

HOUSE BILL 367

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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AN ACT

RELATING TO HEALTH CARE; ENACTING THE DENTAL THERAPIST ACT TO ESTABLISH A DENTAL THERAPY DEMONSTRATION PROJECT; PROVIDING FOR REGULATION, CERTIFICATION AND SCOPE OF SERVICES.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Dental Therapists Act".

SECTION 2. DEFINITIONS.--As used in the Dental Therapists Act:

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

B. "community" means a county, municipality, tribe or similar jurisdictional entity that exists in a dental workforce shortage area;

C. "community dental health coordinator" means a

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1 dental assistant, dental hygienist or other trained personnel
2 certified by the board as a community dental health coordinator
3 pursuant to the Dental Health Care Act;

4 D. "demonstration project" means a temporary study
5 of the provision of dental services by dental therapists in a
6 limited number of communities with the oversight of the board
7 and department;

8 E. "dental hygienist" means an individual who holds
9 a license to practice dental hygiene pursuant to the Dental
10 Health Care Act;

11 F. "dental therapist" means an individual who has
12 completed a board-approved dental therapist educational program
13 and has been certified to participate in the demonstration
14 project established pursuant to the Dental Therapists Act;

15 G. "dental work force shortage area" means a
16 geographic area of the state that the department has identified
17 as having significantly limited access to dental care;

18 H. "dentist" means an individual who holds a
19 license to practice dentistry pursuant to the Dental Health
20 Care Act;

21 I. "department" means the department of health;

22 J. "general supervision" means the authorization by
23 a dentist of the procedures to be used by a dental therapist,
24 dental hygienist, dental assistant or dental student and the
25 execution of the procedures in accordance with a dentist's

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1 diagnosis and treatment plan at a time the dentist is not
2 physically present and in facilities as designated by rule of
3 the board;

4 K. "indirect supervision" means that a dentist is
5 present in the treatment facility while authorized treatments
6 are being performed by a dental therapist, dental hygienist,
7 dental assistant or dental student;

8 L. "palliative procedure" means a nonsurgical,
9 reversible procedure that is intended to alleviate pain and
10 stabilize acute or emergent problems;

11 M. "resident" means an individual who has resided
12 in or been a documented member of a community for at least two
13 years immediately preceding commencement of the demonstration
14 project established pursuant to Section 3 of the Dental
15 Therapists Act;

16 N. "secretary" means the secretary of health;

17 O. "supervising dentist" means an individual who
18 has:

19 (1) an active license to practice general
20 dentistry in the state;

21 (2) employed or supervised dental auxiliary
22 personnel for at least five years immediately preceding the
23 demonstration project;

24 (3) undergone a minimum of fifty hours of
25 formal training in teledentistry techniques; and

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1 (4) spent four hundred hours providing
2 indirect supervision to a candidate for a dental therapist
3 certificate; and

4 P. "teledentistry" means a dentist's use of health
5 information technology in real time to provide limited
6 diagnostic and treatment planning services in cooperation with
7 another dentist, a dental therapist, a dental hygienist, a
8 community dental health coordinator or a student enrolled in a
9 program of study to become a dental assistant, dental
10 therapist, dental hygienist or dentist.

11 SECTION 3. DENTAL THERAPY DEMONSTRATION PROJECT.--

12 A. The department shall identify and approve a
13 maximum of five communities as demonstration project sites for
14 the provision of services by dental therapists working under
15 the provisions of the Dental Therapists Act.

16 B. The department shall select communities to serve
17 as demonstration project sites from applications the
18 communities provide pursuant to department rules on the basis
19 of the applications' adherence to the following criteria:

20 (1) documented jurisdictional authority of the
21 applying entity;

22 (2) location within an area that the
23 department has identified as a dental work force shortage area;

24 (3) a service population of not less than one
25 thousand five hundred individuals within a fifteen-mile radius

1 of the demonstration project site, of which twenty-five percent
2 or more are eligible for medicaid; and

3 (4) an operational plan that includes the
4 ability of the community to recruit a supervising dentist and a
5 resident to undergo training as a dental therapist and includes
6 adequate assistance with educational and living expenses,
7 compensation commensurate with the dental therapist's
8 educational level and a fully equipped dental clinical facility
9 with staff support to act as a demonstration project site.

10 C. The secretary shall appoint a "project oversight
11 committee" to include:

12 (1) five dentists, two of whom are members of
13 the board;

14 (2) two dental hygienists, one of whom is a
15 member of the board's New Mexico dental hygienists committee;
16 and

17 (3) two public members, one of whom is a
18 member of the board.

19 D. The project oversight committee shall establish
20 a schedule and criteria for regular review of the project in
21 the various phases and determine appropriate levels of informed
22 consent for participating patients receiving services by dental
23 therapists.

24 E. The board shall identify and designate an
25 educational program for dental therapists that is affiliated

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1 with a school of dentistry located in the United States, that
2 is accredited by the commission on dental accreditation and
3 that provides a minimum of three thousand hours of dental
4 therapy curriculum.

5 F. Before dental therapists begin providing
6 services within a community selected as a demonstration project
7 site, the department shall perform a survey of the oral health
8 of that community. The survey shall use widely accepted
9 indicators for such an assessment.

10 SECTION 4. CERTIFICATION--DENTAL THERAPISTS--SUPERVISING
11 DENTISTS.--

12 A. The board shall certify dental therapists for
13 participation in the demonstration project established pursuant
14 to the Dental Therapists Act who have:

15 (1) successfully completed the educational
16 program designated by the board under Section 3 of that act;

17 (2) practiced under the indirect supervision
18 of a supervising dentist for a minimum of four hundred
19 documented hours; and

20 (3) demonstrated competency by successfully
21 completing an examination administered by a nationally
22 recognized regional testing agency or a comparable examination
23 approved by the board.

24 B. The board shall certify dentists to act as
25 supervising dentists based on applications that shall include

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1 documentation:

2 (1) that demonstrates that the dentist has
3 completed advanced education in teledentistry;

4 (2) that the dentist has the appropriate
5 liability insurance for participation in the project; and

6 (3) of a proposed supervisory protocol for
7 both indirect and general supervision of a dental therapist
8 based on criteria determined by the project oversight
9 committee.

10 SECTION 5. SCOPE OF SERVICES.--The board shall determine
11 the scope of services allowed to be performed by dental
12 therapists under the general supervision of a dentist based
13 upon the curriculum used by the designated educational program
14 and demonstrated competencies. The scope of services may
15 include:

- 16 A. acquisition of diagnostic data for
- 17 teledentistry;
- 18 B. preventive and educational services;
- 19 C. limited direct restorative services;
- 20 D. limited palliative endodontic services;
- 21 E. limited periodontal services;
- 22 F. uncomplicated extractions and post-care;
- 23 G. administration of local anesthetics and
- 24 inhalation anxiolysis;
- 25 H. provisional cementation of indirect restoratives

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1 and prosthetics; and

2 I. impressing for or delivery of provisional
3 removable prosthetics that replace four or fewer teeth.

4 SECTION 6. CONDUCT.--

5 A. A dental therapy student that has successfully
6 completed three thousand hours in a designated educational
7 program may provide clinical services through participation in
8 the demonstration project under the indirect supervision of a
9 supervising dentist, following protocols to be determined by
10 the oversight committee.

11 B. A dental therapist that has been certified to
12 participate in the demonstration project established pursuant
13 to Section 3 of the Dental Therapists Act may provide those
14 dental services that are within the dental therapist's scope of
15 services as designated by the board and that are also within
16 the scope of practice of dentistry as designated in Section
17 61-5A-4 NMSA 1978.

18 C. A dental therapist shall not perform any dental
19 services outside of a demonstration project site.

20 D. A dental therapist and the dental therapist's
21 supervising dentist shall submit a detailed list of protocols
22 for the approval of the board before the dental therapist is
23 allowed to deliver any services. The protocols shall include
24 supervision parameters and mechanisms, guidelines for the
25 administration and dispensing of medication, referral

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1 protocols, time frames for chart and case reviews and billing
2 mechanisms. The dental therapist shall strictly follow the
3 protocols.

4 E. Any participating dentist or dental therapist
5 shall be subject to all provisions of Section 61-5A-21 NMSA
6 1978 and the corresponding rules with regard to professional
7 conduct and discipline by the board, including revocation of
8 certification to participate in the demonstration project.

9 F. The project oversight committee may require a
10 community serving as a demonstration project site to provide
11 regular reports regarding the progress of the demonstration
12 project's implementation, demographics of those receiving
13 services through the project, costs and revenues associated
14 with providing services, surveys from those receiving services
15 and other information as the oversight committee determines.

16 G. A supervising dentist shall not supervise or
17 attempt to supervise more than two dental therapists at any
18 time.

19 SECTION 7. DELAYED REPEAL.--Sections 1 through 6 of this
20 act are repealed effective June 30, 2019.