

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 58 DENTAL AMALGAM WASTE

16.5.58.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.58.1 NMAC - N, 01-04-14]

16.5.58.2 SCOPE: The provisions of Part 58 of Chapter 5 apply to all New Mexico dental offices.
[16.5.58.2 NMAC - N, 01-04-14]

16.5.58.3 STATUTORY AUTHORITY: Part 58 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, NMSA 1978, 61-5A-10 (2013) and the Dental Amalgam Waste Reduction Act, NMSA 1978, Sections 61-5C-1 to 6 (2013).
[16.5.58.3 NMAC - N, 01-04-14]

16.5.58.4 DURATION: Permanent.
[16.5.58.4 NMAC - N, 01-04-14]

16.5.58.5 EFFECTIVE DATE: January 4, 2014, unless a later date is cited at the end of a section.
[16.5.58.5 NMAC - N, 01-04-14]

16.5.58.6 OBJECTIVE: To promote the safe disposal of dental amalgam waste generated in dental offices.
[16.5.58.6 NMAC - N, 01-04-14]

16.5.58.7 DEFINITIONS:

A. "Amalgam" means a dental restorative material that is typically composed of mercury, silver, tin, and copper, along with other metallic elements, and that is used by a dentist to restore a cavity in a tooth.

B. "Amalgam separator" means a device that removes dental amalgam from the waste stream prior to discharge into either the local public wastewater system or a private septic system and that meets minimum removal efficiency in accordance with international standards contained in *ISO 11143, dental equipment-amalgam separators*, published by the international organization for standardization.

C. "Dental office" means a fixed physical structure in which dental services are provided to patients by dentists and dental professionals licensed or certified by the New Mexico board of dental health care under the management of a licensed owner, operator, or designee.

[16.5.58.7 NMAC - N, 01-04-14]

16.5.58.8 AMALGAM SEPARATOR; INSTALLATION REQUIREMENTS:

A. On or before December 31, 2014, the licensed owner(s), operator(s) or designee(s) of a dental office shall:

(1) install an appropriately sized amalgam separator system on each wastewater drain at the licensee or certificate holder's dental office; the amalgam separator system must, at a minimum, comply with international standard contained in *ISO 11143*; and

(2) within 90 days of installation, report to the board office and to the local water treatment authority where applicable the type, model, and size of the amalgam separator system, and the date the amalgam separator system became operational.

B. Exemption: An amalgam separator shall not be required for the offices or clinical sites of:

(1) a dental office that is not engaged in amalgam placement, removal or modification;

(2) an orthodontists;

(3) a periodontist;

(4) an oral and maxillofacial surgeons;

(5) an oral and maxillofacial radiologists;

(6) an oral pathologists; or

(7) a portable dental office without a fixed connection for wastewater discharge.

C. Licensed owner(s), operator(s) or designee(s) of a dental office with an existing amalgam separator must be in compliance with *ISO 11143* and shall report the type, model and size of the amalgam separator system to the board no later than December 31, 2014.

[16.5.58.8 NMAC - N, 01-04-14; A, 01-15-15]

16.5.58.9 RECORD KEEPING AND REPORTING:

A. The board shall require all licensed owner(s), operator(s) or designee(s) of a dental office to verify, on each initial application and each triennial renewal that they are in compliance with Part 58 of Chapter 5.

B. Licensed owner(s), operator(s) or designee(s) of a dental office shall maintain records of operation, maintenance, and recycling or disposal of amalgam waste for the three years prior to their triennial license renewal; records shall include the following information:

- (1) dates of maintenance;
- (2) dates separator contents were recycled; and
- (3) name of the staff or contractor performing the service.

C. Upon the board's inspection for cause, the licensed owner(s), operator(s) or designee(s) shall demonstrate proper installation, operation, maintenance, and recycling or disposal of amalgam waste in accordance with the amalgam separator manufacture's recommendations.

[16.5.58.9 NMAC - N, 01-04-14]

16.5.58.10 COMPLIANCE AND ENFORCEMENT: Failure to comply with Part 58 of Chapter 5 will constitute "unprofessional conduct" and may subject the licensed owner(s), operator(s) or designee(s) of a dental office to disciplinary action; willful and persistent noncompliance with the provisions of Part 58 of Chapter 5 and the Dental Amalgam Waste Reduction Act shall result in disciplinary action.

[16.5.58.10 NMAC - N, 01-04-14]

HISTORY OF 16.5.58 NMAC: [RESERVED]