

**DENTAL BOARD[650]**

**Notice of Intended Action**

**Proposing rule making related to teledentistry  
and providing an opportunity for public comment**

The Dental Board hereby proposes to amend Chapter 27, “Standards of Practice and Principles of Professional Ethics,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code sections 147.76, 153.33 and 272C.3.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code sections 147.2, 153.13, 153.15, 153.17, and 153.38.

*Purpose and Summary*

The primary purpose of these proposed amendments is to define standards of practice for teledentistry. Technological advances have made it possible for dental services to be provided without an on-site dentist. New rule 650—27.12(153) expands access to dental services utilizing available technology. The new rule also establishes criteria to safely provide dental services while maintaining patient confidentiality.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

The rules in this chapter establish the minimum requirements to meet the standard of care in the practice of dentistry. Waiver of these rules would pose a risk to members of the public since it would mitigate the minimum acceptable standard of the practice of dentistry.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on May 15, 2019. Comments should be directed to:

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## Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

### Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Renumber rule **650—27.12(17A,147,153,272C)** as **650—27.13(17A,147,153,272C)**.

ITEM 2. Adopt the following **new** rule 650—27.12(153):

**650—27.12(153) Teledentistry.** This rule establishes the standards of practice for teledentistry.

**27.12(1) Definitions.** As used in this rule:

“*Asynchronous technology*” means store-and-forward technology that allows a dentist, dental hygienist, or dental assistant to transmit a patient’s health information to a dentist for viewing at a later time.

“*Board*” means the Iowa dental board.

“*Synchronous technology*” means two-way audiovisual technology that allows a dentist to see and communicate in real time with a patient who is located in a different physical location.

“*Teledentistry*” means the practice of dentistry when a patient receives dental care in a location where the dentist is not physically at that location but is delivering or overseeing the delivery of those services through the use of teledentistry technology.

“*Teledentistry technology*” means synchronous or asynchronous technology.

**27.12(2) Teledentistry authorized.** In accordance with this rule, a dentist may utilize teledentistry to provide dental care to patients located in Iowa. A dentist shall not provide dental care to a patient located in Iowa based solely on an Internet questionnaire consisting of a static set of questions that have been answered by the patient.

**27.12(3) License required.** A dentist who uses teledentistry in the examination, diagnosis, or treatment of a patient located in Iowa shall hold an active Iowa license to practice dentistry.

**27.12(4) General requirements.** The standard of dental care is the same whether a patient is seen in person or through a teledentistry encounter. The use of teledentistry is not an expansion of the scope of practice for dental hygienists or dental assistants. A dentist who uses teledentistry shall utilize evidence-based teledentistry standards of practice and practice guidelines, to the degree they are available, to ensure patient safety, quality of care, and positive outcomes.

**27.12(5) Calibration training.** The dentist, dental hygienist, and dental assistant shall undergo calibration training for any teledentistry technology utilized. Calibration training shall include communication and data sharing to ensure that the use of teledentistry technologies allows the dentist to provide diagnoses and treatment planning with comparable efficacy to diagnoses and treatment planning provided at an in-person examination. Calibration training includes processes and protocols for screening, data collection, definitive examination, and diagnosis. The purpose of calibration training is to diminish practice inconsistencies and ensure coordinated efforts.

**27.12(6) Informed consent.** When teledentistry will be utilized, a dentist shall ensure informed consent covers the following additional information:

*a.* A description of the types of dental care services provided via teledentistry, including limitations on services;

b. The identity, contact information, licensure, credentials, and qualifications of all dentists, dental hygienists, and dental assistants involved in the patient's dental care; and

c. Precautions for technological failures or emergency situations.

**27.12(7) Examination.** A dentist may use teledentistry to conduct an examination for a new patient or for a new diagnosis if the examination is conducted in accordance with evidence-based standards of practice to sufficiently establish an informed diagnosis. A dentist shall not conduct a dental examination using teledentistry if the standard of care necessitates an in-person dental examination. Once an examination has been conducted, a dentist may delegate the services to be provided.

**27.12(8) Follow-up and emergency care.** A dentist who uses teledentistry shall have adequate knowledge of the nature and availability of local dental resources to provide appropriate follow-up care to a patient following a teledentistry encounter. A dentist shall refer a patient to an acute care facility or an emergency department when referral is necessary for the safety of the patient or in the case of emergency.

**27.12(9) Supervision.** With the exception of administering local anesthesia or nitrous oxide inhalation analgesia, or performing expanded functions, a dentist may delegate and supervise services to be performed to a dental hygienist or dental assistant.

a. When direct supervision of a dental hygienist or dental assistant is required, a dentist may provide direct supervision using synchronous technology. A dentist is not required to directly supervise the entire delivery of dental care but must appear using synchronous technology upon request with a response time similar to what would be expected if the dentist were present in the treatment facility.

b. When general supervision of a dental hygienist or dental assistant is required, a dentist may utilize teledentistry technology.

c. When public health supervision is utilized, a supervising dentist may authorize use of teledentistry technology.

**27.12(10) Patient records.** A teledentistry encounter shall be clearly characterized as such in a patient record.

**27.12(11) Privacy and security.** All dentists, dental hygienists, and dental assistants shall ensure that the use of teledentistry complies with the privacy and security requirements of the Health Insurance Portability and Accountability Act.

ITEM 3. Amend **650—Chapter 27**, implementation sentence, as follows:

These rules are intended to implement Iowa Code sections 153.34(7), ~~153.34(9)~~, 272C.3, 272C.4(1f) and 272C.4(6).