

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 5 DENTISTRY (DENTISTS, DENTAL HYGIENISTS, ETC.)
PART 28 DENTAL HYGIENISTS, LOCAL ANESTHESIA CERTIFICATION**

16.5.28.1 ISSUING AGENCY: New Mexico Board of Dental Health Care.
[16.5.28.1 NMAC - Rp, 16.5.28.1 NMAC, 5/31/2023]

16.5.28.2 SCOPE: The provisions of Part 28 of Chapter 5 apply to all dental hygienist who hold or who are applying for certification to administer local anesthesia.
[16.5.28.2 NMAC - Rp, 16.5.28.2 NMAC, 5/31/2023]

16.5.28.3 STATUTORY AUTHORITY: Part 28 of Chapter 5 is promulgated pursuant to the Dental Health Care Act, Section 61-5A-6 NMSA 1978 (1996 Repl. Pamp.).
[16.5.28.3 NMAC - Rp, 16.5.28.3 NMAC, 5/31/2023]

16.5.28.4 DURATION: Permanent.
[16.5.28.4 NMAC - Rp, 16.5.28.4 NMAC, 5/31/2023]

16.5.28.5 EFFECTIVE DATE: May 31, 2023, unless a later date is cited at the end of a section.
[16.5.28.5 NMAC - Rp, 16.5.28.5 NMAC, 5/31/2023]

16.5.28.6 OBJECTIVE: To establish guidelines and procedures for the regulation of dental hygienists who administer local anesthesia in an office located in New Mexico.
[16.5.28.6 NMAC - Rp, 16.5.28.6, 5/31/2023]

16.5.28.7 DEFINITIONS: “**Two consecutive years**” means at least 1200 hours per year for two consecutive years.
[16.5.28.7 NMAC - Rp, 16.5.28.7 NMAC, 5/31/2023]

16.5.28.8 REQUIREMENT TO BE CERTIFIED: Local anesthesia administration is not included as a function of dental hygiene licensure; it may only be performed by dental hygienists who have been separately certified by the committee to perform the expanded function. The administration of local anesthesia requires the indirect supervision of a dentist. Local anesthesia may only be administered by a dental hygienist under general supervision as outlined in 16.5.28.11 NMAC.
[16.5.28.8 NMAC - Rp, 16.5.28.8 NMAC, 5/31/2023]

16.5.28.9 CERTIFICATION BY CURRICULUM OR NON-CURRICULUM: Applicants for certification in local anesthesia by curriculum or exam must possess the following qualifications and submit the required fees and documentation, along with a completed application.

A. Qualifications:

(1) a current active license in good standing to practice dental hygiene in New Mexico;
(2) proof of successful completion of educational coursework in local anesthesia, by either;
 (a) curriculum: successful completion of an educational program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training given in an accredited dental hygiene program as part of the regular curriculum for the dental hygiene degree, or
 (b) non-curriculum: successful completion of a board approved continuing educational program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training; continuing education program must comply with **[requirements in]** requirements in 16.5.1.15 NMAC.

(3) Successfully pass a board approved examination, the results of the exam are valid in New Mexico for a period not to exceed five years. If the educational coursework in local anesthesia was obtained by;
 (a) curriculum: a board approved written local anesthesia exam is required.
 (b) non-curriculum: a board approved written and clinical local anesthesia exam is required.

B. Documentation:

(1) copy of current basic life support (BLS) or cardiac pulmonary resuscitation (CPR) certification accepted by the American heart association, the American red cross or the American safety and health institute (ASHI); cannot be a self-study course;

(2) proof of successful completion of educational coursework in local anesthesia;

(a) transcript from an accredited dental hygiene program documenting successful completion of an approved educational program in local anesthesia as part of the regular curriculum for the dental hygiene degree; or

(b) copy of certificate showing successful completion of a board approved continuing education program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training; continuing education program must comply with requirements in 16.5.1.15 NMAC.

(3) certificate or score card from a board approved exam indicating successful completion and date of local anesthesia exam, as required per Paragraph (9) of Subsection A of 16.5.28 NMAC.

[16.5.28.9 NMAC - Rp, 16.5.28.9 NMAC, 5/31/2023; A, XX/XX/2026]

16.5.28.10 CERTIFICATION BY CREDENTIALS: Applicants for certification in local anesthesia by credentials must possess the following qualifications and submit the required fees and documentation, along with a completed application.

A. Qualifications:

(1) a current active license in good standing to practice dental hygiene in New Mexico;

(2) successful completion of educational coursework in local anesthesia by;

(a) curriculum: successful completion of an educational program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training given in an accredited dental hygiene program as part of the regular curriculum for the dental hygiene degree, or

(b) non-curriculum: successful completion of a board approved continuing educational program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training; continuing education program must comply with requirements in 16.5.1.15 NMAC; and

(3) successfully pass a board approved examination, the results of the exam do not have to be within a specific time frame. If educational coursework in local anesthesia was obtained by;

(a) curriculum: a board approved written local anesthesia exam is required.

(b) non-curriculum: a board approved written and clinical local anesthesia exam is required.

(4) administration of local anesthesia in the practice of dental hygiene for at least three of the past five years.

B. Documentation:

(1) copy of current basic life support (BLS) or cardiac pulmonary resuscitation (CPR) certification accepted by the American heart association, the American red cross or the American safety and health institute (ASHI); cannot be a self-study course;

(2) proof of successful completion of educational coursework in local anesthesia;

(a) transcript from an accredited dental hygiene program documenting successful completion of an approved educational program in local anesthesia as part of the regular curriculum for the dental hygiene degree, or

(b) copy of certificate showing successful completion of a board approved continuing education program in local anesthesia of at least 24 didactic hours and 10 hours of clinical training; continuing education program must comply with requirements in 16.5.1.15 NMAC; and

(3) proof of active certification to administer local anesthesia;

(a) letter of verification from each jurisdiction where the applicant holds a certificate for administering local anesthesia, or if the jurisdiction doesn't supply licensees with a separate certification, then a letter is needed stating that local anesthesia is not a separate designation from the license but is part of the dental hygiene license; sent directly from the board in each jurisdiction, and describing any disciplinary action taken against the applicant; and

(b) if the applicants previous license includes the local anesthesia designation or certification is expired or inactive the applicant must show proof of completion of a board approved continuing education course in administration of local anesthesia that includes a hand on-portion. Continuing education course must comply with [requirements in] requirements in 16.5.1.15 NMAC.

(4) proof of administration of local anesthesia while engaged in the practice of dental hygiene in at least three of the past five consecutive years; proof may be by notarized letters from employers,

supervisors of dental clinics of the uniformed services of the United States, or faculty administrators of schools of dental hygiene or dentistry.

[16.5.28.10 NMAC - Rp, 16.5.28.10 NMAC, 5/31/2023; A, XX/XX/2026]

16.5.28.11 CERTIFICATION OF LOCAL ANESTHESIA UNDER GENERAL SUPERVISION: An applicant for certification in local anesthesia under general supervision must possess the following qualifications and submit the following documentation along with a completed application.

A. An applicant must possess the following qualifications:

- (1) have a current active license in good standing to practice dental hygiene in New Mexico;
- (2) possess a New Mexico certification to administer local anesthesia under the indirect supervision of a licensed dentist; and
- (3) have administered 20 cases of local anesthesia under the indirect supervision of a dentist during two consecutive years.

B. An applicant must provide the board office with the following documentation:

- (1) a copy of a current New Mexico dental hygiene license;
- (2) a copy of the applicant's certificate to administer local anesthesia under indirect supervision; and
- (3) a signed affidavit, on a board-approved form, from the supervising dentist attesting to the applicant's qualifications for a certificate to administer local anesthesia under general supervision. The affidavit is valid for subsequent or additional locations in which the applicant may practice.

[16.5.28.11 NMAC - Rp, 16.5.28.11 NMAC, 5/31/2023]

16.5.28.12 CERTIFICATION PROCEDURE: Upon receipt of a completed local anesthesia application, including all required documentation and fees, a committee member or designee of the committee will review the application and determine eligibility for certification.

[16.5.28.11 NMAC - Rp, 16.5.28.11 NMAC, 5/31/2023]

16.5.28.13 LIMITATIONS OF LOCAL ANESTHESIA ADMINISTRATION: Administration of local anesthetic under general supervision may occur when:

A. certification has been received as defined in Section 16.5.28.11 NMAC and meets the following requirements:

- (1) the supervising or consulting dentist has written or verbally ordered local anesthetic for the specific patient; and
- (2) verbal orders shall be converted to written record or electronic record in the patient's dental record; and

B. emergency medical services are available by:

- (1) local 911 service with a response time of less than 10 minutes; or
- (2) by arrangement with a local physician(s), oral surgeon, or other medical or dental professional holding an advanced cardiovascular life support (ACLS) certification; this arrangement to provide emergency services shall be in writing and on file in the board office with the dental hygienist's license; and

C. ~~indirect supervision is required for continuing education and clinical examinations.~~ General supervision is required for continuing education when provided by a New Mexico school of dental hygiene, accredited by the Commission on Dental Accreditation (CODA) and when the instructor has a general supervision certification for the administration of local anesthesia.

D. Indirect supervision is required for:

- (1) continuing education outside of a New Mexico school of dental hygiene and when the instructor does not possess a general supervision certification for the administration of local anesthesia;
- (2) patient-based clinical examinations.

[16.5.28.12 NMAC - Rp, 16.5.28.13 NMAC, 5/31/2023; A, XX/XX/2026]

HISTORY OF 16.5.28 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records - state records center and archives as:

Article XI, Practice of Dental Hygiene, filed 3/12/1981.

Article XI, Practice of Dental Hygiene, filed 1/12/1982.

Article XI, Practice of Dental Hygiene, filed 3/30/1982.

Article XI, Practice of Dental Hygiene, filed 2/5/1988.

BOD Rule 9, Practice of Dental Hygiene, filed 2/9/1989.

That applicable portion of BOD Rule 9, Practice of Dental Hygiene replaced by BODHC Rule DH 8-95, Dental Hygienists, Local Anesthesia Certification, filed 5/5/1995.

History of Repealed Material:

16 5.28 NMAC, Dental Hygienists - Local Anesthesia Certification filed 3/16/2006, Repealed effective 5/31/2023.

Other History:

BODHC Rule DH 8-95, Dental Hygienists, Local Anesthesia Certification (filed 5/5/1995) was renumbered, reformatted, amended and replaced by 16 NMAC 5.28, Dental Hygienists, Local Anesthesia Certification, effective 9/30/1996.

16 NMAC 5.28, Dental Hygienists, Local Anesthesia Certification (filed 9/17/1996) renumbered, reformatted, amended and replaced by 16.5.28 NMAC, Dental Hygienists, Local Anesthesia Certification, effective 04/14/2006.

16 5.28 NMAC, Dental Hygienists - Local Anesthesia Certification filed 3/16/2006, Replaced by 16 5.28 NMAC, Dental Hygienists - Local Anesthesia Certification, effective 5/13/2023.