

DRAFT OAR 410-123-1265 Teledentistry (New Rule)

(1) For purposes of this rule Telemedicine/Telehealth, as defined in OAR 410-120-0000, are synonyms and uses of the term are interchangeable. Telemedicine is the use of medical information, exchanged from one site to another, using interactive telecommunications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time, interactive communication between the patient and physician or practitioner at the distant site to improve a patient's health.

(2) Teledentistry means a modality available for dental providers to use for the provision of select covered dental services. Through teledentistry, allied dental personnel working in community settings can be connected with dentists working in a distant site office, clinic, or center using dental information, exchanged from one site to another, using interactive telecommunications equipment that includes, at a minimum, audio and video equipment permitting two-way, real-time, interactive communication between the patient and practitioner at the distant site to improve a patient's health.

(3) Distant site means the site where the allied personnel are working and when performing services in conjunction with a dentist who is not at that site using telehealth technology.

(4) Teledentistry can take multiple forms including, but not limited to:

(a) Live video a two-way interaction between a patient and dentist using audiovisual technology;

(b) Store and forward an asynchronous transmission of recorded health information such as radiographs, photographs, video, digital impressions or photomicrographs transmitted through secure electronic communication system to a dentist and it is reviewed at a later time by a dentist. The

dentist at a distant site reviews the information without the patient being present in real time;

(c) Remote patient monitoring where personal health and dental information is collected by allied dental personnel in one location then transmitted electronically to a dentist in a distant site location for use in care; and

(d) Mobile dentistry health care and public health practices and education supported by mobile communication devices such as cell phones, tablet computers or personal digital assistants.

(5) Provider Requirements, as referenced in OAR 410-130-0610:

(a) The consulting practitioner must be licensed to practice dentistry within the state of Oregon or within the contiguous area of Oregon and must be enrolled as a Division of Medical Assistance Programs (Division) provider.

(b) Providers billing for covered teledentistry/telehealth services are responsible for the following:

(A) Complying with Health Insurance Portability and Accountability Act (HIPAA) and Oregon Health Authority (Authority/OHA) Confidentiality and Privacy Rules and security protections for the patient in connection with the telemedicine communication and related records. Examples of applicable OHA rules are Confidentiality and Privacy Rules include: OAR 943-120-0170, 410-120-1360 and 410-120-1380, and OAR 943 division 14. Examples of federal and state privacy and security laws that may apply include, if applicable, HIPAA (45 CFR Parts 160, 162, and 164), and 42 CFR Part 2, and ORS 646A.600 to 646A.628 (Oregon Consumer Identity Theft Protection Act);

(B) Obtaining and maintaining technology used in the telehealth communication that is compliant with privacy and security standards in HIPAA and Department Privacy and Confidentiality Rules described in subsection (3)(A);

(C) Ensuring policies and procedures are in place to prevent a breach in privacy or exposure of patient health information or records (whether oral or recorded in any form or medium) to unauthorized persons;

(D) Complying with the relevant Health Evidence Review Commission (HERC) practice guideline for telephone and email consultation. Refer to the current prioritized list and practice guidelines at www.oregon.gov/OHA/HPA/CSI-HERC/Pages/Prioritized-List.aspx;

(E) Maintaining clinical and financial documentation related to telehealth services as required in OAR 410-120-1360.

(c) A patient receiving services through teledentistry shall be notified of the right to receive interactive communication with the distant dentist and shall receive an interactive communication with the distant dentist upon request.

(d) A patient may request to have real time communication with the distant dentist at the time of the visit or within 30 days of the original visit.

(6) Billing Requirements:

(a) Unless authorized in OAR 410-120-1200 Exclusions or Telemedicine, OAR 410-130-0610, other types of telecommunications, such as telephone calls, images transmitted via facsimile machines and electronic mail are not covered:

(A) When those types are not being used in lieu of teledentistry, due to limited teledentistry equipment access; or

(B) When those types and specific services are not specifically allowed in this rule per the Oregon Health Evidence Review Commission's Prioritized List of Health Services and Practice Guideline.

(b) An overseeing dentist may bill for teledentistry on the same type of claim form as other types of procedures unless in conflict with the Dental Services rules.

(c) All Dental Services rules, criteria and limits apply to teledentistry services in the same manner as other services.

(d) As stated in ORS 679.543, and this rule, payment for dental services shall not distinguish between services performed using teledentistry, real time or store-and-forward, and services performed in-person.

(7) Teledentistry billing requirements:

(a) The dentist that oversees the episode of teledentistry and who through diagnosis and treatment planning completes the oral evaluation, documents and reports the appropriate teledentistry CDT code.

(b) The overseeing dentist, using D9995 or D9996, as appropriate, bills for the transmission. (See the Dental Billing Instructions for assistance). [SKM1]

(c) The consulting dentist or hygienist may bill a CDT code only if a separately identifiable visit is performed. The visit must meet all criteria of the CDT code billed.

(d) The overseeing dentist is not required to be present with the client at the originating site.;

(e) The consulting dentist or hygienist at the distant site may bill for the evaluation, but not for the transmission (code D9995 or D9996).

(f) Bill the most appropriate CDT code for the evaluation.

(g) Add modifier GT to the CDT code to designate that the evaluation was made by a synchronous (live and interactive) or asynchronous stored and forward transmission [SKM2]

(8) The following CDT codes may be billed using the modality of teledentistry:

(a) D0191 assessment, a limited inspection that is performed to identify possible signs of oral or systemic disease, malformation, or injury, and the potential need for referral for diagnosis and treatment;

(A) When D0191 is reported in conjunction with an oral evaluation (D0120-D0180) using teledentistry D0191 will be disallowed even if done by a different provider.

(B) Both an assessment and evaluation are not to be billed or covered by allied dental personnel and a dentist using the modality of teledentistry, even if due to store and forward review the dates of services are on different days.

- (b) D0120 periodic oral evaluation – established patient;
- (c) D0140 limited oral evaluation, problem focused;
- (d) D0145 Oral evaluation for patient under 3 years of age and counseling with primary caregiver;
- (e) D0150 comprehensive oral evaluation – new or established patient;
- (f) D0160 detailed extensive oral evaluation – problem focused;
- (g) D0170 re-evaluation of a patient – problem focused;
- (h) D0180 comprehensive periodontal evaluation includes probing;
- (i) D0210 intraoral complete series of radiographic images;
- (j) D0220 intraoral periapical first radiographic image;
- (k) D0230 intraoral periapical each additional radiographic image;
- (L) D0270 bitewing single radiographic image;
- (m) D0272 bitewing two radiographic images;
- (n) D0330 panoramic radiographic image;
- (o) D0350 oral facial photographic images