



Telehealth Guidelines

In response to the COVID-19 pandemic, the US government declared a federal public health emergency and many states restricted dental care to only emergency dental procedures. These actions created an overnight dental treatment void which left many patients and providers searching for treatment options. Telehealth consultation provided a treatment option that was readily adopted by oral maxillofacial surgeons and patients.

The regulations governing virtual communication for dentists and patients are evolving along with coding and billing protocols. It is important to monitor federal and state regulations and professional association recommendations to ensure you are offering these services in accordance with applicable laws and standards.

These Guidelines respond to some of the common questions from OMS related to the delivery of teledentistry services and are to be considered in context of the applicable federal and state regulations and professional association recommendations.

Telehealth and Teledentistry Foundations

[According to the ADA](#), telehealth is not a specific service, but rather, a broad variety of technologies and tactics used to deliver virtual medical, health, and education services. Teledentistry is a subset of telehealth that refers to the use of telehealth systems and methodologies in dentistry.

The [2015 ADA Policy on Teledentistry](#) provides general guidance on the use of telehealth systems and methodologies in dentistry. Specific topics covered in the statement include information on patients' rights, quality of care, supervision of allied dental personnel, licensure, reimbursement and technical considerations.

Telehealth can include patient care and education delivered through live video connection (synchronous), store-and-forward technologies (asynchronous), remote patient monitoring, and mobile health relying on cell phones and computers modalities.

Regarding the quality of care the [ADA states](#) that with teledentistry:

Services delivered via teledentistry should be consistent with in person services, and the delivery of services utilizing these modalities must abide by laws addressing privacy and security of a patient's dental/medical information.

Potential Liability Related to Telehealth Consultations

Provider liability risks related to telehealth consultations are much the same as in person treatment. For example, a clinician encountering a potentially life-threatening condition via telehealth evaluation who does not refer the patient for an in-office evaluation or to the emergency room may face a potential liability risk if an adverse event were to occur.

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OMSNIC Policy Coverage

If your patients are located in a state in which you are authorized or licensed to practice, and the treatment is rendered in accordance with local, state and federal laws, [you are covered](#).

As always, coverage under professional liability policies is triggered by specific patient allegations and coverage can only be determined based on the facts of a claim. It is important to document all patient interactions including virtual ones.

Identifying Telehealth Law and Regulations

Most states require dentists to be licensed in the state where the patient is treated. Some states grant temporary licenses for teledentistry services while other states participate in reciprocity agreements.

As a result of COVID-19, many states have enacted temporary rules and regulations to expand the utilization of telehealth on a temporary basis. A state-by-state summary of telehealth and teledentistry laws and reimbursement policies is available from the [Center for Connected Health Policy](#).

There are several additional sources available to assist policyholders in determining if telehealth is an option for their practice including state licensing boards, your insurance agent, and your personal legal counsel. Additionally, you may refer to [the AAOMS](#) and the [ADA](#) websites for clinical and billing guidance related to telehealth consultation services.

Patient Selection and Telehealth Consultation

The use of teledentistry has expanded from triaging patients to determine which patients needed emergency care to other patient encounters such as consultations and/or post-op visits. Ultimately, the decision on how telehealth is utilized in the dental practice is a decision that includes an evaluation of your patient population and practice needs.

If utilized, it is important to consider that not every patient may be considered an appropriate candidate for a virtual visit. Some of the factors to consider in the identification of patients that can benefit from a telehealth consultation include: the patient's presentation, their access to and comfort level with technology, and whether proceeding with the telehealth consultation is in the patient's best interest.

After a provider has determined that a patient is a candidate for a teledentistry consultation, OMSNIC supports the appropriate patient selection with a patient acknowledgment form for telehealth consultation services. This form provides information

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to patients about the diagnostic and technical limits of a telehealth consultation, that clinical follow up may be required after the virtual visit, and that the patient will seek emergency care if at any time during or after the consultation that the patient experiences a life threatening emergency. Documentation related to these educational efforts should be included in the patient's clinical record.

In addition to providing patient education on the limits of teledentistry, patients need to be aware that they are required to be more active during the virtual consultation as compared to an in person consultation. For example, in order to optimize the consultation, patients may need to connect to a video link, take and send digital images, reposition the camera during the consultation, and follow the directions of the provider. For some patients, a teledentistry practice session may help to determine if the patient is appropriate for teledentistry.

Regulations

With the declaration of the federal public health emergency, several of the accepted technologies and [methods for telehealth services were expanded](#) to include methods which previously may not have fully complied with the requirements of the HIPAA rules. Practices using telehealth during the pandemic should be aware that these expanded options are temporary.

The federal government has published numerous resources to support [providers](#) deliver telehealth services and to help [patients](#) prepare for a telehealth visit. Regulations governing virtual communication between providers and patients are evolving along with coding and billing protocols. It is important to monitor federal and state regulations and professional association recommendations to ensure you are offering these services in accordance with applicable laws and standards.

Patient Acknowledgment

OMSNIC recommends that patients sign an acknowledgement form to document their understanding of the risks and limitations inherent with a teledentistry evaluation.

These risks may include privacy and administrative concerns and factors related to the limited scope of clinical information that can be exchanged through a telehealth exam.

If during the telehealth examination, it is determined that additional clinical services are required, a procedure-specific informed consent form can be used to outline the patient-specific risks, benefits, and alternatives to the proposed treatment or procedure. As a reminder, informed consent during a virtual and an in person visit is the same process involving

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- a discussion between the treating doctor and patient;
- a consent form signed by the treating doctor, patient and a witness; and
- notes documenting the informed consent process in the patient's chart.

OMSNIC provides the [COVID-19 Pandemic - Patient Disclosure form](#) to gather the patient's history related to virus risk exposure and to screen for safety of an in-person or virtual visit.

The [COVID-19 Pandemic Dental Treatment Notice and Acknowledgement of Risk form](#) is also available from OMSNIC. It documents the patient's understanding of virus exposure risk from receiving dental treatment amidst the pandemic. During the telehealth examination, some dentists may decide to review these forms with their patients.

Clinical Documentation

Documentation is critical for telehealth consultations, just as it is with traditional office visits. Clinical documentation captures the presentation, examination findings, and a clinical differential diagnosis that forms the basis for a patient's treatment plan. OMSNIC's article, [Clinical Documentation Remains a Prudent Risk Management Strategy](#), provides reminders of the importance of detailed clinical documentation.

Specific to telehealth, it is important that the clinical documentation include the indications for the telehealth consultation and the medical information relied on for any prescribing or treatment decisions. In addition to documenting the treatment decisions, also consider documenting:

- who participated in the telehealth session,
- confirmation of the patient's identification,
- the patient's ability to follow directions during the consultation,
- the technology utilized,
- the length of the consultation, and
- any technological, audio, or video challenges experienced during the telehealth consultation.

Practice Considerations

As a reminder, the regulations governing virtual communication for dentists and patients are evolving along with coding and billing protocols. It is important to monitor federal and state regulations and professional association recommendations to ensure you are offering these services in accordance with applicable laws and standards.

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Patient safety and risk management considerations remain the same, regardless of treatment location or modality. By working closely with your staff to deliver coordinated telehealth services, virtual consultation can continue to provide a safe and important role in providing treatment options during and beyond the COVID-19 pandemic.

Summary of Telehealth Resources

The links below include resources to assist with the delivery of teledentistry services.

OMSNIC Resources

[OMSNIC COVID-19 Patient Disclosures](#)

- [Spanish version](#)

[OMSNIC COVID-19 Pandemic Dental Treatment Notice and Acknowledgment of Risk Form](#)

- [Spanish version](#)

[OMSNIC Patient Acknowledgement - Telehealth Consultation Services Form](#)

- [Spanish version](#)

[OMSNIC Telehealth Patient Safety Considerations for Policyholders](#)

External Resources

[ADA Coronavirus \(COVID-19\) Center for Dentists](#)

[ADA Guide to Understanding and Documenting Teledentistry Events](#)

[AAOMS COVID-19 Updates](#)

[AAOMS Telehealth Resources](#)

[National Consortium of Telehealth Resource Centers](#)

[American TeleDentistry Association](#)

[Telehealth.HHS.Gov](#)

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