



The Legislature
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State of New Mexico

50th Legislature, 1st Session

LAWS 2011

CHAPTER 113

HOUSE BILL 187

with certificate of correction

Introduced by

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House of Representatives
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FIFTIETH LEGISLATURE
FIRST SESSION, 2011

March 19, 2011

CERTIFICATE OF CORRECTION

The following errors were found in

HOUSE BILL 187

and have been corrected in enrolling and engrossing:

1. On page 21, line 11 of the original bill, "therapuetic" has been changed to "therapeutic" to correct a spelling error. The correction appears on page 20, line 23 of the enrolled and engrossed bill.
2. On page 41, line 25 of the original bill, "serivce" has been changed to "service" to correct a spelling error. The correction appears on page 41, line 15 of the enrolled and engrossed bill.



Chairperson, Enrolling & Engrossing Committee

OFFICE OF THE CHIEF CLERK

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Chapter 113

AN ACT

1
2 RELATING TO HEALTH CARE; AMENDING THE NEW MEXICO DRUG, DEVICE
3 AND COSMETIC ACT AND THE DENTAL HEALTH CARE ACT TO PROVIDE FOR
4 EXPANDED-FUNCTION DENTAL AUXILIARIES AND COMMUNITY DENTAL
5 HEALTH COORDINATORS; RECONCILING MULTIPLE AMENDMENTS TO THE
6 SAME SECTION OF LAW IN LAWS 2003.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. Section 26-1-2 NMSA 1978 (being Laws 1967,
10 Chapter 23, Section 2, as amended) is amended to read:

11 "26-1-2. DEFINITIONS.--As used in the New Mexico Drug,
12 Device and Cosmetic Act:

13 A. "board" means the board of pharmacy or its duly
14 authorized agent;

15 B. "person" includes an individual, partnership,
16 corporation, association, institution or establishment;

17 C. "biological product" means a virus, therapeutic
18 serum, toxin, antitoxin or analogous product applicable to the
19 prevention, treatment or cure of diseases or injuries of
20 humans and domestic animals, and, as used within the meaning
21 of this definition:

22 (1) a "virus" is interpreted to be a product
23 containing the minute living cause of an infectious disease
24 and includes filterable viruses, bacteria, rickettsia, fungi
25 and protozoa;

1 (2) a "therapeutic serum" is a product
2 obtained from blood by removing the clot or clot components
3 and the blood cells;

4 (3) a "toxin" is a product containing a
5 soluble substance poisonous to laboratory animals or humans in
6 doses of one milliliter or less of the product and, following
7 the injection of nonfatal doses into an animal, having the
8 property of or causing to be produced therein another soluble
9 substance that specifically neutralizes the poisonous
10 substance and that is demonstrable in the serum of the animal
11 thus immunized; and

12 (4) an "antitoxin" is a product containing
13 the soluble substance in serum or other body fluid of an
14 immunized animal that specifically neutralizes the toxin
15 against which the animal is immune;

16 D. "controlled substance" means a drug, substance
17 or immediate precursor enumerated in Schedules I through V of
18 the Controlled Substances Act;

19 E. "drug" means articles:

20 (1) recognized in an official compendium;
21 (2) intended for use in the diagnosis, cure,
22 mitigation, treatment or prevention of disease in humans or
23 other animals and includes the domestic animal biological
24 products regulated under the federal Virus-Serum-Toxin Act,
25 37 Stat 832-833, 21 U.S.C. 151-158, and the biological

1 products applicable to humans regulated under Federal 58 Stat
2 690, as amended, 42 U.S.C. 216, Section 351, 58 Stat 702, as
3 amended, and 42 U.S.C. 262;

4 (3) other than food, that affect the
5 structure or any function of the human body or the bodies of
6 other animals; and

7 (4) intended for use as a component of
8 Paragraph (1), (2) or (3) of this subsection, but "drug" does
9 not include devices or their component parts or accessories;

10 F. "dangerous drug" means a drug, other than a
11 controlled substance enumerated in Schedule I of the
12 Controlled Substances Act, that because of a potentiality for
13 harmful effect or the method of its use or the collateral
14 measures necessary to its use is not safe except under the
15 supervision of a practitioner licensed by law to direct the
16 use of such drug and hence for which adequate directions for
17 use cannot be prepared. "Adequate directions for use" means
18 directions under which the layperson can use a drug or device
19 safely and for the purposes for which it is intended. A drug
20 shall be dispensed only upon the prescription of a
21 practitioner licensed by law to administer or prescribe the
22 drug if it:

23 (1) is a habit-forming drug and contains any
24 quantity of a narcotic or hypnotic substance or a chemical
25 derivative of such substance that has been found under the

1 federal act and the board to be habit forming;

2 (2) because of its toxicity or other
3 potential for harmful effect or the method of its use or the
4 collateral measures necessary to its use is not safe for use
5 except under the supervision of a practitioner licensed by law
6 to administer or prescribe the drug;

7 (3) is limited by an approved application by
8 Section 505 of the federal act to the use under the
9 professional supervision of a practitioner licensed by law to
10 administer or prescribe the drug;

11 (4) bears the legend: "Caution: federal
12 law prohibits dispensing without prescription.";

13 (5) bears the legend: "Caution: federal
14 law restricts this drug to use by or on the order of a
15 licensed veterinarian."; or

16 (6) bears the legend "RX only";

17 G. "counterfeit drug" means a drug that is
18 deliberately and fraudulently mislabeled with respect to its
19 identity, ingredients or sources. Types of such
20 pharmaceutical counterfeits may include:

21 (1) "identical copies", which are
22 counterfeits made with the same ingredients, formulas and
23 packaging as the originals but not made by the original
24 manufacturer;

25 (2) "look-alikes", which are products that

1 feature high-quality packaging and convincing appearances but
2 contain little or no active ingredients and may contain
3 harmful substances;

4 (3) "rejects", which are drugs that have
5 been rejected by the manufacturer for not meeting quality
6 standards; and

7 (4) "relabels", which are drugs that have
8 passed their expiration dates or have been distributed by
9 unauthorized foreign sources and may include placebos created
10 for late-phase clinical trials;

11 H. "device", except when used in Subsection P of
12 this section and in Subsection G of Section 26-1-3, Subsection
13 L and Paragraph (4) of Subsection A of Section 26-1-11 and
14 Subsection C of Section 26-1-24 NMSA 1978, means an
15 instrument, apparatus, implement, machine, contrivance,
16 implant, in vitro reagent or other similar or related article,
17 including any component, part or accessory, that is:

18 (1) recognized in an official compendium;

19 (2) intended for use in the diagnosis of
20 disease or other conditions or in the cure, mitigation,
21 treatment or prevention of disease in humans or other animals;

22 or

23 (3) intended to affect the structure or a
24 function of the human body or the bodies of other animals and
25 that does not achieve any of its principal intended purposes

1 through chemical action within or on the human body or the
2 bodies of other animals and that is not dependent on being
3 metabolized for achievement of any of its principal intended
4 purposes;

5 I. "prescription" means an order given
6 individually for the person for whom prescribed, either
7 directly from a licensed practitioner or the practitioner's
8 agent to the pharmacist, including by means of electronic
9 transmission, or indirectly by means of a written order signed
10 by the prescriber, and bearing the name and address of the
11 prescriber, the prescriber's license classification, the name
12 and address of the patient, the name and quantity of the drug
13 prescribed, directions for use and the date of issue;

14 J. "practitioner" means a certified advanced
15 practice chiropractic physician, physician, doctor of oriental
16 medicine, dentist, veterinarian, euthanasia technician,
17 certified nurse practitioner, clinical nurse specialist,
18 pharmacist, pharmacist clinician, certified nurse-midwife,
19 physician assistant, prescribing psychologist, dental
20 hygienist or other person licensed or certified to prescribe
21 and administer drugs that are subject to the New Mexico Drug,
22 Device and Cosmetic Act;

23 K. "cosmetic" means:

24 (1) articles intended to be rubbed, poured,
25 sprinkled or sprayed on, introduced into or otherwise applied

1 to the human body or any part thereof for cleansing,
2 beautifying, promoting attractiveness or altering the
3 appearance; and

4 (2) articles intended for use as a component
5 of any articles enumerated in Paragraph (1) of this
6 subsection, except that the term shall not include soap;

7 L. "official compendium" means the official United
8 States pharmacopoeia national formulary or the official
9 homeopathic pharmacopoeia of the United States or any
10 supplement to either of them;

11 M. "label" means a display of written, printed or
12 graphic matter upon the immediate container of an article. A
13 requirement made by or under the authority of the New Mexico
14 Drug, Device and Cosmetic Act that any word, statement or
15 other information appear on the label shall not be considered
16 to be complied with unless the word, statement or other
17 information also appears on the outside container or wrapper,
18 if any, of the retail package of the article or is easily
19 legible through the outside container or wrapper;

20 N. "immediate container" does not include package
21 liners;

22 O. "labeling" means all labels and other written,
23 printed or graphic matter:

24 (1) on an article or its containers or
25 wrappers; or

1 (2) accompanying an article;

2 P. "misbranded" means a label to an article that
3 is misleading. In determining whether the label is
4 misleading, there shall be taken into account, among other
5 things, not only representations made or suggested by
6 statement, word, design, device or any combination of the
7 foregoing, but also the extent to which the label fails to
8 reveal facts material in the light of such representations or
9 material with respect to consequences that may result from the
10 use of the article to which the label relates under the
11 conditions of use prescribed in the label or under such
12 conditions of use as are customary or usual;

13 Q. "advertisement" means all representations
14 disseminated in any manner or by any means, other than by
15 labeling, for the purpose of inducing, or that are likely to
16 induce, directly or indirectly, the purchase of drugs, devices
17 or cosmetics;

18 R. "antiseptic", when used in the labeling or
19 advertisement of an antiseptic, shall be considered to be a
20 representation that it is a germicide, except in the case of a
21 drug purporting to be or represented as an antiseptic for
22 inhibitory use as a wet dressing, ointment, dusting powder or
23 such other use as involves prolonged contact with the body;

24 S. "new drug" means a drug:

25 (1) the composition of which is such that

1 the drug is not generally recognized, among experts qualified
2 by scientific training and experience to evaluate the safety
3 and efficacy of drugs, as safe and effective for use under the
4 conditions prescribed, recommended or suggested in the
5 labeling thereof; or

6 (2) the composition of which is such that
7 the drug, as a result of investigation to determine its safety
8 and efficacy for use under such conditions, has become so
9 recognized, but that has not, otherwise than in such
10 investigations, been used to a material extent or for a
11 material time under such conditions;

12 T. "contaminated with filth" applies to a drug,
13 device or cosmetic not securely protected from dirt, dust and,
14 as far as may be necessary by all reasonable means, from all
15 foreign or injurious contaminations, or a drug, device or
16 cosmetic found to contain dirt, dust, foreign or injurious
17 contamination or infestation;

18 U. "selling of drugs, devices or cosmetics" shall
19 be considered to include the manufacture, production,
20 processing, packing, exposure, offer, possession and holding
21 of any such article for sale and the sale and the supplying or
22 applying of any such article in the conduct of a drug or
23 cosmetic establishment;

24 V. "color additive" means a material that:

25 (1) is a dye, pigment or other substance

1 made by a process of synthesis or similar artifice or
2 extracted, isolated or otherwise derived, with or without
3 intermediate or final change of identity, from a vegetable,
4 mineral, animal or other source; or

5 (2) when added or applied to a drug or
6 cosmetic or to the human body or a part thereof, is capable,
7 alone or through reaction with other substances, of imparting
8 color thereto; except that such term does not include any
9 material that has been or hereafter is exempted under the
10 federal act;

11 W. "federal act" means the Federal Food, Drug and
12 Cosmetic Act;

13 X. "restricted device" means a device for which
14 the sale, distribution or use is lawful only upon the written
15 or oral authorization of a practitioner licensed by law to
16 administer, prescribe or use the device and for which the
17 federal food and drug administration requires special training
18 or skills of the practitioner to use or prescribe. This
19 definition does not include custom devices defined in the
20 federal act and exempt from performance standards or premarket
21 approval requirements under Section 520(b) of the federal act;

22 Y. "prescription device" means a device that,
23 because of its potential for harm, the method of its use or
24 the collateral measures necessary to its use, is not safe
25 except under the supervision of a practitioner licensed in

1 this state to direct the use of such device and for which
2 "adequate directions for use" cannot be prepared, but that
3 bears the label: "Caution: federal law restricts this device
4 to sale by or on the order of a _____", the blank to be
5 filled with the word "physician", "physician assistant",
6 "certified advanced practice chiropractic physician", "doctor
7 of oriental medicine", "dentist", "veterinarian", "euthanasia
8 technician", "certified nurse practitioner", "clinical nurse
9 specialist", "pharmacist", "pharmacist clinician", "certified
10 nurse-midwife" or "dental hygienist" or with the descriptive
11 designation of any other practitioner licensed in this state
12 to use or order the use of the device;

13 Z. "valid practitioner-patient relationship" means
14 a professional relationship, as defined by the practitioner's
15 licensing board, between the practitioner and the patient; and

16 AA. "pedigree" means the recorded history of a
17 drug."

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

20 "61-5A-2. PURPOSE.--

21 A. In the interest of the public health, safety
22 and welfare and to protect the public from the improper,
23 unprofessional, incompetent and unlawful practice of dentistry
24 and dental hygiene, it is necessary to provide laws and rules
25 controlling the granting and use of the privilege to practice

1 dentistry and dental hygiene and to establish a board of
2 dental health care and a dental hygienists committee to
3 implement and enforce those laws and rules.

4 B. The primary duties of the New Mexico board of
5 dental health care are:

6 (1) to issue licenses to qualified dentists
7 and owners of dental practices;

8 (2) to certify qualified dental assistants,
9 expanded-function dental auxiliaries and community dental
10 health coordinators;

11 (3) to issue licenses to dental hygienists
12 through the dental hygienists committee;

13 (4) to discipline incompetent or
14 unprofessional dentists, dental assistants, owners of dental
15 practices and, through the dental hygienists committee, dental
16 hygienists; and

17 (5) to aid in the rehabilitation of impaired
18 dentists and dental hygienists for the purpose of protecting
19 the public."

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

22 "61-5A-3. DEFINITIONS.--As used in the Dental Health
23 Care Act:

24 A. "assessment" means the review and documentation
25 of the oral condition, and the recognition and documentation

1 of deviations from the healthy condition, without a diagnosis
2 to determine the cause or nature of disease or its treatment;

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

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

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

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

12 F. "community dental health coordinator" means a
13 dental assistant, a dental hygienist or other trained
14 personnel certified by the board as a community dental health
15 coordinator to provide educational, preventive and limited
16 palliative care and assessment services working
17 collaboratively under the general supervision of a licensed
18 dentist in settings other than traditional dental offices and
19 clinics;

20 G. "consulting dentist" means a dentist who has
21 entered into an approved agreement to provide consultation and
22 create protocols with a collaborating dental hygienist and,
23 when required, to provide diagnosis and authorization for
24 services, in accordance with the rules of the board and the
25 committee;

1 H. "dental hygiene-focused assessment" means the
2 documentation of existing oral and relevant system conditions
3 and the identification of potential oral disease to develop,
4 communicate, implement and evaluate a plan of oral hygiene
5 care and treatment;

6 I. "dental assistant certified in expanded
7 functions" means a dental assistant who meets specific
8 qualifications set forth by rule of the board;

9 J. "dental hygienist" means an individual who has
10 graduated and received a degree from a dental hygiene
11 educational program that is accredited by the commission on
12 dental accreditation, that provides a minimum of two academic
13 years of dental hygiene curriculum and that is an institution
14 of higher education; and "dental hygienist" means, except as
15 the context otherwise requires, an individual who holds a
16 license to practice dental hygiene in New Mexico;

17 K. "dental laboratory" means any place where
18 dental restorative, prosthetic, cosmetic and therapeutic
19 devices or orthodontic appliances are fabricated, altered or
20 repaired by one or more persons under the orders and
21 authorization of a dentist;

22 L. "dental technician" means an individual, other
23 than a licensed dentist, who fabricates, alters, repairs or
24 assists in the fabrication, alteration or repair of dental
25 restorative, prosthetic, cosmetic and therapeutic devices or

1 orthodontic appliances under the orders and authorization of a
2 dentist;

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

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

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

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

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

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

24 P. "general supervision" means the authorization
25 by a dentist of the procedures to be used by a dental

1 hygienist, dental assistant or dental student and the
2 execution of the procedures in accordance with a dentist's
3 diagnosis and treatment plan at a time the dentist is not
4 physically present and in facilities as designated by rule of
5 the board;

6 Q. "indirect supervision" means that a dentist, or
7 in certain settings a dental hygienist or dental assistant
8 certified in expanded functions, is present in the treatment
9 facility while authorized treatments are being performed by a
10 dental hygienist, dental assistant or dental student;

11 R. "non-dentist owner" means an individual not
12 licensed as a dentist in New Mexico or a corporate entity not
13 owned by a majority interest of a New Mexico licensed dentist
14 that employs or contracts with a dentist or dental hygienist
15 to provide dental or dental hygiene services;

16 S. "palliative procedures" means nonsurgical,
17 reversible procedures that are meant to alleviate pain and
18 stabilize acute or emergent problems; and

19 T. "teledentistry" means a dentist's use of health
20 information technology in real time to provide limited
21 diagnostic and treatment planning services in cooperation with
22 another dentist, a dental hygienist, a community dental health
23 coordinator or a student enrolled in a program of study to
24 become a dental assistant, dental hygienist or dentist."

25 SECTION 4. A new section of the Dental Health Care Act

1 is enacted to read:

2 "EXPANDED-FUNCTION DENTAL AUXILIARY--CERTIFICATION.--

3 A. The board shall establish academic standards
4 and criteria for certifying dental assistants, dental
5 hygienists or other dental personnel to practice as expanded-
6 function dental auxiliaries. Those standards and criteria
7 shall include a formal curriculum and a certifying
8 examination.

9 B. The board shall promulgate rules relating to
10 the certification of expanded-function dental auxiliaries
11 pursuant to the State Rules Act."

12 SECTION 5. Section 61-5A-4 NMSA 1978 (being Laws 1994,
13 Chapter 55, Section 4, as amended) 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

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

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

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

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

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

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

1 maxillofacial surgery;

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

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

8 (d) correct a malposition;

9 (e) treat a fracture;

10 (f) remove calcareous deposits;

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

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

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

20 (j) provide limited diagnostic and
21 treatment planning via teledentistry; or

22 (k) do any other remedial, corrective
23 or restorative work.

24 B. As used in the Dental Health Care Act, "the
25 practice of dental hygiene" means the application of the

1 science of the prevention and treatment of oral disease
2 through the provision of educational, assessment, preventive,
3 clinical and other therapeutic services under the general
4 supervision of a dentist. A dental hygienist in a
5 collaborative practice may perform the procedures listed in
6 this section without general supervision while the hygienist
7 is in a cooperative working relationship with a consulting
8 dentist, pursuant to rules promulgated by the board and the
9 committee. "The practice of dental hygiene" includes:

10 (1) prophylaxis, which is the removal of
11 plaque, calculus and stains from the tooth structures as a
12 means to control local irritational factors;

13 (2) removing diseased crevicular tissue and
14 related nonsurgical periodontal procedures;

15 (3) except in cases where a tooth exhibits
16 cavitation of the enamel surface, assessing without a
17 dentist's evaluation whether the application of pit and
18 fissure sealants is indicated;

19 (4) except in cases where a tooth exhibits
20 cavitation of the enamel surface, applying pit and fissure
21 sealants without mechanical alteration of the tooth;

22 (5) applying fluorides and other topical
23 therapeutic and preventive agents;

24 (6) exposing and assessing oral radiographs
25 for abnormalities;

- 1 (7) screening to identify indications of
2 oral abnormalities;
- 3 (8) performing dental hygiene-focused
4 assessments;
- 5 (9) assessing periodontal conditions; and
6 (10) such other closely related services as
7 permitted by the rules of the committee and the board.

8 C. In addition to performing dental hygiene as
9 defined in Subsection B of this section, a dental hygienist
10 may apply preventive topical fluorides and remineralization
11 agents without supervision in public and community medical
12 facilities, schools, hospitals, long-term care facilities and
13 such other settings as the committee may determine by rule
14 ratified by the board, so long as the dental hygienist's
15 license is not restricted pursuant to the Impaired Dentists
16 and Dental Hygienists Act.

17 D. In addition to performing dental hygiene as
18 defined in Subsection B of this section, dental hygienists who
19 have met the criteria as the committee shall establish and the
20 board shall ratify may administer local anesthesia under
21 indirect supervision of a dentist.

22 E. The board may certify a dental hygienist to
23 administer local anesthetic under the general supervision of a
24 dentist if the dental hygienist, in addition to performing
25 dental hygiene as defined in Subsection B of this section:

1 (1) has administered local anesthesia under
2 the indirect supervision of a dentist for at least two years,
3 during which time the dental hygienist has competently
4 administered at least twenty cases of local anesthesia and can
5 document this with a signed affirmation by the supervising
6 dentist;

7 (2) administers local anesthetic under the
8 written prescription or order of a dentist; and

9 (3) emergency medical services are available
10 in accordance with rules promulgated by the board.

11 F. A dental hygienist:

12 (1) may prescribe, administer and dispense a
13 fluoride supplement, topically applied fluoride or topically
14 applied antimicrobial only when the prescribing, administering
15 or dispensing is performed:

16 (a) under the supervision of a dentist;

17 (b) pursuant to rules the board and the
18 committee have adopted;

19 (c) within the parameters of a drug
20 formulary approved by the board in consultation with the board
21 of pharmacy;

22 (d) within the parameters of guidelines
23 established pursuant to Section 61-5A-10 NMSA 1978; and

24 (e) in compliance with state laws
25 concerning prescription packaging, labeling and recordkeeping

1 requirements; and

2 (2) shall not otherwise dispense dangerous
3 drugs or controlled substances.

4 G. A New Mexico licensed dental hygienist may be
5 certified for collaborative dental hygiene practice in
6 accordance with the educational and experience criteria
7 established collaboratively by the committee and the board.

8 H. An expanded-function dental auxiliary may
9 perform the following procedures under the direct supervision
10 of a dentist:

11 (1) placing and shaping direct restorations;

12 (2) taking final impressions, excluding
13 those for fixed or removable prosthetics involving multiple
14 teeth;

15 (3) cementing indirect and provisional
16 restorations for temporary use;

17 (4) applying pit and fissure sealants
18 without mechanical alteration of the tooth;

19 (5) placing temporary and sedative
20 restorative material in hand-excavated carious lesions and
21 unprepared tooth fractures;

22 (6) removal of orthodontic bracket cement;

23 and

24 (7) fitting and shaping of stainless steel
25 crowns to be cemented by a dentist.

1 I. An expanded-function dental auxiliary may re-
2 cement temporary or permanent crowns with temporary cement
3 under the general supervision of a dentist in a situation that
4 a dentist deems to be an emergency.

5 J. An expanded-function dental auxiliary may
6 perform other related functions for which the expanded-
7 function dental auxiliary meets the training and educational
8 standards established by the board and that are not expressly
9 prohibited by the board.

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

19 SECTION 6. Section 61-5A-5 NMSA 1978 (being Laws 1994,
20 Chapter 55, Section 5, as amended) is amended to read:

21 "61-5A-5. LICENSE REQUIRED--EXEMPTIONS.--

22 A. Unless licensed to practice as a dentist under
23 the Dental Health Care Act, no person shall:

24 (1) practice dentistry;

25 (2) use the title "dentist", "dental

1 surgeon", "oral surgeon" or any other title, abbreviation,
2 letters, figures, signs or devices that indicate the person is
3 a licensed dentist; or

4 (3) perform any of the acts enumerated under
5 the definition of the practice of dentistry as defined in the
6 Dental Health Care Act.

7 B. The following, under the stipulations
8 described, may practice dentistry or an area of dentistry
9 without a New Mexico dental license:

10 (1) regularly licensed physicians or
11 surgeons are not prohibited from extracting teeth or treating
12 any disease coming within the province of the practice of
13 medicine;

14 (2) New Mexico licensed dental hygienists
15 and community dental health coordinators may provide those
16 services within their scope of practice that are also within
17 the scope of the practice of dentistry;

18 (3) any dental student duly enrolled in an
19 accredited school of dentistry recognized by the board, while
20 engaged in educational programs offered by the school in
21 private offices, public clinics or educational institutions
22 within the state of New Mexico under the indirect supervision
23 of a licensed dentist;

24 (4) any dental hygiene or dental assisting
25 student duly enrolled in an accredited school of dental

1 hygiene or dental assisting engaged in procedures within or
2 outside the scope of dental hygiene that are part of the
3 curriculum of that program in the school setting and under the
4 indirect supervision of a faculty member of the accredited
5 program who is a licensed dentist, dental hygienist or dental
6 assistant certified in the procedures being taught;

7 (5) unlicensed persons performing for a
8 licensed dentist merely mechanical work upon inert matter in
9 the construction, making, alteration or repairing of any
10 artificial dental substitute, dental restorative or corrective
11 appliance, when the casts or impressions for the work have
12 been furnished by a licensed dentist and where the work is
13 prescribed by a dentist pursuant to a written authorization by
14 that dentist;

15 (6) commissioned dental officers of the
16 uniformed forces of the United States and dentists providing
17 services to the United States public health service, the
18 United States department of veterans affairs or within
19 federally controlled facilities in the discharge of their
20 official duties, provided that such persons who hold dental
21 licenses in New Mexico shall be subject to the provisions of
22 the Dental Health Care Act; and

23 (7) dental assistants performing adjunctive
24 services to the provision of dental care, under the indirect
25 supervision of a dentist, as determined by rule of the board

1 if such services are not within the practice of dental hygiene
2 as specifically listed in Subsection B of Section 61-5A-4 NMSA
3 1978, unless allowed in Subsection E of this section.

4 C. Unless licensed to practice as a dental
5 hygienist under the Dental Health Care Act, no person shall:

6 (1) practice as a dental hygienist;

7 (2) use the title "dental hygienist" or
8 abbreviation "R.D.H." or any other title, abbreviation,
9 letters, figures, signs or devices that indicate the person is
10 a licensed dental hygienist; or

11 (3) perform any of the acts defined as the
12 practice of dental hygiene in the Dental Health Care Act.

13 D. The following, under the stipulations
14 described, may practice dental hygiene or the area of dental
15 hygiene outlined without a New Mexico dental hygiene license:

16 (1) students enrolled in an accredited
17 dental hygiene program engaged in procedures that are part of
18 the curriculum of that program and under the indirect
19 supervision of a licensed faculty member of the accredited
20 program;

21 (2) dental assistants and community dental
22 health coordinators working under general supervision who:

23 (a) expose dental radiographs after
24 being certified in expanded functions by the board;

25 (b) perform rubber cup coronal

1 polishing, which is not represented as a prophylaxis, having
2 satisfied the educational requirements as established by rules
3 of the board;

4 (c) apply fluorides as established by
5 rules of the board; and

6 (d) perform those other dental
7 hygienist functions as recommended to the board by the
8 committee and set forth by rule of the board; and

9 (3) dental assistants certified in expanded
10 functions, working under the indirect supervision of a dental
11 hygienist certified for collaborative practice and under the
12 protocols established in a collaborative practice agreement
13 with a consulting dentist.

14 E. Dental assistants working under the indirect
15 supervision of a dentist and in accordance with the rules and
16 regulations established by the board may:

17 (1) expose dental radiographs;

18 (2) perform rubber cup coronal polishing
19 that is not represented as a prophylaxis;

20 (3) apply fluoride and pit and fissure
21 sealants without mechanical alteration of the tooth;

22 (4) perform those other dental hygienist
23 functions as recommended to the board by the committee and set
24 forth by rule of the board; and

25 (5) perform such other related functions

1 that are not expressly prohibited by statute or rules of the
2 board.

3 F. A community dental health coordinator working
4 under the general supervision of a dentist and in accordance
5 with the rules established by the board may:

6 (1) place temporary and sedative restorative
7 material in unexcavated carious lesions and unprepared tooth
8 fractures;

9 (2) collect and transmit diagnostic data and
10 images via telemetric connection;

11 (3) dispense and apply medications on the
12 specific order of a dentist;

13 (4) provide limited palliative procedures
14 for dental emergencies in consultation with a supervising
15 dentist as allowed by the rules the board has promulgated; and

16 (5) perform other related functions for
17 which the community dental health coordinator meets training
18 and educational standards established by the board and that
19 are not expressly prohibited by statute or rules promulgated
20 by the board.

21 G. Unless licensed as a dentist or non-dentist
22 owner, or as otherwise exempt from the licensing requirements
23 of the Dental Health Care Act, no individual or corporate
24 entity shall:

25 (1) employ or contract with a dentist or

1 dental hygienist for the purpose of providing dental or dental
2 hygiene services as defined by their respective scopes of
3 practice; or

4 (2) enter into a managed care or other
5 agreement to provide dental or dental hygiene services in New
6 Mexico.

7 H. The following, under stipulations described,
8 may function as a non-dentist owner without a New Mexico
9 license:

10 (1) government agencies providing dental
11 services within affiliated facilities;

12 (2) government agencies engaged in providing
13 public health measures to prevent dental disease;

14 (3) spouses of deceased licensed dentists or
15 dental hygienists for a period of one year following the death
16 of the licensee;

17 (4) accredited schools of dentistry, dental
18 hygiene and dental assisting providing dental services solely
19 in an educational setting;

20 (5) dental hygienists licensed in New Mexico
21 or corporate entities with a majority interest owned by a
22 dental hygienist licensed in New Mexico;

23 (6) federally qualified health centers, as
24 designated by the United States department of health and human
25 services, providing dental services;

1 (7) nonprofit community-based entities and
2 organizations that use public funds to provide dental and
3 dental hygiene services for indigent persons; and

4 (8) hospitals licensed by the department of
5 health."

6 SECTION 7. Section 61-5A-6 NMSA 1978 (being Laws 1994,
7 Chapter 55, Section 6) is amended to read:

8 "61-5A-6. CERTIFICATION OF DENTAL ASSISTANTS, EXPANDED-
9 FUNCTION DENTAL AUXILIARIES AND COMMUNITY DENTAL HEALTH
10 COORDINATORS.--

11 A. A certified dental assistant, an expanded-
12 function dental auxiliary, a community dental health
13 coordinator or a dental assistant certified in expanded
14 functions shall be required to adhere to the educational
15 requirements, examinations, recertification criteria and fees
16 as established by rules and regulations of the board. The fee
17 shall be the same for one or more expanded functions.

18 B. Certificates granted by the board may be
19 revoked, suspended, stipulated or otherwise limited, and a
20 certificate holder may be fined or placed on probation if
21 found guilty of violation of the Dental Health Care Act.

22 C. No individual shall use the title "C.D.A."
23 unless granted certification by the dental assistant national
24 board.

25 D. Unless certified to practice as a dental

1 assistant certified in expanded functions or an expanded-
2 function dental auxiliary, no person shall:

3 (1) practice as a dental assistant certified
4 in expanded functions as defined by rules of the board; or

5 (2) use the title or represent oneself as an
6 assistant certified in expanded functions or an expanded-
7 function dental auxiliary or use any title, abbreviation,
8 letters, figures, signs or devices that indicate the person is
9 a dental assistant certified in expanded functions or an
10 expanded-function dental auxiliary."

11 SECTION 8. Section 61-5A-10 NMSA 1978 (being Laws 1994,
12 Chapter 55, Section 10, as amended by Laws 2003, Chapter 408,
13 Section 6 and by Laws 2003, Chapter 409, Section 8) is amended
14 to read:

15 "61-5A-10. POWERS AND DUTIES OF THE BOARD AND
16 COMMITTEE.--In addition to any other authority provided by
17 law, the board and the committee, when designated, shall:

18 A. enforce and administer the provisions of the
19 Dental Health Care Act;

20 B. adopt, publish, file and revise, in accordance
21 with the Uniform Licensing Act and the State Rules Act, all
22 rules as may be necessary to:

23 (1) regulate the examination and licensure
24 of dentists and, through the committee, regulate the
25 examination and licensure of dental hygienists;

1 (2) provide for the examination and
2 certification of dental assistants by the board;

3 (3) provide for the regulation of dental
4 technicians by the board;

5 (4) regulate the practice of dentistry,
6 dental assisting and, through the committee, regulate the
7 practice of dental hygiene; and

8 (5) provide for the regulation and licensure
9 of non-dentist owners by the board;

10 C. adopt and use a seal;

11 D. administer oaths to all applicants, witnesses
12 and others appearing before the board or the committee, as
13 appropriate;

14 E. keep an accurate record of all meetings,
15 receipts and disbursements;

16 F. grant, deny, review, suspend and revoke
17 licenses and certificates to practice dentistry, dental
18 assisting and, through the committee, dental hygiene and
19 censure, reprimand, fine and place on probation and
20 stipulation dentists, dental assistants and, through the
21 committee, dental hygienists, in accordance with the Uniform
22 Licensing Act for any cause stated in the Dental Health Care
23 Act;

24 G. grant, deny, review, suspend and revoke
25 licenses to own dental practices and censure, reprimand, fine

1 and place on probation and stipulation non-dentist owners, in
2 accordance with the Uniform Licensing Act, for any cause
3 stated in the Dental Health Care Act;

4 H. maintain records of the name, address, license
5 number and such other demographic data as may serve the needs
6 of the board of licensees, together with a record of license
7 renewals, suspensions, revocations, probations, stipulations,
8 censures, reprimands and fines. The board shall make
9 available composite reports of demographic data but shall
10 limit public access to information regarding individuals to
11 their names, addresses, license numbers and license actions or
12 as required by statute;

13 I. hire and contract for services from persons as
14 necessary to carry out the board's duties;

15 J. establish ad hoc committees whose members shall
16 be appointed by the chair with the advice and consent of the
17 board or committee and shall include at least one member of
18 the board or committee as it deems necessary for carrying on
19 its business;

20 K. have the authority to pay per diem and mileage
21 to individuals who are appointed by the board or the committee
22 to serve on ad hoc committees;

23 L. have the authority to hire or contract with
24 investigators to investigate possible violations of the Dental
25 Health Care Act;

1 M. have the authority to issue investigative
2 subpoenas prior to the issuance of a notice of contemplated
3 action for the purpose of investigating complaints against
4 dentists, dental assistants and, through the committee, dental
5 hygienists licensed under the Dental Health Care Act;

6 N. have the authority to sue or be sued and to
7 retain the services of an attorney at law for counsel and
8 representation regarding the carrying out of the board's
9 duties;

10 O. have the authority to create and maintain a
11 formulary, in consultation with the board of pharmacy, of
12 medications that a dental hygienist may prescribe, administer
13 or dispense in accordance with rules the board has
14 promulgated; and

15 P. establish continuing education or continued
16 competency requirements for dentists, certified dental
17 assistants in expanded functions, dental technicians and,
18 through the committee, dental hygienists."

19 SECTION 9. Section 61-5A-12 NMSA 1978 (being Laws 1994,
20 Chapter 55, Section 12, as amended) is amended to read:

21 "61-5A-12. DENTISTS--REQUIREMENTS FOR LICENSURE--
22 SPECIALTY LICENSE.--

23 A. All applicants for licensure as a dentist shall
24 have graduated and received a degree from a school of
25 dentistry that is accredited by the commission on dental

1 accreditation and shall have passed the written portion of the
2 dental examination administered by the joint commission on
3 national dental examinations of the American dental
4 association or, if the test is not available, another written
5 examination determined by the board.

6 B. Applicants for a general license to practice
7 dentistry by examination shall be required, in addition to the
8 requirements set forth in Subsection A of this section, to
9 pass a test covering the laws and rules for the practice of
10 dentistry in New Mexico. Written examinations shall be
11 supplemented by the board or its agents by administering to
12 each applicant a practical or clinical examination that
13 reasonably tests the applicant's qualifications to practice
14 general dentistry. These examinations shall include
15 examinations offered by the central regional dental testing
16 service, northeast regional board of dental examiners,
17 southern regional testing agency or western regional examining
18 board or any other comparable practical clinical examination
19 the board approves; provided, however, that the board may
20 disapprove any examination after it considers compelling
21 evidence to support disapproval. Upon an applicant passing
22 the written and clinical examinations and payment in advance
23 of the necessary fees, the board shall issue a license to
24 practice dentistry.

25 C. The board may issue a general license to

1 practice dentistry, by credentials, without a practical or
2 clinical examination to an applicant who is duly licensed by a
3 clinical examination as a dentist under the laws of another
4 state or territory of the United States; provided that license
5 is active and that all dental licenses that individual
6 possesses have been in good standing for five years prior to
7 application. The credentials must show that no dental board
8 actions have been taken during the five years prior to
9 application; that no proceedings are pending in any states in
10 which the applicant has had a license in the five years prior
11 to application; and that a review of public records, the
12 national practitioner data bank or other nationally recognized
13 data resources that record actions against a dentist in the
14 United States does not reveal any activities or unacquitted
15 civil or criminal charges that could reasonably be construed
16 to constitute evidence of danger to patients, including acts
17 of moral turpitude.

18 D. The board may issue a general license to
19 practice dentistry by credentials to an applicant who meets
20 the requirements, including payment of appropriate fees and
21 the passing of an examination covering the laws and rules of
22 the practice of dentistry in New Mexico, of the Dental Health
23 Care Act and rules promulgated pursuant to that act, and who:

24 (1) has maintained a uniform service
25 practice in the United States military or public health

1 service for three years immediately preceding the application;
2 or

3 (2) is duly licensed by examination as a
4 dentist pursuant to the laws of another state or territory of
5 the United States.

6 E. The board may issue a specialty license by
7 examination to an applicant who has passed a clinical and
8 written examination given by the board or its examining agents
9 that covers the applicant's specialty. The applicant shall
10 have a postgraduate degree or certificate from an accredited
11 dental college, school of dentistry of a university or other
12 residency program that is accredited by the commission on
13 dental accreditation in one of the specialty areas of
14 dentistry recognized by the American dental association. The
15 applicant shall also meet all other requirements as
16 established by rules of the board, which shall include an
17 examination covering the laws and rules of the practice of
18 dentistry in New Mexico. A specialty license limits the
19 licensee to practice only in that specialty area.

20 F. The board may issue a specialty license, by
21 credentials, without a practical or clinical examination to an
22 applicant who is duly licensed by a clinical examination as a
23 dentist under the laws of another state or territory of the
24 United States and who has a postgraduate degree or certificate
25 from an accredited dental college, school of dentistry of a

1 university or other residency program that is accredited by
2 the commission on dental accreditation in one of the specialty
3 areas of dentistry recognized by the American dental
4 association; provided that license is active and that all
5 dental licenses that individual possesses have been in good
6 standing for five years prior to application. The credentials
7 must show that no dental board actions have been taken during
8 the five years prior to application; that no proceedings are
9 pending in any states in which the applicant has had a license
10 in the five years prior to application; and that a review of
11 public records, the national practitioner data bank or other
12 nationally recognized data resources that record actions
13 against a dentist in the United States does not reveal any
14 activities or unacquitted civil or criminal charges that could
15 reasonably be construed to constitute evidence of danger to
16 patients, including acts of moral turpitude. The applicant
17 shall also meet all other qualifications as deemed necessary
18 by rules of the board, which shall include an examination
19 covering the laws and rules of the practice of dentistry in
20 New Mexico. A specialty license limits the licensee to
21 practice only in that specialty area."

22 **SECTION 10.** A new section of the Dental Health Care Act
23 is enacted to read:

24 "PUBLIC-SERVICE LICENSURE.--The board or the committee
25 may issue a temporary public-service license to practice

1 dentistry or dental hygiene to an applicant who is licensed to
2 practice dentistry or dental hygiene in another state or
3 territory of the United States or who is enrolled as a dental
4 resident in a residency program in this state and the
5 commission on dental accreditation has accredited that
6 program. That applicant shall be otherwise qualified to
7 practice dentistry or dental hygiene in this state. The
8 following provisions shall apply:

9 A. the applicant for public-service licensure
10 shall hold a valid license in good standing in another state
11 or territory of the United States or be enrolled as a dental
12 resident in a residency program in the state that the
13 commission on dental accreditation has accredited;

14 B. a temporary public-service license issued to a
15 dental residency student who has not taken and passed a
16 clinical examination accepted by the board shall not be
17 renewed after the student has completed the residency program;

18 C. the applicant shall practice dentistry or
19 dental hygiene under the sponsorship of or in association with
20 a licensed New Mexico dentist or dental hygienist;

21 D. the public-service license may be issued for
22 those activities as stipulated by the board or committee in
23 the rules of the board. It may be issued upon written
24 application of the applicant when accompanied by such proof of
25 qualifications as the secretary-treasurer of the board or

1 committee, in the secretary-treasurer's discretion, may
2 require. Public-service licensees shall engage in only those
3 activities specified on the public-service license for the
4 time designated, and the public-service license shall identify
5 the licensed New Mexico dentist or dental hygienist who will
6 sponsor or associate with the applicant during the time the
7 applicant practices dentistry or dental hygiene in New Mexico;

8 E. the sponsoring or associating dentist or dental
9 hygienist shall submit an affidavit attesting to the
10 qualifications of the applicant and the activities the
11 applicant will perform;

12 F. the public-service license shall be issued for
13 a period not to exceed twelve months and may be renewed upon
14 application and payment of required fees;

15 G. the application for a public-service license
16 under this section shall be accompanied by a license fee;

17 H. the public-service licensee shall be required
18 to comply with the Dental Health Care Act and all rules
19 promulgated pursuant to that act; and

20 I. a dentist or dental hygienist providing dental
21 care services to a charitable dental care project may provide
22 dental care pursuant to a presumptive temporary public-service
23 license valid for a period of no longer than three days. The
24 dentist or dental hygienist shall be otherwise subject to the
25 provisions of this section and board rules governing public-

1 service licensure. This presumptive temporary public-service
2 license is only valid when:

3 (1) the dentist or dental hygienist receives
4 no compensation;

5 (2) the project is sponsored by an entity
6 that meets the board's definition of "entity" and that the
7 board has approved to undertake the charitable project;

8 (3) the dental care is performed within the
9 limits of the license that the dentist or dental hygienist
10 holds in another jurisdiction;

11 (4) upon request, the out-of-state dentist
12 or dental hygienist produces any document necessary to verify
13 the dentist's or dental hygienist's credentials; and

14 (5) the out-of-state dentist or dental
15 hygienist works under the indirect supervision of a dentist or
16 dental hygienist licensed in this state."

17 **SECTION 11.** Section 61-5A-16 NMSA 1978 (being Laws
18 1994, Chapter 55, Section 16, as amended) is amended to read:

19 "61-5A-16. LICENSE AND CERTIFICATE RENEWALS.--

20 A. Except as provided in Subsection I of this
21 section, all licensees shall be required to renew their
22 licenses triennially as established by rules of the board.

23 B. All dental assistants certified in expanded
24 functions, expanded-function dental auxiliaries and community
25 dental health coordinators shall be required to renew their

1 certificates triennially as established by rules of the board.

2 C. The board or committee may establish a method
3 to provide for staggered triennial terms and may prorate
4 triennial renewal fees and impaired dentist and dental
5 hygienist fees until staggered triennial renewal is
6 established. The fact that a licensee has not received a
7 renewal form from the board or committee shall not relieve the
8 licensee of the duty to renew the license or certificate nor
9 shall such omission on the part of the board or committee
10 operate to exempt the licensee from the penalties for failure
11 to renew the licensee's license or certificate.

12 D. All licensees shall pay a triennial renewal fee
13 and an impaired dentist and dental hygienist fee, and all
14 licensees shall return a completed renewal application form
15 that includes proof of continuing education or continued
16 competency.

17 E. Each application for triennial renewal of
18 license shall state the licensee's full name, business
19 address, the date and number of the license and all other
20 information requested by the board or committee.

21 F. A licensee who fails to submit an application
22 for triennial renewal on or before July 1 but who submits an
23 application for triennial renewal within thirty days
24 thereafter shall be assessed a late fee.

25 G. A licensee who fails to submit application for

1 triennial renewal between thirty and sixty days of the July 1
2 deadline may have the licensee's license or certificate
3 suspended. If the licensee renews by that time, the licensee
4 shall be assessed a cumulative late fee.

5 H. The board or the committee may summarily
6 revoke, for nonpayment of fees or failure to comply with
7 continuing education or continued competency requirements, the
8 license or certificate of a licensee or certificate holder who
9 has failed to renew the license or certificate on or before
10 August 31.

11 I. A license for a non-dentist owner shall be
12 renewed triennially as established by rules. An application
13 for renewal of a non-dentist owner license shall state the
14 name, business address, date and number of the license and all
15 other information as required by rule of the board. If a non-
16 dentist owner fails to submit the application for renewal of
17 the license by July 1, the board may assess a late fee. If
18 the non-dentist owner fails to submit the application for a
19 renewal license within sixty days of the July 1 renewal
20 deadline, the board may suspend the license. The license of a
21 non-dentist owner may be summarily revoked by the board for
22 nonpayment of fees.

23 J. Assessment of fees pursuant to this section is
24 not subject to the Uniform Licensing Act."

25 SECTION 12. Section 61-5A-20 NMSA 1978 (being Laws

1 1994, Chapter 55, Section 20, as amended) is amended to read:

2 "61-5A-20. FEES.--The board and the committee shall
3 establish a schedule of reasonable fees not to exceed the
4 following:

	<u>Dentists</u>	<u>Dental Hygienists</u>	
5			
6	A. licensure by examination	\$1,500	\$1,000
7	B. licensure by credential	\$3,000	\$1,500
8	C. specialty license by		
9	examination	\$1,500	
10	D. specialty license by		
11	credential	\$3,000	
12	E. temporary license		
13	48 hours	\$ 50	\$ 50
14	six months	\$ 300	\$ 200
15	12 months	\$ 450	\$ 300
16	F. application for		
17	certification in local		
18	anesthesia		\$ 40
19	G. examination in local		
20	anesthesia		\$ 150
21	H. triennial license renewal	\$ 600	\$ 450
22	I. late renewal	\$ 100	\$ 100
23	J. reinstatement of license	\$ 450	\$ 300
24	K. administrative fees	\$ 300	\$ 300
25	L. impaired dentist or		

1	dental hygienist	\$ 150	\$ 75
2	M. assistant, expanded-function		
3	dental auxiliary or		
4	community dental health		
5	coordinator certificate		\$ 100
6	N. application for certification for		
7	collaborative practice		\$ 150
8	O. annual renewal for		
9	collaborative practice		\$ 50
10	P. application for inactive		
11	status	\$ 50	\$ 50
12	Q. triennial renewal of		
13	inactive license	\$ 90	\$ 90

Non-dentist Owners

14			
15	R. non-dentist owners license (initial)	\$ 300	
16	S. non-dentist owners license triennial renewal	\$ 150."	<u> </u>

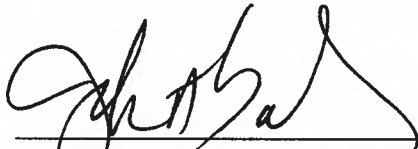
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BEN LUJAN, SPEAKER
HOUSE OF REPRESENTATIVES



STEPHEN R. ARIAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES



JOHN A. SANCHEZ, PRESIDENT
SENATE



LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 7th day of April, 2011



SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO

OFFICE OF THE GOVERNOR

STATE OF NEW MEXICO

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