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HOUSE BILL 560

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Edward C. Sandoval

FOR THE LEGISLATIVE HEALTH AND HUMAN SERVICES COMMITTEE

AN ACT

RELATING TO DENTISTRY; CHANGING THE LICENSING OF DENTAL  
HYGIENISTS BY CREDENTIAL; EXPANDING THE SCOPE OF PRACTICE OF  
DENTAL HYGIENISTS.

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) is amended to read:

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

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

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

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

underscored material = new  
[bracketed material] = delete

1           D. "dental assistant certified in expanded  
2 functions" means a dental assistant who meets specific  
3 qualifications set forth by rule of the board;

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

12           F. "dental laboratory" means any place where  
13 bridges, crowns, dentures or other prosthetic or orthodontic  
14 appliances are fabricated, altered or repaired by one or more  
15 persons;

16           G. "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 bridges,  
19 crowns, dentures or other prosthetic or orthodontic  
20 appliances;

21           H. "dentist" means an individual who has graduated  
22 and received a diploma from a dental college or school of  
23 dentistry of a university that is accredited by the American  
24 dental association 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 I. "general supervision" means the authorization  
3 by a dentist of the procedures to be used by a [~~dental~~  
4 ~~hygienist~~] dental assistant or dental student and the  
5 execution of the procedures in accordance with a dentist's  
6 diagnosis and treatment plan and in facilities as designated  
7 by rule of the board; and

8 J. "indirect supervision" means that a dentist is  
9 present in the treatment facility while authorized treatments  
10 are being performed by a [~~dental-hygienist~~] dental assistant  
11 or dental student. "

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

14 "61-5A-4. SCOPE OF PRACTICE. --

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

17 (1) the diagnosis, treatment, correction,  
18 change, relief, prevention, prescription of remedy, surgical  
19 operation and adjunctive treatment for any disease, pain,  
20 deformity, deficiency, injury, defect, lesion or physical  
21 condition involving both the functional and aesthetic aspects  
22 of the teeth, gingivae, jaws and adjacent hard and soft tissue  
23 of the oral and maxillofacial regions, including the  
24 prescription or administration of any drug, medicine,  
25 biologic, apparatus, brace, anesthetic or other therapeutic or

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[bracketed material] = delete

1 diagnostic substance or technique by an individual or his  
2 agent or employee gratuitously or for any fee, reward,  
3 emolument or any other form of compensation whether direct or  
4 indirect;

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

8 (3) with specific reference to the teeth,  
9 gingivae, jaws or adjacent hard or soft tissues of the oral  
10 and maxillofacial region in living persons, to propose, agree  
11 or attempt to do or make an examination or give an estimate of  
12 cost with intent to, or undertaking to:

13 (a) perform a physical evaluation of a  
14 patient in an office or in a hospital, clinic or other medical  
15 or dental facility prior to, incident to and appropriate to  
16 the performance of any dental services or oral or  
17 maxillofacial surgery;

18 (b) perform surgery, an extraction or  
19 any other operation or to administer an anesthetic in  
20 connection therewith;

21 (c) diagnose or treat any condition,  
22 disease, pain, deformity, deficiency, injury, lesion or other  
23 physical condition;

24 (d) correct a malposition;

25 (e) treat a fracture;

underscored material = new  
[bracketed material] = delete

- 1 (f) remove calcareous deposits;
- 2 (g) replace missing anatomy with an
- 3 artificial substitute;
- 4 (h) construct, make, furnish, supply,
- 5 reproduce, alter or repair an artificial substitute or
- 6 restorative or corrective appliance or place an artificial
- 7 substitute or restorative or corrective appliance in the mouth
- 8 or attempt to adjust it;
- 9 (i) give interpretations or readings of
- 10 dental roentgenograms; or
- 11 (j) do any other remedial, corrective
- 12 or restorative work.

13 B. As used in the Dental Health Care Act,  
14 "practice as a dental hygienist" means the science of the  
15 prevention and treatment of oral disease through the provision  
16 of educational, assessment, preventive, clinical and other  
17 therapeutic services [~~under the general supervision of a~~  
18 ~~dentist~~]. "Dental hygiene" includes:

- 19 (1) prophylaxis, which is the treatment of
- 20 human teeth by removing from their surface calcareous deposits
- 21 and stain, removing accumulated accretions and polishing the
- 22 surfaces of the teeth;
- 23 (2) removing diseased crevicular tissue;
- 24 (3) the application of pit and fissure
- 25 sealants, fluorides and other topical therapeutic and

underscored material = new  
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- 1 preventive agents;
- 2 (4) exposing and referring to oral
- 3 radiographs;
- 4 (5) screening to identify indications of oral
- 5 abnormalities;
- 6 (6) preliminary assessment of periodontal
- 7 conditions; and
- 8 (7) such other closely related services as
- 9 permitted by the rules and regulations of the committee and
- 10 the board.

11 C. In addition to performing dental hygiene as  
12 defined in Subsection B of this section, dental hygienists who  
13 have met such criteria as the committee shall establish and  
14 the board ratify may administer local anesthesia [ ~~under~~  
15 ~~indirect supervision of a dentist~~]. "

16 Section 3. Section 61-5A-13 NMSA 1978 (being Laws 1994,  
17 Chapter 55, Section 13) is amended to read:

18 "61-5A-13. DENTAL HYGIENIST LICENSURE. --

19 A. Applicants for licensure [ ~~must~~ ] shall have  
20 graduated and received a diploma from an accredited dental  
21 hygiene educational program that provides a minimum of two  
22 academic years of dental hygiene curriculum and is a  
23 post-secondary educational institution accredited by the  
24 American dental association commission on dental accreditation  
25 and shall have passed the written portion of the dental

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1 hygiene examination administered by the joint commission on  
2 national dental examinations of the American dental  
3 association or, if this test is not available, [~~then~~] another  
4 written examination determined by the committee.

5 B. Applicants for licensure by examination shall  
6 be required, in addition to the [~~provisions of~~] requirements  
7 set forth in Subsection A of this section, to [~~also~~] pass a  
8 written examination covering the laws and [~~regulations~~] rules  
9 for practice in New Mexico. Each written examination shall be  
10 supplemented by a practical or clinical examination  
11 administered by the committee or its agents that reasonably  
12 tests the applicant's qualifications to practice as a dental  
13 hygienist. Upon an applicant [~~successfully~~] passing the  
14 written and clinical examinations, the board, upon  
15 recommendation of the committee, shall issue a license [~~for~~  
16 ~~practicing~~] to practice as a dental hygienist.

17 C. The board, upon the committee's recommendation,  
18 shall issue a license to practice as a dental hygienist by  
19 credentials without examination, including practical or  
20 clinical examination, to an applicant who is a duly licensed  
21 dental hygienist by examination under the laws of another  
22 state or territory of the United States and whose licence is  
23 in good standing in that jurisdiction and if the applicant  
24 otherwise meets [~~the same~~] all other requirements [~~to sit for~~  
25 ~~examination by the committee or its examining agents.~~ The

1 ~~applicant must meet other qualifications as deemed necessary~~  
2 ~~by regulations recommended by the committee and ratified by~~  
3 ~~the board. These qualifications shall include]~~ of the Dental  
4 Health Care Act, including payment of appropriate fees and  
5 passing an examination covering the laws and [ regulations]  
6 rules pertaining to practice as a dental hygienist in New  
7 Mexico. "

1 FORTY-FOURTH LEGISLATURE

2 FIRST SESSION, 1999

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6 February 25, 1999

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8 Mr. Speaker:

9  
10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has  
11 been referred

12  
13 HOUSE BILL 560

14  
15 has had it under consideration and reports same with  
16 recommendation that it DO PASS, amended as follows:

17 1. On pages 1 through 3, strike Section 1 in its  
18 entirety.

19  
20 2. Renumber succeeding sections accordingly.

21  
22 3. On page 5, lines 17 and 18, remove the brackets and  
23 line through "under the general supervision of a dentist".

24  
25 4. On page 6, lines 14 and 15, remove the brackets and  
line through "under indirect supervision of a dentist" and

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on line 15, strike the quotation mark.

5. On page 6, between lines 15 and 16, insert the following new subsections:

"D. A dental hygienist may be certified for collaborative dental hygiene practice in accordance with the educational and experience criteria established collaboratively by the committee and board. The board may charge a fee not to exceed one hundred fifty dollars (\$150) for each application for certification for collaborative dental hygiene practice.

E. For the purpose of this section, "collaborative practice of dental hygiene" means the science of the prevention and treatment of oral disease through the provision of educational, assessment, preventive, clinical and other therapeutic services as specified in Subsection B of this section in a cooperative working relationship with a consulting dentist, but without general supervision, as set forth by the rules jointly established by the board and the committee." "

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4  
5 Respectfully submitted,

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9  
10 Debbie A. Rodella, Chairwoman

12 Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

14 (Chief Clerk)

(Chief Clerk)

16 Date \_\_\_\_\_

17  
18 The roll call vote was 7 For 0 Against

19 Yes: 7

20 Excused: J. Taylor, Sanchez

21 Absent: Hobbs, Lutz, Mohorovic

23 128169.1

24 J:\99Bill\SWP\H0560

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