

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 59 EXPEDITED LICENSURE AND EXPEDITED LICENSURE FOR MILITARY SERVICE
MEMBERS, SPOUSES, DEPENDENT CHILDREN AND VETERANS

16.5.59.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.59.1 NMAC - Rp, 16.5.59.1 NMAC, 12/27/2022]

16.5.59.2 SCOPE: The provisions in Part 59 of Chapter 5 apply to applicants for expedited licensure pursuant to Subsection B of 61-5A-14 NMSA 1978 and Subsection B of 61-1-34 NMSA 1978.
[16.5.59.2 NMAC - Rp, 16.5.59.2 NMAC, 12/27/2022]

16.5.59.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Section 61-1-34 of the Uniform Licensing Act, Section 61-1-1 to 34 NMSA1978, (1957, as amended through 2013) and the Dental Health Care Act Sections 61-5A-1 through 61-5A -30 NMSA 1978.
[16.5.59.3 NMAC - Rp, 16.5.59.3 NMAC, 12/27/2022]

16.5.59.4 DURATION: Permanent.
[16.5.59.4 NMAC - Rp, 16.5.59.4 NMAC, 12/27/2022]

16.5.59.5 EFFECTIVE DATE: December 27, 2022 unless a later date is cited at the end of a section.
[16.5.59.5 NMAC - Rp, 16.5.59.5 NMAC, 12/27/2022]

16.5.59.6 OBJECTIVE: The purpose of this part is to expedite licensure for all applicants pursuant to Subsection B of 61-5A-14 and Section 61-1-34 NMSA 1978.
[16.5.59.6 NMAC - Rp, 16.5.59.6 NMAC, 12/27/2022]

16.5.59.7 DEFINITIONS:

- A. “Eligible jurisdiction”** means:
- (1) any state or territory of the United States except those included in the list of disapproved jurisdictions in 16.5.59.8 NMAC; and
 - (2) any foreign country included in 16.5.59.10. NMAC.
- B. “Expedited license”** means a provisional license that confers the same rights, privileges and responsibilities as a regular license issued by the board.
- C. “Good standing”** means a license or registration is active and not expired, suspended, revoked, surrendered, conditioned, or otherwise in a status that in any manner restricts the activity of a licensee or registrant under the authority of the license.
- D. “Jurisdiction”** has the same meaning as defined in Subsection F of Section 61-1-2, NMSA 1978.
- E. “License”** means a license, registration certificate of registration, certificate, permit or certification.
- F. “Licensing Fee”** means a fee charged at the time an application for a professional or occupational license is submitted to the state agency, board or commission and any fee charged for the processing of the application for such license; “licensing fee” does not include a fee for an annual inspection or examination of a licensee or a fee charged for copies of documents, replacement license or other expenses related to a professional or occupational license.
- G. “Military service member”** means a person who is:
- (1) serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or
 - (2) the spouse of a person who is serving in the armed forces of the United States or in an active reserve component of the armed forces of the United States, including the national guard, or a surviving spouse of a member who at the time of the member’s death was serving on active duty; or
 - (3) the child of a person who is serving in the armed forces of the United States as an active duty member, or in an active reserve component of the armed forces of the United States, including the national guard; provided that child is also a dependent of that person for federal income tax purposes.
- H. “Qualified applicant”** means an applicant who:

(1) holds a current license in good standing in another jurisdiction, provided that an applicant who is not a military service member or veteran must hold a current license in good standing in an eligible jurisdiction;

(2) does not have a disqualifying criminal conviction, as defined in the board's rules; and

(3) is not subject to pending disciplinary action in New Mexico or any other licensing jurisdiction.

I. "Veteran" has the same meaning as defined in Paragraph (3) of Subsection E of Section 61-1-34, NMSA 1978.

[16.5.59.7 NMAC - Rp, 16.5.59.7 NMAC, 12/27/2022]

16.5.59.8 EXPEDITED LICENSURE REQUIREMENTS AND APPLICATION:

A. In accordance with Subsection B of Section 61-5A-14 and 61-1-31.1, NMSA 1978, the board may issue an expedited license to a qualified applicant who holds a valid license, in good standing, that was issued in another licensing jurisdiction and submits the following information to the board:

(1) a completed and signed application form;

(2) proof of a current license in good standing in an eligible jurisdiction as defined in these rules; and

(3) payment of the required application fee.

B. Successfully pass a New Mexico jurisprudence exam.

C. An expedited license application shall not be deemed complete until the applicant has submitted, and board staff is in receipt of, all of the materials required by Subsection A and B of 16.5.59.8 NMAC, including documentation by third parties.

D. Upon receipt of a complete application the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

E. If the applicant has a potentially disqualifying criminal conviction or the board has other cause to deny the application pursuant to Section 61-5A-21, NMSA 1978:

(1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available, regular meeting;

(2) the license may not be issued within 30 days of submission of the complete application; and

(3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

F. An expedited license issued pursuant to Subsection B of 61-5A-14 and 61-1-31.1, NMSA 1978 is a one-year provisional license that confers the same rights, privileges and responsibilities as regular licenses issued by the board.

G. Before the end of expedited license period and upon application, the board shall issue a regular license through its renewal process. However, if the licensee's prior licensing jurisdiction did not require examination, the licensee shall be required to pass a board approved clinical examination, as required by 16.5.6.8 NMAC and 16.5.19.8 NMAC, prior to issuing a regular license.

[16.5.59.8 NMAC - Rp, 16.5.59.8 NMAC, 12/27/2022]

16.5.59.9 LIST OF DISAPPROVED LICENSING JURISDICTIONS FOR DENTISTS AND DENTAL HYGIENISTS:

A. Pursuant to Subsection C of 61-5A-14 NMSA 1978 of the Dental Health Care Act, applicants for licensure as a dentist licensed in the following state and territories for the United States shall not be eligible for expedited licensure because the education requirements are not or cannot be determined to be, consistent with New Mexico:

(1) American Samoa;

(2) Puerto Rico; and;

(3) Washington.

B. Pursuant to Subsection C of 61-5A-14 NMSA 1978 of the Dental Health Care Act, applicants for licensure as a dental hygienist licensed in the following states and territories of the United States shall not be eligible for expedited licensure because the education requirements are not, or cannot be determined to be, consistent with New Mexico:

(1) American Samoa;

(2) Alabama;

- (3) Arizona;
- (4) Delaware;
- (5) Florida;
- (6) Mississippi;
- (7) New York;
- (8) Northern Mariana Islands;
- (9) Oregon;
- (10) Puerto Rico; and
- (11) Guam.

[16.5.59.9 NMAC - N, 12/27/2022]

16.5.59.10 LIST OF APPROVED FOREIGN JURISDICTIONS: The board has not recognized any foreign jurisdictions from which it will accept an applicant for expedited licensure. However, the board will conduct a periodic review to determine if any amendments to this rule are warranted.

[16.5.59.10 NMAC - Rp, 16.5.59.10 NMAC, 12/27/2022]

16.5.59.11 EXPEDITED LICENSURE APPLICATION FOR MILITARY SERVICE MEMBERS AND VETERANS:

A. An applicant for expedited licensure under Section 61-1-34, NMSA 1978 shall submit to the board a complete application containing the following:

- (1) a completed and signed application form;
- (2) proof of a current license in good standing in another jurisdiction, including a branch of the United States armed forces; and
- (3) submission of the following documentation:
 - (a) for military service member: a copy of military orders;
 - (b) for spouse of military service members: copy of military service member's military orders, and copy of marriage license;
 - (c) for spouses of deceased military service members: copy of decedent's DD 214 and copy of marriage license;
 - (d) for dependent children of military service members: a copy of military service member's orders listing dependent child, or a copy of military orders and one of the following: a copy of birth certificate, military service member's federal tax return or other governmental or judicial documentation establishing dependency; or
 - (e) for veterans (retired or separated): proof of honorable discharge such as a copy of DD Form 214, DD Form 215, DD Form 256, DD Form 257, NGB Form 22, military ID card, a driver's license or state ID card with a veteran's designation, or other documentation verifying honorable discharge.

B. An expedited license application shall not be deemed complete until the applicant has submitted, and the board's staff is in receipt of, all of the materials required by subsection A, including documentation from third parties.

C. Upon receipt of a complete application, the board's staff shall process the application and issue the expedited license to a qualified applicant within 30 days.

D. If the applicant has a potentially disqualifying criminal conviction or the board may have other cause to deny the application pursuant to Section 61-5A-21 NMSA 1978:

- (1) the matter of the applicant's application shall be submitted to the board for consideration and action at its next available regular meeting;
- (2) the license may not be issued within 30 days of submission of the complete application; and
- (3) the board may vote to grant the application or refer the matter to its administrative prosecutor for denial of the application as provided by the board's rules.

E. A military service member or veteran who is issued an expedited license shall not be charged a licensing fee for the first three years of licensure with the board.

F. An expedited license issued to a military service member or veteran pursuant to Section 61-1-34, NMSA 1978, shall be valid for the same length of time as a regular initial license issued by the board.

G. A license issued pursuant to this section shall not be renewed unless the license holder satisfies the examination requirements set forth in 16.5.6 NMAC, 16.5.19 NMAC, 16.5.33 NMAC, 16.5.42 NMAC, 16.5.50 NMAC, and 16.5.61 NMAC.

[16.5.59.11 NMAC - N, 12/27/2022]

HISTORY OF 16.5.59 NMAC: [RESERVED]

History of Repealed Material: 16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Licensure for Military Service Members, Spouses and Veterans filed 12/5/2013, Repealed effective 12/5/2021.

16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Licensure for Military Service Members, Spouses and Veterans filed 11/5/2021, Repealed effective 12/27/2022.

Other History: 16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Licensure for Military Service Members, Spouses and Veterans filed 12/5/2013, was replaced by 16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Licensure for Military Service Members, Spouses and Veterans effective 12/5/2021.

16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Licensure for Military Service Members, Spouses and Veterans filed 11/5/2021, was replaced by 16.5.59 NMAC, Dentistry (Dentists, Dental Hygienists, Etc.) - Expedited Licensure And Expedited Licensure For Military Service Members, Spouses, Dependent Children And Veterans, effective 12/27/2022.