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SENATE BILL 241

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE DENTAL
HEALTH CARE ACT TO ESTABLISH THE SITE 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

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1 certified by the dental assisting national board;

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

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

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

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

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

25 I. "dental assistant certified in expanded

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1 functions" means a dental assistant who meets specific
2 qualifications set forth by rule of the board;

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

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

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

22 M. "dentist" means an individual who has graduated
23 and received a degree from a school of dentistry that is
24 accredited by the commission on dental accreditation and,
25 except as the context otherwise requires, who holds a license

1 to practice dentistry in New Mexico;

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

5 (1) is physically present throughout the
6 performance of the act;

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

9 (3) evaluates and approves the procedure
10 performed before the patient departs the care setting;

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

18 P. "general supervision" means the authorization by
19 a dentist of the procedures to be used by a dental hygienist,
20 dental assistant or dental student and the execution of the
21 procedures in accordance with a dentist's diagnosis and
22 treatment plan at a time the dentist is not physically present
23 and in facilities as designated by rule of the board;

24 Q. "indirect supervision" means that a dentist, or
25 in certain settings a dental hygienist or dental assistant

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1 certified in expanded functions, is present in the treatment
2 facility while authorized treatments are being performed by a
3 dental hygienist, dental assistant or dental student;

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

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

12 T. "teledentistry" means either of the following:

13 (1) a dentist's use of health information
14 technology in real time to provide limited diagnostic and
15 treatment planning services in cooperation with another
16 dentist, a dental hygienist, a community dental health
17 coordinator or a student enrolled in a program of study to
18 become a dental assistant, dental hygienist or dentist; or

19 (2) the practice of dentistry where the
20 patient and the dentist are not in the same physical location
21 and the dentist uses electronic information, imaging and
22 communication technologies, including interactive audio, video
23 and data communications as well as store-and-forward
24 technologies, to provide and support dental health care
25 delivery, diagnosis, consultation, treatment, transfer of

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1 dental data and education, where the originating site of
2 teledentistry is the location at which the dentist provides the
3 services."

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