



Teledentistry FAQs

Q. How would I collect signatures or obtain consent on forms such as health history, dental history, HIPAA, informed consent, and personal information, etc? Is verbal consent acceptable or is written consent required? If written is required, how would that be obtained?

A. Section 16284 of the Public Health Code, MCL 333.16284, states that “a health professional shall not provide a telehealth service without directly or indirectly obtaining consent for treatment. This section does not apply to a health professional who is providing a telehealth service to an inmate who is under the jurisdiction of the department of corrections and is housed in a correctional facility.” The provisions above do not define “indirectly obtaining consent” or address how consent should be obtained. However, if indirect consent is acceptable, then offering an electronic signature for consent on the office website, which is direct, should be acceptable.

Direct consent includes consent given from the patient to the dentist directly via a live phone call, videoconference or other means by which the dentist and patient are in direct real time communication with each other. Indirect would include voicemail messages, emails, website postings and other methods of communication where a patient says “I consent” but the dentist does not see it live and instead the consent is recorded somehow for the dentist to see after it is given.

Q. I would assume I would be able to prescribe medications for a patient of record during a teledentistry encounter, but would that be permitted for a new patient (just as I would do during a normal limited exam D0140)?

A. Section 16285 of the Public Health Code, MCL 333.16285, states that “a health professional who is providing a telehealth service to a patient may prescribe the patient a drug if both of the following are met:

(a) The health professional is a prescriber who is acting within the scope of his or her practice in prescribing the drug.

(b) If the health professional is prescribing a drug that is a controlled substance, the health professional meets the requirements of this act applicable to that health professional for prescribing a controlled substance.

(2) A health professional who prescribes a drug under subsection (1) shall comply with both of the following:

(a) If the health professional considers it medically necessary, he or she shall provide the patient with a referral for other health care services that are geographically accessible to the patient, including, but not limited to, emergency services.

(b) After providing a telehealth service, the health professional, or a health professional who is acting under the delegation of the delegating health professional, shall make himself or herself available to provide follow-up health care services to the patient or refer the patient to another health professional for follow-up health care services.

Q. If a diagnosis is made based solely on what information the patient provided over the teledentistry D0140 encounter, are there liability concerns if the patient is misdiagnosed?

A. A dentist's liability while treating with telehealth is no different than their liability if they were to see the patient in person. As with all questions regarding liability, the MDA recommends consulting with your malpractice insurer.