

1 SENATE BILL 131

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

4 John M. Sapien

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO HEALTH CARE; AMENDING A SECTION OF THE DENTAL  
12 HEALTH CARE ACT TO ESTABLISH THE SITE OF TELEDENTISTRY.

13  
14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 61-5A-3 NMSA 1978 (being Laws 1994,  
16 Chapter 55, Section 3, as amended) is amended to read:

17 "61-5A-3. DEFINITIONS.--As used in the Dental Health Care  
18 Act:

19 A. "assessment" means the review and documentation  
20 of the oral condition, and the recognition and documentation of  
21 deviations from the healthy condition, without a diagnosis to  
22 determine the cause or nature of disease or its treatment;

23 B. "board" means the New Mexico board of dental  
24 health care;

25 C. "certified dental assistant" means an individual

.209600.1

underscored material = new  
[bracketed material] = delete

underscoring material = new  
~~[bracketed material] = delete~~

1 certified by the dental assisting national board;

2 D. "collaborative dental hygiene practice" means a  
3 New Mexico licensed dental hygienist practicing according to  
4 Subsections D through G of Section 61-5A-4 NMSA 1978;

5 E. "committee" means the New Mexico dental  
6 hygienists committee;

7 F. "community dental health coordinator" means a  
8 dental assistant, a dental hygienist or other trained personnel  
9 certified by the board as a community dental health coordinator  
10 to provide educational, preventive and limited palliative care  
11 and assessment services working collaboratively under the  
12 general supervision of a licensed dentist in settings other  
13 than traditional dental offices and clinics;

14 G. "consulting dentist" means a dentist who has  
15 entered into an approved agreement to provide consultation and  
16 create protocols with a collaborating dental hygienist and,  
17 when required, to provide diagnosis and authorization for  
18 services, in accordance with the rules of the board and the  
19 committee;

20 H. "dental hygiene-focused assessment" means the  
21 documentation of existing oral and relevant system conditions  
22 and the identification of potential oral disease to develop,  
23 communicate, implement and evaluate a plan of oral hygiene care  
24 and treatment;

25 I. "dental assistant certified in expanded

.209600.1

1 functions" means a dental assistant who meets specific  
2 qualifications set forth by rule of the board;

3 J. "dental hygienist" means an individual who has  
4 graduated and received a degree from a dental hygiene  
5 educational program that is accredited by the commission on  
6 dental accreditation, that provides a minimum of two academic  
7 years of dental hygiene curriculum and that is an institution  
8 of higher education; and "dental hygienist" means, except as  
9 the context otherwise requires, an individual who holds a  
10 license to practice dental hygiene in New Mexico;

11 K. "dental laboratory" means any place where dental  
12 restorative, prosthetic, cosmetic and therapeutic devices or  
13 orthodontic appliances are fabricated, altered or repaired by  
14 one or more persons under the orders and authorization of a  
15 dentist;

16 L. "dental technician" means an individual, other  
17 than a licensed dentist, who fabricates, alters, repairs or  
18 assists in the fabrication, alteration or repair of dental  
19 restorative, prosthetic, cosmetic and therapeutic devices or  
20 orthodontic appliances under the orders and authorization of a  
21 dentist;

22 M. "dentist" means an individual who has graduated  
23 and received a degree from a school of dentistry that is  
24 accredited by the commission on dental accreditation and,  
25 except as the context otherwise requires, who holds a license

underscored material = new  
~~[bracketed material] = delete~~

1 to practice dentistry in New Mexico;

2 N. "direct supervision" means the process under  
3 which an act is performed when a dentist licensed pursuant to  
4 the Dental Health Care Act:

5 (1) is physically present throughout the  
6 performance of the act;

7 (2) orders, controls and accepts full  
8 professional responsibility for the act performed; and

9 (3) evaluates and approves the procedure  
10 performed before the patient departs the care setting;

11 O. "expanded-function dental auxiliary" means a  
12 dental assistant, dental hygienist or other dental practitioner  
13 that has received education beyond that required for licensure  
14 or certification in that individual's scope of practice and  
15 that has been certified by the board as an expanded-function  
16 dental auxiliary who works under the direct supervision of a  
17 dentist;

18 P. "general supervision" means the authorization by  
19 a dentist of the procedures to be used by a dental hygienist,  
20 dental assistant or dental student and the execution of the  
21 procedures in accordance with a dentist's diagnosis and  
22 treatment plan at a time the dentist is not physically present  
23 and in facilities as designated by rule of the board;

24 Q. "indirect supervision" means that a dentist, or  
25 in certain settings a dental hygienist or dental assistant

.209600.1

underscored material = new  
[bracketed material] = delete

1 certified in expanded functions, is present in the treatment  
2 facility while authorized treatments are being performed by a  
3 dental hygienist, dental assistant or dental student;

4 R. "non-dentist owner" means an individual not  
5 licensed as a dentist in New Mexico or a corporate entity not  
6 owned by a majority interest of a New Mexico licensed dentist  
7 that employs or contracts with a dentist or dental hygienist to  
8 provide dental or dental hygiene services;

9 S. "palliative procedures" means nonsurgical,  
10 reversible procedures that are meant to alleviate pain and  
11 stabilize acute or emergent problems; and

12 T. "teledentistry" means ~~[a dentist's use of health~~  
13 ~~information technology in real time to provide limited~~  
14 ~~diagnostic and treatment planning services in cooperation with~~  
15 ~~another dentist, a dental hygienist, a community dental health~~  
16 ~~coordinator or a student enrolled in a program of study to~~  
17 ~~become a dental assistant, dental hygienist or dentist] the~~  
18 practice of dentistry where the patient and the dentist are not  
19 in the same physical location and that utilizes the exchange of  
20 clinical information and images over remote distance; provided  
21 that the site of teledentistry shall be deemed to be the  
22 physical location of the dentist providing teledentistry at the  
23 time the dentist provides the teledentistry."