

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 33 DENTAL ASSISTANTS, REQUIREMENTS FOR CERTIFICATION

16.5.33.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.33.1 NMAC - Rp, 16.5.33.1 NMAC, 5/31/2023]

16.5.33.2 SCOPE: The provisions of 16.5.33 NMAC apply to all applicants for certification as a dental assistant in New Mexico. 16.5.33 NMAC also applies to dental assistants previously certified in New Mexico who have allowed their certificate to expire.
[16.5.33.2 NMAC - Rp, 16.5.33.2 NMAC, 5/31/2023]

16.5.33.3 STATUTORY AUTHORITY: 16.5.33 NMAC is promulgated pursuant to the Dental Health Care Act, Section 61-5A-5 and Section 61-5A-6 NMSA 1978 (1996 Repl. Pamp.).
[16.5.33.3 NMAC - Rp, 16.5.33.3 NMAC, 5/31/2023]

16.5.33.4 DURATION: Permanent.
[16.5.33.4 NMAC - Rp, 16.5.33.4 NMAC, 5/31/2023]

16.5.33.5 EFFECTIVE DATE: May 31, 2023, unless a later date is cited at the end of a section.
[16.5.33.5 NMAC - Rp, 16.5.33.5 NMAC, 5/31/2023]

16.5.33.6 OBJECTIVE: To establish the requirements for certification for dental assistants to perform expanded functions. These rules address applicants being certified via the following tracks:

- A. independent preparation for the requirements;
- B. attendance in a dental assisting program;
- C. attendance in an accredited dental hygiene school; and
- D. New residents of New Mexico with current certificates in expanded functions in their previous state (credentials).

[16.5.33.6 NMAC - Rp, 16.5.33.6 NMAC, 5/31/2023]

16.5.33.7 DEFINITIONS:

- A. **“DANB”** means the dental assisting national board.
- B. **“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;
 - (3) evaluates and approves the procedure performed before the patient departs the care setting; and
 - (4) is capable of responding immediately if any emergency should arise.
- C. **“General supervision”** means the authorization by a dentist of the procedures to be used by a dental hygienist, dental assistant, expanded function dental auxiliary, dental student, or community dental health coordinator 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 the rules of the board.
- D. **“Indirect supervision”** means that a dentist, or in certain settings a dental hygienist or dental assistant certified in expanded functions, is present in the treatment facility while authorized treatments are being performed by a dental hygienist, dental assistant or dental student as defined in Section 61-5A-3 NMSA 1978.
- E. **“Limited certificate”** means a radiographic certificate that limits the holder to take only extra oral dental films.
- F. **“Rubber cup coronal polishing”** means the use of a rubber cup or a bristle brush to remove soft debris and stain from above the gingival margin.
- G. **“Supervision”** means the dentist shall adequately monitor the performance of all personnel, licensed or unlicensed, that he or she supervises. The dentist is ultimately responsible for quality patient care and

may be held accountable for all services provided by administrative and clinical individuals that the dentist supervises.

H. “Training program” means a course of study resulting in applicant eligibility for expanded function certification.

[16.5.33.7 NMAC - Rp, 16.5.33.7 NMAC, 5/31/2023]

16.5.33.8 REQUIREMENTS:

A. A licensee shall not allow dental assistants to perform oral radiography under any level of supervision that are not certified or in authorized training by the New Mexico board of dental health care.

B. A licensee shall not allow dental assistants to perform coronal polishing, topical fluoride application, or application of pit and fissure sealants under general supervision without certification by the board.

C. Dental assistants who perform oral radiography under any level of supervision are required to be certified by the board. Dental assistants who perform coronal polishing, application of topical fluoride or, application of pit and fissure sealants both intra and extra oral radiography under general supervision are required to be certified by the board except those enrolled in a recognized dental assisting program and complying with the following:

(1) have completed the didactic portion of the radiography curriculum;

(2) are exposing radiographs with supervision of a licensee or an assistant certified in radiography; and

(3) if exposing x-rays on a human must have a written prescription from a dentist.

D. Expanded function certification offered by the board is distinct from certification offered by DANB. DANB certification gives the individual the right to use the initials C.D.A after their name, but does not qualify the individual to perform expanded functions without being certified by the board.

[16.5.33.8 NMAC - Rp, 16.5.33.8 NMAC, 5/31/2023]

16.5.33.9 EDUCATION AND EXAMINATION REQUIREMENTS FOR DENTAL RADIOGRAPHY:

A. Education requirements:

(1) study by independent preparation or in a training course on radiation health and safety within the past 36 months; and

(2) have assisted with or observed five cases of full mouth intra oral radiographic series or five extra oral radiographs if applying for a limited certificate.

B. Examination requirements:

(1) Pass the board or DANB written examination on radiation health and safety.

(2) After passing the board or DANB written exam must apply to the board for a training permit which allows the dental assistant to perfect radiography technique. The permit is valid for six months after passing the written exam.

(3) Pass the technique test demonstrating proficiency in the exposure of a full-mouth intra oral radiographic series or panoramic film as established by the board within six months of passing the written exam.

(4) If an applicant chooses to provide only a panoramic film the certificate holder is limited to taking only extra oral films.

(5) The technique test will be taken on a phantom or human patient. The applicant shall expose a full mouth intra oral radiographic series of radiographs or a panoramic film, develop, mount, and label the films. The exam must be done independently and submitted to the board office with an affidavit signed by the dentist, dental hygienist, or dental assistant certified in radiography attesting to the independent exam. The radiographs must be of diagnostic quality and will be graded by at least two board or committee members and serve as the technique test required for certification.

(6) Pass the take home jurisprudence examination.

(7) When extenuating circumstances exist as defined in 16.5.1.7 NMAC, and the dental assistant cannot submit to the board exposed radiographs, the dental assistant may request an extension of time. The request must be put in writing and submitted to the board office prior to the deadline.

C. Exemptions:

(1) A dental hygiene student enrolled in an accredited school of dental hygiene who having passed a curriculum in dental radiography, may be granted a certificate to expose radiographs without an examination.

(2) A dental assistant certified to perform dental radiography in another state with requirements not less stringent than those in New Mexico may be certified based on credentials.
[16.5.33.9 NMAC - Rp, 16.5.33.9 NMAC, 5/31/2023]

16.5.33.10 EDUCATION AND EXAMINATION REQUIREMENTS FOR RUBBER CUP CORONAL POLISHING AND APPLICATION OF TOPICAL FLUORIDE CERTIFICATION:

A. Education requirements: Study by independent preparation or in a training course on rubber cup coronal polishing and application of topical fluoride and have assisted with or observed five cases of rubber cup coronal polishing on children and adults and five applications of topical fluoride.

B. Examination requirements:

(1) pass a board or DANB written examination on rubber cup coronal polishing and application of topical fluoride;

(2) perform the technique while being personally observed by a dentist, dental hygienist, or dental assistant certified in rubber cup coronal polishing and application of topical fluoride on five adults and children and five applications of topical fluoride on children; and

(3) pass the take home jurisprudence examination.

C. Exemptions:

(1) a dental hygiene student enrolled in an accredited school of dental hygiene having passed a curriculum for rubber cup coronal polishing and application of topical fluoride may be granted a certificate without meeting the other requirements of this section;

(2) a dental assistant who is certified to perform rubber cup coronal polishing and application of topical fluoride in another state with requirements not less stringent than those in New Mexico may be certified based on credentials;

(3) a dental assistant who holds a current CDA certification issued by DANB may be issued a certificate for rubber cup coronal polishing and application of topical fluoride without meeting the other requirements of this section.

[16.5.33.10 NMAC - Rp, 16.5.33.10 NMAC, 5/31/2023]

16.5.33.11 EDUCATION, EXPERIENCE AND EXAMINATION REQUIREMENTS FOR APPLICATION OF PIT AND FISSURE SEALANTS CERTIFICATION:

A. Experience requirements: The applicant must have 2080 hours of clinical chair side dental assisting within the two years prior to applying for certification.

B. Education requirements:

(1) study by independent preparation or a training course on pit and fissure sealant application; and

(2) assisted with and observed application of 12 pit and fissure sealants.

C. Examination requirements:

(1) pass a board or DANB examination on the application of pit and fissure sealants;

(2) following successful completion of the examination, apply pit and fissure sealants while being personally observed by a licensed dentist or dental hygienist on five patients;

(3) pass the take home jurisprudence examination.

D. Exemptions:

(1) a dental hygiene student enrolled in an accredited school of dental hygiene having passed a curriculum for pit and fissure sealants and rubber cup coronal polishing, may be granted a certificate without meeting the other requirements of this section;

(2) a dental assistant who is certified to perform application of pit and fissure sealants in another state with requirements not less stringent than those in New Mexico may be certified based on credentials.

[16.5.33.11 NMAC - Rp, 16.5.33.11 NMAC, 5/31/2023]

16.5.33.12 REQUIRED DOCUMENTATION: Each applicant for an expanded function dental assistant certificate must submit to the board or its agent the required fees and following documentation.

A. Completed application and the completed jurisprudence take home exam. Applications are valid for one year from the date of receipt.

B. Dental radiography:

(1) proof of passing the board or DANB written examination on radiation health and safety;

- (2) an affidavit from a supervising dentist, dental hygienist, or dental assistant certified in radiography verifying the applicant has:
 - (a) assisted with and observed five cases of full-mouth intra oral radiographic series or five panoramic films if applying for a limited certification; and
 - (b) that upon reaching competency, the applicant independently exposed the radiographs submitted for technique examination;
 - (3) the completed full mouth intra oral radiographic series or a panoramic film as required for the technique exam described in 16.5.33.9 NMAC.
 - C. Rubber cup coronal polishing and application of topical fluoride:
 - (1) proof of passing the board or DANB written examination for rubber cup coronal polishing and application of topical fluoride;
 - (2) an affidavit from a supervising dentist, dental hygienist, or dental assistant certified in rubber cup coronal polishing and topical fluoride application that the applicant has:
 - (a) assisted with and observed five cases of rubber cup coronal polishing on adults and children and five applications of topical fluoride on children; and
 - (b) while being personally observed by a dentist, dental hygienist, or dental assistant certified in rubber cup coronal polishing, application of topical fluoride provided rubber cup coronal polishing on five adults and five children; and, provide applications of topical fluoride on five children.
 - D. Pit and fissure sealants:
 - (1) proof of passing the board approved examination on application of pit and fissure sealants;
 - (2) an affidavit from a supervising dentist or dental hygienist verifying that the applicant has:
 - (a) assisted with and observed placement of 12 pit and fissure sealants; and
 - (b) while being personally observed by a dentist or dental hygienist, the applicant successfully place pit and fissure sealants on six patients.
 - (3) proof of 2080 hours of chair side dental assisting experience within two years immediately prior to application for certification;
 - (4) the completed jurisprudence exam.
- [16.5.33.12 NMAC - Rp, 16.5.33.12 NMAC, 5/31/2023]

16.5.33.13 CERTIFICATION BY CREDENTIALS: Applicants for certification by credentials must possess the following qualifications:

- A. verification of certification in all states where the applicant holds or has held a certificate to practice dental assisting; verification must be sent directly to the board office from the other state(s) board, must include a seal, and must attest to the status, issue date, expiration date, certification number, and other information contained on the form;
 - B. an official letter from the director of an accredited dental hygiene program indicating the applicant has completed coursework in the requested expanded function; or
 - C. proof of current, valid, certification as a CDA issued by DANB; and
 - D. all certifications, letters and validations must be received directly by the board office from the state, institution, or DANB;
 - E. the board may deny, stipulate, or otherwise limit a certification if is determined the applicant is guilty of violating any of the provisions of the act, the Uniform Licensing Act, the Impaired Dentists and Hygienists Act, or the rules;
 - F. pass the jurisprudence exam with a score of a least seventy-five percent;
 - G. all certificates held by the applicant must have been in good standing for two years prior to application; and
 - H. the board may deny, stipulate, or otherwise limit a certification if it is determined the applicant holds or has held a certification in another jurisdiction that is not in good standing, if proceedings are pending against the applicant in another jurisdiction, or information is received indicating the applicant is of danger to patients or is guilty of violating any of the provisions of the act, the Uniform Licensing Act or these rules.
- [16.5.33.13 NMAC - Rp, 16.5.33.13 NMAC, 5/31/2023]

16.5.33.14 RE-EXAMINATION PROCEDURE:

- A. An applicant who does not obtain a passing score on the required written exam must re-apply and pay the required fees in order to retake the examination.

B. Applicants for certification in radiography will be allowed to submit radiographs for the technique exam three times. With each failure the supervising dentist, dental hygienist, or dental assistant certified in dental radiography will be notified of their responsibility for training the applicant.

C. After a third failure, the applicant and supervising dentist, dental hygienist, or dental assistant certified in radiography will be required to submit to the board a plan for remediation, including steps that will be taken to assure clinical competency.

[16.5.33.14 NMAC - Rp, 16.5.33.14 NMAC, 5/31/2023]

16.5.33.15 CERTIFICATION PROCEDURE: Upon receipt of a completed application, including all required documentation and fees the Secretary-Treasurer or delegate of the board will review the application and determine eligibility for certification. The certificate must be displayed so that it is visible to the public.

[16.5.33.15 NMAC - Rp, 16.5.33.15 NMAC, 5/31/2023]

16.5.33.16 [RESERVED]

[16.5.33.16 NMAC - Rp, 16.5.33.16 NMAC, 5/31/2023]

HISTORY OF 16.5.33 NMAC:

Pre-NMAC History: Material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

BDE 69-1, Rules and Regulations of the New Mexico Board of Dental Examiners, filed 8/14/1969;

BDE 70-1, Rules and Regulations of the New Mexico Board of Dental Examiners, filed 9/21/1970;

BDE 73-1, Rules and Regulations of the New Mexico Board of The New Mexico Board of Dentistry, filed 2/12/1973;

Article XII, Dental Assistants, filed 3/12/1981;

Article XII, Dental Assistants, filed 1/12/1982;

Article XII, Dental Assistants, filed 8/8/1984;

Article XII, Dental Assistants, filed 2/5/1988;

BOD Rule 10, Dental Assistants, filed 2/9/1989;

BODHC Rule DA 1-95, Dental Assistants, Practice and Certification, filed 5/5/1995.

History of Repealed Material:

Article XIV, Repeals BDE 73-1, Rules and Regulations of the New Mexico Board of Dentistry, filed 2/12/1973.

16.5.33 NMAC, Dental Assistants, Requirements for Certification, filed 12/1/2000 Repealed effective 5/31/2023.

Other History:

16 NMAC 5.33, Dental Assistants, Requirements for Certification, filed 9/17/1996;

16 NMAC 5.33, Dental Assistants, Requirements for Certification, filed 9/17/1996 - renumbered, reformatted and amended to 16.5.33 NMAC, Dental Assistants, Requirements for Certification, effective 12/14/2000.

16.5.33 NMAC, Dental Assistants, Requirements for Certification, filed 12/1/2000 Replaced by 16.5.33 NMAC, Dental Assistants, Requirements for Certification, effective 5/31/2023.