

HOUSE BILL NO. 343

INTRODUCED BY J. GILLETTE

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS ALLOWING FOR THE PRACTICE OF
TELEDENTISTRY; ADDING AND REVISING DEFINITIONS; CREATING REQUIREMENTS FOR THE
PRACTICE OF TELEDENTISTRY; AND AMENDING SECTION 37-4-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Teledentistry -- requirements -- limitations. (1) A dentist may practice
teledentistry if the dentist:

- (a) is licensed and resides in the state;
- (b) is noted as the rendering provider on dental claim submissions;
- (c) provides to each patient or patient's guardian the following:
 - (i) the dentist's name and contact information;
 - (ii) proof of active state licensure;
 - (iii) contact information for emergency care within a geographical region acceptable to the patient; and
 - (iv) for new patients, correspondence that that provides for a timely opportunity for in-person follow-up
care to address identified conditions, patient concerns, or both;
- (d) obtains a medical history, including imaging as necessary, and formulates a diagnosis and
treatment plan prior to providing treatment, issuing prescriptions, or delegating a patient's care to a dental
hygienist or certified dental assistant; and
- (e) provides timely and complete dental records, including imaging, to a patient's dentist of record.

(2) A dentist practicing teledentistry shall establish a dentist-patient relationship prior to initiating care
by completing one of the following:

- (a) an in-person dental interview and physical examination;
- (b) a consultation with another dentist licensed and residing in Montana who has a documented
relationship with the patient; or

1 (c) a synchronous interaction.

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3 **Section 2.** Section 37-4-101, MCA, is amended to read:

4 **"37-4-101. Definitions -- practice of dentistry.** (1) Unless the context requires otherwise, in this
5 chapter, the following definitions apply:

6 (a) "Asynchronous store-and-forward interaction" means transmission of a patient's recorded health
7 care information through information technology to be reviewed by a dentist at a later time.

8 ~~(a)~~(b) "Board" means the board of dentistry provided for in 2-15-1732.

9 ~~(b)~~(c) "Deep sedation" means a drug-induced depression of consciousness during which patients
10 cannot be easily aroused but respond purposefully following repeated or painful stimulation. The ability to
11 independently maintain ventilatory function may be impaired. Patients may require assistance in maintaining a
12 patent airway, and spontaneous ventilation may be inadequate. Cardiovascular function is usually maintained.

13 ~~(c)~~(d) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
14 part 17.

15 ~~(d)~~(e) "General anesthesia" means a drug-induced loss of consciousness during which patients are
16 not arousable, even by painful stimulation. The ability to independently maintain ventilatory function is often
17 impaired. Patients often require assistance in maintaining a patent airway, and positive pressure ventilation
18 may be required because of depressed spontaneous ventilation or drug-induced depression of neuromuscular
19 function. Cardiovascular function may be impaired.

20 (f) "Synchronous interaction" means real-time communication through interactive technology that
21 enables a dentist and a patient to interact simultaneously through two-way video and audio or audio
22 transmission.

23 (g) "Teledentistry" means the practice of dentistry using information technology, interactive electronic
24 communications, or both between a patient at an originating site and a dentist at a distant site with or without an
25 intervening dental hygienist or certified dental assistant. The term includes both synchronous interactions and
26 asynchronous store-and-forward interactions. The practice of teledentistry must meet the requirements set forth
27 in [section 1].

28 (2) Except for the provisions of 37-4-104, a person is practicing dentistry under this chapter if the

1 person:

2 (a) performs, attempts, advertises to perform, causes to be performed by the patient or any other
3 person, or instructs in the performance of dental operations, oral surgery, or dental service of any kind
4 gratuitously or for a salary, fee, money, or other remuneration paid or to be paid, directly or indirectly, to the
5 person, any other person, or any agency;

6 (b) is a manager, proprietor, operator, or conductor of a place where dental operations, oral surgery,
7 or dental services are performed, unless the person is the personal representative of the estate of a deceased
8 dentist or the personal representative of a disabled dentist, as provided in 37-4-104;

9 (c) directly or indirectly, by any means or method, furnishes, supplies, constructs, reproduces, or
10 repairs a prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;

11 (d) places the appliance or structure in the human mouth or attempts to adjust it;

12 (e) advertises to the public, by any method, to furnish, supply, construct, reproduce, or repair a
13 prosthetic denture, bridge, appliance, or other structure to be worn in the human mouth;

14 (f) diagnoses, professes to diagnose, prescribes for, professes to prescribe for, treats, or professes to
15 treat disease, pain, deformity, deficiency, injury, or physical condition of human teeth, jaws, or adjacent
16 structures;

17 (g) extracts or attempts to extract human teeth or corrects, attempts, or professes to correct
18 malpositions of teeth or of the jaw;

19 (h) gives or professes to give interpretations or readings of dental roentgenograms;

20 (i) administers an anesthetic of any nature, subject to the limitations provided in 37-4-511, in
21 connection with a dental operation;

22 (j) uses the words "dentist", "dental surgeon", or "oral surgeon", the letters "D.D.S." or "D.M.D.", or
23 any other words, letters, title, or descriptive matter that in any way represents the person as being able to
24 diagnose, treat, prescribe, or operate for any disease, pain, deformity, deficiency, injury, or physical condition of
25 human teeth, jaws, or adjacent structures;

26 (k) states, advertises, or permits to be stated or advertised, by sign, card, circular, handbill,
27 newspaper, radio, or otherwise, that the person can perform or will attempt to perform dental operations or
28 render a diagnosis in connection with dental operations;

