

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 318**

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**Introduced by Assembly Member Logue**

February 12, 2013

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An act to add Section 14132.726 to the Welfare and Institutions Code, relating to ~~dental care~~ Medi-Cal.

LEGISLATIVE COUNSEL'S DIGEST

AB 318, as amended, Logue. ~~Dental care: telehealth. Medi-Cal: teledentistry.~~

Existing law provides for the Medi-Cal program, which is administered by the State Department of Health Care Services, under which qualified low-income individuals receive health care services, including certain dental services, as specified. Existing law provides that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient is not required under the Medi-Cal program for “teleophthalmology and teledermatology by store and forward,” as defined to mean the asynchronous transmission of medical information to be reviewed at a later time by a licensed physician or optometrist, as specified, at a distant site.

This bill would enact similar provisions relating to the use of teledentistry, as defined, under the Medi-Cal program. The bill would provide that, to the extent that federal financial participation is available, face-to-face contact between a health care provider and a patient shall not be required under the Medi-Cal program for “teledentistry by store and forward.” The bill would define that term to mean an asynchronous transmission of dental information to be

*reviewed at a later time by a licensed dentist at a distant site, where the dentist at the distant site reviews the dental information without the patient being present in real time, as defined and as specified. The bill would also provide that dentist participation in services provided at an intermittent clinic, as defined, through the use of telehealth, as defined, shall be considered a billable encounter under Medi-Cal. The bill would also require, on or before January 1, 2017, the department to report to the Legislature the number and type of services provided, and the payments made related to the application of teledentistry, as specified.*

~~Existing law, the Dental Practice Act, provides for the licensure and regulation by the Dental Board of California of those engaged in the practice of dentistry. Existing law provides that a person practices dentistry if the person, among other things, manages or conducts as manager, proprietor, conductor, lessor, or otherwise, in any place where dental operations are performed.~~

~~This bill would declare the intent of the Legislature to enact legislation that would promote the advancement of telehealth in dental care.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 14132.726 is added to the Welfare and
- 2     Institutions Code, to read:
- 3     14132.726. (a) To the extent that federal financial participation
- 4     is available, face-to-face contact between a health care provider
- 5     and a patient shall not be required under the Medi-Cal program
- 6     for teledentistry by store and forward. Services appropriately
- 7     provided through the store and forward process are subject to
- 8     billing and reimbursement policies developed by the department.
- 9     (b) A patient receiving teledentistry by store and forward shall
- 10    be notified of the right to receive interactive communication with
- 11    the distant dentist, and shall receive an interactive communication
- 12    with the distant dentist, upon request. If requested, communication
- 13    with the distant dentist may occur either at the time of the
- 14    consultation, or within 30 days of the patient’s notification of the
- 15    results of the consultation.
- 16    (c) Dentist participation in services provided at an intermittent
- 17    clinic, as defined in Section 1206 of the Health and Safety Code,
- 18    through the use of telehealth, as defined in Section 2290.5 of the

1 *Business and Professions Code, shall be considered a billable*  
2 *encounter under Medi-Cal.*

3 *(d) Notwithstanding Chapter 3.5 (commencing with Section*  
4 *11340) of Part 1 of Division 3 of Title 2 of the Government Code,*  
5 *the department may implement, interpret, and make specific this*  
6 *section by means of all-county letters, provider bulletins, and*  
7 *similar instructions.*

8 *(e) On or before January 1, 2017, the department shall report*  
9 *to the Legislature the number and type of services provided, and*  
10 *the payments made related to the application of store and forward*  
11 *teledentistry as provided, under this section as a Medi-Cal benefit.*

12 *(f) For purposes of this section, the following definitions apply:*

13 *(1) "Asynchronous store and forward" means the transmission*  
14 *of a patient's dental information from an originating site to the*  
15 *health care provider at a distant site without the presence of the*  
16 *patient.*

17 *(2) "Distant site" means a site where a health care provider*  
18 *who provides health care services is located while providing these*  
19 *services via a telecommunications system.*

20 *(3) "Health care provider" means a person who is licensed*  
21 *under Chapter 4 (commencing with Section 1600) of Division 2*  
22 *of the Business and Professions Code.*

23 *(4) "Originating site" means a site where a patient is located*  
24 *at the time health care services are provided via a*  
25 *telecommunications system or where the asynchronous store and*  
26 *forward service originates.*

27 *(5) "Synchronous interaction" means a real-time interaction*  
28 *between a patient and a health care provider located at a distant*  
29 *site.*

30 *(6) "Teledentistry" means the mode of delivering dental health*  
31 *care services and public dental health via information and*  
32 *communication technologies to facilitate the diagnosis,*  
33 *consultation, treatment, education, care management, and*  
34 *self-management of a patient's dental health care while the patient*  
35 *is at the originating site and the dental health care provider is at*  
36 *a distant site. Teledentistry includes synchronous interactions and*  
37 *asynchronous store and forward transfers.*

38 *(7) "Teledentistry by store and forward" means an*  
39 *asynchronous transmission of dental information to be reviewed*  
40 *at a later time by a licensed dentist at a distant site, where the*

- 1 *dentist at the distant site reviews the dental information without*
- 2 *the patient being present in real time.*
- 3 ~~SECTION 1. It is the intent of the Legislature to enact~~
- 4 ~~legislation to promote the advancement of telehealth in dental care.~~

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