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AN ACT

RELATING TO HEALTH CARE; AMENDING A SECTION OF THE DENTAL
HEALTH CARE ACT TO ESTABLISH THE SITE OF TELEDENTISTRY;
PROVIDING REQUIREMENTS FOR LICENSURE AND JURISDICTION.

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

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

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

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

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

C. "certified dental assistant" means an
individual certified by the dental assisting national board;

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

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

F. "community dental health coordinator" means a
dental assistant, a dental hygienist or other trained

1 personnel certified by the board as a community dental health
2 coordinator to provide educational, preventive and limited
3 palliative care and assessment services working
4 collaboratively under the general supervision of a licensed
5 dentist in settings other than traditional dental offices and
6 clinics;

7 G. "consulting dentist" means a dentist who has
8 entered into an approved agreement to provide consultation
9 and create protocols with a collaborating dental hygienist
10 and, when required, to provide diagnosis and authorization
11 for services, in accordance with the rules of the board and
12 the committee;

13 H. "dental hygiene-focused assessment" means the
14 documentation of existing oral and relevant system conditions
15 and the identification of potential oral disease to develop,
16 communicate, implement and evaluate a plan of oral hygiene
17 care and treatment;

18 I. "dental assistant certified in expanded
19 functions" means a dental assistant who meets specific
20 qualifications set forth by rule of the board;

21 J. "dental hygienist" means an individual who has
22 graduated and received a degree from a dental hygiene
23 educational program that is accredited by the commission on
24 dental accreditation, that provides a minimum of two academic
25 years of dental hygiene curriculum and that is an institution

1 of higher education; and "dental hygienist" means, except as
2 the context otherwise requires, an individual who holds a
3 license to practice dental hygiene in New Mexico;

4 K. "dental laboratory" means any place where
5 dental restorative, prosthetic, cosmetic and therapeutic
6 devices or orthodontic appliances are fabricated, altered or
7 repaired by one or more persons under the orders and
8 authorization of a dentist;

9 L. "dental technician" means an individual, other
10 than a licensed dentist, who fabricates, alters, repairs or
11 assists in the fabrication, alteration or repair of dental
12 restorative, prosthetic, cosmetic and therapeutic devices or
13 orthodontic appliances under the orders and authorization of
14 a dentist;

15 M. "dentist" means an individual who has graduated
16 and received a degree from a school of dentistry that is
17 accredited by the commission on dental accreditation and,
18 except as the context otherwise requires, who holds a license
19 to practice dentistry in New Mexico;

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

23 (1) is physically present throughout the
24 performance of the act;

25 (2) orders, controls and accepts full

1 professional responsibility for the act performed; and

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

4 O. "expanded-function dental auxiliary" means a
5 dental assistant, dental hygienist or other dental
6 practitioner that has received education beyond that required
7 for licensure or certification in that individual's scope of
8 practice and that has been certified by the board as an
9 expanded-function dental auxiliary who works under the direct
10 supervision of a dentist;

11 P. "general supervision" means the authorization
12 by a dentist of the procedures to be used by a dental
13 hygienist, dental assistant or dental student and the
14 execution of the procedures in accordance with a dentist's
15 diagnosis and treatment plan at a time the dentist is not
16 physically present and in facilities as designated by rule of
17 the board;

18 Q. "indirect supervision" means that a dentist, or
19 in certain settings a dental hygienist or dental assistant
20 certified in expanded functions, is present in the treatment
21 facility while authorized treatments are being performed by a
22 dental hygienist, dental assistant or dental student;

23 R. "non-dentist owner" means an individual not
24 licensed as a dentist in New Mexico or a corporate entity not
25 owned by a majority interest of a New Mexico licensed dentist

1 that employs or contracts with a dentist or dental hygienist
2 to provide dental or dental hygiene services;

3 S. "palliative procedures" means nonsurgical,
4 reversible procedures that are meant to alleviate pain and
5 stabilize acute or emergent problems; and

6 T. "teledentistry" means the practice of dentistry
7 by a provider who holds an active license pursuant to the
8 Dental Health Care Act and who is subject to the jurisdiction
9 of the board regardless of the provider's originating
10 teledentistry site, and either:

11 (1) a dentist's use of health information
12 technology in real time to provide limited diagnostic and
13 treatment planning services in cooperation with another
14 dentist, a dental hygienist, a community dental health
15 coordinator or a student enrolled in a program of study to
16 become a dental assistant, dental hygienist or dentist; or

17 (2) the practice of dentistry where the
18 patient and the dentist are not in the same physical location
19 and the dentist uses electronic information, imaging and
20 communication technologies, including interactive audio, video
21 and data communications as well as store-and-forward
22 technologies, to provide and support dental health care
23 delivery, diagnosis, consultation, treatment, transfer of
24 dental data and education, where the originating site of
25 teledentistry is the location at which the dentist provides

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