

March 2, 2021

The Honorable Judy Lee  
North Dakota Senate  
State Capitol  
600 East Boulevard  
Bismarck, ND 58505-0360

**RE: ATDA Support of HB1151**

Dear Senator Lee,

My name is Dr. Marc Ackerman and I am the Executive Director of the American Teledentistry Association (ATDA), I am also a licensed and practicing dentist, work and teach at a major Boston facility, am a recipient of the B.F. and Helen E. Dewel Award, and have a deep passion for helping others and making sure that everyone receives the care that they deserve. That is why I signed on with the American Teledentistry Association's mission to increase access to quality, affordable dental care and that is why I write to you today on the critical legislative matter regarding HB1151. The ATDA strongly supports House Bill 1151 and urges legislature to pass the bill as introduced for the reasons below.

This legislation provides important patient protections, including requiring a dentist using telehealth technologies to:

- Have demonstrated competence to perform the service requested by the patient based on the dentist's training, ability and experience;
- Verify the identity of the patient receiving care;
- Ensure that the patient can verify the dentist's identity and licensure status;
- Perform an appropriate examination that is equivalent to an in-person examination, including using appropriate diagnostic tests to formulate an individualized treatment plan;
- Adhere to all relevant laws for dental records and the provision of those records; and
- Make appropriate referrals for in-person care when needed.

All of these protections will allow patients to be confident that they are receiving care from a North Dakota-licensed dentist or orthodontist who is in good standing with the Board and ensures that a patient can hold their treating dentist accountable with the Board should a complaint arise. Furthermore, it clarifies that a practitioner can use telehealth technologies to establish a bona fide relationship with the patient as long as it meets the standard of care. Allowing the use of telehealth technologies to establish a relationship is vital to expanding access to care for rural, working-class, and underserved communities who too often forgo care because of financial or geographic barriers, or simply because they do not have access to a convenient oral healthcare provider who can fit in to their busy work-life schedule.

In fact, according to the Center for Disease Control, over 30% of North Dakotans forwent a needed dental appointment. According to the American Dental Association's Health Policy Institute, 40% of North Dakota patients who had not visited a dentist in the past year did not do so because there was no convenient dental

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office nearby. This is supported by North Dakota's own data which found that "North Dakota is characterized by a chronic shortage of health professionals in rural areas." Similarly, the UND Center for Rural Health found that "nearly half of ND counties have no dentists or just one" while "over 60% of all practicing dentists are located in the four largest counties" in North Dakota. This is likely why the Center for Health Workforce Studies found that "initiating the use of teledentistry" would "address unmet need for oral health services" in North Dakota – and by allowing a relationship to be established via telehealth technologies, many of these patients will finally be able to get the care they want, need, and deserve.

Furthermore, the ATDA has a long-standing policy of endorsing legislation that holds dentists to the same standard of care regardless of which delivery modality they use. Simply put, the standard of care guides clinical decision making for all providers and indicates the appropriateness of using telehealth to evaluate, diagnose, and treat their patients. House Bill 1151 is a fantastic example of legislation that holds all dentists – both those using traditional in-person tools and those using telehealth tools – to the same standard of care which, in turn, ensures that all appropriate treatment options are available to the dentist and patient without any arbitrary or clinically-unsupported restrictions limiting access to care.

The ATDA also supports the prescription authority granted in this legislation. This will allow practitioners to prescribe medications and medical devices – such as clear aligners – to patients remotely. Without the prescription authority granted in this bill, it would drastically limit the ability for a practitioner to effectively render treatment remotely.

Lastly, this legislation also brings parity to the Dental and Medical Practice Acts as this legislation tracks nearly identical language in the Medical Practice Act. It is common-sense policy to hold all practitioners to the standard of care, regardless of whether they are an MD or a DDS.

By passing this legislation, it will ensure that access to oral healthcare is available for any North Dakotan who wants and needs it. Telehealth technologies make it easier for patients to receive high-quality, affordable, and convenient care where, how, and when the patient wants it – it is truly a "patient-centered" experience.

To this end, the ATDA supports the telehealth standards and patient protections found in HB1151 as it will align the standard of care to a level of parity regardless of the method of care delivery while simultaneously including important patient protections. By allowing for all appropriate communication modalities and equalizing the standards for telehealth and traditional health care, countless people will be able to finally get the care they need and want. Thank you again for your efforts and if you have any questions at all, please do not hesitate to call me at 617-413-2740.

Sincerely,

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