

New Mexico Board of Dental Health Care



2550 Cerrillos Road - 2nd Floor

P. O. Box 25101

Santa Fe, NM 87505

PHONE: (505) 476-4680 FAX: (505) 476-4545

E-Mail: Dental.Board@state.nm.us

Website: www.RLD.state.nm.us/boards/dental_health_care.aspx

**Community Dental Health Coordinator
Rules**

Effective September 14, 2012



State of New Mexico
Board of Dental Health Care Practice

**Rules and Regulations
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TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 49 COMMUNITY DENTAL HEALTH COORDINATOR, FEES

16.5.49.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.49.1 NMAC - N, 01/09/12]

16.5.49.2 SCOPE: The provisions of Part 49 of Chapter 5 apply to all applicants for certification; to active, expired and suspended certificate holders; and to anyone who requests a list of certified community dental health coordinators or other public records.
[16.5.49.2 NMAC - N, 01/09/12]

16.5.49.3 STATUTORY AUTHORITY: Part 49 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-20 NMSA 1978.
[16.5.49.3 NMAC - N, 01/09/12]

16.5.49.4 DURATION: Permanent.
[16.5.49.4 NMAC - N, 01/09/12]

16.5.49.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.49.5 NMAC - N, 01/09/12]

16.5.49.6 OBJECTIVE: To establish fees to generate revenue to support the cost of program administration.
[16.5.49.6 NMAC - N, 01/09/12]

16.5.49.7 DEFINITIONS: [RESERVED]

16.5.49.8 FEES:

- A. all fees are non-refundable;
- B. application fee: \$100;
- C. board examination fee not to exceed \$100 per exam;
- D. triennial renewal fee: \$100;
- E. late penalty fee: \$25.00;
- F. duplicate certificate fee: \$10.00;
- G. list of current certificate holders: \$300; an annual list of current certificate holders is available to the professional association upon request at no cost;
- H. labels of current certificate holders: \$300;
- I. reinstatement fee: \$15.00;
- J. copies cost \$0.25 per page.

[16.5.49.8 NMAC - N, 01/09/12]

HISTORY OF 16.5.49 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 50 COMMUNITY DENTAL HEALTH COORDINATOR, REQUIREMENTS FOR
CERTIFICATION

16.5.50.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.50.1 NMAC - N, 01/09/12]

16.5.50.2 SCOPE: The provisions of Part 50 of Chapter 5 apply to all applicants for certification; to active, expired and suspended certificate holders; and to anyone who requests a list of community dental health coordinators or other public records.
[16.5.50.2 NMAC - N, 01/09/12]

16.5.50.3 STATUTORY AUTHORITY: Part 50 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Sections 61-5A-5 and 61-5A-6 NMSA 1978.
[16.5.50.3 NMAC - N, 01/09/12]

16.5.50.4 DURATION: Permanent
[16.5.50.4 NMAC - N, 01/09/12]

16.5.50.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.50.5 NMAC - N, 01/09/12]

16.5.50.6 OBJECTIVE: To establish the requirements for certification as a community dental health coordinator for applicants from various educational backgrounds and professional tracks.
[16.5.50.6 NMAC - N, 01/09/12]

16.5.50.7 DEFINITIONS:

A. "Community based field experience" means a hands on internship/apprenticeship where the CDHC gets to use their skills under supervision of a licensed New Mexico dentist or hygienist.

B. "Community dental health coordinator" CDHC means a dental assistant, dental hygienist or other trained personnel certified by the board as a community dental health coordinator to provide educational, preventive and limited palliative care and assessment services working collaboratively under the general supervision of a licensed New Mexico dentist.

C. "Community health promotion" means courses that teach social work skills such as, building social networks, health advocacy for individuals and communities, mapping out social and health support networks, cultural competency, communication skills, interpersonal skills, interviewing skills, behavioral assessment and management, developing community programs, teaching and training skills, legal and ethical issues.

D. "Continuous employment" means 1,000 hours per year for five consecutive years.

E. "Dental skills" means courses in basic dental knowledge, emergency vs. routine care needs, recognition of dental conditions, gross anatomy of head and neck and oral structures, gathering and recording information, clinical record keeping, caries, periodontal disease, oral and external cancer evaluation, palliative care, and financing dental care.

F. "General supervision" means the authorization by a dentist of the procedures to be used by a dental hygienist, dental assistant, expanded function dental auxiliary, dental student, or community dental health coordinator and the execution of the procedures in accordance with a dentist's diagnosis and treatment plan at a time the dentist is not physically present and in facilities as designated by the rules of the board.

G. "Limited palliative procedures" means procedures ordered by the dentist to help relieve pain or to improve an emergency situation that a patient is experiencing. These procedures must be within the scope of the community dental health coordinator.

H. "Teledentistry" means a dentist's use of health information technology in real time to provide limited diagnostic and treatment planning services in cooperation with another dentist, a dental hygienist, a community dental health coordinator or a student enrolled in a program of study to become a dental assistant, dental hygienist or dentist.

[16.5.50.7 NMAC - N, 01/09/12]

16.5.50.8 REQUIREMENTS: Community dental health coordinator who performs the duties defined under 16.5.54 NMAC are required to be certified by the board.
[16.5.50.8 NMAC - N, 01/09/12]

16.5.50.9 EDUCATION AND EXAMINATION REQUIREMENTS FOR COMMUNITY DENTAL HEALTH COORDINATOR: Each applicant for a certification for community dental health coordinator must possess the following qualifications, through one of the following pathways:

- A. Applicants for CDHC shall meet the following requirements for certification:
- (1) shall have high school diploma (or equivalent) or college level degree;
 - (2) shall have board certification in radiography, rubber cup coronal polishing and topical fluoride and pit and fissure expanded functions;
 - (3) completed the jurisprudence exam with a score of at least 75 percent; and
 - (4) successful completion of CDHC program approved by the board.
- B. Pathways/educational tracks: applicants may have earned other college level degree(s) and certifications in their respective field(s) of study, such as, but not limited to, registered dental hygienists, certified dental assistant, dental assistant, expanded function dental auxiliary and other non-dental professionals. Credits earned in these educational fields may be applied for credit towards the CDHC education program as determined by the sponsoring institution.
- C. Approved programs: board approved CDHC programs shall include the following guidelines for course study in order to prepare the applicant to a level consistent with the definitions as listed in 16.5.50.7 NMAC and duties as outlined in 16.5.54.9 NMAC:
- (1) education in community health promotion;
 - (2) education in dental skills; and
 - (3) education in community-based field experience.
- D. Credit shall be given by the approved program of coursework, certifications, or degrees already earned. Proof of these credits is the responsibility of the institution of the approved program.
[16.5.50.9 NMAC - N, 01/09/12]

16.5.50.10 REQUIRED DOCUMENTATION: Each applicant for community dental health coordinator certification must submit to the board or its agent the required fees and following documentation. Applications are valid for one year from the date of receipt:

- A. proof of official transcripts with required courses for certification; official transcripts verifying successfully passing all required coursework as defined in 61-5A-6 of the act;
- B. passed the jurisprudence exam with a score of at least 75 percent;
- C. submit to the board the names of the dentists(s) working in a supervisory capacity to the CDHC coordinator.
[16.5.50.10 NMAC - N, 01/09/12]

16.5.50.11 CERTIFICATION PROCEDURE: Upon receipt of a completed application, including all required documentation and fees the secretary-treasurer or delegate of the board will review the application and determine eligibility for certification.

- A. Initial certificates are issued for a period not to exceed three years.
- B. The certificate must be displayed so that it is visible to the public.
[16.5.50.11 NMAC - N, 01/09/12]

HISTORY OF 16.5.50 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 51 COMMUNITY DENTAL HEALTH COORDINATOR, CERTIFICATION EXPIRATION AND RENEWAL

16.5.51.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.51.1 NMAC - N, 01/09/12]

16.5.51.2 SCOPE: The provisions of Part 51 of Chapter 5 apply to all community dental health coordinators with a certificate to practice as a community dental health coordinator in New Mexico.
[16.5.51.2 NMAC - N, 01/09/12]

16.5.51.3 STATUTORY AUTHORITY: Part 51 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-16 NMSA 1978 (1996 Repl. Pam.).
[16.5.51.3 NMAC - N, 01/09/12]

16.5.51.4 DURATION: Permanent.
[16.5.51.4 NMAC - N, 01/09/12]

16.5.51.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.51.5 NMAC - N, 01/09/12]

16.5.51.6 OBJECTIVE: To establish the requirements and procedures for renewal and expiration of certificates for community dental health coordinator.
[16.5.51.6 NMAC - N, 01/09/12]

16.5.51.7 DEFINITIONS: [RESERVED]

16.5.51.8 CERTIFICATE EXPIRATION: Initial certificates will expire on July 1 following the second year of certification. No certificate will be issued for longer than 36 months or less than 25 months.
[16.5.51.8 NMAC - N, 01/09/12]

16.5.51.9 RENEWAL PERIOD AND EXPIRATION: After the initial certification period, certifications for community dental health coordinator expire every three years on June 30. Certificates that are not renewed by July 1 are considered expired.
[16.5.51.9 NMAC - N, 01/09/12]

16.5.51.10 RENEWAL PROCESS: A completed renewal application, accompanied by the required fee as set forth in 16.5.49.8 NMAC, along with the required proof of completion of 36 hours of continuing education as set forth in 16.5.1.15 NMAC. The completed renewal application must be post-marked on or before July 1 of the renewal year.
[16.5.51.10 NMAC - N, 01/09/12]

16.5.51.11 CERTIFICATE HOLDER RESPONSIBILITY: The board assumes no responsibility for renewal applications not received for any reason. It is the certificate holders responsibility to make timely request for the renewal form if one has not been received 30 days prior to certificate expiration.
[16.5.51.11 NMAC - N, 01/09/12]

16.5.51.12 RENEWAL AFTER JUNE 30: Renewal applications post-marked after July 1 and prior to August 1 of the renewal year must be accompanied by the completed renewal application with the required proof of completion of 36 hours of continuing education as set forth in 16.5.52.8 NMAC, along with the triennial renewal fee and late fee as set forth in 16.5.49.8 NMAC.
[16.5.51.12 NMAC - N, 01/09/12]

16.5.51.13 RENEWAL AFTER AUGUST 1 AND BEFORE SEPTEMBER 1: Renewal applications post-marked on or after August 1, but before September 1, of the renewal year, must be accompanied by the completed

renewal application with the required proof of completion of 36 hours of continuing education as set forth in 16.5.52.8 NMAC, along with the triennial renewal fee and late fee as set forth in 16.5.49.8 NMAC.
[16.5.51.13 NMAC - N, 01/09/12]

16.5.51.14 RENEWAL APPLICATION UNDELIVERABLE: If the notice of renewal is returned to the office and the certificate holder has not sent a change of address, the revocation order will be considered undeliverable and will not be mailed.
[16.5.51.14 NMAC - N, 01/09/12]

HISTORY OF 16.5.51 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 52 COMMUNITY DENTAL HEALTH COORDINATOR, CONTINUING EDUCATION
REQUIREMENTS

16.5.52.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.52.1 NMAC - N, 01/09/12]

16.5.52.2 SCOPE: The provisions of Part 52 of Chapter 5 apply to all community dental health coordinators with current expanded function certification who are applying to renew their certificate.
[16.5.52.2 NMAC - N, 01/09/12]

16.5.52.3 STATUTORY AUTHORITY: Part 52 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-16 NMSA 1978 (1996 Repl. Pam.).
[16.5.52.3 NMAC - N, 01/09/12]

16.5.52.4 DURATION: Permanent.
[16.5.52.4 NMAC - N, 01/09/12]

16.5.52.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.52.5 NMAC - N, 01/09/12]

16.5.52.6 OBJECTIVE: To establish the requirements for the renewal of community dental health coordinator certificates.
[16.5.52.6 NMAC - N, 01/09/12]

16.5.52.7 DEFINITIONS: [RESERVED]

16.5.52.8 HOURS REQUIRED: 36 hours of continuing education, a maximum of 12 hours can be on-line, webinars or self-study, are required during each triennial renewal cycle as defined in 16.5.1 NMAC. Continuing education received after submission of renewal materials but prior to actual expiration date may be used for the requirements of the next renewal cycle. Continuing education requirements are pro-rated at 12 hours per year for individuals licensed for less than three years.
[16.5.52.8 NMAC - N, 01/09/12]

16.5.52.9 COURSES REQUIRED: Continuing education coursework must contribute directly to the practice of community dental health coordinator. The following courses are required for license renewal:

- A. as further defined in 16.5.1.16 NMAC, a course in infection control techniques and sterilization procedures per renewal period;
- B. proof of current certification in basic life support (BLS) or cardiac pulmonary resuscitation (CPR) accepted by the American heart association, the American red cross, or the American safety and health institute (ASHI); cannot be a self-study course; and
- C. 12 hours in preventive or emergency dentistry.

[16.5.52.9 NMAC - N, 01/09/12]

16.5.52.10 VERIFICATION OF CONTINUING EDUCATION: The board will select renewal applications for verification of continuing education. Audit requests will be included with the renewal notice and those selected individuals will be asked to submit proof of compliance with the continuing education requirements. Continuing education records may be audited by the board at any time. The records identified Subsection F of 16.5.1.15 NMAC are considered acceptable forms of documentation. Continuing education records must be maintained for one year following the renewal cycle in which they are earned.
[16.5.52.10 NMAC - N, 01/09/12]

16.5.52.11 EMERGENCY DEFERRAL: A certificate holder who is unable to fulfill the continuing education requirements may apply to the board for an emergency deferral of the requirements due to extenuating circumstances as defined in 16.5.1.7 NMAC. Deferrals of up to four months may be granted by a designee of the board.

[16.5.52.11 NMAC - N, 01/09/12]

HISTORY OF 16.5.52 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 53 COMMUNITY DENTAL HEALTH COORDINATOR, CERTIFICATE REVOCATION
FOR NON-RENEWAL

16.5.53.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.53.1 NMAC - N, 01/09/12]

16.5.53.2 SCOPE: The provisions of Part 53 of Chapter 5 apply to all community dental health coordinators with certification who do not submit an application for certificate renewal within 60 days of the expiration date.
[16.5.53.2 NMAC - N, 01/09/12]

16.5.53.3 STATUTORY AUTHORITY: Part 53 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-16 NMSA 1978 (1996 Repl. Pam.).
[16.5.53.3 NMAC - N, 01/09/12]

16.5.53.4 DURATION: Permanent.
[16.5.53.4 NMAC - N, 01/09/12]

16.5.53.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.53.5 NMAC - N, 01/09/12]

16.5.53.6 OBJECTIVE: To establish the procedures and policies for revocation of expired community dental health coordinator certificates and the reinstatement of certificates revoked for non-renewal.
[16.5.53.6 NMAC - N, 01/09/12]

16.5.53.7 DEFINITIONS: [RESERVED]

16.5.53.8 REVOCATION OF CERTIFICATE FOR NON-RENEWAL: Unless an application for certificate renewal is received by the board office, or post-marked, before September 1, the certificate shall be revoked for non-renewal.
[16.5.53.8 NMAC - N, 01/09/12]

16.5.53.9 REINSTATEMENT OF REVOKED CERTIFICATE: Within one year of the revocation notice, the certificate may be reinstated by payment of renewal, late and reinstatement fees, compliance with continuing education for the previous renewal cycle and for the year of the revocation. Applicants for reinstatement after one year of revocation must re-apply as a new applicant and meet all requirements for initial certification.

A. Applicants for reinstatement must provide verification of certification in all states where the applicant holds or has held a certificate to practice as a community dental health coordinator, or other health care profession within the previous year. Verification must be sent directly to the board office from the other state(s) board, must include a raised seal, and must attest to the status, issue date, expiration date, certification number, and other information contained on the form.

B. Upon receipt of a completed reinstatement of revoked certification application, including all documentation and fees, the secretary-treasurer or delegate of the board, will review and may approve the application. The board may formally accept the approval of the application at the next scheduled meeting.
[16.5.53.9 NMAC - N, 01/09/12]

HISTORY OF 16.5.53 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 54 COMMUNITY DENTAL HEALTH COORDINATOR, PRACTICE AND SUPERVISION

16.5.54.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.54.1 NMAC - N, 01/09/12]

16.5.54.2 SCOPE: The provisions of Part 54 of Chapter 5 apply to all community dental health coordinators with current certification.
[16.5.54.2 NMAC - N, 01/09/12]

16.5.54.3 STATUTORY AUTHORITY: Part 54 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, 61-5A-5 and 61-5A-6 NMSA 1978, (1996 Repl. Pam.).
[16.5.54.3 NMAC - N, 01/09/12]

16.5.54.4 DURATION: Permanent.
[16.5.54.4 NMAC - N, 01/09/12]

16.5.54.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.54.5 NMAC - N, 01/09/12]

16.5.54.6 OBJECTIVE: To establish those procedures which may be provided by a community dental health coordinator, the procedures which require community dental health coordinator certification, and the procedures which may not be performed by an community dental health coordinator, regardless of certification or supervision.
[16.5.54.6 NMAC - N, 01/09/12]

16.5.54.7 DEFINITIONS:

A. "Cavitation" means a break in the continuous, solid surface of the enamel of a tooth, created either by genetic formation or demineralization.

B. "Direct supervision" means the process under which an act is performed when a dentist licensed pursuant to the Dental Health Care Act:

- (1) is physically present throughout the performance of the act;
- (2) orders, controls and accepts full professional responsibility for the act performed; and
- (3) evaluates and approves the procedure performed before the patient departs the care setting.

C. "General supervision" means the authorization by a dentist of the procedures to be used by a dental hygienist, dental assistant, expanded function dental auxiliary, community dental health coordinator or dental student and the execution of the procedures in accordance with a dentist's diagnosis and treatment plan at a time the dentist is not physically present and in facilities as designated by the rules of the board.

D. "Limited palliative procedure(s)" means procedures ordered by the dentist to help relieve pain or to improve an emergency situation that a patient is experiencing. These procedures must be within the scope of practice of the CDHC.

E. "Supervising dentist" means a dentist that maintains the records of a patient, is responsible for their care, has reviewed their current medical history and for purposes of authorization, has examined that patient within the previous 11 months or will examine that patient within 30 days of giving authorization.

F. "Teledentistry" means a dentist's use of health information technology in real time to provide limited diagnostic treatment planning services in cooperation with another dentist, a dental hygienist, a community health coordinator or a student enrolled in a program of study to become a dental assistant, dental hygienist or dentist.

G. "Tooth fracture" means the fracture or loss of tooth structure due to trauma or chewing. The defect has little or no caries present.

H. "Unexcavated carious lesion" means an open carious lesion in a tooth that is cleaned of loose debris by rinsing or use of cotton pellets. Caries attached to the tooth will not be removed.

[16.5.54.7 NMAC - N, 01/09/12]

16.5.54.8 PRACTICE AND REQUIRED SUPERVISION: Community dental health coordinator duties set forth in 16.5.54.9 NMAC are allowed under the general supervision of a New Mexico licensed dentist. The

community dental health coordinator may provide educational preventive and limited palliative care and assessment services while working collaboratively under the general supervision of a dentist.
[16.5.54.8 NMAC - N, 01/09/12]

16.5.54.9 ALLOWABLE DUTIES UNDER GENERAL SUPERVISION: The following community dental health coordinator procedures are allowable under general supervision as set forth in 16.5.54.8 NMAC:

- A. take a complete health and dental history;
 - B. expose and develop necessary radiographs as ordered by the supervising dentist or as established in protocol by a supervising dentist.
 - C. observe and transmit patient data through teledentistry means to a dentist;
 - D. place temporary and sedative restorative materials in unexcavated carious lesions and unprepared tooth fractures;
 - E. transmit prescription or medication orders on the direct order of a dentist;
 - F. CDHC may provide the following limited palliative procedures:
 - (1) application of hot/cold compresses to the face or mouth;
 - (2) instruct patient in the uses of various rinses containing salt, sodium bicarbonate, chlorhexidine, etc. as ordered by the dentist;
 - (3) instruct patients as to the proper use and dosage of over the counter or prescribed medications recommended by the supervising dentists;
 - (4) place avulsed teeth in the proper preservation solution for transport to a dentist;
 - (5) apply pressure compresses to intraoral wounds;
 - (6) performance of any other palliative procedures as directly instructed by the supervising dentist, and within the scope of practice of the CDHC;
 - (7) instruct the patient on brushing, flossing, gingival massage or cleaning for gingival inflammation or infection;
 - G. patient and community education on an individual basis or with groups within the community to improve dental health and dental health awareness;
 - H. act as an advocate for patients and the community in accessing dental care; and
 - I. rubber cup coronal polishing, topical application of fluorides; application of pit and fissures when previously authorized by the supervising dentist or dental hygienist and cavitation of the enamel is not present.
- [16.5.54.9 NMAC - N, 01/09/12]

16.5.54.10 NON-ALLOWABLE PROCEDURES: CDHC may not perform any other procedure, duty or function under any level of supervision that is not expressly listed in 16.5.54.9 NMAC.
[16.5.54.10 NMAC - N, 01/09/12]

HISTORY OF 16.5.54 NMAC: [RESERVED]

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 55 COMMUNITY DENTAL HEALTH COORDINATOR, DISCIPLINARY PROCEEDINGS

16.5.55.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.55.1 NMAC - N, 01/09/12]

16.5.55.2 SCOPE: The provisions of Part 55 of Chapter 5 apply to all active certificate holders and applicants for certification. These provisions may also be of interest to anyone who may wish to file a complaint against a community dental health coordinator certified by the board.
[16.5.55.2 NMAC - N, 01/09/12]

16.5.55.3 STATUTORY AUTHORITY: Part 55 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Sections 61-5A-5, 61-5A-6 and 61-5A-21 NMSA 1978 (1996 Repl. Pamp.).
[16.5.55.3 NMAC - N, 01/09/12]

16.5.55.4 DURATION: Permanent.
[16.5.55.4 NMAC - N, 01/09/12]

16.5.55.5 EFFECTIVE DATE: January 9, 2012, unless a later date is cited at the end of a section.
[16.5.55.5 NMAC - N, 01/09/12]

16.5.55.6 OBJECTIVE: To establish the procedures for filing complaints against certificate holders, the disciplinary actions available to the board, the authority to issue investigative subpoenas and to further define actions by a certificate holder which are considered incompetent or unprofessional practice.
[16.5.55.6 NMAC - N, 01/09/12]

16.5.55.7 DEFINITIONS: [RESERVED]

16.5.55.8 COMPLAINTS: Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the board and committee. Any hearing held pursuant to the complaint shall conform with the provisions of the Uniform Licensing Act and the Dental Health Care Act.
[16.5.55.8 NMAC - N, 01/09/12]

16.5.55.9 ACTIONS:

A. The board may issue fines, deny, revoke or suspend, or otherwise limit a certificate if the board determines the certificate holder is guilty of violating any of the provisions outlined in the act, the Uniform Licensing Act, or these rules.

B. The board may reprimand, censure, stipulate and may require certificate holders to fulfill additional continuing education hours within limited time constraints for violations of the act or the rules.

C. The board shall take into consideration the role of community dental health coordinator as employees when taking disciplinary action against a certificate holder. In the event the complaint is ruled to be based primarily on the community dental health coordinator's role as employee, the board may consider appropriate action against the employer/dentist.

[16.5.55.9 NMAC - N, 01/09/12]

16.5.55.10 GUIDELINES: The board shall define the following as guidelines for disciplinary action: "unprofessional conduct" means, but is not limited to because of enumeration:

A. performing, or holding oneself out as able to perform, professional services beyond the scope of ones certification and field or fields of competence as established by education, experience, training, or any combination thereof; this includes, but is not limited to, the use of any instrument, device or material in a manner that is not in accordance with the customary standards and practices of community dental health coordinator;

B. sexual misconduct;

C. failure to use appropriate infection control techniques and sterilization procedures;

D. fraud, deceit or misrepresentation in any renewal or reinstatement application;

E. cheating on an examination for community dental health coordinator certification;

F. performing any procedure which requires certification unless so certified;

- G. injudicious administration of any drug or medicine; and
- H. conviction of either a misdemeanor or a felony punishable by incarceration.

[16.5.55.10 NMAC - N, 01/09/12]

16.5.55.11 INVESTIGATIVE SUBPOENAS: The complaint committee of the board is authorized to issue investigative subpoenas and to employ experts with regard to pending investigations.

[16.5.55.11 NMAC - N, 01/09/12]

HISTORY OF 16.5.55 NMAC: [RESERVED]