

# Support HB1151 to improve access to oral care through telehealth



## The problem

The North Dakota Century Code §26.1-36.09.15 provides a definition of “telehealth” to support health insurance reimbursement for health care services to North Dakota patients through telehealth technologies. However, the Dental Practices Chapter 43-28 of North Dakota Century Code does not include any similar language to permit North Dakota licensed dentists to evaluate, diagnose and treat North Dakota patients using remote technology.

## The solution

House Bill 1151 codifies “telehealth” within North Dakota Century Code Chapter 43-28 to protect both North Dakota patients and North Dakota licensed dentists through similar statutory language already enacted for North Dakota physicians in North Dakota Century Code §43-17-44.

### Why supporting HB1151 matters to North Dakotans

**HB1151 ensures that dentists and orthodontists are held to the same standard of care regardless of modality used to provide that care. The legislation protects patients while allowing for innovative telehealth technologies to increase access and reduce the cost of care. Many people forgo oral care because of cost or inability to travel long distances. HB1151 will enable unserved and underserved communities across North Dakota use telehealth technologies to get the oral care they need and deserve.**

## Details about the legislation

- Holds all dentists to **the same standard of care** with telehealth as for in-person care.
- Imposes the **following responsibilities** on dentists when using telehealth technologies:
  - » *“A dentist practicing telehealth **shall establish a bona fide relationship** with a patient before the diagnosis or treatment of the patient.”*
  - » *“A dentist practicing telehealth shall **verify the identity of the patient** seeking care...”*
  - » *“[A dentist practicing telehealth] shall ensure the patient **has the ability to verify the identity and licensure** status of a dentist...”*
  - » *A dentist shall “**practice only in areas in which the dentist has demonstrated** competence, based on the dentist’s training, ability, and experience.”*
  - » *Requires that dentist “perform an examination or evaluation” that is “**equivalent to an in-person examination.**”*
  - » *Requires that a dentist examine “**appropriate diagnostic testing** and use of peripherals that would be deemed necessary in a **like in-person** examination or evaluation...”*
  - » *Clarifies that an “examination or evaluation consisting only of a static online questionnaire of an audio conversation **does not meet** the standard of care.”*
  - » *Clarifies that any dentist using telehealth is still “**subject to all North Dakota laws**” regarding dental record keeping.*
  - » *Encourages dentists to “**make appropriate referrals** of patients...”*