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FISCAL IMPACT REPORT

SPONSOR Sanchez, M. **ORIGINAL DATE** 02/11/09
LAST UPDATED 02/23/09 **HB** _____

SHORT TITLE Dental Practice & Licensure Requirements **SB** 302/aSPAC/aSEC

ANALYST Hoffmann

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$0.1	Recurring	Dental Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB47, HB54, SB132, HB231, and HB338. See Narrative.

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY09	FY10	FY11		
	\$0.1	\$0.1	Recurring	Dental Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY09	FY10	FY11	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		NFI	NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)
 Regulation and Licensing Department (RLD)
 Department of Health (DOH)

SUMMARY

Synopsis of SEC Amendment

The Senate Education Committee amendment addresses the section dealing with functions dental auxiliary may perform under direct supervision by adding “gross debridement to enable comprehensive evaluation and diagnosis” and deleting “ultrasonic scaling of supragingival calculus.”

Synopsis of SPAC Amendment

The Senate Public Affairs Committee amendment clarifies the qualifications for temporary licensure of dentists. The qualifications in the original Bill read in part “The board or the committee may issue a temporary license to practice dentistry or dental hygiene to [any] an applicant who is licensed to practice dentistry or dental hygiene in another state or territory of the United States, who is enrolled as a dental resident at the university of New Mexico and who is otherwise qualified to practice dentistry or dental hygiene in this state.”

The amended Bill changed the language to read “The board or the committee may issue a temporary license to practice dentistry or dental hygiene to [any] an applicant who is licensed to practice dentistry or dental hygiene in another state or territory of the United States, and who is otherwise qualified to practice dentistry or dental hygiene in this state or who is enrolled as a dental resident at the university of New Mexico.”

Synopsis of Original Bill

Senate Bill 302 would amend the Dental Health Care Act (Chapter 61 Article 5A NMSA 1978) to increase access to dental health care in New Mexico.

Senate Bill 302 would allow the use of certified expanded function dental assistants (EFDA) and licensed dental hygienists who meet the educational, examination, recertification criteria and fees as established by rules and regulation. The bill would increase the number of procedures currently practiced by certified dental assistants to five. It would also require successful completion of a dental assisting education program approved by the board and successful passage of both a written examination and a clinical examination approved by the board. Also, any licensed dental hygienist would be considered to have met the requirements upon demonstrating the successful completion of training in taking final impressions as approved by the board. This would support the provision of more oral health care to New Mexicans.

Senate Bill 302 would amend the dental licensure requirements by expanding the list of acceptable clinical dental tests, including the central regional dental testing service, north east regional board, southern regional testing agency, western regional examining board, or any other comparable clinical test the board approves. Currently, New Mexico only accepts dental tests from the Western Regional Examining Board. This provision would improve New Mexico’s ability to recruit dentists.

Senate Bill 302 would allow students enrolled as dental residents at the University of New Mexico, and who are otherwise qualified to practice dentistry in this state, to obtain a temporary license. This would support the retention of New Mexico dental residents as licensed dentists working in New Mexico.

FISCAL IMPLICATIONS

Senate Bill 302 makes no appropriations. The RLD Boards and Commissions Division claims that they can perform the duties proposed by this bill with current resources. An undetermined amount of revenue from fees for newly-licensed individuals eligible under this bill can be expected; this is reflected in the appropriation and revenue tables above.

The expansion of the licensure base to include applicants who have taken the required examinations in other locations, applicants who will become “auxiliaries” and applicants for temporary licensure for UNM Dental College residents will generate additional revenue for the Board from application and renewal fees.

SIGNIFICANT ISSUES

The DOH states that Senate Bill 302 is a Department of Health and Regulation of Licensing Department requested bill. Senate Bill 302 also addresses two of the five recommendations made by the Governor’s Oral Health Council for the 2009 legislative session. Specifically, the recommendations include: 1. Develop and implement models of mid-level oral health practitioners; and, 2. review and revise regulations and/or statutes for dentist and hygienist licensing in order to reduce barriers without sacrificing quality care.

One of the major themes in the Surgeon General’s report, Oral Health in America (<http://www2.nidcr.nih.gov/sg/sgrohweb/home.htm>), is that “oral health is integral to general health” and that a person cannot be truly healthy without having good oral health, which also affects productivity and quality of life.

Access to care is largely affected by an overall shortage of dental providers in New Mexico, as well as a shortage of dental providers practicing in rural and underserved areas. The federal government has designated all or part of 29 New Mexico counties as Dental Health Professional Shortage Areas. The bill would address key issues related to increasing the accessibility of dental services for all New Mexicans.

PERFORMANCE IMPLICATIONS

The DOH reports that Senate Bill 302 relates to the 2008 New Mexico Comprehensive Strategic Health Plan, Chapter Two, Workforce Issues, Goal 1: Increase the health professional workforce through improved recruitment and retention strategies, and Goal 2: Strengthen New Mexico’s capacity, infrastructure, quality and appropriateness.

ADMINISTRATIVE IMPLICATIONS, CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 302 relates to the following bills:

- House Bill 47, which would appropriate \$225,000 to New Mexico State University to support the dental hygiene program at Dona Ana Community College;
- House Bill 54, which would provide a contract with a nonprofit school-based portable dental program to provide dental screening examinations and dental sealants to uninsured low-income children in the Shiprock and Crownpoint agencies of the Navajo Nation who are not

enrolled in Medicaid but who are eligible for the free or reduced price school lunch program in rural school districts;

- Senate Bill 132, which would create the Dental Amalgam Waste Reduction Act (DAWRA), requiring dental offices to remove mercury amalgam prior to discharge of its wastewater by December 31, 2010;
- House Bill 231, which would appropriate \$230,000 to the Higher Education Department to increase the number of slots for dental students seeking support from the Western Interstate Commission for Higher Education (WICHE); and,
- House Bill 338, which would provide for a feasibility study in conjunction with the Public Education Department to evaluate the cost and benefits of requiring a dental examination for all children prior to entering school or preschool.

TECHNICAL ISSUES

Section 2.A. and 2.B. provide that the Board shall establish standards and criteria, and shall promulgate rules, relating to the expanded-function dental auxiliary certification for dental hygienists and dental assistants, but do not require any input from the Board’s Dental Hygienists Committee. As a comparison, Section 1.M. that defines “expanded-function dental auxiliary” provides that the Board, with input from the Committee, will establish certification criteria.

Section 3.D. is an awkwardly-stated sentence.

Section 5 and 5.A. appear to conflict with their requirements as to who may receive a temporary license: Section 5 (p. 14, lines 8-11) states that the Board may issue a temporary license to an applicant (1) licensed in another jurisdiction, (2) who is enrolled at UNM as a dental resident, and (3) who is otherwise qualified to practice, suggesting that all three criteria are required. However, Section 5.A. (p. 14, lines 14-17) states that the applicant shall be (1) licensed in another jurisdiction or (2) enrolled at UNM as a dental resident, suggesting that the applicant must either be licensed elsewhere or be a UNM dental resident, and not both, as required by Section 5.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current Dental Health Care Act will remain in place.

CH/mc:svb