

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 5 OCCUPATIONAL AND PROFESSIONAL LICENSING GENERAL PROVISIONS**  
**PART 39 DENTAL ASSISTANTS, PRACTICE AND SUPERVISION**

**16.5.39.1 ISSUING AGENCY:** New Mexico Board of Dental Health Care.  
[16.5.39.1 NMAC - Rp, 16.5.39.1 NMAC, 5/31/2023]

**16.5.39.2 SCOPE:** The provisions of Part 39 of Chapter 5 apply to all dental assistants with current expanded function certification.  
[16.5.39.2 NMAC - Rp, 16.5.39.2 NMAC, 5/31/2023]

**16.5.39.3 STATUTORY AUTHORITY:** Part 39 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-5 and 61-5A-6 NMSA 1978 (1996 Repl. Pamp.).  
[16.5.39.3 NMAC - Rp, 16.5.39.3 NMAC, 5/31/2023]

**16.5.39.4 DURATION:** Permanent.  
[16.5.39.4 NMAC - Rp, 16.5.39.4 NMAC, 5/31/2023]

**16.5.39.5 EFFECTIVE DATE:** May 31, 2023, unless a later date is cited at the end of a section.  
[16.5.39.5 NMAC - Rp, 16.5.39.5 NMAC, 5/31/2023]

**16.5.39.6 OBJECTIVE:** To establish those procedures, which may be provided by dental assistants, the procedures which require expanded function certification, and the procedures which may not be performed by dental assistants, regardless of certification or supervision.  
[16.5.39.6 NMAC - Rp, 16.5.39.6 NMAC, 5/31/2023]

**16.5.39.7 DEFINITIONS:** [RESERVED]  
[16.5.39.7 NMAC - Repealed, 5/31/2023]

**16.5.39.8 PRACTICE AND REQUIRED SUPERVISION:** Dental assistants may provide any basic supportive dental procedure, not excluded elsewhere in rule or in statute if the procedure is performed under the indirect supervision of a dentist. The following expanded function procedures may be performed without certification under indirect supervision as long as the procedure is approved by the dentist or dental hygienist upon completion:

- A. rubber cup coronal polishing (not to be represented as a prophylaxis);
- B. application of topical fluoride;
- C. pit and fissure sealant application.

[16.5.39.8 NMAC - Rp, 16.5.39.8 NMAC, 5/31/2023]

**16.5.39.9 PROCEDURES REQUIRING CERTIFICATION:** The following procedures are allowable under general supervision if the dental assistant is certified by the Board:

- A. Place and expose dental radiographs;
- B. Rubber cup coronal polishing;
- C. Application of topical fluoride; and
- D. Pit and fissure sealants.

[16.5.39.9 NMAC - Rp, 16.5.39.9 NMAC, 5/31/2023]

**16.5.39.10 NON-ALLOWABLE PROCEDURES:** Licensees may not delegate the performance of the following procedures to auxiliary personnel:

- A. removal of, or addition to, the hard or soft tissue of the oral cavity;
- B. diagnosis and treatment planning;
- C. final impressions, to include physical and digital impressions, for multiple-unit restorations or prosthetic appliances;
- D. final fitting and adaptation of prostheses;

- E.** final fitting, adaptation, seating and cementation of any fixed or removable dental appliance or restoration, including but not limited to inlays, crowns, space maintainers, habit devices, anti-snoring or sleep apnea appliances or splints;
  - F.** irrigation and medication of canals, cone try-in, reaming, filing or filling of root canals;
  - G.** other services defined as the practice of dentistry or dental hygiene in Subsection A, B and C of Section 61-5A-4 NMSA 1978;
  - H.** bleaching or whitening teeth without direct or indirect supervision of a dentist; and
  - I.** laser-assisted non-surgical periodontal treatment.
- [16.5.39.10 NMAC - Rp, 16.5.39.10 NMAC, 5/31/2023]

**HISTORY OF 16.5.39 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:

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

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

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

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

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

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

**History of Repealed Material:**

16.5.39 NMAC, Dental Assistants, Practice and Certification filed 9/10/2002 Repealed effective 5/31/2023.

**Other History:**

BODHC Rule DA 1-95, Dental Assistant, Practice and Certification, filed 5/5/1995 was renumbered, reformatted to and replaced by 16 NMAC 5.39, Dental Assistants, Practice and Certification, filed 9/17/1996.

16 NMAC 5.39, Dental Assistants, Practice and Certification, filed 9/17/96 was renumbered, reformatted and amended to 16.5.39 NMAC, effective 9/30/2002.

16.5.39 NMAC, Dental Assistants, Practice and Certification filed 9/10/2002 Replaced by 16.5.39 NMAC, Dental Assistants, Practice and Certification effective 5/31/2023.