

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 65 DENTAL THERAPISTS, PRACTICE

16.5.65.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.65.1 NMAC - N, 5/30/2021]

16.5.65.2 SCOPE: The provisions of Part 65 of Chapter 5 apply to all active dental therapy license holders and all dental therapists working in New Mexico.
[16.5.65.2 NMAC - N, 5/30/2021]

16.5.65.3 STATUTORY AUTHORITY: Part 65 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Sections 61-5A-13.2 NMSA 1978.
[16.5.65.3 NMAC - N, 5/30/2021]

16.5.65.4 DURATION: Permanent.
[16.5.65.4 NMAC - N, 5/30/2021]

16.5.65.5 EFFECTIVE DATE: May 30, 2021, unless a later date is cited at the end of a section.
[16.5.65.5 NMAC - N, 5/30/2021]

16.5.65.6 OBJECTIVE: To establish allowable practice settings, scope of practice and limitations on dental therapy practice in New Mexico.
[16.5.65.6 NMAC - N, 5/30/2021]

16.5.65.7 DEFINITIONS:

A. “Atraumatic restorative therapy” means a temporary or sedative restoration in an open carious lesions after excavation of gross decay and debris without the use of mechanical preparation.

B. “Dental therapy practice agreement” means a contract between the supervising dentist and a dental therapist that outlines the parameters of care, level of supervision, and protocols to be followed while performing dental therapy procedures on patients under the supervising dentists and dental therapists care.

C. “Dental therapy post-graduate clinical experience” as defined in Subsection N of 61-5A-3 NMSA 1978, means advanced training in patient management and technical competency:

- (1) that is approved by the board, based on educational and supervisory criteria developed by the board and established by board rule;
- (2) that is sanctioned by a regionally accredited educational institution with a program accredited by the commission on dental accreditation;
- (3) that consists of two thousand hours of advanced training or, if the dental therapy educational program graduate has five years of experience as a dental hygienist, one thousand five hundred hours of advanced training; and
- (4) for which the dental therapist may have received compensation.

[16.5.65.7 NMAC - N, 5/30/2021]

16.5.65.8 SCOPE OF PRACTICE: A dental therapist shall provide care in accordance with a dental therapy practice agreement; provided that the dental therapy practice agreement is limited to the following activities:

A. UNDER GENERAL SUPERVISION:

- (1) oral evaluation and assessment of dental disease;
- (2) formulation of an individualized treatment plan as authorized by a supervising dentist;
- (3) place and shape direct restorations without mechanical preparation;
- (4) impressions for single-tooth removable prosthesis;
- (5) temporary cementation;
- (6) atraumatic restorative therapy;
- (7) temporary and sedative restorations;
- (8) extraction of primary teeth without radiological evidence of roots;
- (9) palliative treatments;
- (10) fabrication and placement of temporary crowns;

- (11) recementation of permanent crowns;
- (12) removal and nonsurgical placement of space maintainers;
- (13) repairs and adjustments to prostheses;
- (14) tissue conditioning;
- (15) administration of analgesics, anti-inflammatory substances and antibiotics that a supervising dentist orders;
- (16) other closely related procedures that the board authorizes through rules it has adopted and promulgated;
- (17) all procedures within the scope of practice of a dental hygienist;

B. UNDER INDIRECT SUPERVISION:

- (1) preparation and direct restoration of cavities in primary and permanent teeth; and
 - (2) fitting, shaping and cementing of stainless steel crowns on teeth prepared by a dentist;
- and.

C. DENTAL THERAPISTS WITH POST-GRADUATE CLINICAL EXPERIENCE: A dental therapist that has completed a dental therapy post-graduate clinical experience, who has been certified by the board, may perform the following procedures under general supervision:

- (1) preparation and direct restoration of cavities in primary and permanent teeth; and
- (2) fitting, shaping and cementing of stainless steel crowns on teeth prepared by a dentist;

D. A dental therapist may treat a patient prior to a dentist's examination or diagnosis, subject to a dental therapy practice agreement.
[16.5.65.8 NMAC - N, 5/30/2021]

16.5.65.9 LIMITATIONS ON PRACTICE: Dental therapists shall not perform, or attempt to perform, the following services or procedures:

- A.** diagnosis;
- B.** Dental treatment planning that has not been authorized by a supervising dentist;
- C.** the final fitting, adaptation, seating and cementation of any fixed or removable dental appliance or restoration except stainless steel crowns on teeth prepared by a dentist and the cementation of single tooth crowns previously cemented by a dentist;
- D.** final impressions for restorations or prosthetic appliances except single tooth removable prostheses;
- E.** administration of substances outside of a dental hygienist prescriptive authority as defined in 16.5.29.11 NMAC or under the orders of a prescribing dentist;
- F.** other services defined as the practice of dentistry in Subsection A of Section 61-5A-4 NMSA 1978 of the act and not specifically listed in Subsection B and C of Section 61-5A-4 NMSA 1978, unless exempted by regulation.

[16.5.65.9 NMAC - N, 5/30/2021]

16.5.65.10 DENTAL THERAPY PRACTICE AGREEMENT:

A. Prior to performing any of the services authorized under Sections 61-5A-13.2 and 61-5A-13.3 NMSA 1978, a dental therapist must enter into a written dental therapist practice agreement with a New Mexico licensed dentist. The agreement must include:

- (1) practice settings where services may be provided, which may include:
 - (a) a facility operated by a nonprofit community dental organization;
 - (b) a health facility operated by the federal Indian health service;
 - (c) a health facility that a tribe operates under Section 638 of the federal Indian Self-Determination and Education Assistance Act;
 - (d) a federally qualified health center;
 - (e) a facility certified by the federal centers for medicare and medicaid services as a "federally qualified health center look-alike" facility;
 - (f) a private residence or a facility in which an individual receives long-term community-based services under the state's medicaid program;
 - (g) a long-term care facility;
 - (h) a private residence, when exclusively to treat an individual who, due to disease, disability or condition, is unable to receive care in a dental facility; or

(i) an educational institution engaged in the training of dental therapists accredited by the commission on dental accreditation.;

(2) the parameters of care that may be provided by the dental therapist, including the level of supervision required by the supervising dentist and what treatment is permitted within the scope of practice prior to the dentist examining the patient;

(3) a protocol to manage medical emergencies in each setting where the therapist provides care;

(4) protocols for administering and dispensing medications; and

B. A dental therapy practice agreement shall be prepared, amended and submitted to the board using a template tool provided by the New Mexico board of dental health care. The agreement template shall be an online-based tool maintained by the board. Electronic signatures are required.

C. Dental therapy practice agreements must be signed and maintained by the supervising dentist(s) and the dental therapist and renewed whenever there is any change in the agreement, including but not limited to, a dentist or dental therapist that has left the practice or organization, any change in employment or ownership that affects the relationship between the dental therapist and the supervising dentist, or similar. The agreement shall be updated via the board template and on file with the board office. Electronic signatures are required.

[16.5.65.10 NMAC - N, 5/30/2021]

HISTORY OF 16.5.65 NMAC: [RESERVED]