

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 4 EMERGENCY LICENSURE AND CERTIFICATION PROVISIONS

16.5.4.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.4.1 NMAC - Rp, 16.5.5.6 NMAC, 5/31/2023]

16.5.4.2 SCOPE: The provisions of 16.5.4 NMAC apply to all parts of Chapter 5 and provide relevant information to any person who qualifies to obtain a license or certification under the provisions for emergency licensure in New Mexico.
[16.5.4.2 NMAC - Rp, 16.5.4.2 NMAC, 5/31/2023]

16.5.4.3 STATUTORY AUTHORITY: Section 61-5A-1 through Section 61-5A-30 NMSA 1978 (1996 Repl. Pamp.).
[16.5.4.3 NMAC - Rp, 16.5.4.3 NMAC, 5/31/2023]

16.5.4.4 DURATION: Permanent.
[16.5.4.4 NMAC - Rp, 16.5.4.4 NMAC, 5/31/2023]

16.5.4.5 EFFECTIVE DATE: May 31, 2023, unless a later date is cited at the end of a section.
[16.5.4.5 NMAC - Rp, 16.5.4.5 NMAC, 5/31/2023]

16.5.4.6 OBJECTIVE: To establish rules to govern the emergency licensure or certification for all licensee and certificate holders affected by a declared disaster.
[16.5.4.6 NMAC - Rp, 16.5.4.6 NMAC, 5/31/2023]

16.5.4.7 DEFINITIONS: [RESERVED]

16.5.4.8 REQUIREMENTS FOR EMERGENCY LICENSURE:

A. Dentists, dental hygienists, dental assistants, expanded function dental auxiliary, dental therapists and community dental health coordinators currently licensed or certified and in good standing, or otherwise meeting the requirements for New Mexico licensure or certification in a state in which a federal disaster has been declared, may be licensed or certified in New Mexico during the four months following the declared disaster at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application;
(2) licensing qualifications and documentation requirements 16.5.6 NMAC, 16.5.7 NMAC, 16.5.8 NMAC for Dentists, 16.5.19 NMAC, 16.5.20 NMAC, 16.5.21 NMAC for Dental Hygienists, 16.5.33 NMAC for Dental Assistants 16.5.42 NMAC for Expanded Function Dental Auxiliary and 16.5.50 NMAC for Community Dental Health Coordinators, and 16.5.61 NMAC for dental therapists;

(3) other required information and documentation will be the name and address of employer, copy of diploma, copy of current active license or certificate in good standing in another state, or verification of licensure, copy of DEA license if applicable; a license or certificate will not be granted without a practice location; the board will query the national practitioners databank, American association of dental examiners and other state dental boards where the practitioner has ever held a license or certificate; if any or all of this information or documents are not available or destroyed in a disaster, an affidavit certifying this will be required.

B. The board may waive the following requirements for licensure:

- (1) application fee;
- (2) background check by a professional background information service; and
- (3) transcripts from an ADA accredited program.

C. The board may waive the specific forms required under the requirements for licensure or certification if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Nothing in this section shall constitute a waiver of the requirements for licensure or certification for dentists as required in 16.5.6 NMAC, 16.5.7 NMAC, 16.5.8 NMAC; dental hygienists as required in 16.5.19 NMAC, 16.5.20 NMAC, 16.5.21 NMAC; dental assistants as required in 16.5.33 NMAC; expanded function dental auxiliary as required in 16.5.42 NMAC, dental therapists in 16.5.61 NMAC and community dental health coordinator as required in 16.5.50 NMAC.

E. Licenses and certifications issued under the emergency provision shall expire four months, following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made 30 days prior to the date of expiration and may be renewed no more than once. The applicant must obtain a permanent or temporary license or certification within eight months of the issuance of the initial emergency license or certificate. The board reserves the right to request additional documentation, including but not limited to recommendation forms and work experience verification forms prior to approving license or certification renewal. The board will renew an emergency license or certificate for a period of four months for the following renewal fees:

(1)	dentists	\$100.00	emergency license renewal fee;
(2)	dental hygienists	\$ 50.00	emergency license renewal fee;
(3)	dental assistants	\$ 10.00	emergency certificate renewal fee;
(4)	expanded function dental auxiliary	\$ 10.00	emergency certificate renewal fee;
(5)	community dental health coordinator	\$ 10.00	emergency certificate renewal fee;
(6)	dental therapists	\$10.00	emergency certificate renewal fee.

F. Licensees issued a license or certificate under the emergency provision are subject to all provisions of the Dental Health Care Act, Article 5A and the rules and regulations, Title 16 Chapter 5, specifically the disciplinary proceedings Section 61-5A-21 NMSA 1978.
[16.5.4.8 NMAC - Rp, 16.5.4.8 NMAC, 5/31/2023]

16.5.4.9 EMERGENCY LICENSE TERMINATION:

A. The emergency license or certification shall terminate upon the following circumstances:

(1) the issuance of a permanent or temporary license for dentists as required in 16.5.6 NMAC, 16.5.7 NMAC, 16.5.8 NMAC; dental hygienists as required in 16.5.19 NMAC, 16.5.20 NMAC, 16.5.21 NMAC; dental assistants as required in 16.5.33 NMAC; expanded function dental auxiliary as required in 16.5.42 NMAC, dental therapists in 16.5.61 NMAC and community dental health coordinators as required in 16.5.50 NMAC; or

(2) proof that the emergency license or certificate holder has engaged in fraud deceit; misrepresentation in procuring or attempting to procure a license or certificate under this section.

B. Termination of an emergency license or certificate shall not preclude application for permanent licensure or certification.
[16.5.4.9 NMAC - Rp, 16.5.4.9 NMAC, 5/31/2023]

HISTORY OF 16.5.4 NMAC: [RESERVED]

History of Repealed Material:

16.5.4 NMAC, Emergency Licensure And Certification Provisions filed 3/16/2006 Repealed effective 5/31/2023.

Other History:

16.5.4 NMAC, Emergency Licensure And Certification Provisions filed 3/16/2006 Replaced 16.5.4 NMAC, Emergency Licensure And Certification Provisions effective 5/31/2023.