

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 12 DENTISTS, RETIREMENT, INACTIVE AND REINSTATEMENT

16.5.12.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[9-30-96; 16.5.12.1 NMAC - Rn & A, 16 NMAC 5.12.1, 12-14-00]

16.5.12.2 SCOPE: The provisions of 16.5.12 NMAC apply to all licensed dentists who plan to retire or reinstate an active license to practice dentistry in New Mexico.
[9-30-96; 16.5.12.2 NMAC - Rn, 16 NMAC 5.12.2, 12-14-00]

16.5.12.3 STATUTORY AUTHORITY: 16.5.12 NMAC is promulgated pursuant to the Dental Health Care Act, NMSA 1978, Section 61-5A-17 (1996 Repl. Pamp.).
[9-30-96; 16.5.12.3 NMAC - Rn, 16 NMAC 5.12.3, 12-14-00]

16.5.12.4 DURATION: Permanent.
[9-30-96; 16.5.12.4 NMAC - Rn, 16 NMAC 5.12.4, 12-14-00]

16.5.12.5 EFFECTIVE DATE: September 30, 1996, unless a later date is cited at the end of a section.
[9-30-96; 16.5.12.5 NMAC - Rn, 16 NMAC 5.12.5, 12-14-00; A, 04-17-06]

16.5.12.6 OBJECTIVE: To establish the requirements and procedures to place an active dental license in retirement status, inactive status or to reinstate the license to active status.
[9-30-96; 16.5.12.6 NMAC - Rn, 16 NMAC 5.12.6, 12-14-00, A, 03-06-05]

16.5.12.7 DEFINITIONS: [RESERVED]
[9-30-96; 16.5.12.7 NMAC - Rn, 16 NMAC 5.12.7, 12-14-00]

16.5.12.8 RETIREMENT: A license to practice dentistry may be placed in retirement status one time through the following procedures:

A. the request for retirement status must be made in writing to the board office prior to the expiration of the current license; dentists with an active practice located in New Mexico must include the following information:

- (1) the actual date of retirement;
- (2) proof of written notification of approaching retirement to all patients currently under active treatment;
- (3) the location where all active dental treatment records will be maintained for a minimum of six years; active treatment records are records of patients treated in the two years previous to the date of retirement; the notification to the board must include the name, address, and telephone number of the person who is serving as the custodian of the records;

B. all dentists requesting retirement status may include a list of any continuing education courses taken since the last license renewal, including documentation required in 16.5.10 NMAC; and

C. board staff shall acknowledge receipt of the request for retirement status and at the next meeting of the board the request for retirement will be placed on the agenda; upon board approval of retirement status the licensee will be exempt from payment of the triennial renewal fees during the period of retirement;

D. the board may deny a request for retirement status if there are any current or pending complaints or disciplinary actions against the licensee;

E. a licensee desiring to go from active to inactive must sign a waiver and stipulation provided by the board foregoing the three year retirement.

[3-14-73...5-31-95, 9-30-96; 16.5.12.8 NMAC - Rn, 16 NMAC 5.12.8, 12-14-00, A, 03-06-05; A, 01-09-12]

16.5.12.9 INACTIVE: A license to practice dentistry may be placed in inactive status one time through the following procedures.

A. The request for inactive status must be made by an application obtained from the board office prior to the expiration of the current license or the three-year eligibility of retirement status. Dentists with an active practice located in New Mexico must include the following information:

- (1) the actual date of inactivation request;
- (2) proof of written notification of approaching inactive status to all patients currently under active treatment;
- (3) the location where all active dental treatment records will be maintained for a minimum of six years; active treatment records are records of patients treated in the two years previous to the date of inactive status; the notification to the board must include the name, address, and telephone number of the person who is serving as the custodian of the records.

B. All dentists requesting inactive status shall include a list of any continuing education courses taken since the last license renewal, including documentation as set forth in 16.5.10 NMAC.

C. The board may deny a request for inactive status if there are any current or pending complaints or disciplinary actions against the licensee.
[3-14-73...5-31-95, 12-15-97; 16.5.12.9 NMAC - Rn & A, 16 NMAC 5.12.9, 12-14-00; N, 03-06-05; A, 04-17-06; A, 01-09-12]

16.5.12.10 REINSTATEMENT FROM RETIREMENT STATUS: A licensee whose license has been placed in retirement status may request reinstatement of the retired license within three years of the date of retirement as indicated in 16.5.12.8 NMAC. Upon receipt of the request for reinstatement, board staff shall send an application for reinstatement of license.

A. Along with the completed application, the request for reinstatement must include the reinstatement fee, the triennial renewal fee, impairment fee, and proof of the following continuing education courses:

- (1) 20 hours of approved continuing education courses related to the clinical practice of dentistry, per year of retirement; at least 20 of these hours must be in the 12 months previous to the request;
- (2) 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;
- (3) proof of infection control course within the past 12 months; and
- (4) 60 hours of continuing education required for the last triennial renewal cycle of active licensure; these hours may include continuing education identified at the time of retirement request as well as any continuing education taken during the retirement period.

B. Applicant shall authorize the following agencies to send verification of status directly to the board office:

- (1) drug enforcement administration (DEA), and
- (2) American association of dental examiners clearinghouse.

C. The board will obtain electronic verification of applicant status from the national practitioners' data bank.

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

E. The board at the next regularly scheduled meeting shall review the request for reinstatement, including a statement of the applicant's activities during the period of retirement and information on any existing impairment. If the board finds the application in order and is satisfied the applicant has fulfilled all required continuing education, the license will be removed from retirement status and the previous license number reassigned. The reinstated license will expire as defined in 16.5.11 NMAC.

F. A dentist with a license in retirement status may not practice dentistry in New Mexico until proof of active licensure is received from the board office.

G. If reinstatement of a retired license is not requested after three years of retirement, and if the licensee does not apply for inactive status, application for a new license must be made by examination or credentials in order to practice dentistry in New Mexico.

[16.5.12.10 NMAC - Rn, 16.5.12.9 NMAC & A, 03-06-05; A, 04-17-06; A, 07-16-07; A, 07-19-10; A, 01-09-12]

16.5.12.11 REINSTATEMENT FROM INACTIVE STATUS: A licensee whose license has been placed in inactive status may request reinstatement to active license status within nine years of the date of inactivation as indicated in 16.5.12.8 NMAC. Upon receipt of the request for reinstatement, board staff shall send an application for reinstatement of license.

A. Along with the completed application, the request for reinstatement must include the reinstatement fee, the triennial renewal fee, impairment fee and proof of the following continuing education courses:

(1) 20 hours of approved continuing education courses related to the clinical practice of dentistry, per year of inactivation; at least 20 of these hours must be in the 12 months previous to the request;

(2) 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;

(3) proof of infection control course within the past 12 months;

(4) proof of medical emergency course during the past 12 months; and

(5) 60 hours of continuing education required for the last triennial renewal cycle of active licensure; these hours may include continuing education identified at the time of retirement request as well as any continuing education taken during the retirement period.

B. Applicant shall authorize the following agencies to send verification of status directly to the board office:

(1) drug enforcement administration (DEA); and

(2) American association of dental examiners clearinghouse.

C. The board will obtain electronic verification of applicant status from the national practitioners' data bank.

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

E. The board at the next regularly scheduled meeting shall review the request for reinstatement, including a statement of the applicant's activities during the period of inactivation and information on any existing impairment. If the board finds the application in order and is satisfied the applicant has fulfilled all required continuing education, the license will be removed from inactive status and the previous license number reassigned. The reinstated license will expire as defined in 16.5.11 NMAC.

F. A dentist with a license in inactive status may not practice dentistry in New Mexico until proof of active licensure is received from the board office.

G. If reinstatement of an inactive license is not requested after nine years of inactivation, application for a new license must be made by examination or credentials in order to practice dentistry in New Mexico or six years if the licensee signs affidavit foregoing three years for retirement as defined in 16.5.12.8 NMAC. [16.5.12.11 NMAC - N, 03-06-05; A, 04-17-06; A, 07-16-07; A, 07-19-10; A, 01-09-12]

History of 16.5.12 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 V, Reinstatement of Dentists, filed 03-11-81;

Article VI, Retirement and Reinstatement of Dentists, filed 03-12-81;

BOD Rule 5, Retirement and Reinstatement of Dentists, filed 02-09-89;

BODHC Rule DS 7-95, Dentistry, Licensure by Credentials, filed 07-31-95.

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 5.12, Dentists, Licensure by Credentials, filed 07-31-95;
16 NMAC 5.8, Dentists, Licensure by Credentials, filed 09-17-96 - **renumbered, reformatted and amended to**
16.5.8 NMAC, Dentists, Licensure by Credentials, effective 12-14-00.