

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 21 DENTAL HYGIENISTS, TEMPORARY OR PUBLIC SERVICE LICENSURE:

16.5.21.1 ISSUING AGENCY: New Mexico Board of Dental Health Care
[9-30-96; 16.5.21.1 NMAC - Rn & A, 16 NMAC 5.21.1, 12-30-02]

16.5.21.2 SCOPE: The provisions of Part 21 of Chapter 5 apply to all dental hygienists applying for a temporary or public service license to practice in New Mexico.
[9-30-96; 16.5.21.2 NMAC - Rn, 16 NMAC 5.21.2, 12-30-02; A, 01-09-12]

16.5.21.3 STATUTORY AUTHORITY: Part 21 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, NMSA 1978 61-5A-14 (1996 Repl. Pamp.).
[9-30-96; 16.5.21.3 NMAC - Rn, 16 NMAC 5.21.3, 12-30-02]

16.5.21.4 DURATION: Permanent
[9-30-96; 16.5.21.4 NMAC - Rn, 16 NMAC 5.21.4, 12-30-02]

16.5.21.5 EFFECTIVE DATE: September 30, 1996, unless a later date is cited at the end of a section.
[9-30-96; 16.5.21.5 NMAC - Rn & A, 16 NMAC 5.21.5, 12-30-02]

16.5.21.6 OBJECTIVE: To establish the requirements for application for temporary or public service licensure as a dental hygienist.
[9-30-96; 16.5.21.6 NMAC - Rn, 16 NMAC 5.21.6, 12-30-02; A, 01-09-12]

16.5.21.7 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 hygiene license in a jurisdiction for a period of at least two consecutive years immediately preceding the date of application. The committee as ratified by the board shall consider stipulations, disciplinary, or administrative actions taken against a licensee by the issuing agency, within the previous two 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; 16.5.21.7 NMAC - Rn, 16 NMAC 5.21.7, 12-30-02; A, 01-09-12]

16.5.21.8 CATEGORIES OF TEMPORARY OR PUBLIC SERVICE LICENSES: Temporary or public service dental hygiene licenses may be issued in the following categories for specific purposes, if education and experience requirements are met.

A. Clinical educator.

(1) Dental hygienists, not currently licensed in New Mexico, who provide continuing education or training that includes clinical demonstrations on live subjects must apply for temporary licensure. The temporary license is issued for 48 hours (two days). If the course lasts longer than two days, additional 48 hour licenses may be requested upon payment of the applicable fees.

(2) Dental hygienists, not currently licensed in New Mexico, who intend to serve as a faculty member of an accredited dental hygiene program must apply for a temporary or public service license. The temporary or public service license is issued for 12 months and may be renewed one time. Temporary or public service licensees must be granted a license under the provisions of 16.5.19 NMAC or 16.5.21.15 NMAC prior to the expiration date of the temporary or public service license to continue uninterrupted practice of dental hygiene in New Mexico.

B. Public health dental hygiene. A dental hygienist may be granted temporary or public service licensure to practice in a state institution, public health clinic or public health program approved or maintained by the New Mexico department of health. The temporary or public service license holder is restricted to work exclusively in the institution or program named on the application. A temporary or public service license may be

issued for six or 12 months and may be renewed one time. Temporary or public service licensees must be granted a license under the provisions of 16.5.19 NMAC or 16.5.21.15 NMAC prior to the expiration date of the temporary or public service license to continue uninterrupted practice of dental hygiene in New Mexico.

C. Presumptive public service licensure for charitable dental hygiene projects: A dental hygienist not holding a license in the state may be granted a presumptive public service license for up to 72 hours to participate in a committee approved, and ratified by the board, charitable project. Except as noted in this section the dental hygienist 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 committee and ratified by the board 45 days prior to the scheduled event;
- (2) the dental hygienist receives no compensation for participating in the project;
- (3) the project is sponsored by an entity as defined in 16.5.21.7 NMAC and that entity has been approved by the committee, and ratified by the board, to undertake the charitable project;
- (4) the dental hygienist holds a license in good standing in another jurisdiction and the license is verified by the sponsoring entity;
- (5) the dental hygienist has graduated from and holds a diploma from a dental hygiene school accredited by the commission on dental accreditation and a copy of the diploma is on file with the sponsoring entity;
- (6) upon request of the out-of-state dental hygienist shall produce copies of their diploma and license in another jurisdiction;
- (7) the dental hygiene care provided is within the scope and limits of the license the dental hygienist holds in the other jurisdiction;
- (8) the out-of-state dental hygienist works under the indirect supervision of a dentist licensed in this state who is present at the charitable project;
- (9) patients who receive dental hygiene 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 temporary or 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.

[3-14-73, 5-31-95, 9-30-96; 16.5.21.8 NMAC - Rn & A, 16 NMAC 5.21.8, 12-30-02; A, 09-18-10; A, 01-09-12; A, 12-15-12]

16.5.21.9 REQUIREMENTS FOR TEMPORARY OR PUBLIC SERVICE LICENSURE:

Presumptive public service dental hygienist as defined in Subsection C of 16.5.21.8 NMAC are not required to comply with Subsection C of this section. All other applicants for temporary or public service licensure must possess each of the following qualification:

- A. graduated and received a diploma from an accredited dental hygiene program consisting of at least two academic years of dental hygiene curriculum as defined in Section 61-5A-13; and
- B. hold a valid license obtained through a clinical examination in another state or territory of the United States;
- C. applicants requesting a six or 12 month temporary or public service license are required to successfully complete the jurisprudence examination.

[3-14-73, 5-31-95, 9-30-96; 16.5.21.9 NMAC - Rn, 16 NMAC 5.21.9, 12-30-02; A, 09-18-10; A, 01-09-12]

16.5.21.10 DOCUMENTATION REQUIREMENTS: Except as otherwise required by Subsection C of 16.5.21.8 NMAC, presumptive public service dental hygienist do not need to comply with the following for presumptive public service licensure. All other applicants for temporary or public service licensure must submit the required fees and following documentation:

- A. completed application, signed and notarized with a passport quality photo taken within six months affixed to the application; applications are valid for one year from the date of receipt;
- B. 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;
- C. copies of all valid licenses and a letter from the applicant attesting to the status of each license;

- D. an affidavit from the New Mexico licensed dental hygienist or dentist who will sponsor the applicant, attesting to the qualifications of the applicant and the activities the applicant will perform;
 - E. a list of activities to be practiced and the time period for which the temporary or public service license is requested;
 - F. in addition, applicants requesting temporary or public service licensure in public health must submit the following documentation:
 - (1) official transcripts or an original letter on letterhead with a raised embossed seal verifying successfully passing all required courses from the dental hygiene program, to be sent directly to the board office from the accredited program;
 - (2) copy of national board examination certificate or score card; and
 - (3) proof of having taken a course in infection control technique within the past 12 months.
- [3-14-73, 5-31-95, 9-30-96; 16.5.21.10 NMAC - Rn, 16 NMAC 5.21.10, 12-30-02; A, 04-16-08; A, 09-18-10; A, 01-09-12]

16.5.21.11 RE-EXAMINATION PROCEDURE: An applicant who does not obtain a passing score on the jurisprudence examination must submit the re-examination fee as defined in Subsection D of 16.5.18.8 NMAC to re-take the exam.
[9-30-96; 16.5.21.11 NMAC - Rn, 16 NMAC 5.21.11, 12-30-02; A, 09-18-10; A, 01-09-12]

16.5.21.12 LICENSURE PROCEDURE:

- A. Clinical Educator: Upon receipt of a completed application, including all required documentation and fees, a Committee member will review the application and may approve for licensure. The license will be read into the Committee and Board records at the next scheduled meeting.
 - B. Public Health Dental Hygiene: Upon receipt of a completed application, including all required documentation and fees, and successful completion of the jurisprudence examination, a Committee member will review the application and may approve for licensure. The license will be read into the Committee and Board records at the next scheduled meeting.
- [3-14-73, 9-30-96; 16.5.21.12 NMAC - Rn & A, 16 NMAC 5.21.12, 12-30-02]

16.5.21.13 LIMITATION ON LICENSE:

- A. Temporary or public service licensees shall engage in only those activities specified on the temporary or public service license for the time period designated.
 - B. Temporary or public service licensees shall only practice under the sponsorship, or in association with, a licensed New Mexico dental hygienist or dentist.
 - C. 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; 16.5.21.13 NMAC - Rn, 16 NMAC 5.21.13, 12-30-02; A, 01-09-12]

16.5.21.14 RE-ISSUE PROCEDURES: To remain eligible for temporary or public service licensure; temporary or public service license holders who are eligible for reissue per Paragraph (2) of Subsection A and Subsection B of 16.5.21.8 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 16.5.21.8 NMAC. The application, fee and proof of 15 hours of continuing education must be post-marked on or before the expiration date.
[16.5.21.14 NMAC - N, 12-30-02; A, 09-18-10; A, 01-09-12]

16.5.21.15 CONVERSION OF TEMPORARY LICENSE TO LICENSE BY CREDENTIALS OR EXAMINATION: Temporary licenses may be renewed once for a 12 month time period. After that renewal the license is no longer eligible for re-issue. If uninterrupted practice of dental hygiene in New Mexico is desired after two years, then a temporary licensee must convert to a dental hygiene license by credentials or examination. Only temporary licenses previously issued for 12 months are eligible for conversion to a permanent license by credential or examination.

- A. Following the completion of the requirements for licensure, some of which were submitted with the temporary application, the applicant will 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 or examination.

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 or examination.

D. Upon receipt of a complete application a committee member shall approve a New Mexico license by credential or examination unless there is any action pending against the temporary license. Then at the discretion of the committee 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 or examination will be halted and the temporary license will no longer be renewed.

[16.5.21.15 NMAC - N, 12-30-02; A, 09-18-10; A, 01-09-12]

HISTORY OF 16.5.21 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:

BODHC Rule DH 3-95, Dental Hygienists, Temporary License, filed 05-05-95.

History of Repealed Material: [Reserved]

Other History:

BODHC Rule DH 3-95, Dental Hygienists, Temporary License, filed 05-05-95 was renumbered, reformatted and amended into the first version of NMAC as 16 NMAC 5.21, Dental Hygienists, Temporary Licensure, filed 09-17-96.

16 NMAC 5.21, Dental Hygienists, Temporary Licensure, filed 09-17-96 - renumbered, reformatted and amended to 16.5.21 NMAC, Dental Hygienists, Temporary Licensure, effective 12-30-02.