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SENATE BILL 410

**44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999**

INTRODUCED BY

Joseph A. Fidel

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO DENTISTRY; CHANGING THE LICENSING OF DENTISTS AND  
DENTAL HYGIENISTS BY CREDENTIAL; EXPANDING THE SCOPE OF  
PRACTICE OF DENTAL HYGIENISTS.

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) is amended to read:

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

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

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

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

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

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

F. "dental laboratory" means any place where bridges, crowns, dentures or other prosthetic or orthodontic appliances are fabricated, altered or repaired by one or more persons;

G. "dental technician" means an individual, other than a licensed dentist, who fabricates, alters, repairs or assists in the fabrication, alteration or repair of bridges, crowns, dentures or other prosthetic or orthodontic appliances;

H. "dentist" means an individual who has graduated and received a diploma from a dental college or school of dentistry of a university that is accredited by the American dental association commission on dental accreditation and, except as the context otherwise requires, who holds a license

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1 to practice dentistry in New Mexico;

2 I. "general supervision" means the authorization  
3 by a dentist of the procedures to be used by a [~~dental~~  
4 ~~hygienist~~] dental assistant or dental student and the  
5 execution of the procedures in accordance with a dentist's  
6 diagnosis and treatment plan and in facilities as designated  
7 by rule of the board; and

8 J. "indirect supervision" means that a dentist is  
9 present in the treatment facility while authorized treatments  
10 are being performed by a [~~dental-hygienist~~] dental assistant  
11 or dental student. "

12 Section 2. Section 61-5A-4 NMSA 1978 (being Laws 1994,  
13 Chapter 55, Section 4) is amended to read:

14 "61-5A-4. SCOPE OF PRACTICE. --

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

17 (1) the diagnosis, treatment, correction,  
18 change, relief, prevention, prescription of remedy, surgical  
19 operation and adjunctive treatment for any disease, pain,  
20 deformity, deficiency, injury, defect, lesion or physical  
21 condition involving both the functional and aesthetic aspects  
22 of the teeth, gingivae, jaws and adjacent hard and soft tissue  
23 of the oral and maxillofacial regions, including the  
24 prescription or administration of any drug, medicine,  
25 biologic, apparatus, brace, anesthetic or other therapeutic or

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1 diagnostic substance or technique by an individual or his  
2 agent or employee gratuitously or for any fee, reward,  
3 emolument or any other form of compensation whether direct or  
4 indirect;

5 (2) representation of an ability or  
6 willingness to do any act mentioned in Paragraph (1) of this  
7 subsection; or

8 (3) with specific reference to the teeth,  
9 gingivae, jaws or adjacent hard or soft tissues of the oral  
10 and maxillofacial region in living persons, to propose, agree  
11 or attempt to do or make an examination or give an estimate of  
12 cost with intent to, or undertaking to:

13 (a) perform a physical evaluation of a  
14 patient in an office or in a hospital, clinic or other medical  
15 or dental facility prior to, incident to and appropriate to  
16 the performance of any dental services or oral or  
17 maxillofacial surgery;

18 (b) perform surgery, an extraction or  
19 any other operation or to administer an anesthetic in  
20 connection therewith;

21 (c) diagnose or treat any condition,  
22 disease, pain, deformity, deficiency, injury, lesion or other  
23 physical condition;

24 (d) correct a malposition;

25 (e) treat a fracture;

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- 1 (f) remove calcareous deposits;
- 2 (g) replace missing anatomy with an
- 3 artificial substitute;
- 4 (h) construct, make, furnish, supply,
- 5 reproduce, alter or repair an artificial substitute or
- 6 restorative or corrective appliance or place an artificial
- 7 substitute or restorative or corrective appliance in the mouth
- 8 or attempt to adjust it;
- 9 (i) give interpretations or readings of
- 10 dental roentgenograms; or
- 11 (j) do any other remedial, corrective
- 12 or restorative work.

13 B. As used in the Dental Health Care Act,  
14 "practice as a dental hygienist" means the science of the  
15 prevention and treatment of oral disease through the provision  
16 of educational, assessment, preventive, clinical and other  
17 therapeutic services [~~under the general supervision of a~~  
18 ~~dentist~~]. "Dental hygiene" includes:

- 19 (1) prophylaxis, which is the treatment of
- 20 human teeth by removing from their surface calcareous deposits
- 21 and stain, removing accumulated accretions and polishing the
- 22 surfaces of the teeth;
- 23 (2) removing diseased crevicular tissue;
- 24 (3) the application of pit and fissure
- 25 sealants, fluorides and other topical therapeutic and

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- 1 preventive agents;
- 2 (4) exposing and referring to oral
- 3 radiographs;
- 4 (5) screening to identify indications of oral
- 5 abnormalities;
- 6 (6) preliminary assessment of periodontal
- 7 conditions; and
- 8 (7) such other closely related services as
- 9 permitted by the rules and regulations of the committee and
- 10 the board.

11 C. In addition to performing dental hygiene as  
12 defined in Subsection B of this section, dental hygienists who  
13 have met such criteria as the committee shall establish and  
14 the board ratify may administer local anesthesia [ ~~under~~  
15 ~~indirect supervision of a dentist~~]. "

16 Section 3. Section 61-5A-12 NMSA 1978 (being Laws 1994,  
17 Chapter 55, Section 12) is amended to read:

18 "61-5A-12. DENTISTS--REQUIREMENTS FOR LICENSURE--  
19 SPECIALTY LICENSE. --

20 A. All applicants for licensure as a dentist  
21 [ ~~must~~ ] shall have graduated and received a diploma from an  
22 accredited dental college or school of dentistry of a  
23 university that is accredited by the American dental  
24 association commission on dental accreditation and have passed  
25 the written portion of the dental examination administered by

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1 the joint commission on national dental examinations of the  
2 American dental association or, if the test is not available,  
3 [~~then~~] another written examination determined by the board.

4 B. Applicants for general dentistry licensure by  
5 examination shall be required, in addition to the requirements  
6 set forth in Subsection A of this section, to pass a test  
7 covering the laws and regulations for the practice of  
8 dentistry in New Mexico. Written examinations shall be  
9 supplemented by the board or its agents administering to each  
10 applicant a practical or clinical examination that reasonably  
11 tests the applicant's qualifications to practice general  
12 dentistry. Upon an applicant [~~successfully~~] passing the  
13 written and clinical examinations and payment in advance of  
14 the necessary fees, the board shall issue a license to  
15 practice dentistry.

16 C. The board [~~may~~] shall issue a general dentistry  
17 license by credentials without a practical or clinical  
18 examination to an applicant who is duly licensed by  
19 examination as a dentist under the laws of another state or  
20 territory of the United States and whose license is in good  
21 standing in that jurisdiction. The applicant [~~must~~] shall  
22 otherwise meet the [~~same~~] requirements [~~necessary to sit for~~  
23 ~~such examination by the board or its examining agents along~~  
24 ~~with other qualifications as deemed necessary by regulation of~~  
25 ~~the board~~] of the Dental Health Care Act, including payment of

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1 appropriate fees and passing an examination covering the laws  
2 and regulations of the practice of dentistry in New Mexico.

3 D. The board may issue a specialty license by  
4 examination to an applicant who has [~~successfully~~] passed a  
5 clinical and written examination given by the board or its  
6 examining agents that covers the applicant's specialty. The  
7 applicant [~~must~~] shall have a postgraduate degree or  
8 certificate from an accredited dental college, school of  
9 dentistry of a university or other residency program that is  
10 accredited by the American dental association commission on  
11 dental accreditation in one of the specialty areas of  
12 dentistry recognized by the American dental association. The  
13 applicant [~~must~~] shall also meet all other requirements as  
14 established by rules of the board, which shall include an  
15 examination covering the laws and regulations of the practice  
16 of dentistry in New Mexico. A specialty license limits the  
17 licensee to practice only in that specialty area.

18 E. The board may issue a specialty license by  
19 credentials to an applicant who is duly licensed by  
20 examination as a dentist under the laws of another state or  
21 territory of the United States and has a postgraduate degree  
22 or certificate from an accredited dental college, school of  
23 dentistry of a university or other residency program that is  
24 accredited by the American dental association commission on  
25 dental accreditation in one of the specialty areas of



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1 dentistry recognized by the American dental association. The  
2 applicant [~~must~~] shall also meet all other qualifications as  
3 deemed necessary by [~~regulation~~] rules of the board, which  
4 shall include an examination covering the laws and  
5 [~~regulations~~] rules of the practice of dentistry in New  
6 Mexico. A specialty license limits the licensee to practice  
7 only in that specialty area. "

8 Section 4. Section 61-5A-13 NMSA 1978 (being Laws 1994,  
9 Chapter 55, Section 13) is amended to read:

10 "61-5A-13. DENTAL HYGIENIST LICENSURE. --

11 A. Applicants for licensure [~~must~~] shall have  
12 graduated and received a diploma from an accredited dental  
13 hygiene educational program that provides a minimum of two  
14 academic years of dental hygiene curriculum and is a  
15 post-secondary educational institution accredited by the  
16 American dental association commission on dental accreditation  
17 and shall have passed the written portion of the dental  
18 hygiene examination administered by the joint commission on  
19 national dental examinations of the American dental  
20 association or, if this test is not available, [~~then~~] another  
21 written examination determined by the committee.

22 B. Applicants for licensure by examination shall  
23 be required, in addition to the [~~provisions of~~] requirements  
24 set forth in Subsection A of this section, to [~~also~~] pass a  
25 written examination covering the laws and [~~regulations~~] rules

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1 for practice in New Mexico. Each written examination shall be  
2 supplemented by a practical or clinical examination  
3 administered by the committee or its agents that reasonably  
4 tests the applicant's qualifications to practice as a dental  
5 hygienist. Upon an applicant [~~successfully~~] passing the  
6 written and clinical examinations, the board, upon  
7 recommendation of the committee, shall issue a license [~~for~~  
8 ~~practicing~~] to practice as a dental hygienist.

9 C. The board, upon the committee's recommendation,  
10 shall issue a license to practice as a dental hygienist by  
11 credentials without examination, including practical or  
12 clinical examination, to an applicant who is a duly licensed  
13 dental hygienist by examination under the laws of another  
14 state or territory of the United States and whose licence is  
15 in good standing in that jurisdiction and if the applicant  
16 otherwise meets [~~the same~~] all other requirements [~~to sit for~~  
17 ~~examination by the committee or its examining agents. The~~  
18 ~~applicant must meet other qualifications as deemed necessary~~  
19 ~~by regulations recommended by the committee and ratified by~~  
20 ~~the board. These qualifications shall include~~] of the Dental  
21 Health Care Act, including payment of appropriate fees and  
22 passing an examination covering the laws and [~~regulations~~]  
23 rules pertaining to practice as a dental hygienist in New  
24 Mexico. "

1 FORTY- FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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4  
5 February 16, 1999

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7 Mr. President:

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9 Your CORPORATIONS & TRANSPORTATION COMMITTEE, to  
10 whom has been referred

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12 SENATE BILL 410

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14 has had it under consideration and reports same with  
15 recommendation that it DO PASS, and thence referred to the  
16 FINANCE COMMITTEE.

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18 Respectfully submitted,

Roman M. Maes, Chairman

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Adopted \_\_\_\_\_ Not

Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 0 Against

Yes: 6

No: 0

Excused: Macias, McKibben, Rawson, Robinson

Absent: None

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1 FORTY-FOURTH LEGISLATURE  
2 FIRST SESSION, 1999  
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6 March 3, 1999  
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8 Mr. President:  
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10 Your FINANCE COMMITTEE, to whom has been referred  
11

12 SENATE BILL 410  
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14 has had it under consideration and reports same WITHOUT  
15 RECOMMENDATION.  
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18 Respectfully submitted,  
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23 Ben D. Altamirano, Chairman  
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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

1 (Chief Clerk)

(Chief Clerk)

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5 Date \_\_\_\_\_

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8 The roll call vote was 8 For 0 Against

9 Yes: 8

10 No: 0

11 Excused: Campos, Griego, Lyons, Rodriguez, Tsosie

12 Absent: None

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