

**§ 90-30.2. Teledentistry practice; definitions; requirements.**

- (a) The following definitions apply in this section:
- (1) Authorized person. – An appropriate person with legal authority to make the health care treatment decision for a patient.
  - (2) Licensed dental hygienist. – An individual who holds a valid license to practice dental hygiene duly issued by the North Carolina Board of Dental Examiners in accordance with Article 16 of this Chapter.
  - (3) Licensed dentist. – A person who holds a valid license to practice dentistry duly issued by the North Carolina Board of Dental Examiners in accordance with this Article.
  - (4) Licensee. – A person who is a licensed dental hygienist or licensed dentist in this State.
  - (5) Practice of teledentistry. – The provision of dental services by use of any electronic or other digital means, as authorized in G.S. 90-29(b)(11) and provided for in subsection (b) of this section.
  - (6) Supervision. – Acts are deemed to be under the supervision of a licensed dentist when performed pursuant to the licensed dentist's order, control, and approval and do not require the physical presence of the licensed dentist.
- (b) Practice of Teledentistry Requirements. – For the purposes of this Article, the practice of teledentistry includes any of the following:
- (1) Delivery of service. – Teledentistry services may be delivered by a licensed dentist or a licensed dental hygienist who is under the supervision of a licensed dentist. Licensees shall comply with all rules of professional conduct and applicable State and federal law relevant to licensed dentists and licensed dental hygienists when delivering teledentistry services.
  - (2) Encounter location. – The location of service is determined at the time teledentistry services are initiated, as follows:
    - a. When the service is between patient and provider, the location of the patient is the originating site, and the location of the provider is the distant site.
    - b. When the service is between providers, conducted for the purposes of consultation, the location of the provider initiating the consult is the originating site, and the location of the consulting provider is the distant site.
  - (3) Data. – Any licensee, patient, or authorized person may transmit data, electronic images, and related information as appropriate to provide teledentistry services to a patient.
  - (4) Patient care. – A licensee using teledentistry services in the provision of dental services to a patient shall take appropriate steps to establish the licensee-patient relationship, conduct all appropriate evaluations and history of the patient, and provide access to comprehensive dental care where clinically indicated.
  - (5) Evaluations. – Notwithstanding any provision of law to the contrary, patient evaluations may be conducted by a licensed dentist using teledentistry modalities.
- (c) Informed Consent. – A licensee who provides or facilitates the use of teledentistry shall ensure that the informed consent of the patient or authorized person is obtained before services are provided through teledentistry. All informed consents shall be included in the patient's dental records. To obtain an informed consent, the licensee shall do all of the following:
- (1) Confirm the identity of the requesting patient.

- (2) Verify and authenticate the patient's health history.
- (3) Disclose the licensee's identity, applicable credentials, and contact information, including a current phone number and mailing address of the licensee's practice.
- (4) Obtain an appropriate informed consent from the requesting patient after disclosures have been made regarding the delivery models and treatment methods and limitations, including any special informed consents regarding the use of teledentistry services.
- (5) In addition to other areas that must be discussed in traditional in-person dental encounters with a patient before treatment, the informed consent shall inform the patient or authorized person and document acknowledgment of the risk and limitations of all of the following:
  - a. The use of electronic communications in the provision of care.
  - b. The potential for breach of confidentiality, or inadvertent access of protected health information using electronic and digital communication in the use of teledentistry.
  - c. The types of activities permitted using teledentistry services.
- (6) Inform the patient or authorized person that it is the role of the licensed dentist to determine whether the condition being diagnosed or treated is appropriate for a teledentistry encounter.
- (7) Obtain written consent from the patient or authorized person to forward patient-identifiable information to a third party.
- (8) Provide the patient and authorized person with contact information for the North Carolina State Board of Dental Examiners and a description of, or link to, the patient complaint process.

(d) Confidentiality. – The licensee shall ensure that any electronic and digital communication used in the practice of teledentistry is secure to maintain confidentiality of the patient's medical information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and all other applicable laws and administrative regulations. Patients receiving services through teledentistry under this section are entitled to protection of their medical information no less stringent than the requirements that apply to patients receiving in-person services.

(e) Patient Dental Records. – Records of teledentistry services provided to a patient or authorized person shall be held to the same record retention standards as records of traditional in-person dental encounters. A patient record established during the use of teledentistry services shall be accessible to both the licensee and the patient or authorized person, consistent with all established State and federal laws and regulations governing patient health care records. In addition to other areas that must be included in traditional in-person dental encounters, the licensee shall document or record in the patient dental record all of the following:

- (1) The patient's presenting problem.
- (2) The patient's diagnosis.
- (3) The patient's treatment plan.
- (4) A description of all services that were provided through teledentistry.

(f) Prescribing. – The indication, appropriateness, and safety considerations for each prescription for medication, laboratory services, or dental laboratory services provided through the use of teledentistry shall be evaluated by the licensed dentist in accordance with applicable law and current standards of care, including those for appropriate documentation. A licensed dentist's use of teledentistry carries the same professional accountability as a prescription issued in connection with an in-person encounter. A licensed dentist who prescribes any type of analgesic or pain medication as part of the provision of teledentistry services shall comply with

all applicable North Carolina Controlled Substance Reporting System requirements. (2021-95, s. 1(b).)