

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 29 DENTAL HYGIENISTS, PRACTICE

16.5.29.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[9/30/96; 16.5.29.1 NMAC - Rn & A, 16 NMAC 5.29.1, 04/17/06]

16.5.29.2 SCOPE: The provisions of Part 29 of Chapter 5 apply to all active license holders and all dental hygienists working in New Mexico.
[9/30/96; 16.5.29.2 NMAC - Rn, 16 NMAC 5.29.2, 04/17/06]

16.5.29.3 STATUTORY AUTHORITY: Part 29 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Sections 61-5A-3 and 61-5A-4 NMSA 1978 (1996 Repl. Pamp.).
[9/30/96; 16.5.29.3 NMAC - Rn, 16 NMAC 5.29.3, 04/17/06]

16.5.29.4 DURATION: Permanent.
[9/30/96; 16.5.29.4 NMAC - Rn, 16 NMAC 5.29.4, 04/17/06]

16.5.29.5 EFFECTIVE DATE: September 30, 1996, unless a later date is cited at the end of a section.
[9/30/96; 16.5.29.5 NMAC - Rn & A, 16 NMAC 5.29.5, 04/17/06]

16.5.29.6 OBJECTIVE: To establish allowable practice settings, scope of practice and limitations on dental hygiene practice in New Mexico.
[9/30/96; 16.5.29.6 NMAC - Rn, 16 NMAC 5.29.6, 04/17/06]

16.5.29.7 DEFINITIONS:

A. "Cavitation" means a break in the continuous, solid surface of the enamel of a tooth, created either by genetic formation or demineralization.

B. "Dental hygiene-focused assessment" means the documentation of existing oral and relevant systemic conditions and the identification of potential oral disease to develop, communicate, implement and evaluate a plan of oral hygiene care and treatment.

C. "Laser" means light amplification by stimulated emission of radiation used for the therapeutic treatment of the head and neck or oral cavity.

D. "Topical therapeutic agents" means agents applied to the teeth or gingiva that have a therapeutic effect locally with limited or no systemic effect.

[9/30/96; 16.5.29.7 NMAC - Rn, 16 NMAC 5.29.7, 04/17/06; A, 01/09/12; A, 01/04/14]

16.5.29.8 SCOPE OF PRACTICE: A dental hygienist may perform dental hygiene services as defined in NMSA 1978, Section 61-5A-4 B thru F NMSA 1978 of the act with the supervision defined. In addition, a licensed hygienist may:

A. prescribe, administer or dispense therapeutic agents as per the formulary as defined in Subsection C of 16.5.29.11 NMAC;

B. function as an expanded function dental auxiliary after passing the certifying exam and completing the apprenticeship accepted by the board;

C. function as a community dental health coordinator after completing a program certified by the board;

D. except in cases where a tooth exhibits cavitation of the enamel surface, assessing without a dentist's evaluation whether the application of pit and fissure sealants is indicated;

E. except in cases where a tooth exhibits cavitation of the enamel surface, applying pit and fissure sealants without mechanical alteration of the tooth;

F. administration of local anesthesia as defined in 16.5.28 NMAC; and

G. such other closely related services as permitted by the rules of the committee and the board.

H. Effective July 1, 2015, a dental hygienist who owns a dental practice must register as a non-dentist owner. No additional license or fee is required for this registration. A dental hygienist who owns a dental practice must notify the board, in writing, if the dental practice has been sold or has closed.

[10-21-70, 5-31-95; 16.5.29.8 NMAC - Rn, 16 NMAC 5.29.8, 04-17-06; A, 01-09-12; A, 12-15-12; A, 01-04-14; A, 01-15-15; A, 04-16-15; A, 12-16-15]

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

- A. removal of, or addition to, the hard or soft tissues of the oral cavity, other than diseased crevicular tissue;
- B. placement or insertion of any permanent filling material;
- C. diagnosis and dental treatment planning;
- D. the final fitting, adaptation, seating and cementation of any fixed or removable dental appliance or restoration, including but not limited to inlays, crowns, bands, space maintainers, habit devices or splints;
- E. final impressions for restorations or prosthetic appliances;
- F. irrigation and medication of canal, cone try-in, reaming, filing, or filling of root canals;
- G. other services defined as the practice of dentistry in Section 61-5A-4 (A) of the act and not specifically listed in Section 61-5A-4 (B) and (C) NMSA 1978, unless exempted by regulation; and
- H. apply pit and fissure sealants without a dentist evaluation in cases where the tooth does exhibit cavitation of the enamel surface.

[3/14/73, 4/10/81, 3/11/89, 5/31/95; 16.5.29.9 NMAC - Rn, 16 NMAC 5.29.9, 04/17/06; A, 01/09/12]

16.5.29.10 [RESERVED]

[5/31/95, 12/15/97; 16.5.29.10 NMAC - Rn, 16 NMAC 5.29.10, 04/17/06; A, 04/16/08; A, 01/09/12; Repealed, 12/15/12]

16.5.29.11 DENTAL HYGIENISTS PRESCRIPTIVE AUTHORITY: A dental hygienist may prescribe, administer and dispense a fluoride supplement, topically applied fluoride, and topically applied antimicrobials from the following formulary under the following stipulations.

A. A New Mexico licensed dentist shall supervise, at least by general supervision the prescribing, administration or dispensing by the hygienist. In a collaborative hygiene practice the formulary used by the dental hygienist and situations for each therapeutic agent must be set forth in the collaborative practice agreement. Dental hygienists shall keep as part of the patient record a clear documentation of the therapeutic agent prescribed, administered or dispensed, the date and reason.

B. Under no circumstances shall a dental hygienist be allowed to prescribe, dispense or administer:
(1) drugs whose primary effect is systemic; and
(2) dangerous drugs or controlled substances as defined in the pharmacy act (NMSA 1978, Section 61-11-1 et seq.) controlled substances act (NMSA 1978, Sections 31-30-1 et seq.) or Drug Device and Cosmetic Act (NMSA 1978, Sections 26-1-1 et seq.).

C. Dental hygienists may prescribe from the following list:
(1) fluoride supplements (all using sodium fluoride);
(a) tablets - 0.5 mg, 1.1 mg, 2.2 mg;
(b) lozenges - 2.21 mg;
(c) drops - 1.1 mg/mL;
(2) topical anti-caries treatments (all using sodium fluoride unless otherwise stated);
(a) toothpastes - 1.1% or less (or stannous fluoride 0.4%);
(b) topical gels - 1.1% or less (or stannous fluoride 0.4%);
(c) oral rinses - 0.05%, 0.2%, 0.44%, 0.5%;
(d) oral rinse concentrate (used in periodontal disease) - 0.63% stannous fluoride;
(e) fluoride varnish - 5 %;
(f) prophy pastes (containing approximately 1.23% sodium fluoride and used for cleaning and polishing procedures as part of professional dental prophylaxis treatment);
(3) topical anti-infectives:
(a) chlorhexidine gluconate ;
(i) rinses - 0.12%;
(ii) periodontal chips (for insertion into the periodontal pocket);
(b) tetracycline impregnated fibers (inserted subgingivally into the periodontal sulcus);

(c) doxycycline hyclate periodontal gel (inserted subgingivally into the periodontal sulcus); and
(d) minocycline hydrochloride periodontal paste (inserted subgingivally into the periodontal sulcus).

[16.5.29.11 NMAC - N, 01/09/12; A, 01/04/14]

16.5.29.12 THERAPEUTIC USE OF LASERS: The board does not issue permits for the use of lasers by hygienists in soft tissue curettage, sulcular debridement and tissue disinfection in periodontal therapy. Due to the rising utilization of lasers by dental hygienists, the committee and board sets forth the following requirements:

A. a New Mexico licensed dental hygienist may use laser devices that are approved by the U.S. food and drug administration under the indirect supervision of a New Mexico licensed dentist;

B. the hygienist must successfully complete an educational program on laser use that is a minimum of 6 hours and includes hand-on clinical simulation training; the course shall comply with current guidelines as outlined in 16.5.1.15 NMAC for continuing education;

C. a certificate of successful course completion from the dental laser training entity shall be posted in a conspicuous location within the dental facility;

D. all promotion or advertising of dental laser treatment shall comply with current requirements as outlined in Subsection B of 16.5.30.10.NMAC, identifying the "supervising dentist" as responsible for the provision of or the supervision of the laser procedure;

E. dental laser treatment shall not be designated to a dental assistant.

[16.5.29.12 NMAC - N, 01/04/14]

HISTORY OF 16.5.29 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

Article XI, Practice of Dental Hygiene, filed 3/12/81.

Article XI, Practice of Dental Hygiene, filed 1/12/82.

Article XI, Practice of Dental Hygiene, filed 3/30/82.

Article XI, Practice of Dental Hygiene, filed 2/5/88.

BOD Rule 9, Practice of Dental Hygiene, filed 2/9/89.

BODHC Rule DH 9-95, Dental Hygiene, Practice, filed 5/5/95.

History of Repealed Material: [RESERVED]

Other History:

BODHC Rule DH 9-95, Dental Hygiene, Practice (filed 5/5/95) was renumbered, reformatted, amended and replaced by 16 NMAC 5.29, Dental Hygienists, Practice, effective 9/30/96.

16 NMAC 5.29, Dental Hygienists, Practice (filed 9/17/96) renumbered, reformatted, amended and replaced by 16.5.29 NMAC, Dental Hygienists, Practice, effective 04/17/06.