

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 3 MANDATORY REPORTING REQUIREMENTS

16.5.3.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[9/30/1996; 16.5.3.1 NMAC - Rn & A, 16 NMAC 5.3.1, 4/17/2006]

16.5.3.2 SCOPE: The provisions of Part 3 of Chapter 5 apply to all dentists, dental therapists, non-dentist owners and dental hygienists licensed to practice in New Mexico.
[9/30/1996; 16.5.3.2 NMAC - Rn, 16 NMAC 5.3.2, 4/17/2006; A, 5/30/2021]

16.5.3.3 STATUTORY AUTHORITY: Sections 61-5A-21 and 61-5A-23 NMSA 1978 (1996 Repl. Pamp.).
[9/30/1996; 16.5.3.3 NMAC - Rn, 16 NMAC 5.3.3, 4/17/2006]

16.5.3.4 DURATION: Permanent.
[9/30/1996; 16.5.3.4 NMAC - Rn, 16 NMAC 5.3.4, 4/17/2006]

16.5.3.5 EFFECTIVE DATE: September 30, 1996, unless a later date is cited at the end of a section.
[9/30/1996; 16.5.3.5 NMAC - Rn & A, 16 NMAC 5.3.5, 4/17/2006]

16.5.3.6 OBJECTIVE: To establish mandatory reporting requirements for adverse events and incidents against licensed dentists, dental therapists, non-dentist owners and dental hygienists.
[9/30/1996; 16.5.3.6 NMAC - Rn, 16 NMAC 5.3.6, 4/17/2006; A, 5/30/2021]

16.5.3.7 DEFINITIONS: [RESERVED]
[9/30/1996; 16.5.3.7 NMAC - Rn, 16 NMAC 5.3.7, 4/17/2006]

16.5.3.8 ADVERSE EVENTS AND INCIDENTS WHICH MUST BE REPORTED BY THE LICENSEE: As a condition of licensure, any licensee who seeks or holds an active license, or temporary or public service license in New Mexico, or a retired licensee who seeks to reactivate their license within three years after retirement, must report the following adverse events and incidents in a written report to the board office within thirty days of that event or incident:

- A.** conviction of a felony or misdemeanor, other than a traffic violation;
 - B.** any payment in settlement of a claim, or satisfaction of judgment, in a dental malpractice action personally or by a third party;
 - C.** any professional review action in which membership status in a health care facility is revoked or suspended; or
 - D.** discipline by any other state licensing authority;
 - E.** any known morbidity or mortality arising as a direct result of examination, prescription, diagnosis or treatment by a licensee which results in hospitalization or treatment of the patient by emergency personnel.
- [5/31/1995, 12/15/1997; 16.5.3.8 NMAC - Rn, 16 NMAC 5.3.8, 4/17/2006; A, 7/19/2010; A, 1/9/2012]

16.5.3.9 DISPOSITION OF REPORTS: The reporting of the incidents or events listed in Section 8 of this part shall be maintained in a separate file and shall not be disclosed except as provided by law. Information contained in this report may be used by the board, or its investigators, to establish to the satisfaction of the board that the licensee is competent, is of good moral character, and continues to practice in a professional manner to the standards of care expected of its licensees.
[5/31/1995; 9/30/1996; 16.5.3.9 NMAC - Rn, 16 NMAC 5.3.9, 4/17/2006]

16.5.3.10 USE OF REPORTS: The board at its discretion may further evaluate, or investigate circumstances leading to the incident or event, and for good cause, or for the proper protection of the public initiate disciplinary action against the licensee in accordance with procedures contained in the Uniform Licensing Act, or evaluate the licensee's ability to practice with reasonable skill and safety to patients in accordance with procedures contained in the Impaired Dentists and Hygienists Act.
[5/31/1995; 9/30/1996; 16.5.3.10 NMAC - Rn, 16 NMAC 5.3.10, 4/17/2006]

16.5.3.11 VIOLATIONS: Violations of the provisions of Part 3 of Chapter 5 may result in suspension or revocation of the license to practice as a dentist, dental therapist, non-dentist owner or dental hygienist in accordance with 61-5A-21 NMSA 1978.

[5/31/1995; 9/30/1996; 16.5.3.11 NMAC - Rn, 16 NMAC 5.3.11, 4/17/2006; A, 5/30/2021]

HISTORY OF 16.5.3 NMAC:

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

BOD Rule 16, Mandatory Reporting of Adverse Events and Incidents, filed 2/14/1994.

BODHC Rule DS 10-95, Dentists, Mandatory Reporting, filed 5/5/1995.

History of Repealed Material: [RESERVED]

Other History:

BODHC Rule DS 10-95, Dentists, Mandatory Reporting (filed 5/5/1995) was renumbered, reformatted, amended and replaced by 16 NMAC 5.3, Mandatory Reporting Requirements, effective 9/30/1996.

16 NMAC 5.3, Mandatory Reporting Requirements (filed 9/17/1996) renumbered, reformatted, amended and replaced by 16.5.3 NMAC, Mandatory Reporting Requirements, effective 4/17/2006.