

Chapter 150-26 – Teledentistry

Rule 150-26-.01 Definitions

- (1) The definitions contained in O.C.G.A. § 43-11-54(a) are hereby incorporated by reference.
- (2) The following additional definitions apply:
 - (a) “Board Notification” means the written submission required under Rule 150-26-.02 prior to initiating teledentistry services.
 - (b) “Non-reversible treatment” means any procedure that permanently alters hard or soft oral tissues, including but not limited to extractions, irreversible pulp therapy, surgical procedures, or preparation of teeth for restorations.
 - (c) “Physical Office” means a permanent, fixed, and immobile facility, which has a physical address serviced by the United States Postal Service, from which a Georgia licensed dentist regularly and personally treats patients, and which is compliant with the Board’s infection control rules.
 1. Post office boxes, virtual offices, physical mailing addresses other than a Physical Office, corporate business offices, call centers or data processing centers, mobile or non-permanent locations shall not constitute a Physical Office.
 - (d) “Teledentistry Encounter Record” means the documentation required under Rule 150-26-.05 for each teledentistry interaction.

Rule 150-26-.02 Notice of Intent and Registration

- (1) Prior to providing dental care through teledentistry pursuant to O.C.G.A. § 43-11-54, a licensed dentist shall file a Notice of Intent with the Board.
- (2) Notice of Intent shall be on a form specified by the Board, and shall include:
 - (a) Attestation of active Georgia licensure in good standing;
 - (b) Physical office address for provision of dental services in Georgia;
 - (c) Name, license number, and office address of the Referred Dentist;
 - (d) Attestation of HIPAA compliance;
 - (e) Attestation of compliance with professional liability insurance requirements.
- (3) Any change to information required by paragraph (2)(b) or (2)(c) of this Rule shall be reported to the Board in writing within 10 days.

Rule 150-26-.03 Clinical Standards

- (1) Teledentistry services shall adhere to the same standard of care as in-person dental treatment.
- (2) A bona fide dentist-patient relationship shall be established consistent with statutory requirements.
- (3) An in-person clinical examination is required prior to providing or authorizing non-reversible or high-risk procedures.
- (4) Services prohibited by statute, including orthodontics and delivery of dental appliances, shall not be provided via teledentistry.

Rule 150-26-.04 Supervision and Hygienist Requirements

- (1) An Authorizing Dentist shall not supervise more than four dental hygienists simultaneously providing services via teledentistry.
- (2) A dental hygienist providing services via teledentistry must:
 - (a) Have at least two years of clinical experience;
 - (b) Maintain CPR certification;
 - (c) Maintain continuing education compliance;
 - (d) Maintain professional liability insurance unless exempt under sovereign immunity.
- (3) It shall be the responsibility of the Authorizing Dentist to ensure that any dental hygienist authorized to practice in a teledentistry setting meets the requirements of paragraph (2) of this Rule.
- (4) Written authorization shall be documented electronically and maintained in the patient record.

Rule 150-26-.05 Recordkeeping

- (1) The Authorizing Dentist shall be custodian of records as required by statute.
- (2) Each Teledentistry Encounter Record shall include:
 - (a) Date and time;
 - (b) Verification of patient identity;
 - (c) Confirmation of patient's physical location in Georgia;
 - (d) Review of medical and dental history;
 - (e) Diagnostic materials reviewed;
 - (f) Written authorization documentation;
 - (g) Referral information provided;
 - (h) Informed consent documentation.
- (3) Records shall be retained consistent with existing Board retention rules.

Rule 150-26-.06 Informed Consent

- (1) Informed consent shall be obtained prior to first teledentistry service and annually thereafter.
- (2) Informed consent shall include:
 - (a) Statement that teledentistry is not equivalent to an in-person clinical examination;
 - (b) Disclosure that Authorizing Dentist will not be physically present;
 - (c) Emergency referral protocol;
 - (d) Alternatives to teledentistry.

Rule 150-26-.07 Referral Relationship and Referral Agreement

- (1) Prior to providing teledentistry services, an Authorizing Dentist shall establish and maintain a referral relationship with a Referred Dentist practicing in a physical and operational dental office located in the State of Georgia. Such referral relationship shall be evidenced and supported by a written referral agreement.
- (2) The written referral agreement shall include:
 - (a) Legal name and Georgia license number of the Authorizing Dentist;
 - (b) Legal name and Georgia license number of the Referred Dentist;
 - (c) Address of the physical and operational dental office of the Referred Dentist;
 - (d) Contact information for the Referred Dentist;
 1. Contact information shall be the same as that provided to patients at the time teledentistry services are performed, and shall be sufficient to allow the patient to schedule emergency treatment by the Referred Dentist, if necessary.
 - (e) Agreement between the Authorizing Dentist and the Referred Dentist that:
 1. The Referred Dentist shall accept referrals from the Authorizing Dentist of patients treated by teledentistry for in-person evaluation and treatment, if clinically indicated;
 2. The Referred Dentist shall accept and manage dental emergencies for the teledentistry patients of the Authorizing Dentist, if necessary;
 3. The Referred Dentist shall transfer to the Authorizing Dentist the dental records of any teledentistry patient of the Authorizing Dentist who is treated by the Referred Dentist, and shall specify the method and timeframe for the transfer of such records;
 - (i) In no event shall the timeframe specified for the transfer of such records be more than 30 calendar days after treatment.
 - (f) The effective date of the referral agreement, and the expiration date of such agreement if specified at the time of the creation of the referral agreement.
- (3) The Referred Dentist shall be reasonably accessible to patients receiving teledentistry services. The Board may consider geographic proximity, travel time, and availability of in-person services by the Referred Dentist when determining compliance.
 - (a) An Authorizing Dentist may serve as the Referred Dentist for patients treated by the Authorizing Dentist via teledentistry, including but not limited to those patients receiving teledentistry services listed in O.C.G.A. § 43-11-54(d)(6). In such cases, the Board shall make the same considerations relative to the Authorizing Dentist as it would be made relative to a Referred Dentist under this Rule.

Rule 150-26-.08 Termination of the Referral Relationship

- (1) Notice of termination of a referral relationship must be made in writing to the other party to the referral agreement and shall be treated as effective immediately upon receipt by the other party. A copy of the notice of termination shall be sent to the Board contemporaneously with the transmittal, by any means, to the other party.
- (2) Upon termination of the referral relationship, the Authorizing Dentist shall:
 - (a) Immediately discontinue providing teledentistry services for any patient for whom referral coverage was to be provided under the terminated agreement, and shall not resume providing such services until such time as a new referral agreement is established by written agreement in accord with this Rule.
 1. Notwithstanding paragraph (2)(a) of the Rule, upon providing notice to the patient and making a record in the patient's file, the Authorizing Dentist may continue to treat any patient who:
 - (i) Is unaffected by the termination of a referral agreement because the Referred Dentist responsibilities relative to such patient are covered by another referral agreement then existing at the time of the treatment; or
 - (ii) The Authorizing Dentist personally accepts responsibility as the Referred Dentist relative to such patient.

Rule 150-26-.09 Written Authorization of Dental Hygiene Practice in Teledentistry

- (1) Authorizing Dentists shall develop and maintain written policies and protocols which ensure compliance with the laws and rules governing the practice of dental hygienists in a teledentistry setting.

Rule 150-26-.10 Limits of Simultaneous Supervision

An Authorizing Dentist shall not simultaneously supervise more than four (4) dental hygienists engaged in the practice of dental hygiene in a teledentistry setting. A licensed dentist may only authorize a combined total of up to four licensed dental hygienists to provide dental hygiene services pursuant to subsections (g), (h), or (i) of O.C.G.A. § 43-11-74 and subsection (e) of O.C.G.A. § 43-11-54 at any one time.

Rule 150-26-.11 Technical or Other Failures of Synchronous Communications

- (1) It shall be the joint duty of the Authorizing Dentist and the authorized dental hygienist practicing in a teledentistry setting, to ensure that appropriate supervision and synchronous communication are maintained and available during the entirety of such dental hygienist's practice in the teledentistry setting.
 - (a) This rule does not require that an Authorizing Dentist be actively connected and observing a teledentistry interaction. However, such Authorizing Dentist shall be available and accessible to the dental hygienist and the patient during the entirety of the dental hygienist's practice in the teledentistry setting.
- (2) It shall be the responsibility of the Authorizing Dentist and the dental hygienist providing services in a teledentistry setting to ensure that the synchronous communications system and equipment utilized is equipped with an audible alert of loss of service or connectivity.
 - (a) It shall further be their joint responsibility to ensure that such alert is functioning at the time any dental hygiene service is provided in a teledentistry setting.

Rule 150-26-.12 Videographic Monitoring of Long Term In-Person Orthodontic Treatment

- (1) Pursuant to O.C.G.A. § 43-11-54(d), orthodontic diagnosis and treatment planning, and delivery of dental appliances are prohibited in a teledental practice setting.
- (2) Notwithstanding O.C.G.A. § 43-11-54, or any other provision of this Chapter, the utilization of videographic technology to monitor a patient between in-person orthodontic visits as part of a plan of successive in-person orthodontic treatment by a Georgia-licensed dentist shall not be considered teledentistry.
 - (a) Such successive monitoring must be by a Georgia-licensed dentist, who may be assisted by a duly certified expanded duties dental assistant or a dental hygienist under direct supervision of the dentist.

Rule 150-26-.13 Board Authority to Review Required Documentation

- (1) All documentation and records required to be created, maintained, or retained by this Chapter shall be maintained in such form, physical or electronic, as to be readily available for inspection and/or production to the Georgia Board of Dentistry or its agents upon request.
- (2) Upon request from the Georgia Board of Dentistry or its agents, failure to produce any requested documentation shall be considered a violation of the Board's rules of professional conduct and shall forfeit the licensee's eligibility to practice in a teledentistry setting, and may subject the licensee to further disciplinary action.

Rule 150-26-.14 Non-limitation of Public Health Services Otherwise Authorized by Law or Rule

- (1) Nothing in this Chapter shall be construed to prohibit or limit in any way the performance of dental hygiene duties under general supervision at approved dental facilities or approved off-site locations of the Department of Public Health, the Department of Corrections, the Department of Behavioral Health and Developmental Disabilities, or county boards of health, where the performance of such dental hygiene duties under general supervision is otherwise permitted pursuant to O.C.G.A. § 43-11-74 or Ga. Comp. R. & Regs. R. 150-5-.03.
- (2) Nothing in this Chapter shall be construed to prohibit or limit in any way the performance of dental hygienists providing dental screenings in settings which include: schools; hospitals; clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; family violence shelters, as defined in O.C.G.A. § 19-13-20; free health clinics, as defined in O.C.G.A. § 51-1-29.4; and such other health fair settings as have been approved by the Board.