

This is an amendment to 16.5.1 NMAC, Sections 7, 9, 11, 15, 24, 25 and 29, effective 4/21/2026.

16.5.1.7 DEFINITIONS:

A. Definitions beginning with the letter “A”:

(1) “Act” means the Dental Health Care Act, Sections 61-5A-1 through 61-5A-29, NMSA 1978.

(2) “ADEX” means the American board of dental examiners; a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

~~(2)~~ (3) “Assessment” means the review and documentation of the oral condition, and the recognition and documentation of deviations from the healthy condition, without a diagnosis to determine the cause or nature of disease or its treatment.

~~(3)~~ (4) “Authorization” means written or verbal permission from a dentist to a dental hygienist, dental assistant, dental therapist, community dental health coordinator, expanded function dental auxiliary, or dental student to provide specific tests, treatments or regimes of care.

B. Definitions beginning with the letter “B”: [RESERVED]

C. Definitions beginning with the letter “C”:

(1) “CDCA/WREB/CITA” means the commission of dental competency assessments, the western regional examining board and the council of interstate testing agencies; a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

(2) “CITA” means the council of interstate testing agencies, a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

(3) “Close personal supervision” means a New Mexico licensed dentist directly observes, instructs and certifies in writing the training and expertise of New Mexico licensed or certified employees or staff.

(4) “Consulting dentists” means a dentist who has entered into an approved agreement to provide consultation and create protocols with a collaborating dental hygienist and, when required, to provide diagnosis and authorization for services, in accordance with the rules of the board and the committee.

(5) “CRDTS” means the central regional dental testing service, a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

(6) “Current patients of record” means the New Mexico licensed dentist has seen the patient in the practice in the last 12 months.

D. Definitions beginning with the letter “D”:

(1) “Dental hygiene-focused assessment” means the documentation of existing oral and relevant systemic conditions and the identification of potential oral disease to develop, communicate, implement and evaluate a plan of oral hygiene care and treatment.

(2) “Dental record” means electronic, photographic, radiographic or manually written records.

(3) “Diagnosis” means the identification or determination of the nature or cause of disease or condition.

(4) “Direct supervision” means the process under which an act is performed when a dentist licensed pursuant to the Dental Health Care Act:

(a) is physically present throughout the performance of the act;
(b) orders, controls and accepts full professional responsibility for the act performed;

(c) evaluates and approves the procedure performed before the patient departs the care setting; and

(d) is capable of responding immediately if any emergency should arise.

(5) “Disqualifying criminal conviction” means a conviction for a crime that is job-related for the position in question and consistent with business necessity.

E. Definitions beginning with the letter “E”:

(1) **“Electronic signature”** means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

(2) **“Extenuating circumstances”** are defined as a serious, physician-verified illness or death in immediate family, or military service. The extenuating circumstances must be presented for the board’s consideration on a case-by-case basis.

F. Definitions beginning with the letter “F”: [RESERVED]

G. Definitions beginning with the letter “G”: **“General supervision”** means the authorization by a dentist of the procedures to be used by a dental hygienist, dental assistant, expanded function dental auxiliary, dental student, dental therapist, or community dental health coordinator and the execution of the procedures in accordance with a dentist’s diagnosis and treatment plan at a time the dentist is not physically present and in facilities as designated by the rules of the board.

H. Definitions beginning with the letter “H”: [RESERVED]

I. Definitions beginning with the letter “I”:

(1) **“Impaired Act”** means the Impaired Dentists and Dental Hygienists Act, Sections 61-5B-1 through 61-5B-11 NMSA 1978.

(2) **“Indirect supervision”** means that a dentist, or in certain settings a dental hygienist or dental assistant certified in expanded functions, is present in the treatment facility while authorized treatments are being performed by a dental hygienist, dental assistant, dental therapist, or dental student as defined in 61-5A-3 NMSA 1978.

J. Definitions beginning with the letter “J”: **“Jurisprudence exam”** means the examination given regarding the laws, rules and regulations, which relate to the practice of dentistry, dental hygiene, dental therapy and dental assisting in the state of New Mexico.

K. Definitions beginning with the letter “K”: [RESERVED]

L. Definitions beginning with the letter “L”: **“Licensee”** means an individual who holds a valid license to practice dentistry, dental therapy or dental hygiene in New Mexico. This also includes non-dentist owners who are licensed in New Mexico.

M. Definitions beginning with the letter “M”: **“Mobile dental facility”** means a facility in which dentistry is practiced and that is routinely towed, moved or transported from one location to another.

N. Definitions beginning with the letter “N”:

(1) **“NCRDSCB”** means the national commission on recognition of dental specialties and certifying boards that has been formally recognized by the board and the American dental association’s as meeting the specified requirements for recognition of dental specialists.

~~(4)~~ (2) **“NERB/CDCA”** means the former north east regional board of dental examiners, now called the commission of dental competency assessments, a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

~~(2)~~ (3) **“Non-dentist owner”** means an individual not licensed as a dentist in New Mexico or a corporate entity not owned by a majority interest of a New Mexico licensed dentist that employs or contracts with a dentist or dental hygienist to provide dental or dental hygiene services and that does not meet an exemption status as detailed in Subsection G of Section 61-5A-5 NMSA 1978.

O. Definitions beginning with the letter “O”: [RESERVED]

P. Definitions beginning with the letter “P”:

(1) **“Palliative procedures”** means nonsurgical, reversible procedures that are meant to alleviate pain and stabilize acute or emergent problems.

(2) **“Portable dental unit”** means a non-facility in which dental equipment used in the practice of dentistry is transported to and used on a temporary basis at an out-of-office location.

(3) **“Professional background service”** means a board designated professional background service, which compiles background information regarding an applicant from multiple sources.

(4) **“Protective patient stabilization”** means any manual method, physical or mechanical device, material, or equipment that immobilizes or reduces the ability of a patient to move his or her arms, legs, body, or head freely.

(5) **“Provider”** means a provider of dental health care services, including but not limited to dentists, dental hygienists, dental therapists, community dental health coordinators and dental assistants, including expanded function dental auxiliaries.

Q. Definitions beginning with the letter “Q”: [RESERVED]

R. Definitions beginning with the letter “R”: [RESERVED]

S. Definitions beginning with the letter “S”:

(1) **“Specialist”** means a specialty is an area of dentistry that has been formally recognized by the board and the ~~[American dental association as meeting the specified requirements for recognition of dental specialists.] American dental association’s national commission on recognition of dental specialties and certifying boards (NCRDSCB) as meeting the specified requirements for recognition of dental specialists.~~

(2) **“SRTA”** means the southern regional testing agency, a separate and independent entity not including any successor, which acts as a representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

(3) **“Supervising dentist”** means a dentist that maintains the records of a patient, is responsible for their care, has reviewed their current medical history and for purposes of authorization, has examined that patient within the previous 11 months or will examine that patient within 30 days of giving authorization.

(4) **“Supervision”** means the dentist shall adequately monitor the performance of all personnel, licensed or unlicensed, that he or she supervises. The dentist is ultimately responsible for quality patient care and may be held accountable for all services provided by administrative and clinical individuals that the dentist supervises.

T. Definitions beginning with the letter “T”:

(1) **“Teledentistry”** means a dentist's, dental hygienist's or dental therapist's use of electronic information, imaging and communication technologies, including interactive audio, video and data communications as well as store-and-forward technologies, to provide and support dental health care delivery, diagnosis, consultation, treatment, transfer of dental data and education."

(2) **“Third Party payer”** means an organization other than the patient (1st party) or the health care provider (2nd party) involved in the financing of personal health services.

U. Definitions beginning with the letter “U”: [RESERVED]

V. Definitions beginning with the letter “V”: [RESERVED]

W. Definitions beginning with the letter “W”:

(1) **“WREB”** means the western regional examining board, which acts as the representative agent for the board and committee in providing written and clinical examinations to test the applicant's competence to practice in New Mexico.

(2) **“Written authorization”** means a signed and dated prescription from a supervising dentist to provide specific tests, treatments or regimes of care in a specified location for 30 days following the date of signature.

X. Definitions beginning with the letter “X”: [RESERVED]

Y. Definitions beginning with the letter “Y”: [RESERVED]

Z. Definitions beginning with the letter “Z”: [RESERVED]

[16.5.1.7 NMAC - Rp, 16.5.1.7 NMAC, 5/31/2023; A, 4/21/2026]

16.5.1.9 RESPONSIBILITY OF LICENSEE OR CERTIFICATE HOLDER:

A. It is the responsibility of the licensee or certificate holder to keep the board informed of a current mailing address ~~[All correspondence, including renewal forms, will be mailed to the last address on file. The board assumes no responsibility for renewal applications or other correspondence not received because of a change of address.]~~ and email address. All correspondence will be sent to the last address on file. The board assumes no responsibility for correspondence not received because of a change of address.

B. The board must be informed of current practice address(s) for all licensees or certificate holders. Any change in practice address(s) must be reported to the board in writing within 30 days of the change. [16.5.1.9 NMAC - Rp, 16.5.1.9 NMAC, 5/31/2023; A, 4/21/2026]

16.5.1.11 TELEPHONE CONFERENCES: As authorized by Subsection C of Section 10-15-1 NMSA 1978 of the Open Meetings Act, NMSA 1978, when it is difficult or impossible for a member of the board or committee to attend a meeting in person, the member may participate through a conference telephone ~~[Each member participating by conference telephone must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board or committee who speaks during the meeting.]~~ or virtual meeting platform. Each member participating by conference telephone or virtually must be identified when speaking, all participants must be able to hear each other at the same time and members of the public attending the meeting must be able to hear any member of the board or committee who speaks during the meeting.

[16.5.1.11 NMAC - Rp, 16.5.1.11 NMAC, 5/31/2023; A, 4/21/2026]

16.5.1.15 GUIDELINES FOR APPROVED CONTINUING EDUCATION:

A. Continuing education is defined as dental related education that contributes to the existing knowledge base of a licensee or certificate holder, which would include but not limited to; treatment modalities, advances in science, patient health, safety, and management; practice and workplace management for the practice of dentistry, dental therapy, dental hygiene and dental assisting.

B. Credit hours:

- (1) one hour of credit will be granted for every hour of contact instruction;
- (2) eight hours shall be the maximum number of continuing education credits granted in a

single day;

C. Approved providers and sponsors: The following providers are approved for delivering continuing education.

(1) local, state, regional, national, or international dental, dental hygiene, dental assisting or medical related professional associations or organizations; and affiliate organization using their approved CE program designations;

(2) institutions accredited by the United States department of education;

(3) ~~[Federal and State Government]~~ federal and state government agencies such as military dental division or the ~~[Veterans Administration]~~ veterans administration;

(4) hospitals and medical clinics;

(5) board approved study clubs as further defined in Subsection H of 16.5.1.15 NMAC;

D. Approved methods for acquiring continuing education:

(1) attendance at scientific meetings or sessions;

(2) live virtual webinars. (i.e., courses conducted live, in real-time with the ability to interact

with the speaker;

(3) self-study. A method of instruction that is self-paced such as those offered through magazines, articles, pre-recorded audio or video recordings which are viewed or listened to at a later date:

(a) a post instruction examination must be successfully completed for all self-study

methods;

(b) ~~[a licensee is allowed a maximum of 30 hours in the category of self-study per triennial renewal period.]~~ the maximum number of self-study hours allowed for any license or certificate holder cannot exceed fifty percent of any stated requirement for any application category, including initial, renewal, reactivation, or reinstatement.

(4) medical education courses that are accredited by the American council for continuing medical education (ACCME) shall be limited to eight hours per triennial period;

(5) courses not sponsored by a recognized provider as indicated in Subsection C of 16.5.1.15 NMAC may be approved for credit by the secretary-treasurer or delegate of the board; the application for approval must include the course outline, date, location, hours, names and qualifications of presenters.

E. Basic life support (BLS) or cardiopulmonary resuscitation (CPR) ~~[A licensee is eligible to receive hour for hour credit for course taken to acquire this certification.]~~ obtained through the American heart association (AHA), the American red cross (ARC), or the American safety and health institute/health and safety institute (ASHI/HSI).

(1) certification must be acquired through a live hands-on course or through a hybrid method where demonstration of skills is still required;

(2) certification acquired through a self-study only course, is not allowed;

(3) a licensee is eligible to receive hour for hour credit for course taken to acquire this certification;

(4) a licensee shall be allowed a maximum of three hours each triennial period.

F. Additional approved activities eligible for continuing education credit:

(1) presenting. An original presentation by a licensee is eligible to receive hour for hour credit for preparation and delivery of such presentation. A licensee shall be allowed a maximum of eight hours each triennial period. The licensee shall retain as proof of such presentation an outline, date, place and sponsor of the presentation.

(2) clinical examiners for regional boards. A licensee participating in the training and calibration sessions of a regional board examination shall be allowed a maximum of 24 hours each triennial period.

(3) volunteer for the board or committee. A non-board or non-committee licensee volunteering for the board of committee may receive up to 10 hours of continuing education for board approved activities; including serving as a hearing officer, investigator, mentor, or monitor.

(4) approved charitable events. A licensee participating in a board or dental hygiene committee approved charitable event shall be allowed a maximum of eight hours each triennial period.

(5) graduate or post-graduate. Courses taken by a licensee at institutions of higher education for the purpose of receiving a dental related degree, advanced degree or certificate are eligible for continuing education credit. A licensee shall be allowed 10 hours per semester credit hour, as assigned in the course catalogue of the educational institution.

(6) professional training programs. Such as those taken for acquiring expanded certifications or education. Examples include but not limited to, trainings for local anesthesia and expanded function dental auxiliary certification. When given by an approved provider as defined in Subsection C of 16.5.1.15 NMAC.

(7) academic Teaching. A licensee who instructs as a full, part, or adjunct faculty, at a dental related program is allowed a maximum of ~~[5]~~ five continuing education hours per semester credit hour that is taught at an institution of higher education. Not to exceed a maximum of 10 credit hours per triennial renewal.

(8) jurisprudence exam. A licensee or certificate holder may take the board's open book jurisprudence examination, up to once a year, and be granted three hours of continuing education credit for successfully passing the exam with a score of seventy-five percent or above. There will be a twenty-five dollar (\$25) administrative fee for the exam to cover the cost of handling.

G. Course limitations and courses not allowed.

(1) Courses that are primarily in relationship to maximizing income, billing, dental benefit claims submission or review, or marketing in the dental or dental hygiene practice shall be limited to eight hours per triennial period.

(2) Courses dealing largely with money management, personal finances or personal business matters, and courses in basic educational or cultural subjects that are not taught in direct relationship to dental care may not be used to fulfill continuing education requirements.

(3) CE received as part of declaratory decree or as a result of disciplinary order shall not count toward the total triennial continuing education hours needed by the licensee or certificate holder.

H. ~~Approved~~ Board approved study clubs. The board may approve study clubs which meet the following criteria:

(1) composed of not less than five licensees with elected officers, written bylaws, and regular meetings;

(2) organized for the purpose of scientific study;

(3) the approved club must keep records of continuing education information or material presented the number of hours and the members in attendance; audio-visual recordings or similar media produced or distributed by approved providers may be used; guest speakers may also be used to present educational material;

(4) board approval is valid for three years; application for continued board approval must be resubmitted prior to expiration of existing approval;

(5) any changes to elected officers and written bylaws must be reported to the board and require board approval.

I. Verification of course attendance. The following documents, or combination of documents, may be used to verify attendance in the required continuing education:

(1) course certificate with the course title, content, presenter, sponsor ~~[and hours;]~~ date of attendance, hours, and method of instruction (self-study or live/interactive);

(2) pamphlet of course with same information as requested on certificate along with proof of purchase;

(3) course attendance sheet submitted from the sponsor;

(4) course code or statement of attendance from presenter or sponsor of licensee attendance;

(5) for out of state courses and meetings when certificates or sign-in sheets are not available, the licensee may provide a copy of the registration form, with a copy of courses in printed form which were offered, identify the ones attended, along with information regarding travel and lodging accommodations for the meeting;

(6) licensee is responsible for maintaining ~~[records of all CEUs for one year following the renewal cycle-]~~ CE records for four years.

[16.5.1.15 NMAC - Rp, 16.5.1.15 NMAC, 5/31/2023; A, 4/21/2026]

16.5.1.24 RECORD KEEPING: ~~[All records of patient treatment must be maintained for at least six years. If a dentist or non-dentist owner retires or is no longer practicing in New Mexico, the dentist or non-dentist owner must provide the following documentation to the board office:~~

- ~~_____ A. _____ actual date of retirement or date of no longer practicing in New Mexico;~~
- ~~_____ B. _____ proof of written notification to all patients currently under active treatment; and~~
- ~~_____ C. _____ the location where all active dental treatment records will be maintained for a minimum of six years; active treatment records are records of patients in the 12 previous months to the date of closing practice, the notification to the board must include the name, address, and telephone number of the person who is serving as the custodian of the records.]~~

_____ A. _____ All records of patient treatment must be maintained for at least six years.

_____ B. _____ Non-dentist owners must provide the name, address, phone number, and email address of the custodian of records who is responsible for patient record requests and accepting subpoenas and shall notify the board in writing within 30 days of any changes.

_____ C. _____ If a dentist or non-dentist owner(s) leaves, changes, or closes a practice location, retires, or is no longer practicing in New Mexico, the dentist and, if applicable, the non-dentist owner(s) must provide the following documentation to the board office within 30 days of any changes:

- _____ (1) _____ the last date at practice location or date of retirement;
- _____ (2) _____ proof of written notification to all patients currently under active treatment; and
- _____ (3) _____ the name, address, phone number, and email address of the custodian of records where all active dental treatment records will be maintained for a minimum of six years; active treatment records are records of patients in the 24 previous months to the date of closing practice or the departure of dentist.

[16.5.1.24 NMAC - Rp, 16.5.1.24, 5/31/2023; A, 4/21/2026]

16.5.1.25 CODE OF ETHICS: Unless otherwise stated in the rules or statute, the board, licensees and certificate holders shall refer to the most recent version of the American dental association (ADA) ~~[code of ethics for guidance.]~~ principles of ethics and code of professional conduct for guidance.

[16.5.1.25 NMAC - Rp, 16.5.1.25 NMAC, 5/31/2023; A, 4/21/2026]

16.5.1.29 ADVERTISING, PROMOTIONS AND SPECIALTY RECOGNITIONS FOR ALL

LICENSEES: This rule applies to advertising in all types of media that is directed to the public. No dentist, dental hygienist, non-dentist owner, or their representatives shall advertise in any form of communication in a manner that is misleading, deceptive, or false. The licensee will be responsible for any third party making such false claims or misleading advertising on their (licensee's) behalf.

A. Definitions:

(1) for the purposes of this section, "advertising/advertisement" is:

(a) any written or printed communication for the purpose of soliciting, describing, or promoting a dentist's, hygienist's, non-dentist owner's licensed activity, including, but not limited to, a brochure, letter, pamphlet, newspaper, directory listing, periodical, business card or other similar publication;

(b) any radio, television, internet, computer network or similar airwave or electronic transmission which solicits or promotes the dental practice';

(c) "advertising" or "advertisement" does not include any of the following:

(i) any printing or writing on buildings, uniforms or badges, where the purpose of the writing is for identification;

(ii) any printing or writing on memoranda or other communications used in the ordinary course of business where the sole purpose of the writing is other than the solicitation or promotion of the dental practice;

(iii) any printing or writing on novelty objects or dental care products.

(2) "bait advertising" is an alluring but insincere offer to sell a product or service which the advertiser in truth does not intend or want to sell. Its purpose is to switch consumers from buying the advertised merchandise or services, in order to sell something else, usually at a higher price or on a basis more advantageous to the advertiser. The primary aim of a bait advertisement is to obtain leads as to persons interested in buying merchandise or services of the type so advertised. See 16 U.S.C Section 238.

B. General requirements:

(1) at the time any type of advertisement is placed, the licensee must in good faith possess and provide to the board upon request information that would substantiate the truthfulness of any assertion, omission, or claim set forth in the advertisement;

(2) the board recognizes that clinical judgment must be exercised by a dentist or dental hygienist. Therefore, a good faith diagnosis that the patient is not an appropriate candidate for the advertised dental or dental hygiene service or product is not a violation of this rule;

(3) licensee shall be responsible for, and shall approve any advertisement made on behalf of the dental or dental hygiene practice, except for brand advertising, i.e. advertising that is limited to promotion of the name of the practice or dental corporation. The licensee shall maintain a record documenting their approval and shall maintain such record for a period of three years.

C. The term false advertising means advertising, including labeling, which is misleading in any material respect; and in determining whether any advertising is misleading, there shall be taken into account among other things not only representations made by statement, word, design, sound or any combination thereof, but also the extent to which the advertising fails to reveal facts material in the light of such representations with respect to the commodity to which the advertising related under the conditions prescribed in said advertisement, or under such conditions as are customary or usual. See Section 57-15-2 NMSA 1978. Misleading, deceptive, or false advertising includes, but is not limited to the following, and if substantiated, is a violation and subject to disciplinary action by the board:

(1) a known material misrepresentation of fact;

(2) the omission of a fact necessary to make the statement considered as a whole not materially misleading;

(3) advertising that is intended to be or is likely to create an unjustified expectation about the results the dentist or dental hygienist can achieve;

(4) advertising that contains a material, objective representation, whether express or implied, that the advertised services are superior in quality to those of other dental or dental hygiene services if that representation is not subject to reasonable substantiation. For the purpose of this subsection, reasonable substantiation is defined as tests, analysis, research, studies, or other evidence based on the expertise of professionals in the relevant area that have been conducted and evaluated in an objective manner by persons qualified to do so, using procedures generally accepted in the profession to yield accurate and reliable results. Individual experiences are not a substitute for scientific research. Evidence about the individual experience of consumers may assist in the substantiation, but a determination as to whether reasonable substantiation exists is a question of fact on a case-by-case basis;

(5) the false or misleading use of a claim regarding licensure, certification, registration, permitting, listing, education, professional memberships or an unearned degree;

(6) advertising that uses patient testimonials unless the following conditions are met:

(a) the patient's name, address, and telephone number as of the time the advertisement was made must be maintained by the dentist or dental hygienist and that identifying information shall be made available to the ~~Board~~ board upon request by the board;

(b) dentists or dental hygienists who advertise dental or dental hygiene services, which are the subject of the patient testimonial, must have actually provided these services to the patient making the testimonial;

(c) if compensation, remuneration, a fee, or benefit of any kind has been provided to the person in exchange for consideration of the testimonial, such testimonial must include a statement that the patient has been compensated for such testimonial;

(d) a specific release and consent for the testimonial shall be obtained from the patient;

(e) any testimonial shall indicate that results may vary in individual cases;

(7) advertising that makes an unsubstantiated medical claim or is outside the scope of dentistry, unless the dentist or dental hygienist holds a license, certification, or registration in another profession and the advertising and or claim is within the scope authorized by the license, certification, or registration in another profession;

(8) advertising that makes unsubstantiated promises or claims, including but not limited to claims that the patient will be cured;

(9) the use of bait advertising as outlined in federal trade commission guidelines;

(10) advertising that includes an endorsement by a third party in which there is compensation, remuneration, fee paid, or benefit of any kind if it does not indicate that it is a paid endorsement;

(11) advertising that infers or gives the appearance that such advertisement is a news item without using the phrase "paid advertisement";

- (12) the promotion of a professional service which the licensee knows or should know is beyond the licensee's ability to perform;
- (13) the use of any personal testimonial by the licensee attesting to a quality or competence of a service or treatment.
- (14) advertising that claims to provide services at a specific rate and fails to disclose that a dental benefit plan may provide payment for all or part of the services;
- (15) print advertising that contains all applicable conditions and restrictions of an offer that is not clearly legible or visible. The board will consider font size and positioning within the advertisement as to what is determined as false, misleading or deceptive;
- (16) audio advertising that contains all applicable conditions and restrictions that is broadcast at different speed and volume of the main recording and offer;
- (17) failure to include in all advertising media for the practice (excluding building signage and promotional items), in a reasonably visible and legible manner, the dentist's or non-dentist owner's name(s), address and contact information or direct reference where the name of the dentist(s) or non-dentist owner(s) can be found, including, but not limited to, an internet website;
- (18) failure to update website(s) wherein the names of the current dentist(s) are for each office location within 30 days of the change;
- (19) failure to practice dentistry under the name of a corporation, company, association, limited liability company, or trade name without full and outward disclosure of his/her full name, which shall be the name used in his/her license or renewal certificate as issued by the board, or his/her commonly used name;
- (20) failure to practice dentistry without displaying his/her full name as it appears on the license issued by the board on the entrance of each dental office;
- (21) advertising or making claims that a licensee or practice claims to be superior to any other licensee or practice, including, but not limited to, descriptions of being "the highest quality", a "super-dentist" or "super-general dentist/practitioner", "specially-trained hygienist", "hygienist specializing in non-surgical periodontics", or similar;

D. Specialty Practice and Advertising: the board may discipline a dentist for advertising or otherwise holding himself/herself out to the public as a practicing a dental specialty unless the dentist is licensed by the board to practice the specialty or unless the dentist has earned a post-graduate degree or certificate from an accredited dental college, school of dentistry of a university or other residency program that is accredited by the commission on dental accreditation (CODA) in one to the specialty areas of dentistry recognized by the ~~[American dental association. See Subsection E and F of Section 61-5A-12 NMSA 1978.] American dental association's national commission on recognition of dental specialties and certifying boards (NCRDSCB). See Subsection E and F of Section 61-5A-12 NMSA 1978.~~

E. Acronyms: In addition to those acronyms required by law pertaining to one's business entity such as professional corporation (P.C.) or limited liability company (L.L.C.), dentists or dental hygienists may only use DDS, DMD, RDH, MD, PhD, MA, MS, BA, BS. Any credential that does not meet this requirement must be completely spelled out.

[16.5.1.29 NMAC - Rp, 16.5.1.29 NMAC, 5/31/2023; A, 4/21/2026]