

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)**  
**PART 7 DENTISTS, TEMPORARY OR PUBLIC SERVICE LICENSURE**

**16.5.7.1 ISSUING AGENCY:** New Mexico Board of Dental Health Care.  
[9-30-96; 16.5.7.1 NMAC - Rn & A, 16 NMAC 5.7.1, 12-14-00]

**16.5.7.2 SCOPE:** The provisions of 16.5.7 NMAC apply to all dentists applying for a temporary or a public service license to practice in New Mexico.  
[9-30-96; 16.5.7.2 NMAC - Rn, 16 NMAC 5.7.2, 12-14-00; A, 01-09-12]

**16.5.7.3 STATUTORY AUTHORITY:** 16.5.7 NMAC is promulgated pursuant to the Dental Health Care Act, NMSA 1978 Section 61-5A-14.  
[9-30-96; 16.5.7.3 NMAC - Rn, 16 NMAC 5.7.3, 12-14-00]

**16.5.7.4 DURATION:** Permanent.  
[9-30-96; 16.5.7.4 NMAC - Rn, 16 NMAC 5.7.4, 12-14-00]

**16.5.7.5 EFFECTIVE DATE:** September 30, 1996, unless a different date is cited at the end of a section.  
[9-30-96; 16.5.7.5 NMAC - Rn, 16 NMAC 5.7.5, 12-14-00; A, 09-18-10]

**16.5.7.6 OBJECTIVE:** To establish the requirements for application for temporary or public service licensure as a dentist.  
[9-30-96; 16.5.7.6 NMAC - Rn, 16 NMAC 5.7.6, 12-14-00; A, 01-09-12]

**16.5.7.7 DEFINITIONS:**

**A.** "Entity" means a dental or dental hygiene organization, foundation or officially recognized study club, which has a constitution, bylaws and whose officers or board of trustees are dentists or dental hygienists licensed in good standing in the state.

**B.** "Good standing" means having an active dental license in a jurisdiction for a period of at least three consecutive years immediately preceding the date of application, and a minimum of five years of dental licensure. The board shall consider stipulations, disciplinary, or administrative actions taken against a licensee by the issuing agency, within the previous five years, when determining whether a license is in good standing.

**C.** "In the state" or "in this state" means that a program has a physical presence in New Mexico in the form of a facility and a permanent faculty.  
[9-30-96; 16.5.7.7 NMAC - Rn, 16 NMAC 5.7.7, 12-14-00; A, 01-09-12]

**16.5.7.8 CATEGORIES OF TEMPORARY OR PUBLIC SERVICE LICENSES:** Applications for a temporary or a public service New Mexico dental license may be issued in the following categories for specific purposes if education and experience requirements are met.

**A.** Clinical educator. Dentists, not currently licensed in New Mexico, who provide clinical education or training that includes demonstrations on live subjects must apply for temporary licensure. The temporary license is issued for 48 hours; if the course lasts longer than two days, additional 48 hour licenses may be requested upon payment of the applicable fees; a temporary license may not be issued for less than 48 hours.

**B.** A student who is enrolled in a commission of dental accreditation (CODA) dental specialty program or a commission of dental accreditation (CODA) general practice dental residency program, or an advanced education in general dentistry program, who holds a current, valid license in good standing in another US jurisdiction, may be granted a temporary 48 hour license for the purpose of observing or assisting a licensed New Mexico practitioner in cases for educational purposes.

**C.** A resident or student enrolled in a commission of dental accreditation (CODA) accredited program in the state of New Mexico may be granted a public service license for up to 12 months. This public service license shall be automatically renewed annually only for the purpose of completing the education program and shall not be valid once the residency or educational program is completed or the applicant is no longer enrolled, provided:

(1) the program in this state is accredited by the commission on dental accreditation (CODA);

- (2) the residency program maintains a physical presence in New Mexico, including:
  - (a) a faculty and staff full time in New Mexico who holds a license in New Mexico in good standing in accordance with the degree they hold; and
  - (b) a facility in the state where residency students may attend lectures, seminars and receive clinical instruction;
- (3) public service license for a dental resident or student may not be converted to any other public service license or license by credentials;
- (4) the applicant must practice under the sponsorship of or be associated with a dentist holding a current license in good standing in this state;
- (5) upon application by a resident or student, the participating residency or education program must supply documentation to the board of its accreditation status, faculty and facilities in New Mexico; and
- (6) successful completion of a clinical board examination is not a requirement for a public service license to be granted to a student or resident under this section.

**D.** Clinical practice in underserved area or state institutions. A dentist may be granted temporary licensure to practice in a state institution, a program approved or maintained by the New Mexico department of health (NMDOH), or a program or clinic designated by the New Mexico department of health (NMDOH), as dental care underserved area (DCUA). The New Mexico department of health (NMDOH) may recommend to the New Mexico board of dental health care, counties, communities, county census divisions, or in the case of urban areas, neighborhoods, zip codes, and census tracts to be considered as dental care underserved areas (DCUA's). Areas recommended as DCUA's may reflect those areas designated by the federal government as dental health professional shortage areas (DHPSA). The New Mexico board of dental health care will request annually from NMDOH a written report of which areas are recommended as DCUA's and will update the listing throughout the year as appropriate. The New Mexico board of dental health care may designate DCUA's based upon these recommendations:

- (1) the temporary license holder is restricted to work exclusively in the institution or program named on the application or the temporary license certificate;
- (2) a temporary license for clinical practice in an underserved area or state institution is valid for 12 months and shall expire at the end of that period; the board may re-issue the temporary license for three additional 12 month periods; each license reissue must be approved by the board; the licensee must contact the board office three months prior to the expiration date to begin the re-issue process;
- (3) the New Mexico board of dental health care shall rely upon the listing of recommended practices in underserved areas or state institutions, and the listing of recommended DCUA's provided by NMDOH in its review of applications for clinical practice in underserved areas; temporary licenses will be reissued only for sites and DCUA's that remain on the recommended listings by the New Mexico department of health;
- (4) the applicant shall provide an affidavit from the administrative supervisor of the applicant's proposed employer organization as defined in Subsection C of 16.5.7.8 NMAC attesting to supervision and oversight by a New Mexico licensed dentist in good standing, and bearing the signature of both; and
- (5) the applicant shall provide an affidavit from the New Mexico department of health specifying supervision will be by a licensed New Mexico dentist in good standing and bearing the signature of both;
- (6) a temporary license to practice in an underserved area may be converted to a license by credentials provided the applicant:
  - (a) meets all requisite requirements listed in 16.5.8 NMAC and provides all documentation as required in 16.5.8.10 NMAC of these rules, with exception of the requirement to have a license in good standing for five years;
  - (b) practices for at least 1000 hours per year under a temporary license in an underserved area for three consecutive years; one year of credit will be granted for:
    - (i) a commission on dental accreditation residency (CODA) or ADA recognized specialty program; or
    - (ii) private practice of 1000 or more hours per year; and
  - (c) has no complaints under board investigation, actions pending or actions taken against the applicant's temporary license;
  - (d) has renewed the temporary license yearly, and has paid the required license fees;
  - (e) has maintained the same continuing education requirements of regularly licensed dentists as set forth in 16.5.10 NMAC of these rules; the annual continuing education requirements are to

be based upon 1/3 prorated share of those required of a licensee applying for license renewal on a triennial basis; and

(f) applies for conversion of a temporary license to a license by credentials pursuant to 16.5.7.15 NMAC of these rules.

**E.** Emergency practitioner. Out of state specialists needed for emergency care in a hospital may be granted a temporary license:

(1) the information normally given in official documentation may be given in written or verbal form because of the emergency nature of the license;

(2) this category will be given a 48 hour temporary license but it may be extended in 48 hour increments until the dentist can leave the patient to the care of others; and

(3) the New Mexico licensed dentist acting as the sponsor for the temporary licensee must be responsible for the validity of the following credentials:

(a) the license number in the state in which the applicant resides and practices, and the current status of the license;

(b) proof of liability insurance; and

(c) verification of status of hospital credentials in state of residence or practice.

**F.** Replacement practitioner. A dentist may be granted temporary licensure for six or 12 months to work exclusively with patients in the practice of a New Mexico licensed dentist who is unable to practice dentistry because of physical or mental illness, injury, pregnancy, impairment, physical absence, or other condition approved by the board:

(1) the temporary license holder is restricted to work exclusively in the practice named on the application; and

(2) a temporary license as a replacement practitioner is valid for no longer than 12 months, and may not be re-issued.

**G.** Presumptive public service licensure for a charitable dental project. A dentist not holding a license in the state may be granted a presumptive public service license for up to 72 hours to participate in a board approved charitable project. Except as noted in this section the dentist shall otherwise be subject to the provisions of the dental practice act and the rules and regulations of the board. The presumptive public service license is valid only when:

(1) the charitable project is approved by the board at least 45 days prior to the scheduled event;

(2) the dentist receives no compensation for participating in the project;

(3) the project is sponsored by an entity as defined in 16.5.7.7 NMAC and that entity has been approved by the board to undertake the charitable project;

(4) the dentist holds a license in good standing in another jurisdiction and the license is verified by the sponsoring entity;

(5) the dentist has graduated from and holds a diploma from a dental school accredited by the commission on dental accreditation and a copy of the diploma is on file with the sponsoring entity;

(6) upon request the out-of-state dentist shall produce copies of their diploma and license in another jurisdiction;

(7) the dental care provided is within the scope and limits of the license the dentist holds in the other jurisdiction;

(8) the out-of-state dentist works under the indirect supervision of a dentist licensed in good standing in this state who is present at the charitable project;

(9) patients who receive dental care during the charitable project will be given a list of dentists whom they can contact if post-operative care is needed;

(10) a charitable public service license is not eligible for conversion to any other public service, regular license; or license by credentials; and

(11) no fee shall be required by the board for the presumptive public service license for a charitable project.

[3-17-73, 3-16-94, 4-15-94, 5-31-95, 9-30-96; 16.5.7.8 NMAC - Rn & A, 16 NMAC 5.7.8, 12-14-00; A, 3-29-02; A, 07-17-08; A, 09-18-10; A, 01-09-12; A, 01-15-15]

#### **16.5.7.9 PREREQUISITE REQUIREMENTS FOR TEMPORARY AND PUBLIC SERVICE**

**LICENSURE:** Presumptive public service practitioners as defined in Subsection G of 16.5.7.8 NMAC are not required to comply with Subsection D, E and F of this section. Residents or students as defined in Subsection C of

16.5.7.8 NMAC are not required to comply with Subsection C, E and F of this section. All other applicants for temporary or public service licensure must possess each of the following qualifications:

**A.** graduated and received a diploma from an accredited dental school or college as defined in NMSA 61-5A-12, A;

**B.** if the temporary or public service license is for a practice specialty, the applicant must have obtained a postgraduate degree or certificate from an accredited dental college, school of dentistry or other residency program that is accredited by the commission on dental accreditation;

**C.** hold a valid license in good standing from another state or territory of the United States;

**D.** applicants requesting a six or 12 month temporary or public service license must pass the jurisprudence exam with a score of at least a 75 percent;

**E.** for those applying for an initial temporary or public service license in public health dentistry or as a replacement practitioner, the board requires a level III background status report from a board designated professional background service; application for this service will be included with other application materials; the applicant will apply and pay fee directly to a board designated professional background service to initiate this service; the license may be provisionally issued while awaiting the report from a board designated professional background service; and

**F.** must have successfully passed clinical examination through WREB, CRDTS, NERB/ADEX, SRTA or other examination accepted by the board; the results of the clinical examination must be sent directly to the board office.

[3-14-73, 5-31-95; 16.5.7.9 NMAC - Rn & A, 16 NMAC 5.7.9, 12-14-00; A, 06-14-01; A, 07-16-07; A, 07-17-08; A, 09-18-10; A, 01-09-12; A, 06-14-12]

**16.5.7.10 DOCUMENTATION REQUIREMENTS:** Except as otherwise required by Subsection F of 16.5.7.8 NMAC, presumptive public service practitioners do not need to comply with the following for temporary or public service licensure. Residents or students as defined in Subsection C of 16.5.7.8 NMAC shall provide only documents described in Subsection F of this section. All other applicants for temporary or public service licensure shall submit the required fees and following documentation:

**A.** completed application signed and notarized with a passport quality photo taken within six months; applications are valid for one year from the date of receipt;

**B.** verification of licensure in all states where the applicant holds or has held a license to practice dentistry, or other health care profession; verification shall be sent directly to the office from the other state(s) board, shall include an embossed seal, and shall attest to the status, issue date, license number, expiration date and other information contained on the form;

**C.** proof of current basic life support (BLS) or cardiac pulmonary resuscitation (CPR) certification accepted by the American heart association, the American red cross, or the American safety and health institute (ASHI); cannot be a self-study course;

**D.** an affidavit from the New Mexico licensed dentist who is sponsoring the applicant attesting to the qualifications of the applicant and the activities the applicant will perform; applicants for temporary licensure in underserved areas and state institutions shall:

(1) provide an affidavit from the administrative supervisor of the applicant's proposed employer organization as defined in Subsection C of 16.5.7.8 NMAC attesting to supervision and oversight by a New Mexico licensed dentist, and bearing the signature of both; or

(2) provide an affidavit from the New Mexico department of health specifying supervision will be by a licensed New Mexico dentist and bearing the signature of both;

(3) report any changes in supervision or oversight of the temporary licensee to the board within 30 days of the change; and

(4) provide proof of acceptable liability insurance coverage;

**E.** in addition, applicants requesting temporary licensure in public health dentistry or as a replacement practitioner shall submit the following:

(1) official transcripts or an original letter on letterhead with an embossed seal verifying successfully passing all required courses from the dental school or college, to be sent directly to the board office from the accredited program;

(2) copy of national board examination certificate or score card;

(3) copy of clinical examination score card or certificate from the accepted examining agent;

(4) proof of having taken a course in infection control technique within the past 12 months;

(5) applicant shall authorize the drug enforcement administration (DEA) and American association of dental examiners clearinghouse to send verification of status directly to the board office;

(6) the board will obtain verification of applicant status from the national practitioners data bank; and

(7) a level III status report from a board designated professional background service shall be received directly from a board designated professional background service; the results of the background check shall either indicate no negative findings, or if there are negative findings, those findings will be considered by the board; the board may deny, stipulate, or otherwise limit a license if it is determined the applicant is guilty of violating any of the provisions of the act, the Uniform Licensing Act, the Impaired Dentists and Hygienists Act, these rules, or if it is determined that the applicant poses a threat to the welfare of the public;

(8) in addition to the documentation required above, an applicant for temporary licensure in a specialty area shall request official transcripts from the residency program or postgraduate training program to be sent directly to the board office from the accredited program.

**F.** Residents or students as defined in Subsection C of 16.5.7.8 NMAC shall submit the required fees and following documentation:

(1) completed application signed and notarized with a passport quality photo taken within six months; applications are valid for one year from the date of receipt;

(2) official transcripts in the event that official transcripts are not available at the time of application, a letter from the dean of the dental school or college, on official letterhead, verifying the applicant's successful completion of all required courses, may be submitted but must be supplemented with final graduation documentation no later than 45 days from the start of the residency program.

(3) copy of national board examination certificate or score card;

(4) proof of having taken a course in infection control technique within the past 12 months or have graduation from dental school within the past 12 months;

(5) pass the jurisprudence exam with a score of at least 75 percent;

(6) if resident or student has or holds a license to practice dentistry or other health care profession they shall submit verification of licensure in all states where the applicant holds or has held a license to practice dentistry, or other health care profession; verification shall be sent directly to the office from the other state(s) board, shall include an embossed seal, and shall attest to the status, issue date, license number, expiration date and other information contained on the form; and

(7) issue date of the license will correspond with the first date of the residency start date.

[3-14-73, 5-31-95, 9-30-96; 16.5.7.10 NMAC - Rn, 16 NMAC 5.7.10, 12-14-00; A, 06-14-01; A, 3-29-02, A, 07-16-07; A, 09-18-10; A, 01-09-12; A, 06-14-12; A, 12-16-15]

**16.5.7.11 RE-EXAMINATION PROCEDURE:** An applicant who does not obtain a passing score on the jurisprudence exam must submit the re-examination fee as defined in Subsection D of 16.5.5 NMAC to retake the exam.

[9-30-96; 16.5.7.11 NMAC - Rn, 16 NMAC 5.7.11, 12-14-00; A, 01-09-12]

**16.5.7.12 LICENSURE PROCEDURES:** Upon receipt of a completed application, including all required documentation and fees, the secretary-treasurer or the delegate of the board will review and approve the application. The board shall formally accept the approval of the application at the next scheduled meeting.

**A.** Emergency Practitioner: Upon receipt of the necessary credentials from the practitioner and the verification from the sponsoring dentist, a professional member of the board or board administrator may declare the practitioner a temporary licensee of record and submit such information to the practitioner, sponsoring dentist, or the hospital.

**B.** Any application which cannot be approved by the delegate of the board will be reviewed by the entire Board at the next scheduled meeting.

[3-14-73, 5-31-95, 9-30-96; 16.5.7.12 NMAC - Rn, 16 NMAC 5.7.12, 12-14-00; A, 12-16-15]

**16.5.7.13 RE-ISSUE PROCEDURES:** To remain eligible for temporary or public service licensure; temporary or public service license holders who are eligible for re-issue per 16.5.7.8 NMAC must contact the board office three months prior to the expiration date to begin the re-issue process. All requirements regarding re-issue are the same as the initial application as defined in 16.5.7.10 NMAC. The form, application and fee and proof of 20 hours of continuing education must be post-marked on or before the expiration date.

[12-15-97; 16.5.7.13 NMAC - Rn, 16 NMAC 5.7.13, 12-14-00; A, 09-18-10; A, 01-09-12]

**16.5.7.14 LIMITATION ON PRACTICE:** Temporary or public service licensees shall engage in only those activities specified on the temporary or public service license for the time period designated.

**A.** Temporary or public service licensees shall only practice under the sponsorship or in association with a licensed New Mexico dentist or dental hygienist.

**B.** Temporary or public service licensees and the approved sponsor or associate are responsible for compliance with the act and these rules.

[3-14-73, 5-31-95, 12-15-97, 16.5.7.14 NMAC - Rn, 16 NMAC 5.7.14, 12-14-00; A, 01-09-12]

**16.5.7.15 CONVERSION OF TEMPORARY LICENSE TO LICENSE BY CREDENTIALS:**

**A.** Following the completion of the requirements listed in 16.5.7.8 NMAC of these rules, the temporary licensee may complete an application for licensure by credentials.

**B.** Any additional licenses acquired during the time practicing under a temporary license must be reported on the application for licensure by credentials.

**C.** Any actions taken against the applicant's license in any other jurisdiction while licensed in New Mexico under a temporary license must be reported on the application for license by credentials.

**D.** Upon receipt of a complete application the board shall issue a New Mexico license by credentials unless there is any action pending against the temporary license. Then at the discretion of the board or its agent, the temporary license may be extended until pending action is settled. If action is taken against the temporary license, conversion to a license by credentials will be halted and the temporary license will no longer be renewed.

**E.** Conversion of a temporary license to practice dentistry does not allow conversion of a temporary anesthesia permit into one lasting more than the initial 12 months. After the 12 month period, an additional permit requires successful completion of an additional anesthesia exam and a facilities inspection. See Subsection C of 16.5.15.15 NMAC.

[16.5.7.15 NMAC - N, 3-29-02; A, 07-16-07; A, 01-09-12; A, 06-14-12]

**HISTORY OF 16.5.7 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:

BDE 69-1, Rules and Regulations of the New Mexico Board of Dental Examiners, filed 08-14-69;

BDE 70-1, Rules and Regulations of the New Mexico Board of Dental Examiners, filed 09-21-70;

BDE 73-1, Rules and Regulations of the New Mexico Board of The New Mexico Board of Dentistry, filed 02-12-73;

Article IV, Licensing of Dentist, filed 03-11-81;

Article IV, Licensing of Dentist, filed 01-12-82;

Article IV, Licensing of Dentist, filed 03-30-82;

BOD Rule 4, Licensing of Dentists, filed 02-09-89 (portion of);

BODHC Rule DS 3-95, Dentistry, Temporary Licensure, filed 05-05-95.

**History of Repealed Material:**

Article XIV, Repeals BDE 73-1, Rules and Regulations of the New Mexico Board of Dentistry, filed 2-12-73.

**Other History:**

16 NMAC 5.7, General Provisions, filed 09-17-96;

16 NMAC 5.1, General Provisions, filed 09-17-96 - renumbered, reformatted and amended to 16.5.7 NMAC, Dentists, Temporary Licensure, effective 12-14-00.