

## **NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING**

The New Mexico Board of Dental Health Care will hold a rule hearing on February 20, 2026, at 9:00 a.m., immediately followed by a regular board meeting for the adoption of the proposed rules listed below. The hearing and subsequent committee and board meeting will take place at the Regulation and Licensing Department, located at 2550 Cerrillos Road, Santa Fe, NM, in the Rio Grande Conference Room.

The hearing and subsequent Board of Dental Health Care meeting will also be accessed virtually via Microsoft Teams for those desiring to attend virtually.

Meeting Link: <https://www.microsoft.com/en-us/microsoft-teams/join-a-meeting>

Meeting ID: 268 620 588 349 29

Passcode: He2Ka6X9

### **Dial in by phone**

+1 505-312-4308, United States, Albuquerque

Phone conference ID: 832 032 41#

The purpose of the rule hearing is to consider the initiation of rulemaking for the following rules:

Rule 16.5.1 General Provisions

Rule 16.5.3 Mandatory Reporting Requirements

Rule 16.5.5 Dentists, Fees

Rule 16.5.6 Dentists, Licensure by Exam

Rule 16.5.7 Dentists, Temporary or Public Service Licensure

Rule 16.5.8 Dentists, Licensure by Credentials

Rule 16.5.9 Non-Dentist Owners

Rule 16.5.10 Dentists, Continuing Education Requirements

Rule 16.5.11 Dentists, License Expiration and Renewal

Rule 16.5.15 Dentists, Anesthesia Sedation Administration

Rule 16.5.16 Dentists, Disciplinary Proceedings, License Revocation or Suspension for Disciplinary Actions

Rule 16.5.17 Dentists and Dental Hygienists, Collaborative Practice

Rule 16.5.18 Dental Hygienists, Fees

Rule 16.5.19 Dental Hygienists, Licensure by Examination

Rule 16.5.20 Dental Hygienists, Licensure by Credentials

Rule 16.5.23 Dental Hygienists, Continuing Education Requirements

Rule 16.5.24 Dental Hygienists, License Expiration and Renewal

Rule 16.5.28 Dental Hygienists, Local Anesthesia Certification

Rule 16.5.32 Dental Assistants, Fees

Rule 16.5.33 Dental Assistants, Requirements for Certification

Rule 16.5.36 Dental Assistants, Continuing Education Requirements

Rule 16.5.41 Expanded Function Dental Auxiliary, Fees

Rule 16.5.44 Expanded Function Dental Auxiliary, Continuing Education Requirements

Rule 16.5.49 Community Dental Health Coordinator, Fees

Rule 16.5.52 Community Dental Health Coordinator, Continuing Education Requirements

Rule 16.5.59 Expedited Licensure and Expedited Licensure for Military Service Members, Spouses, Dependent Children and Veterans

Rule 16.5.60 Dental Therapists, Fees

Rule 16.5.62 Dental Therapists, Continuing Education Requirements

On Tuesday, January 13, 2026, copies of the proposed rules may be obtained through the New Mexico Board of Dental Health Care website <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/dental-health-care/board-information/dhc-board-meetings/> or by contacting Kathy Ortiz, Board Administrator, at [dental.board@rld.nm.gov](mailto:dental.board@rld.nm.gov)

The New Mexico Board of Dental Health Care and the Regulation and Licensing Department will begin accepting written public comment regarding the proposed rule changes beginning Tuesday, January 13, 2026, and ending Friday, February 20, 2026, at 9:00 a.m. Written public comment may be submitted either by email to [Dental.board@rld.nm.gov](mailto:Dental.board@rld.nm.gov) or by postal mail to the following address:

New Mexico Board of Dental Health Care

P.O. Box 25101

Santa Fe, NM 87504

Written comments received during the public comment period (beginning January 13, 2026, and ending February 20, 2026) will be posted to the website page linked above. Public comments will also be accepted during the rule hearing and may be submitted in writing or presented orally by those attending in-person. The members of the New Mexico Board of Dental Health Care will not enter substantive discussion of public comments during the rule hearing but will consider and deliberate any public comment during the regular board meeting immediately following the conclusion of the public rule hearing.

The agenda for the New Mexico Board of Dental Health Care regular meeting, which will begin immediately after the public rule hearing, will be available no less than 72 hours prior to the meeting, and available on the website linked above or by contacting the Board Administrator, Kathy Ortiz.

If you are an individual with a disability who needs a reader, amplifier, qualified signed language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or the regular board meeting, please contact the Board Administrator, Kathy Ortiz at (505) 476-4622 at least 7 days prior to the rule hearing and regular board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

For inclement weather: If the New Mexico state offices are placed on a two-hour delay to inclement weather, the rule hearing will be pushed back two hours from the noticed hearing time. If New Mexico state offices are closed due to inclement weather, the rule hearing will be rescheduled as soon as possible.

**Statutory Authority:** The rule changes are authorized by the Board of Dental Health Care Act §§61-5A-1 through -30, NMSA, which provides explicit authority for the New Mexico Board of Dental Health Care to protect public health and safety and adopt rules for the administration of the Act. The rulemaking and public rule hearing is governed by the State Rules Act, Sections 14-4-1 through 14-4-11 NMSA 1978, and the Default Procedural Rule for Rulemaking promulgated by the New Mexico Department of Justice, Parts 1.24.25 through 1.24.25.16 NMAC.

**Purpose of Proposed Rules:** The proposed changes will generally align the rules with current procedures, update some requirements for initial licensure and renewals, define terms with more specificity, clarify the qualifications for each license type, update administrative fees, and ensure all license types are included in the adverse actions rule. The proposed rules are intended to provide greater clarity in existing regulatory and statutory requirements, ensure continued high levels of professionalism among licensees and certificate holders, and to generally satisfy the Board's statutory obligation to promote, preserve and protect public health, safety and welfare.

#### **Summary of Proposed Changes:**

16.5.1 NMAC - General Provisions. Adds definition for ADEX as an approved regional approved exam for written and clinical examinations; Adds National commission on recognition of dental specialties and certifying boards (NCRDSCB) as the specified recognition of dental specialties; adds email address that must be updated as part of the licensee's address on file; adds virtual platforms for board meeting participation; clarify guidelines for continuing education and retention schedule for continuing education; provides clarification and guidelines for patient record keeping.

16.5.3 NMAC - Mandatory Reporting Requirements. Adds compact commissions on mandatory reporting requirements.

16.5.5 NMAC – Dentists, Fees. Adds electronic processing fees and return payment fee; removes copies of statute or rules fee, copy fees and mailing labels of current dental licensees fee.

16.5.6 NMAC – Dentists, Licensure by Examination. Removes requirement to contact board office to take the jurisprudence exam, it is now part of the application; adds national recognized specialty entity NCRDSCB, adds

proof of course in ethics or jurisprudence in past 12 months; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; reorganizes documentation required for easier understanding.

16.5.7 NMAC – Dentist, Temporary or Public Service Licensure. Adds national recognized specialty entity NCRDSCB; adds proof of course in ethics or jurisprudence in past 12 months; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; reorganizes required documentation for easier understanding.

16.5.8 NMAC – Dentist, Licensure by Credentials. Adds national recognized specialty entity NCRDSCB; adds proof of course in ethics or jurisprudence in past 12 months; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; reorganizes required documentation for easier understanding.

16.5.9 NMAC – Non-dentist owners. Clarifies definition and responsibilities for non-dentist owner(s); Clarifies documentation required for licensure as a non-dentist owner for all entities; adds electronic processing fees, jurisprudence exam re-take fee and return payment fee; clarifies the prerequisites for non-dentist owner.

16.5.10 NMAC – Dentists, Continuing Education Requirements. Clarifies requirements for continuing education requirements; adds ethics and jurisprudence as required courses for continuing education; changes retention for continuing education to 4 years.

16.5.11 NMAC – Dentists, License Expiration and Renewal. Adds requirement for licensees to comply with part 5, sections 8 and 10 for continuing education requirements; changes renewal completed application from being post-marked to submitted on or before July 1, of the renewal year.

16.5.15 NMAC - Dentists, Anesthesia Sedation Administration. Clarifies permit requirements to administer anesthesia; changes educational qualifications to administer moderate sedations to include post-doctoral program at a CODA accredited school or residency and clarifies training which did not take place in a CODA accredited dental school, accredited teaching hospital or other CODA-accredited based training that is eligible for a restricted midazolam-only moderate parenteral sedation permit with approval from the anesthesia committee and board.

16.5.16 NMAC – Dentists, Disciplinary Proceedings, License Revocation or Suspense for Disciplinary Actions. Changes reference from Americal dental association code of ethics to principles of ethics and code of professional conduct; adds adverse actions to include the compact commission; adds negligent supervision and aiding and abetting of a dental therapist, community dental health coordinator, expanded functions dental auxiliary or dental student that were not included in previous rule; revises fraudulent record keeping to include incomplete record keeping.

16.5.17 NMAC - Dentists and Dental Hygienists, Collaborative Practice. Corrects spelling on title and minor spelling throughout the part; revises 15 hours of continuing education which includes infection control and medical emergencies to add pediatric and adult medical emergencies; removes bleaching from the list of collaborative practice dental hygienist shall not list; revises and clarified standard collaborative practice protocols.

16.5.18 NMAC – Dentists, Fees. Adds electronic processing fees and return payment fee; removes copies cost and mailing labels of current dental hygiene licensees.

16.5.19 NMAC - Dental Hygienists, Licensure by Examination. Adds national recognized specialty entity NCRDSCB, adds proof of course in ethics or jurisprudence in past 12 months; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; reorganizes required documentation for easier understanding.

16.5.20 NMAC - Dental Hygienists, Licensure by Credentials. Adds requirement requiring clinical examination approved by the committee and ratified by the board; adds proof of course in ethics or jurisprudence in past 12 months; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; reorganizes required documentation for easier understanding.

16.5.23 NMAC – Dental Hygienists, Continuing Education Requirements. Clarifies requirements for continuing education; adds ethics and jurisprudence as required courses for continuing education; changes retention for continuing education to 4 years.

16.5.24 NMAC – Dental Hygienists, License Expiration and Renewals. Adds requirement for licensees to comply with part 23, in addition to part 5, for continuing education requirements; removes post-marked requirement since all renewal applications are submitted online.

16.5.28 NMAC - Dental Hygienists, Local Anesthesia Certification. Spelling corrections were made throughout the part; clarifies supervision requirements for continuing education.

16.5.32 NMAC – Dental Assistants, Fees. adds electronic processing fees and return payment fee; removes copies cost, DXTR rental fees and mailing labels of current certificate holders.

16.5.33 NMAC – Dental Assistants Requirements for Certification. Removes requirements to submit FMX as part of certification requirement, revises the pathway for certification to remove barriers and certification delays; clarifies certification by credentials; reorganizes required documentation for easier understanding; deletes re-examination procedure.

16.5.36 NMAC – Dental Assistants, Continuing Education Requirements. Clarifies requirements for continuing education; adds proof of course in ethics or New Mexico jurisprudence; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; changes retention for continuing education to 4 years.

16.5.41 NMAC – Expanded Function Dental Auxiliary, Fees. Adds electronic processing fees and return payment fee; removes copies cost and labels of current certificate holders.

16.5.44 NMAC – Expanded Function Dental Auxiliary, Continuing Education Requirements. Clarifies requirements for continuing education; adds proof of course in ethics or New Mexico jurisprudence; adds requirement to include sterilization procedures in the infection control technique; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; changes retention for continuing education to 4 years.

16.5.49 NMAC – Community Dental Health Coordinator, Fees. Adds electronic processing fees and return payment fee; removes copies cost and labels of current certificate holders.

16.5.52 NMAC – Community Dental Health Coordinator, Continuing Education Requirements. Clarifies requirements for continuing education; adds proof of course in ethics or New Mexico jurisprudence; changes accepted American Safety and Health Institute to include Health & Safety Institute (HSI) as an approved entity; changes retention for continuing education to 4 years.

16.5.59 NMAC - Expedited Licensure and Expedited Licensure For Military Service Members, Spouses, Dependent Children and Veterans. Adds additional states to the list of disapproved licensing jurisdictions eligible for dentists expediate licensure: Arizona, Colorado, Kentucky, Minnesota, New York, Oregon, Virginia and Wisconsin; Adds additional states to the list of disapproved licensing jurisdictions eligible for dental hygienists expediate licensure: Arizona, California, Colorado, Kentucky, and Massachusetts; Adds requirement to take the New Mexico jurisprudence exam included on the application.

16.5.60 NMAC – Dental Therapists, Fees. Adds electronic processing fees and return payment fee; removes copies cost and mailing labels of current certificate holders.

16.5.62 NMAC – Dental Therapists, Continuing Education requirements. Clarifies requirements for continuing education; changes retention for continuing education to 4 years.