

LFC Requestor: Self Assigned

**2025 LEGISLATIVE SESSION
AGENCY BILL ANALYSIS**

Section I: General

Chamber: Senate

Category: Bill

Number: 433

Type: Introduced

Date (of THIS analysis): February 19, 2025

Sponsor(s): Harold Pope

Short Title: Dentist & Dental Hygienist Compact

Reviewing Agency: Agency 665 - Department of Health

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Section II: Fiscal Impact

APPROPRIATION (dollars in thousands)

Appropriation Contained		Recurring or Nonrecurring	Fund Affected
FY 25	FY 26		
\$0	\$0	N/A	N/A

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY 25	FY 26	FY 27		
\$0	\$0	\$0	N/A	N/A

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY 25	FY 26	FY 27	3 Year Total Cost	Recurring or Non-recurring	Fund Affected
Total	\$0	\$0	\$0	\$0	N/A	N/A

Section III: Relationship to other legislation

Duplicates: None

Conflicts with: None

Companion to: House Bill 441 (HB441)

Relates to: None

Duplicates/Relates to an Appropriation in the General Appropriation Act: None

Section IV: Narrative

1. BILL SUMMARY

a) Synopsis

Senate Bill 433 (SB433) proposes to enact the Dental and Dental Hygienist Interstate Compact, allowing licensed dentists and dental hygienists to practice across participating states without needing additional licensure.

- Section 1: Short title--defined as “Dentist and Dental Hygienist Interstate Compact”
- Section 2: Purpose—The compact facilitates the interstate practice of dentistry and dental hygiene by allowing professionals licensed in one participating state to practice in others without obtaining additional licenses. It aims to improve public access, address workforce shortages and maintain authority over dental practice regulation.
- Section 3: Definitions—Defines key terms in the legislation
- Section 4: State Participation in the Compact—Outlines the requirements for a state to join and remain in the compact.
- Section 5: Compact Privilege—Establishes the conditions for dentists and dental hygienists to practice in remote states.
- Section 6: Military Members and Spouses—Provides exemptions or reduced fees for active military and their spouses, making it easier for them to obtain a compact privilege when relocating.
- Section 7: Adverse Actions—Clarifies that the home state where a dentist or dental hygienist is licensed has the authority to impose adverse actions (disciplinary measures).
- Section 8: Establishment and Operation of the Dentist and Dental Hygienist Compact Commission—Creates The Dentist and Dental Hygienist Compact Commission, whose membership consists of all participating states that have enacted the compact. The commission is responsible for overseeing the compact, ensuring compliance, handling data sharing, and coordinating between states. It also establishes governance, voting rules and commission duties.

- Sections 9: Data System—Establishes a centralized database for participating states to share information about licensees, disciplinary actions and investigations to ensure transparency and accountability.
- Section 10: Rulemaking—Grants the compact the authority to create and enforce rules to implement the compact.
- Section 11: Oversight, Dispute Resolution and Enforcement—Describes how states must comply with the compact and outlines procedures for handling disputes between states.
- Section 12: Effective Date, Withdrawal and Amendment—Specifies that the compact becomes effective when at least seven states enact it. States can withdraw by repealing compact, and amendments require approval by all participating states.
- Section 13: Construction and Severability—Ensures that if any part of the compact is found legally invalid, the remaining sections remain valid and in effect. It also clarifies that the compact should be interpreted broadly to fulfill its intended purpose.
- Section 14: Consistent Effect and Conflict with Other State Laws—Confirms that once enacted, the compact takes precedence over conflicting state laws. It also clarifies that the compact does not override state authority regarding dental practice but works alongside existing state laws.

Is this an amendment or substitution? Yes No

Is there an emergency clause? Yes No

b) Significant Issues

The Regulation and Licensing Department (RLD) boards have aligned with the Governor’s initiative to expedite decision-making. The current statute on dentist licensure expedites board action for those with five or more years of practice in another state with no pending disciplinary action.

While NM does have dental hygiene education programs in the state, NM does not have a dental college, so the state must attract dentists who have completed their schooling in other states or incentivize citizens who have left NM for dental school to return to the state to practice. SB433 does have the potential for increasing the number of dental providers in the state, as providers may be more likely to move to a state that is part of the compact, knowing that licensure will be streamlined and less time consuming. Participating in the compact could reduce this burden on providers that are considering practicing in NM.

If enacted, SB433 would make New Mexico the 11th state to join the current Dentist and Dental Hygienist Compact including neighboring Colorado, Maine, Kansas, Virginia, Tennessee, Washington, Iowa, Wisconsin, Minnesota, and Ohio. The compact was enacted in 2024. No data is currently available on the results of the legislation.

There is pending legislation in Oregon, Nevada, Arizona, Nebraska, Oklahoma, Texas, Arkansas, Missouri, Indiana, Maryland, Pennsylvania, New Jersey, Massachusetts, New Hampshire, and Vermont to enter into the dentist and dental hygienist compact. ([Compact Map – Dentist and Dental Hygienist Compact](#))

Although SB433 outlines the general functioning of the Compact it is silent on (1) whether an appropriation is needed and (2) what licensing fees are to be charged.

The bill could affect New Mexico Regulation and Licensing Department.

There is a need for clearer provisions for disciplinary actions across states, fee structures for compact participation, and additional protections for public health and safety. Ensuring that states retain control over scope-of-practice regulations may also be a consideration.

2. PERFORMANCE IMPLICATIONS

- Does this bill impact the current delivery of NMDOH services or operations?
 Yes No
- Is this proposal related to the NMDOH Strategic Plan? Yes No
 - Goal 1:** We expand equitable access to services for all New Mexicans
 - Goal 2:** We ensure safety in New Mexico healthcare environments
 - Goal 3:** We improve health status for all New Mexicans
 - Goal 4:** We support each other by promoting an environment of mutual respect, trust, open communication, and needed resources for staff to serve New Mexicans and to grow and reach their professional goals

3. FISCAL IMPLICATIONS

- If there is an appropriation, is it included in the Executive Budget Request?
 Yes No N/A
- If there is an appropriation, is it included in the LFC Budget Request?
 Yes No N/A
- Does this bill have a fiscal impact on NMDOH? Yes No

4. ADMINISTRATIVE IMPLICATIONS

Will this bill have an administrative impact on NMDOH? Yes No

5. DUPLICATION, CONFLICT, COMPANIONSHIP OR RELATIONSHIP

SB433 is a companion to HB441.

6. TECHNICAL ISSUES

Are there technical issues with the bill? Yes No

7. LEGAL/REGULATORY ISSUES (OTHER SUBSTANTIVE ISSUES)

- Will administrative rules need to be updated or new rules written? Yes No
- Have there been changes in federal/state/local laws and regulations that make this legislation necessary (or unnecessary)? Yes No
- Does this bill conflict with federal grant requirements or associated regulations?
 Yes No

- Are there any legal problems or conflicts with existing laws, regulations, policies, or programs? Yes No

8. DISPARITIES ISSUES

Rural and frontier residents in New Mexico often face more barriers when seeking dental health care compared to urban residents. This is due to the lack of safe and reliable transportation or a lack of dental providers in rural areas. This bill does not provide incentive to practice in rural areas.

9. HEALTH IMPACT(S)

There is the possibility that if New Mexico enters the Dentist and Dental Hygienist Compact that those providers living and working in New Mexico would be drawn to live and practice in other states that have higher compensation. In that case, population health may decline, as the workforce shortage worsens.

10. ALTERNATIVES

Instead of a compact, all states could pursue a bilateral agreement for licensure reciprocity, though this would require individual negotiations. The secondary option is to streamline existing licensure processes nationwide without a formal interstate agreement.

11. WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?

If SB433 is not enacted, New Mexico will not enter into the Dental and Dental Hygienist Interstate Compact.

12. AMENDMENTS

None.