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2019

## New State Law Provides Telehealth Patient Protections

American Dental Association

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### Recommended Citation

American Dental Association, "New State Law Provides Telehealth Patient Protections" (2019). *ADA News Releases*. 138.

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# News Releases

## New State Law Provides Telehealth Patient Protections

October 17, 2019

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CHICAGO — The American Dental Association (ADA) applauds a new law in California—the first of its kind in the nation—for adopting a number of specific patient-centered standards that dentists must meet when providing care via teledentistry. These standards are part of meeting the law's general requirement that teledentistry care be in parity with the care patients receive in brick and mortar dental offices.

The California law goes into effect in January 2020 and builds on a trend across the country of state laws that protect patients who choose teledentistry for their dental care.

“This is a very positive development for teledentistry, which the ADA supports as a technology that will increase access to care for the public,” states Chad Gehani, D.D.S., ADA president. “The California law requires parity of teledentistry platforms with the quality of care provided to patients in their dentists’ offices.”

The law includes these specific patient protection requirements:

- providing the treating dentist's name, license number and dental board contact information,

- review of a patient's most recent dental x-rays prior to beginning orthodontic treatment,
- a patient examination, including completion of a medical and dental history, diagnosis and treatment plan and,
- recourse for the patient to report to the dental board incidents of treatment that fall below the standard of care, even if the patient has signed an arbitration clause or nondisclosure agreement.

“Parity in the quality of care provided to patients regardless of how dental services are delivered also includes documented, ongoing review of treatment progress so any necessary modifications to it can be made,” Dr. Gehani said.

According to Dr. Gehani, “The ADA is supportive of additional state legislative action that puts patient safety at the forefront. For the sake of the patient, dental treatment must meet the same standard of care whether that care is delivered in person by the dentist or remotely using telehealth platforms.”

A number of other states are in the process of passing or have passed legislation that promotes parity in the standard of care for teledentistry with in-office care:

- Massachusetts has several pending bills related to telemedicine, including bills that would define and outline the practices and protocols for healthcare providers including an “oral health provider”
- Laws in Arizona, Ohio, Oregon, South Dakota and Tennessee require that the delivery of teledentistry services is consistent with in-person delivery of care or that the teledental services comply with scope of practice laws in the state
- Statutes in Arizona, Ohio and Tennessee establish protection and security of patients' private health information

A national policy on teledentistry, adopted by the ADA in 2015, addresses patients' rights, quality of care, licensure requirements, and supervision of dental personnel.

“The ADA welcomes innovations in the delivery of dental care so long as those innovations meet the same standard of care patients have a right to expect in dental offices across the country,” Dr. Gehani concluded.

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## About the ADA

*The not-for-profit ADA is the nation's largest dental association, representing 163,000 dentist members. The premier source of oral health information, the ADA has advocated for the public's health and promoted the art and science of dentistry since 1859. The ADA's state-of-the-art research facilities develop and test dental products and materials that have advanced the practice of dentistry and made the patient experience more positive. The ADA Seal of Acceptance long has been a valuable and respected guide to consumer dental care products. The monthly The Journal of the American Dental Association (JADA) is the ADA's flagship publication and the best-read scientific journal in dentistry. For more information about the ADA, visit [ADA.org](http://ADA.org). For more information on oral health, including prevention, care and treatment of dental disease, visit the ADA's consumer website [MouthHealthy.org](http://MouthHealthy.org).*

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