

2020 Regular Session

HOUSE BILL NO. 460

BY REPRESENTATIVE TURNER

DENTISTRY: Provides relative to direct to consumer laboratory services for patients

1 AN ACT

2 To enact R.S. 37:799, relative to the practice of dentistry; to provide for direct to consumer
3 dental laboratory services; to provide for establishing a dentist-patient relationship
4 to receive such services; to provide for disciplinary action by the Louisiana State
5 Board of Dentistry; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 37:799 is hereby enacted to read as follows:

8 §799. Direct to consumer dental laboratory services; dentist-patient relationship;
9 disciplinary action

10 A. As used in this Section, "direct to consumer dental laboratory services"
11 means the use of an asynchronous store and forward transfer or a synchronous
12 interaction to instruct a patient to perform a dental procedure provided for in R.S.
13 37:751(A)(6), including but not limited to taking impressions or digital scans of the
14 human teeth.

15 B. This provision of direct to consumer laboratory dental services is hereby
16 deemed to be the practice of dentistry. Any dentist who provides such services shall
17 be licensed in this state and have established a dentist-patient relationship.

18 C. A dentist-patient relationship shall exist when one or more of the
19 following actions occur:

1 (1)(a) The dentist reviews the patient's dental and medical records and
2 performs an in-person clinical examination. Such clinical examination may include
3 an evaluation and recording of dental caries, unerupted teeth, restoration, existing
4 prostheses, occlusal relationship of the teeth, extraoral or intraoral hard and soft
5 tissue anomalies, and periodontal conditions. Such review and examination shall
6 occur prior to the initial diagnosis and correction of malpositions of human teeth or
7 use of orthodontic appliances.

8 (b) The dentist reviews the patient's most recent diagnostic digital or
9 conventional radiographs, including panoramic X-ray, cephalometric X-ray, or other
10 equivalent bone images. Such review shall occur prior to any initial diagnosis and
11 correction of malpositions of human teeth or the use of orthodontic appliances.

12 (2) Treatment is provided in consultation with or referral by another dentist
13 who has established a dentist-patient relationship and he has agreed to supervise the
14 patient's treatment, including but not limited to any follow-up care and use of
15 prescribed medications.

16 (3) An on-call or cross-coverage situation exists with the patient's treating
17 dentist.

18 (4) The dentist has established a professional or personal relationship with
19 the patient and is aware of the patient's dental and medical records.

20 D. For the purposes of this Section, a dentist licensed to practice in this state
21 shall not provide a patient with an agreement that limits the ability of the patient to
22 bring legal action or file a complaint with the board against the treating dentist.

23 E. Any dentist who fails to establish a dentist-patient relationship prior to
24 providing direct to consumer dental laboratory services shall be subject to
25 disciplinary action by the board.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 460 Engrossed

2020 Regular Session

Turner

Abstract: Provides for direct to consumer dental laboratory services to be deemed dentistry and procedures which may be performed by patients and establishes a dentist-patient relationship shall exist for such services to be performed.

Proposed law provides that direct to consumer dental laboratory services shall be defined as the use of an asynchronous store and forward transfer or a synchronous interaction to instruct a patient to perform a dental procedure provided for in present law, including but not limited to taking impressions or digital scans of the human teeth.

Proposed law provides that direct to consumer dental services is deemed to be dentistry and that such services shall not be provided unless a dentist has established a dentist-patient relationship and the dentist is licensed in this state.

Proposed law provides that a dentist-patient relationship shall exist when one or more of the following actions occurs:

- (1) The dentist reviews the patient's dental and medical records and performs an in-person clinical examination. Such clinical examination may include an evaluation and recording of dental caries, unerupted teeth, restoration, existing prostheses, occlusal relationship of the teeth, extraoral and intraoral hard and soft tissue anomalies, and periodontal conditions. Such review and examination shall occur prior to the initial diagnosis and correction of malpositions of human teeth or use of orthodontic appliances. Further provides that the dentist reviews the patient's most recent diagnostic digital or conventional radiographs, including panoramic X-ray, cephalometric X-ray, or other equivalent bone images. Such review shall occur prior to any initial diagnosis and correction of malpositions of human teeth or the use of orthodontic appliances.
- (2) Treatment is provided in consultation with a referring dentist who has already established a dentist-patient relationship and has agreed to supervise the patient's treatment, including but not limited to any follow-up care and use of prescribed medications.
- (3) An on-call or cross-coverage situation exists with the patient's treating dentist.
- (4) The dentist has established a professional or personal relationship with the patient and is aware of the patient's dental and medical records.

Proposed law provides that a dentist licensed in La. shall not provide a patient with an agreement that limits the ability of the patient to bring legal action or file a complaint with the La. State Board of Dentistry.

Proposed law provides that any dentist who does establish a dentist-patient relationship prior to providing direct to consumer dental laboratory services shall be subject to disciplinary action by the La. State Board of Dentistry.

(Adds R.S. 37:799)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Clarifies that such clinical examination may include an evaluation of the occlusal relationship of the teeth.