

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 25 DENTAL HYGIENISTS, RETIREMENT, INACTIVE AND REINSTATEMENT

16.5.25.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[9-30-96; 16.5.25.1 NMAC - Rn & A, NMAC 5.25.1, 12-14-00]

16.5.25.2 SCOPE: The provisions of 16.5.25 NMAC apply to all licensed dental hygienists who plan to retire or reinstate an active license to practice dental hygiene in New Mexico.
[9-30-96; 16.5.25.2 NMAC - Rn, 16 NMAC 5.25.2, 12-14-00]

16.5.25.3 STATUTORY AUTHORITY: 16.5.25 NMAC is promulgated pursuant to the Dental Health Care Act, NMSA 1978, Section 61-5A-17 (1996 Repl. Pamp.)
[9-30-96; 16.5.25.3 NMAC - Rn, 16 NMAC 5.25.3, 12-14-00]

16.5.25.4 DURATION: Permanent.
[9-30-96; 16.5.25.4 NMAC - Rn, 16 NMAC 5.25.4, 12-14-00]

16.5.25.5 EFFECTIVE DATE: September 30, 1996, unless a later date is cited at the end of a section.
[9-30-96; 16.5.25.5 NMAC - Rn, 16 NMAC 5.25.5, 12-14-00; A, 12-30-02]

16.5.25.6 OBJECTIVE: To establish the requirements and procedures to place an active dental hygiene license in retirement status, inactive status or to reinstate the license to active status.
[9-30-96; 16.5.25.6 NMAC - Rn, 16 NMAC 5.25.6, 12-14-00; A, 03-06-05]

16.5.25.7 DEFINITIONS: [RESERVED]
[9-30-96; 16.5.25.7 NMAC - Rn, 16 NMAC 5.25.7, 12-14-00]

16.5.25.8 RETIREMENT: A license to practice dental hygiene 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. The written request must include the following information:

- (1) the actual date of retirement; and
- (2) a list of any continuing education courses taken since the last active and/or inactive license renewal, including documentation required in section 16.5.1.15 NMAC.

B. Board staff shall acknowledge receipt of the request for retirement status and at the next meeting of the committee the request for retirement will be placed on the agenda. Upon committee recommendation and board approval of retirement status the licensee will be exempt from payment of the triennial renewal fees during the period of retirement.

C. The committee may recommend denial of a request for retirement status if there are any current or pending complaints or disciplinary actions against the licensee.

D. 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...3-16-94, 5-31-95, 9-30-96; 16.5.25.8 NMAC - Rn, 16 NMAC 5.25.8, 12-14-00; A, 03-06-05]

16.5.25.9 INACTIVE: A license to practice dental hygiene 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. The written request must include the following information:

- (1) the actual date of inactivation request; and
- (2) a list of any continuing education courses taken since the last license renewal, including documentation set forth in 16.5.1.15 NMAC.

B. Board staff shall acknowledge receipt of application for inactive status and at the next meeting of the committee the request for inactivation will be placed on the agenda.

C. The committee may recommend denial of a request for inactive status if there are any current or pending complaints or disciplinary actions against the licensee.
[3-14-73, 3-11-89, 5-31-95, 9-30-96, 1-1-99; 16.5.25.9 NMAC - Rn & A, 16 NMAC 5.25.9, 12-14-00; A, 12-30-02; N, 03-06-05; A, 04-17-06]

16.5.25.10 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 16.5.25.8 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, a completed application, and proof of the following continuing education courses.

(1) There will be 10 CE hours/year of retirement, up to 30 hours, required for reinstatement.

(2) The requirements of the infection control hours and the basic life support hours taken in the past 12 months may be included toward these required hours:

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

(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) 45 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.

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

B. The request for reinstatement from retirement status, including a statement of the applicant's activities during the period of retirement and any existing impairments, shall be reviewed by a subcommittee as designated by the chair. If the subcommittee finds the application in order and is satisfied the applicant has fulfilled all required continuing education and submitted the fees, the subcommittee may approve the license reinstatement and the previous license number reassigned. The license will be read into the committee and board records at the next scheduled meeting. If the subcommittee finds that the application is not in order, the application will go to the entire committee for review. The reinstated license will expire as defined in 16.5.24 NMAC.

C. A dental hygienist with a license in retirement status may not practice dental hygiene in New Mexico until proof of active licensure is received from the board office.

D. If reinstatement of a retired license is not requested within 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 dental hygiene in New Mexico.

[16.5.25.10 NMAC - Rn, 16.5.25.9 NMAC, 03-06-05 & A, 03-06-05; A, 04-16-08; A, 07-19-10; A, 01-09-12]

16.5.25.11 REINSTATEMENT FROM INACTIVE STATUS: A licensee whose license has been placed in inactive status may request reinstatement of the inactive license to active license status within nine years of the date of inactive status as indicated in 16.5.25.8 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) there will be 10 CE hours for each year of inactive status required for reinstatement; the hours may be accumulated at any time during the year(s) of inactivation; the requirements of the infection control hours and the basic life support hours, and medical emergency course taken in the past 12 months may be included toward these required hours;

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

(3) 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;

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

(5) 45 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; and

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

B. The request for reinstatement from inactive status, including a statement of the applicant's activities during the period of inactivation and any existing impairment, shall be reviewed by a subcommittee as designated by the chair. If the subcommittee finds the application in order and is satisfied the applicant has fulfilled all required continuing education and submitted the fees, the subcommittee may approve the license reinstatement and the previous license number reassigned. The license will be read into the committee and board records at the next scheduled meeting. If the subcommittee finds that the application is not in order, the application will go to the entire committee for review. The reinstated license will expire as defined in 16.5.24 NMAC.

C. A dental hygienist with a license in inactive status may not practice dental hygiene in New Mexico until proof of active licensure is received from the board office.

D. If reinstatement of an inactive license is not requested within nine years of inactivation, application for a new license must be made by examination or credentials in order to practice dental hygiene in New Mexico or the license must be permanently retired.

[16.5.25.11 NMAC - N, 03-06-05; A, 04-17-06; A, 04-16-08; A, 07-19-10; A, 01-09-12]

History of 16.5.25 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 IX, Reinstatement of Dental Hygienist, filed 03-12-81;

Article X, Retirement of Dental Hygienist, filed 03-12-81;

BOD Rule 8, Retirement and Reinstatement of Dental Hygienists, filed 02-09-89;

BODHC Rule DH 7-95, Dental Hygiene, Retirement and Reinstatement, filed 05-05-95.

History of Repealed Material:

BDE 73-1, Rules and Regulations of the New Mexico Board of Dentistry (filed 2-12-73) repealed by Article XIV, filed 3/12/1981.

Other History:

BODHC Rule DH 7-95, Dental Hygiene, Retirement and Reinstatement (filed 05-05-95) was renumbered, reformatted, amended and replaced by 16 NMAC 5.25, Dental Hygienists, Retirement and Reinstatement, effective 09-30-96.

16 NMAC 5.25, Dental Hygienists, Retirement and Reinstatement (filed 09-17-96) was renumbered, reformatted, amended and replaced by 16.5.25 NMAC, Dental Hygienists, Retirement and Reinstatement, effective 12-14-00.