
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.