SENATE BILL 200

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO HEALTH CARE; AMENDING THE DEFINITION OF "TELEDENTISTRY".

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

SECTION 1. Section 61-5A-3 NMSA 1978 (being Laws 1994, Chapter 55, Section 3, as amended) is amended to read:

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

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

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

C. "certified dental assistant" means an individual
certified by the dental assisting national board;

D. "collaborative dental hygiene practice" means a New Mexico licensed dental hygienist practicing according to Subsections D through G of Section 61-5A-4 NMSA 1978;

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

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

G. "consulting dentist" means a dentist who has entered into an approved agreement to provide consultation and create protocols with a collaborating dental hygienist and, when required, to provide diagnosis and authorization for services, in accordance with the rules of the board and the committee;

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

I. "dental assistant certified in expanded
functions" means a dental assistant who meets specific qualifications set forth by rule of the board;

J. "dental hygienist" means an individual who has graduated and received a degree from a dental hygiene educational program that is accredited by the commission on dental accreditation, that provides a minimum of two academic years of dental hygiene curriculum and that is an institution of higher education; and "dental hygienist" means, except as the context otherwise requires, an individual who holds a license to practice dental hygiene in New Mexico;

K. "dental laboratory" means any place where dental restorative, prosthetic, cosmetic and therapeutic devices or orthodontic appliances are fabricated, altered or repaired by one or more persons under the orders and authorization of a dentist;

L. "dental technician" means an individual, other than a licensed dentist, who fabricates, alters, repairs or assists in the fabrication, alteration or repair of dental restorative, prosthetic, cosmetic and therapeutic devices or orthodontic appliances under the orders and authorization of a dentist;

M. "dental therapist" means an individual who:

1) is licensed as a dental hygienist;

2) has provided, in accordance with board rules, evidence to the board that the individual has graduated
and received a degree from a dental therapy education program
that is accredited by the commission on dental accreditation;
and

(3) except as the context otherwise requires,
is licensed to practice dental therapy in the state;

N. "dental therapy post-graduate clinical
experience" means advanced training in patient management and
technical competency:

(1) that is approved by the board, based on
educational and supervisory criteria developed by the board and
established by board rule;

(2) that is sanctioned by a regionally
accredited educational institution with a program accredited by
the commission on dental accreditation;

(3) that consists of two thousand hours of
advanced training or, if the dental therapy educational program
graduate has five years of experience as a dental hygienist,
one thousand five hundred hours of advanced training; and

(4) for which the dental therapist may have
been compensated;

O. "dental therapy practice agreement" means a
contract between a supervising dentist and a dental therapist
that outlines the parameters of care, level of supervision and
protocols to be followed while performing dental therapy
procedures on patients under the supervising dentist's and
dental therapist's care;

P. "dentist" means an individual who has graduated and received a degree from a school of dentistry that is accredited by the commission on dental accreditation and, except as the context otherwise requires, who holds a license to practice dentistry in New Mexico;

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

1. is physically present throughout the performance of the act;
2. orders, controls and accepts full professional responsibility for the act performed; and
3. evaluates and approves the procedure performed before the patient departs the care setting;

R. "expanded-function dental auxiliary" means a dental assistant, dental hygienist or other dental practitioner that has received education beyond that required for licensure or certification in that individual's scope of practice and that has been certified by the board as an expanded-function dental auxiliary who works under the direct supervision of a dentist;

S. "federally qualified health center" means a health facility that the United States department of health and human services has deemed to qualify for federal funds as a
federally qualified health center;

T. "federally qualified health center look-alike
facility" means a health facility that the federal centers for
medicare and medicaid services certifies as a federally
qualified health center look-alike facility;

U. "general supervision" means the authorization by
a dentist of the procedures to be used by a dental therapist,
community dental health coordinator, dental hygienist, dental
assistant or dental student and the execution of the procedures
in accordance with a dentist's diagnosis and treatment plan at
a time the dentist is not physically present and in facilities
as designated by rule of the board;

V. "indirect supervision" means that a dentist, or
in certain settings, a dental therapist, dental hygienist or
dental assistant certified in expanded functions, is present in
the treatment facility while authorized treatments are being
performed by a dental therapist, dental hygienist, dental
assistant or dental student;

W. "long-term care facility" means a nursing home
licensed by the department of health to provide intermediate or
skilled nursing care;

X. "non-dentist owner" means an individual not
licensed as a dentist in New Mexico or a corporate entity not
owned by a majority interest of a New Mexico licensed dentist
that employs or contracts with a dentist or dental hygienist to
provide dental or dental hygiene services;

Y. "nonprofit community dental organization" means a community-supported entity that:

(1) provides clinical dental services primarily to low-income patients or medicaid recipients; and

(2) has demonstrated to the taxation and revenue department that it has been granted exemption from the federal income tax by the United States commissioner of internal revenue as an organization described in Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended or renumbered;

Z. "palliative procedures" means nonsurgical, reversible procedures that are meant to alleviate pain and stabilize acute or emergent problems; and

AA. "teledentistry" means [a dentist's use of health information technology in real time to provide limited diagnostic and treatment planning services in cooperation with another dentist, a dental therapist, a dental hygienist, a community dental health coordinator or a student enrolled in a program of study to become a dental assistant, dental hygienist, dental therapist or dentist] the use of electronic information, imaging and communication technologies, including interactive audio, video and data communications as well as store-and-forward technologies, to provide and support health care delivery, diagnosis, consultation, treatment, transfer of
medical data and education."