



New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
Board of Dental Health Care
Dental Hygienist Committee

2550 Cerrillos Road ▪ P.O. Box 25101 ▪ Santa Fe, New Mexico 87504
(505) 476-4622 ▪ Fax (505) 476-4645 ▪ www.rld.state.nm.us/boards

MEMORANDUM

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TO: Interested Parties
FROM: Roberta Perea, Board Administrator
DATE: September 18, 2019
SUBJECT: Proposed Rule Changes

The New Mexico Board of Dental Health Care will hold a rule hearing on Friday, October 25, 2019, at 8:30 a.m. Following the rule hearing, the Board will convene a regular board meeting to adopt the rules and take care of regular business. The rule hearing and board meeting will be held at the Regulation and Licensing Department, 2550 Cerrillos Road, Santa Fe, NM, in the Rio Grande Conference Room.

The purpose of the rule hearing is to consider proposed amendments to include: (1) consolidating the advertising rules to one part, (2) updates to clinical exams for dentists, (3) sedation continuing education was updated, (4) guidelines for sleep apnea were added, (5) a grace period was added for EFDA apprenticeship. Also, parts 16.5.1, 16.5.6, 16.5.10, 16.5.16, 16.5.30 will be repealed and replaced to comply with State Records new updated formatting requirements. Amendments are intended to update definitions, consolidate advertising rules in one location for ease of understanding, clarifying specialty advertising and use of testimonials, clarifying continuing education requirements for dentists with sedation/anesthesia permits, adding guidelines for dentists who treat medically diagnosed snoring and sleep apnea, removing advertising language from dentists and hygienists sections and placing in general provisions, allowing a grace period for EFDA certifications, and adding language to opioid prescription requirements that is required by new statute. The amendments, repeal and replace are related to the following rules:

16.5.1 NMAC - General Provisions;
16.5.6 NMAC - Dentists, Licensure by Examination;
16.5.10 NMAC - Dentists, Continuing Education Requirements;
16.5.14 NMAC - Dentists, Adjunctive Dental Services;
16.5.16 NMAC - Dentists, Disciplinary Proceedings, License Revocation or Suspension for Disciplinary Actions;
16.5.30 NMAC - Dental Hygienists, Disciplinary Proceedings, License Revocation or Suspension for Disciplinary Actions;
16.5.42 NMAC - Expanded Function Dental Auxiliary, Requirements for Certification; and
16.5.57 NMAC - Management of Pain with Controlled Substances

To obtain and review copies of the proposed changes you may go to the Board's website at: http://www.rld.state.nm.us/boards/Dental_Health_Care_Rules_and_Laws.aspx or contact the Boards and Commissions Division at (505) 476-4622.

The Board is currently accepting public comments on the proposed amendments. Please submit written comments on the proposed changes to Roberta Perea, Board Administrator via electronic mail at dental.board@state.nm.us or by regular mail at P.O. Box 25101, Santa Fe, NM 87504 no later than Thursday, October 24, 2019. Persons will also be given the opportunity to present their comments at the rule hearing. All written comments will be posted

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to the Board's website at: http://www.rld.state.nm.us/boards/Dental_Health_Care_Rules_and_Laws.aspx, no more than three business days following receipt to allow for public view.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing, please contact Roberta Perea, Board Administrator at (505) 476-4622.

Statutory Authority: Sections 61-5A-6, 61-5A-10 and 61-5A-12, NMSA 1978.

Summary of Proposed Changes:

16.5.1 NMAC - General Provisions

Previous rules of advertising were in various parts of the code. This consolidates all guidelines for all licensees and adds and modifies new language. Additions include guidelines for bait advertising, responsibilities for advertisements, testimonials, scope of practice, promotional items and signage, websites, claims of superiority, use of acronyms, and specialty advertising. Our past rules have been inadequate in addressing the current multiple levels of advertising and promotion. Federal code and NM Statute have been referenced in these new rules. NERB has officially changed its name to CDCA. Both acronyms will be kept due to numerous references in Rules.

16.5.6 NMAC - Dentists, Licensure by Examination

The current landscape in clinical dental testing is changing to reduce requirements for passing examinations. The Board feels like certain clinical procedures should still remain in place in order to accept qualified dentists for licensure in NM. Currently, the board accepts clinical exams from all of the testing services. Consequently, the board feels that each clinical exam should be similar in testing the skills and judgment of dental candidates, and that no one single exam be more attractive to candidates because of reduced requirements.

16.5.10. NMAC - Dentists, Continuing Education Requirements

New rules for sedation passed last year therefore, an increase in the requirements for continuing education for re-certifications is required. This section was in conflict and now reflects same requirements by referring to the anesthesia section.

16.5.14 NMAC - Dentists, Adjunctive Dental Services

In the adjunctive services section, we need guidelines for the screening and treatment of snoring and obstructive sleep apnea. There is a large overlap of medicine and dentistry, and scope of practice issues are sometimes at odds. These new rules reference the recommendations from the American Dental Association, and the American Academy of Dental Sleep Medicine. These two organizations are at the forefront of this very important and evolving health concern.

16.5.16 NMAC - Dentists, Disciplinary Proceedings, License Revocation or Suspension for Disciplinary Actions

Refers to new advertising guidelines in Part 1, General Provisions. Also corrects grammar.

16.5.30 NMAC - Dental Hygienists, Disciplinary Proceedings, License Revocation or Suspension for Disciplinary Actions

Refers to new advertising guidelines in Part 1, General Provisions. Also corrects grammar.

16.5.42 NMAC - Expanded Function Dental Auxiliary, Requirements for Certification

Allows a grace period for certification for EFDA for certain hardships during apprenticeship, for example, pregnancy or maternity leave, at the discretion of the board chair, or vice-chair.

16.5.57 NMAC - Management of Pain with Controlled Substances

Rules were added to comply with SB221 which went into law on June 14, 2019. This requires health care providers to co-prescribe an opioid antagonist.