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## State of New Mexico

Michelle Lujan Grisham  
*Governor*

April 4, 2019

### SENATE EXECUTIVE MESSAGE NO. 39

The Honorable Mary Kay Papen, President Pro Tempore and  
Members of the New Mexico State Senate  
State Capitol Building  
Santa Fe, NM 87501

Honorable President Pro Tempore Papen and Members of the Senate:

Pursuant to my authority under Article IV, Section 22 of the New Mexico Constitution, I have vetoed SENATE BILL 241, as amended ("SB 241"), enacted by the Fifty-Fourth Legislature, First Session, 2019.

While I applaud the Legislature's effort to improve access to dentistry in rural areas of New Mexico, SB 241 simply does not strike the right balance between access to dental care and patient safety. SB 241 greatly expands the definition of "teledentistry" to allow dental treatment when the patient and the dentist are not in the same physical location. Unfortunately, SB 241 does not make any corresponding changes to ensure that the practice of teledentistry meets the standard of care that applies to all other dentistry in New Mexico, such as requiring face-to-face follow up visits and ensuring adequate oversight for out-of-state dental practitioners who wish to practice teledentistry in New Mexico.

SB 341 is also problematic because it defines the "originating site" of dental care provided through teledentistry as "the location at which the dentist provides the services." This definition would make it difficult for the Dental Board to regulate the conduct of out-of-state practitioners and may prevent patients who have suffered because of a tortious act committed through teledentistry from seeking legal remedies under New Mexico law. Notably, New Mexico's Telehealth Act mitigates these concerns by defining the "originating site" of telehealth services as the location where the patient receives care. I am not convinced that the practice of teledentistry should be subject to a different standard.

Respectfully yours,

*Michelle Lujan Grisham*

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Governor

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Time: 7:45 a.m. p.m.  
Date: April 4 2019 By *Sharon G. Feltwell*  
for Secretary of State

Time: 7:49 a.m. p.m.  
Date: 4-5-19 2019 By *Virginia G. ...*  
for Chief Clerk of the Senate