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AN ACT

RELATING TO HEALTH; AUTHORIZING A DENTAL HYGIENIST TO
ADMINISTER FLUORIDE TREATMENTS WITHOUT THE SUPERVISION OF A
DENTIST.

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

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

"61-5A-1. SHORT TITLE.--Chapter 61, Article 5A NMSA
1978 may be cited as the "Dental Health Care Act"."

Section 2. Section 61-5A-4 NMSA 1978 (being Laws 1994,
Chapter 55, Section 4, as amended) is amended to read:

"61-5A-4. SCOPE OF PRACTICE.--

A. As used in the Dental Health Care Act,
"practice of dentistry" means:

(1) the diagnosis, treatment, correction,
change, relief, prevention, prescription of remedy, surgical
operation and adjunctive treatment for any disease, pain,
deformity, deficiency, injury, defect, lesion or physical
condition involving both the functional and aesthetic aspects
of the teeth, gingivae, jaws and adjacent hard and soft
tissue of the oral and maxillofacial regions, including the
prescription or administration of any drug, medicine,
biologic, apparatus, brace, anesthetic or other therapeutic
or diagnostic substance or technique by an individual or the

1 individual's agent or employee gratuitously or for any fee,
2 reward, emolument or any other form of compensation whether
3 direct or indirect;

4 (2) representation of an ability or
5 willingness to do any act mentioned in Paragraph (1) of this
6 subsection;

7 (3) the review of dental insurance claims
8 for therapeutic appropriateness of treatment, including but
9 not limited to the interpretation of radiographs,
10 photographs, models, periodontal records and narratives;

11 (4) the offering of advice or authoritative
12 comment regarding the appropriateness of dental therapies,
13 the need for recommended treatment or the efficacy of
14 specific treatment modalities for other than the purpose of
15 consultation to another dentist; or

16 (5) with specific reference to the teeth,
17 gingivae, jaws or adjacent hard or soft tissues of the oral
18 and maxillofacial region in living persons, to propose, agree
19 or attempt to do or make an examination or give an estimate
20 of cost with intent to, or undertaking to:

21 (a) perform a physical evaluation of a
22 patient in an office or in a hospital, clinic or other
23 medical or dental facility prior to, incident to and
24 appropriate to the performance of any dental services or oral
25 or maxillofacial surgery;

1 (b) perform surgery, an extraction or
2 any other operation or to administer an anesthetic in
3 connection therewith;

4 (c) diagnose or treat a condition,
5 disease, pain, deformity, deficiency, injury, lesion or other
6 physical condition;

7 (d) correct a malposition;

8 (e) treat a fracture;

9 (f) remove calcareous deposits;

10 (g) replace missing anatomy with an
11 artificial substitute;

12 (h) construct, make, furnish, supply,
13 reproduce, alter or repair an artificial substitute or
14 restorative or corrective appliance or place an artificial
15 substitute or restorative or corrective appliance in the
16 mouth or attempt to adjust it;

17 (i) give interpretations or readings of
18 dental radiographs; or

19 (j) do any other remedial, corrective
20 or restorative work.

21 B. As used in the Dental Health Care Act, "the
22 practice of dental hygiene" means the application of the
23 science of the prevention and treatment of oral disease
24 through the provision of educational, assessment, preventive,
25 clinical and other therapeutic services under the general

1 supervision of a dentist. "Dental hygiene" includes:

2 (1) prophylaxis, which is the treatment of
3 human teeth by removing from their surface calcareous
4 deposits and stain, removing accumulated accretions and
5 polishing the surfaces of the teeth;

6 (2) removing diseased crevicular tissue;

7 (3) the application of pit and fissure
8 sealants without mechanical alteration of the tooth,
9 fluorides and other topical therapeutic and preventive
10 agents;

11 (4) exposing and referring to oral
12 radiographs;

13 (5) screening to identify indications of
14 oral abnormalities;

15 (6) assessment of periodontal conditions;
16 and

17 (7) such other closely related services as
18 permitted by the rules of the committee and the board.

19 C. In addition to performing dental hygiene as
20 defined in Subsection B of this section, a dental hygienist
21 may apply preventive topical fluorides and remineralization
22 agents without supervision in public and community medical
23 facilities, schools, hospitals, long-term care facilities and
24 such other settings as the committee may determine by rule
25 ratified by the board, so long as the dental hygienist's

1 license is not restricted pursuant to the Impaired Dentists
2 and Dental Hygienists Act.

3 D. In addition to performing dental hygiene as
4 defined in Subsection B of this section, dental hygienists
5 who have met the criteria as the committee shall establish
6 and the board ratify may administer local anesthesia under
7 indirect supervision of a dentist.

8 E. A New Mexico licensed dental hygienist may be
9 certified for collaborative dental hygiene practice in
10 accordance with the educational and experience criteria
11 established collaboratively by the committee and the board.

12 F. For the purpose of this section, "collaborative
13 dental hygiene practice" means the application of the science
14 of the prevention and treatment of oral disease through the
15 provision of educational, assessment, preventive, clinical
16 and other therapeutic services as specified in Subsection B
17 of this section in a cooperative working relationship with a
18 consulting dentist, but without general supervision as set
19 forth by the rules established and approved by both the board
20 and the committee."

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