination as a
8 dentist under the laws of another state or territory of the
9 United States and who has a postgraduate degree or certificate
10 from an accredited dental college, school of dentistry of a
11 university or other residency program that is accredited by the
12 [~~joint~~] commission on dental accreditation in one of the
13 specialty areas of dentistry recognized by the American dental
14 association; provided that license is active and that all
15 dental licenses that individual possesses have been in good
16 standing for five years prior to application. The credentials
17 must show that no dental board actions have been taken during
18 the five years prior to application; that no proceedings are
19 pending in any states in which the applicant has had a license
20 in the five years prior to application; and that a review of
21 public records, the national [~~practitioners~~] practitioner data
22 bank or other nationally recognized data resources that record
23 actions against a dentist in the United States does not reveal
24 any activities or unacquitted civil or criminal charges that
25 could reasonably be construed to constitute evidence of danger

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1 to patients, including acts of moral turpitude. The applicant
2 shall also meet all other qualifications as deemed necessary by
3 rules of the board, which shall include an examination covering
4 the laws and rules of the practice of dentistry in New Mexico.
5 A specialty license limits the licensee to practice only in
6 that specialty area."

7 SECTION 10. A new section of the Dental Health Care Act
8 is enacted to read:

9 "[NEW MATERIAL] PUBLIC-SERVICE LICENSURE.--The board or
10 the committee may issue a temporary public-service license to
11 practice dentistry or dental hygiene to an applicant who is
12 licensed to practice dentistry or dental hygiene in another
13 state or territory of the United States or who is enrolled as a
14 dental resident in a residency program in this state and the
15 commission on dental accreditation has accredited that program.
16 That applicant shall be otherwise qualified to practice
17 dentistry or dental hygiene in this state. The following
18 provisions shall apply:

19 A. the applicant for public-service licensure shall
20 hold a valid license in good standing in another state or
21 territory of the United States or be enrolled as a dental
22 resident in a residency program in the state that the
23 commission on dental accreditation has accredited;

24 B. a temporary public-service license issued to a
25 dental residency student who has not taken and passed a

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1 clinical examination accepted by the board shall not be renewed
2 after the student has completed the residency program;

3 C. the applicant shall practice dentistry or dental
4 hygiene under the sponsorship of or in association with a
5 licensed New Mexico dentist or dental hygienist;

6 D. the public-service license may be issued for
7 those activities as stipulated by the board or committee in the
8 rules of the board. It may be issued upon written application
9 of the applicant when accompanied by such proof of
10 qualifications as the secretary-treasurer of the board or
11 committee, in the secretary-treasurer's discretion, may
12 require. Public-service licensees shall engage in only those
13 activities specified on the public-service license for the time
14 designated, and the public-service license shall identify the
15 licensed New Mexico dentist or dental hygienist who will
16 sponsor or associate with the applicant during the time the
17 applicant practices dentistry or dental hygiene in New Mexico;

18 E. the sponsoring or associating dentist or dental
19 hygienist shall submit an affidavit attesting to the
20 qualifications of the applicant and the activities the
21 applicant will perform;

22 F. the public-service license shall be issued for a
23 period not to exceed twelve months and may be renewed upon
24 application and payment of required fees;

25 G. the application for a public-service license

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1 under this section shall be accompanied by a license fee;

2 H. the public-service licensee shall be required to
3 comply with the Dental Health Care Act and all rules
4 promulgated pursuant to that act; and

5 I. a dentist or dental hygienist providing dental
6 care services to a charitable dental care project may provide
7 dental care pursuant to a presumptive temporary public-service
8 license valid for a period of no longer than three days. The
9 dentist or dental hygienist shall be otherwise subject to the
10 provisions of this section and board rules governing public-
11 service licensure. This presumptive temporary public-service
12 license is only valid when:

13 (1) the dentist or dental hygienist receives
14 no compensation;

15 (2) the project is sponsored by an entity that
16 meets the board's definition of "entity" and that the board has
17 approved to undertake the charitable project;

18 (3) the dental care is performed within the
19 limits of the license that the dentist or dental hygienist
20 holds in another jurisdiction;

21 (4) upon request, the out-of-state dentist or
22 dental hygienist produces any document necessary to verify the
23 dentist's or dental hygienist's credentials; and

24 (5) the out-of-state dentist or dental
25 hygienist works under the indirect supervision of a dentist or

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1 dental hygienist licensed in this state."

2 SECTION 11. Section 61-5A-16 NMSA 1978 (being Laws 1994,
3 Chapter 55, Section 16, as amended) is amended to read:

4 "61-5A-16. LICENSE AND CERTIFICATE RENEWALS.--

5 A. Except as provided in Subsection I of this
6 section, all licensees shall be required to renew their
7 licenses triennially as established [~~in~~] by rules of the board.

8 B. All dental assistants certified in expanded
9 functions, expanded-function dental auxiliaries and community
10 dental health coordinators shall be required to renew their
11 certificates triennially as established [~~in~~] by rules of the
12 board.

13 C. The board or committee may establish a method to
14 provide for staggered triennial terms and may prorate triennial
15 renewal fees and impaired dentist and dental hygienist fees
16 until staggered triennial renewal is established. The fact
17 that a licensee has not received a renewal form from the board
18 or committee shall not relieve the licensee of the duty to
19 renew the license or certificate nor shall such omission on the
20 part of the board or committee operate to exempt the licensee
21 from the penalties for failure to renew the licensee's license
22 or certificate.

23 D. All licensees shall pay a triennial renewal fee
24 and an impaired dentist and dental hygienist fee, and all
25 licensees shall return a completed renewal application form

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1 that includes proof of continuing education or continued
2 competency.

3 E. Each application for triennial renewal of
4 license shall state the licensee's full name, business address,
5 the date and number of the license and all other information
6 requested by the board or committee.

7 F. ~~Any~~ A licensee who fails to submit an
8 application for triennial renewal on or before July 1 but who
9 submits an application for triennial renewal within thirty days
10 thereafter shall be assessed a late fee.

11 G. ~~Any~~ A licensee who fails to submit application
12 for triennial renewal between thirty and sixty days of the July
13 1 deadline may have ~~his~~ the licensee's license or certificate
14 suspended. If the licensee renews by that time, the licensee
15 shall be assessed a cumulative late fee.

16 H. The board or the committee may summarily revoke,
17 for nonpayment of fees or failure to comply with continuing
18 education or continued competency requirements, the license or
19 certificate of ~~any~~ a licensee or certificate holder who has
20 failed to renew ~~his~~ the license or certificate on or before
21 August 31.

22 I. A license for a non-dentist owner shall be
23 renewed triennially as established by rules. An application
24 for renewal of a non-dentist owner license shall state the
25 name, business address, date and number of the license and all

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1 other information as required by rule of the board. If a non-
 2 dentist owner fails to submit the application for renewal of
 3 the license by July 1, the board may assess a late fee. If the
 4 non-dentist owner fails to submit the application for a renewal
 5 license within sixty days of the July 1 renewal deadline, the
 6 board may suspend the license. The license of a non-dentist
 7 owner may be summarily revoked by the board for nonpayment of
 8 fees.

9 J. Assessment of fees pursuant to this section is
 10 not subject to the Uniform Licensing Act."

11 SECTION 12. Section 61-5A-20 NMSA 1978 (being Laws 1994,
 12 Chapter 55, Section 20, as amended) is amended to read:

13 "61-5A-20. FEES.--The board and the committee shall
 14 establish a schedule of reasonable fees not to exceed the
 15 following:

	<u>Dentists</u>	<u>Dental Hygienists</u>
16		
17	A. licensure by examination	\$1,500
18	B. licensure by credential	\$3,000
19	C. specialty license by	
20	examination	\$1,500
21	D. specialty license by	
22	credential	\$3,000
23	E. temporary license	
24	48 hours	\$ 50
25	six months	\$ 200

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1	12 months	\$ 450	\$ 300
2	F. application for		
3	certification in local		
4	anesthesia		\$ 40
5	G. examination in local		
6	anesthesia		\$ 150
7	H. triennial license renewal	\$ 600	\$ 450
8	I. late renewal	\$ 100	\$ 100
9	J. reinstatement of license	\$ 450	\$ 300
10	K. administrative fees	\$ 300	\$ 300
11	L. impaired dentist or		
12	dental hygienist	\$ 150	\$ 75
13	M. assistant, <u>expanded-function</u>		
14	<u>dental auxiliary or</u>		
15	<u>community dental health</u>		
16	<u>coordinator</u> certificate		\$ 100
17	N. application for certification for		
18	collaborative practice		\$ 150
19	O. annual renewal for		
20	collaborative practice		\$ 50
21	P. application for inactive		
22	status	\$ 50	\$ 50
23	Q. triennial renewal of		
24	inactive license	\$ 90	\$ 90
25			<u>Non-dentist Owners</u>

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underscoring material = new
~~[bracketed material] = delete~~

- 1 R. non-dentist owners license (initial) \$ 300
- 2 S. non-dentist owners license triennial renewal \$ 150."

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