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SENATE BILL 200

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Gerald Ortiz y Pino

AN ACT

RELATING TO HEALTH CARE; AMENDING THE DEFINITION OF  
"TELEDENTISTRY".

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

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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

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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. "dental therapist" means an individual who:

23 (1) is licensed as a dental hygienist;

24 (2) has provided, in accordance with board  
25 rules, evidence to the board that the individual has graduated

1 and received a degree from a dental therapy education program  
2 that is accredited by the commission on dental accreditation;  
3 and

4 (3) except as the context otherwise requires,  
5 is licensed to practice dental therapy in the state;

6 N. "dental therapy post-graduate clinical  
7 experience" means advanced training in patient management and  
8 technical competency:

9 (1) that is approved by the board, based on  
10 educational and supervisory criteria developed by the board and  
11 established by board rule;

12 (2) that is sanctioned by a regionally  
13 accredited educational institution with a program accredited by  
14 the commission on dental accreditation;

15 (3) that consists of two thousand hours of  
16 advanced training or, if the dental therapy educational program  
17 graduate has five years of experience as a dental hygienist,  
18 one thousand five hundred hours of advanced training; and

19 (4) for which the dental therapist may have  
20 been compensated;

21 O. "dental therapy practice agreement" means a  
22 contract between a supervising dentist and a dental therapist  
23 that outlines the parameters of care, level of supervision and  
24 protocols to be followed while performing dental therapy  
25 procedures on patients under the supervising dentist's and

1 dental therapist's care;

2 P. "dentist" means an individual who has graduated  
3 and received a degree from a school of dentistry that is  
4 accredited by the commission on dental accreditation and,  
5 except as the context otherwise requires, who holds a license  
6 to practice dentistry in New Mexico;

7 Q. "direct supervision" means the process under  
8 which an act is performed when a dentist licensed pursuant to  
9 the Dental Health Care Act:

10 (1) is physically present throughout the  
11 performance of the act;

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

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

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

23 S. "federally qualified health center" means a  
24 health facility that the United States department of health and  
25 human services has deemed to qualify for federal funds as a

1 federally qualified health center;

2 T. "federally qualified health center look-alike  
3 facility" means a health facility that the federal centers for  
4 medicare and medicaid services certifies as a federally  
5 qualified health center look-alike facility;

6 U. "general supervision" means the authorization by  
7 a dentist of the procedures to be used by a dental therapist,  
8 community dental health coordinator, dental hygienist, dental  
9 assistant or dental student and the execution of the procedures  
10 in accordance with a dentist's diagnosis and treatment plan at  
11 a time the dentist is not physically present and in facilities  
12 as designated by rule of the board;

13 V. "indirect supervision" means that a dentist, or  
14 in certain settings, a dental therapist, dental hygienist or  
15 dental assistant certified in expanded functions, is present in  
16 the treatment facility while authorized treatments are being  
17 performed by a dental therapist, dental hygienist, dental  
18 assistant or dental student;

19 W. "long-term care facility" means a nursing home  
20 licensed by the department of health to provide intermediate or  
21 skilled nursing care;

22 X. "non-dentist owner" means an individual not  
23 licensed as a dentist in New Mexico or a corporate entity not  
24 owned by a majority interest of a New Mexico licensed dentist  
25 that employs or contracts with a dentist or dental hygienist to

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1 provide dental or dental hygiene services;

2 Y. "nonprofit community dental organization" means  
3 a community-supported entity that:

4 (1) provides clinical dental services  
5 primarily to low-income patients or medicaid recipients; and

6 (2) has demonstrated to the taxation and  
7 revenue department that it has been granted exemption from the  
8 federal income tax by the United States commissioner of  
9 internal revenue as an organization described in Section  
10 501(c)(3) of the United States Internal Revenue Code of 1986,  
11 as amended or renumbered;

12 Z. "palliative procedures" means nonsurgical,  
13 reversible procedures that are meant to alleviate pain and  
14 stabilize acute or emergent problems; and

15 AA. "teledentistry" means ~~[a dentist's use of~~  
16 ~~health information technology in real time to provide limited~~  
17 ~~diagnostic and treatment planning services in cooperation with~~  
18 ~~another dentist, a dental therapist, a dental hygienist, a~~  
19 ~~community dental health coordinator or a student enrolled in a~~  
20 ~~program of study to become a dental assistant, dental~~  
21 ~~hygienist, dental therapist or dentist]~~ the use of electronic  
22 information, imaging and communication technologies, including  
23 interactive audio, video and data communications as well as  
24 store-and-forward technologies, to provide and support health  
25 care delivery, diagnosis, consultation, treatment, transfer of

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1 medical data and education."

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