

NOTICE OF PUBLIC RULE HEARING AND REGULAR BOARD MEETING

The New Mexico Board of Dental Health Care (“Board”) will hold a rule hearing on Friday, April 14, 2023, at 8:30 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department at 2550 Cerrillos Rd, Santa Fe, NM 87507 in the Rio Grande Conference Room.

The rule hearing and subsequent Board meeting will also be held virtually via Webex. To join the meeting, please visit the link below:

<https://nmrld.webex.com/nmrld/j.php?MTID=m38fa8115b75aa42a03f6d3d72d5fd8ae>

To join the meeting by phone: +1-415-655-0002 United States Toll

Access Code: 2486 017 9300

The purpose of the rule hearing is to consider proposed amendments to the following rules:

- 16.5.1 - General Provisions
- 16.5.4 - Emergency Licensure and Certification Provisions
- 16.5.6 - Dentists, Licensure by Examination
- 16.5.8 - Dentists, Licensure by Credentials
- 16.5.9 - Non-Dentist Owners
- 16.5.15 - Dentists, Anesthesia/Sedation Administration
- 16.5.17 - Dentists and Dental Hygienists, Collaborative Practice
- 16.5.19 - Dental Hygienists, Licensure by Examination
- 16.5.20 - Dental Hygienists, Licensure by Credentials
- 16.5.28 - Dental Hygienists, Local Anesthesia Certification
- 16.5.33 - Dental Assistants, Requirements for Certification
- 16.5.39 - Dental Assistants, Practice and Supervision
- 16.5.42 - Expanded Function Dental Auxiliary, Requirements for Certification
- 16.5.61 - Dental Therapists, Licensure and Certification

To obtain and review copies of the proposed changes and public comments, you may go to the Board’s website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-laws-rules-and-policies/> or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public written comments on the proposed amendments. Please submit written comments on the proposed changes to Roberta Perea, Board Administrator, via electronic mail at: Dental.Board@state.nm.us, or by regular mail at P.O. Box 25101, Santa Fe, NM 87504, no later than Thursday, April 13, 2023. Written comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-laws-rules-and-policies/>. Persons will also be given the opportunity to present their written or oral comments at the public rule hearing.

The agenda for the board meeting will be posted and available at least 72 hours before the meeting on the Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care-overview/dhc-board-information/dhc-board-meetings/>. Copies of the rules or the agenda may also be obtained by contacting Roberta Perea, Board Administrator at (505) 476-4622.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roberta Perea, Board Administrator (505) 476-4622.

Statutory Authority:

The Dental Health Care Act, Section Paragraphs (1) thru (5) of Subsection B of Section 61-5A-10 and 61-5A-13.1 NMSA 1978 authorizes the Board to promulgate rules necessary to provide to regulate the practice of dentistry, dental therapy and dental assisting and through the committee, regulate the practice of dental hygiene.

Purpose of the Proposed Rules:

The proposed rules are intended to provide clarity regarding the requirements for licensure and certification under all parts of the board's rules, provide fluidity and correct any existing typographical or grammatical errors.

Summary of Proposed Changes:

16.5.1 - General Provisions

The proposed amendments to this part updates the definitions and continuing legal education sections to provide clarity, fluidity and correct any existing typographical or grammatical errors.

16.5.4 - Emergency Licensure and Certification Provisions

The proposed amendments to this part delete language which required applications to be signed and notarized and submit of proof of identity because the board is utilizing an online licensing system for all applications including initial applications and renewal applications.

16.5.6 - Dentists, Licensure by Examination

The proposed amendments to this part replaces language under Subsection C of 16.5.6.8 NMAC to require that licensees take an examination which includes hands on periodontal and restorative procedures. Additionally, this part deletes language under Subsection E of 16.5.6.8 NMAC which required a level II and level III background status report and now requires only one type of background check be done by a designated professional background service. Finally, the proposed amendments to this section deletes language which required applicants for licensure by examination to submit a signed and notarized application along with a quality photo because the board is utilizing an online licensing system for all applications for licensure by examination.

16.5.8 - Dentists, Licensure by Credentials

The proposed amendments to this section deletes language which required applicants for licensure by credentials to submit a signed and notarized application along with a quality photo because the board is utilizing an online licensing system for all applications for licensure by credentials.

16.5.9 - Non-Dentist Owners

The proposed amendments to this part deletes language under 16.5.9.10 NMAC which required a level II status report and now requires only one type of background check be done by a designated professional background service. Additionally, the proposed amendments to this section deletes language which required non-dentist owners to submit a signed and notarized application because the board is utilizing an online licensing system for all applications for licensure by examination. Finally, the proposed amendments delete language that required non-dentist owners to be residents of New Mexico. The amendment was made to comply with Section 61-1-37 NMSA1978 which does not require licensees to be residents of New Mexico.

16.5.15 - Dentists, Anesthesia/Sedation Administration

The proposed amendments to this section deletes language which required applicants under this section to submit a notarized affidavit of compliance because the board is utilizing an online licensing system for all applications under this section.

16.5.17 - Dentists and Dental Hygienists, Collaborative Practice

The proposed amendments to this section deletes language which required dental hygienists to submit notarized letters from employers, supervisors, etc. as proof of active practice of dental hygiene. This is because the board is utilizing on online licensing system for all applications and supporting documents submitted by applicants under this section.

16.5.19 - Dental Hygienists, Licensure by Examination

The amendments to this part deletes language under Subsection E of 16.5.19.8 NMAC which required a level III background status report. The rule now only requires one type of background check be done by a designated professional background service. The proposed amendments to Subsection A of 16.5.19.9 NMAC delete s language which required applicants for licensure by examination to submit a signed and notarized application along with a quality photo because the board is utilizing an online licensing system for all applications for licensure by examination.

16.5.20 - Dental Hygienists, Licensure by Credentials

The amendments to this part deletes language under Subsection F of 16.5.20.8 NMAC which required a level II background status report. The rule now only requires that a background check be done by a designated professional background service. The proposed amendments to Subsection A of 16.5.20.9 NMAC deletes language which required applicants for licensure by credentials to submit a signed and notarized application along with a quality photo because the board is utilizing an online licensing system for all applications for licensure by credentials.

16.5.28 - Dental Hygienists, Local Anesthesia Certification

The amendments to this part are intended to provide clarity regarding the licensure requirements for certification of local anesthesia administration, including requirements for continuing education courses necessary to maintain certification.

16.5.33 - Dental Assistants, Requirements for Certification

The proposed amendments to this section deletes language which required applicants under this section to submit a passport quality photo because the board is utilizing an online licensing system for all applications for certification under this section.

16.5.39 - Dental Assistants, Practice and Supervision

The proposed amendments to Subsection C of 16.5.39.10 to prohibit the delegation of final impressions for multiple unit restorations. Additionally, Subsection D of 16.5.39.10 NMAC is revised to provide that delegation of final fitting and adaption of prostheses are non-delegable.

16.5.42 - Expanded Function Dental Auxiliary, Requirements for Certification

The proposed amendments to this section deletes language which required applicants under this section to submit a passport quality photo because the board is utilizing an online licensing system for all applications for certification under this section.

16.5.61 - Dental Therapists, Licensure and Certification

The proposed amendments to section deletes language which required applicants for licensure by credentials to submit a signed and notarized application along with a quality photo because the board is utilizing an online licensing system for all applications for licensure and certification under this section.