

SPECIAL EDITION RISK MANAGEMENT ARTICLE

Teledentistry: Risk Management Considerations for Dentists

The ongoing novel coronavirus (COVID-19) global pandemic, digital technology advancements, and the need for dentists to more readily consult with colleagues and specialty practices so they can ensure optimal patient outcomes are among the factors driving the expansion of telemedicine into dentistry in the form of teledentistry. Teledentistry involves the use of health information and telecommunications technology to deliver oral care, consultations, and education. As with many advancements, teledentistry carries both benefits and risks. Benefits include the ability to support patient care while mitigating COVID-19 transmission, and easier access to others' expertise so dentists and patients can make better treatment decisions; risks include professional liability claims and licensing board actions. To reap benefits and reduce risks, dentists need to follow best practices.

Reasons for teledentistry

The need to increase access to dental care in underserved areas has led to the rise of new care models that incorporate telehealth technology, or teledentistry. Teledentistry includes the remote provision of dental treatment or advice using encrypted patient electronic data, via the use of electronic health records, videoconferencing, and/or intraoral photographs and radiographic images.

Teledentistry can occur in real-time using synchronous communication methods, or it can be asynchronous, meaning that there is no real-time interaction between the provider and the patient and information is stored and forwarded. For example, a dentist might send a full mouth series to another dentist for a second opinion, or a dentist or endodontist might send a CBCT scan to an oral and maxillofacial radiologist for an interpretation.

Licensing and liability

Any legal action or professional board case would include an analysis of how the practitioner's behavior conformed to state statutes and/or regulations. Guidelines from professional associations may also be included in the analysis, even if the guidance states that they do not comprise a standard of care. The [American Teledentistry Association](#) is a good source of information about the practice of teledentistry and related regulations. There are also several American Dental Association (ADA) resources related to teledentistry that can provide background information on the topic:

- The [Comprehensive ADA Policy Statement on Teledentistry](#), which was passed by the ADA House of Delegates and last updated in 2015 as of this writing.
- [D9995 and D9996 – ADA Guide to Understanding and Documenting Teledentistry Events](#), written to educate dentists and others in the dental community on these procedures and their codes, published in 2018.
- [ADA Technical Report No. 1060, The Secure Exchange and Utilization of Digital Images in Dentistry](#), which was published in 2011.
- The ADA's [COVID-19 Coding and Billing Interim Guidance](#) can aid dentists in working through the procedural steps to offering teledentistry during the COVID-19 national health emergency period.

When it comes to licensure requirements for dentists providing teledentistry services, the ADA policy statement notes, "any dentist delivering services using teledentistry technologies will be licensed in the state where the patient receives services or be providing these services as otherwise authorized by that state's dental board." Overall, the ADA policy defers to individual state requirements. The ADA technical report discusses a "virtual patient" who is "transmitted" to another practitioner who "receives" the patient. Therefore, dentists practicing teledentistry should be licensed in the state where he or she is receiving the "patient." In essence, the ADA report says that the patient has travelled to another location to receive services. However, some states require

dentists to adhere to the licensing requirements of the patient's state, so dentists should be aware of individual state requirements for licensure and teledentistry.

Referring dentists using teledentistry to obtain second opinions or specialty consultations also have responsibilities. The ADA policy statement noted that the dentist is responsible for "the safety and quality of services provided to patients using teledentistry technologies and methods." For example, if an oral and maxillofacial radiologist incorrectly interprets a report, the dentist treating the patient could still be held liable for treatment of the patient if the interpretation was deemed to be one that the dentist should not have accepted in light of the patient's condition.

The bottom line is that dentists should be aware of state laws and regulations related to teledentistry and provide care that aligns with state standards of practice.

Security and quality

Given the spate of hacking and data access problems in recent years, as well as Health Insurance Portability and Accountability Act (HIPAA) requirements for privacy, it comes as no surprise that ensuring security of information is key to avoid possible litigation related to inappropriate access to patient data. In fact, the ADA policy statement on teledentistry notes that privacy and security of patient information must be maintained. All dentists and staff need to keep HIPAA requirements in mind. It is also vital to ensure the quality of information obtained and exchanged.

The ADA policy statement encourages dentists to conform with data exchange standards and lists these to consider:

- *Digital Imaging and Communications in Medicine (DICOM) standards.* Select an imaging system that conforms with these standards, which will ensure smooth exchange of dental image files.
- *X12/HL7.* These data standards help protect the information being transmitted. HL7 sends small packets of information when they are available, but X12 sends more the complete information later in the process.
- *ICD-10-CM/SNOMED/SNODENT.* Using consistent terms to describe dental disease and findings will help clarify communication and facilitate full reimbursement.
- *Dentists do not need to be experts in DICOM or X12/HL7; instead, it is best to consult with a security expert when setting up systems to exchange information.* When consulting with experts, dentists should be aware that systems and processes being used to transmit images and data need to meet security requirements under the Health Information Technology for Economic and Clinical Health Act of 2009. There may also be state-specific requirements.

Patient rights

Patients receiving teledentistry services have the right to expect the same quality of care they receive from their primary dentist. The dentist who sees and examines the patient has a distinct advantage over one who is simply reviewing images; the consulting dentist should also follow evidence-based practice guidelines.

The ADA policy statement on teledentistry outlines the rights of patients who are receiving these services, including being actively involved in treatment decisions and that services are provided in accordance with applicable laws and regulations related to the privacy and security of protected health information.

Policies and documentation

Any teledentistry services requested or provided should be documented in the patient's dental record. If images are being sent for a second opinion, the referring dentist should note that in the record, then include the returned opinion and how it factored into any treatment decision.

Images must also be properly documented to ensure they are linked to the correct patient. The ADA Technical Report No. 1060: The Secure Exchange and Utilization of Digital Images in Dentistry states that when the image is acquired, the following should be documented: patient name, identification numbers, date and time of

the examination, name of facility, type of examination, anatomic orientation, and amount and method of data compression. A brief patient history is also suggested.

Images do not have to be archived by the receiving site as long as the sending site is doing so, although the files must be retained for the length of time that meets state or local requirements.

All dentists engaging in teleradiology should have policies and procedures in place. Staff need to receive education, for example, on how to transmit a file securely; attendance at education programs should be documented.

Knowledge is power

Teledentistry can be a powerful tool for delivering patient care, but as with any tool, knowledge is essential for proper use. Dentists must ensure secure exchange of information, understand professional guidelines and governmental requirements, and verify that they have the liability and licensure protection they need. Only then can they take full advantage of teledentistry without putting their practice or their licenses in jeopardy.

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RESOURCES

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