

PLAN OPERATIONS	 From DentaQuest		
	<i>Policy and Procedure</i>		
	Policy Name:	Teledentistry	Policy ID: PLANCG-82
	Approved By:	Quality Assurance and Performance Improvement Committee	Last Revision Date: 10/13/2021
	States:	Oregon	Last Review Date: 11/15/2021
Application:	Medicaid	Effective Date: 11/16/2021	

PURPOSE

To establish the Dental Care Organization’s (DCO) process for teledentistry services and teledentistry reimbursement.

POLICY

I. Teledentistry Services

The DCO ensures that Providers do not prohibit, exclude or otherwise limit DCO enrollees to require them to use exclusively teledental services, except where the OHA issues explicit guidance during a declared state of emergency or if a facility has implemented its facility disaster plan.

The DCO ensures their network providers offer telehealth services that meet the following requirements:

- a. Provide services via telehealth that are within network providers’ respective certification or licensing board’s scope of practice and comply with teledentistry requirements including but not limited to:
 - o Documenting patient and provider agreement of consent to receive services;
 - o Allowed physical location of provider and patient;
 - o Establishing or maintaining an appropriate provider-patient relationship.
- b. Complying with HIPAA and the Authority’s Privacy and Confidentiality Rules and security protections for the patient enrollee in connection with the teledentistry communication and related records requirements (OAR chapter 943 division 14 and 120, OAR 410-120-1360 and 1380, 42 CFR Part 2, if applicable, and ORS 646A.600 to 646A.628 (Oregon Consumer Identity Theft Protection Act)) except as noted in “Emergency Declaration/Change in Federal Requirements” section below;
- c. Obtaining and maintaining technology used in teledentistry communication that is compliant with privacy and security standards in HIPAA and the Authority’s Privacy and Confidentiality rules described in subsection (b) except as noted in section (Emergency Declaration/Change in Federal Requirements) below;
- d. Ensuring policies and procedures are in place to prevent a breach in privacy or exposure of enrollee health information or records (whether oral or recorded in any form or medium) to unauthorized persons;
- e. Maintaining clinical and financial documentation related to teledentistry services as required in OAR 410-120-1360;
- f. Complying with all federal and state statutes as required in OAR 410-120-1380.

A. Meaningful Access to Teledentistry Requirements

The DCO ensures that enrollee choice and accommodation for teledentistry encompasses the following standards and services:

- The DCO ensures that providers offer meaningful access to teledentistry services by assessing enrollees' capacities to use specific approved methods of teledentistry delivery that comply with accessibility standards including alternate formats, and provides the optimal quality of care for the enrollee given considerations of enrollee access to necessary devices, access to a private and safe location, adequate internet, digital literacy, cultural appropriateness of teledentistry services, and other considerations of enrollee readiness to use teledentistry;
- The DCO ensures that providers offer meaningful access to health care services for LEP and Deaf and hard of hearing enrollees and their families by working with qualified or certified health care interpreters to provide meaningful language access services as described in OAR 333-002-0040. Such services are not significantly restricted, delayed, or inferior as compared to programs or activities provided to English proficient individuals.
- The DCO ensures that providers collaborate with enrollees to identify modalities for delivering health care services which best meets the needs of the enrollee. The DCO ensures that modalities available accommodate the needs of individuals who have difficulty communicating due to a medical condition, who need accommodation due to a disability, advanced age or who have limited English proficiency (LEP) and including providing access to auxiliary aids and services.
- The DCO ensures that providers offer teledentistry services which are culturally and linguistically appropriate as described in the relevant standards:
 - National Culturally and Linguistically Appropriate Services (CLAS) Standards;
 - Tribal based practice standards;
 - Trauma-informed approach to care as defined in 410-141-3500.

The DCO provides reimbursement for telehealth services and reimburses Certified and Qualified Health Care Interpreters (HCIs) as defined in OAR 333-002-0010 for interpretation services provided via telemedicine at the same reimbursement rate as if it were provided in person. This requirement does not supersede the DCOs direct agreement(s) with providers, including but not limited to, alternative payment methodologies, quality and performance measures or Value Based Payment methods described in the DCO contract. However, nothing either in this requirement or within DCO direct agreement(s) with providers referenced herein supersedes any federal or state requirements with regard to the provision and coverage of health care interpreter services.

B. Privacy and Security Standards

Consistent with OAR 410-120-1990 privacy and security standards must be met by satisfying the following:

- Prior to the delivery of services via a teledentistry modality, a patient oral, recorded, or written consent to receive services using a telehealth delivery method shall be obtained and documented annually. Consent must include an assessment of enrollee readiness to access and participate in teledentistry delivered services, including conveying all other options for receiving the health care service to the enrollee. Consent must be updated at least annually thereafter. For LEP and Deaf and hard of hearing patients and their families, providers must use qualified and certified health care interpreters, when obtaining patient consent.
- Consistent with ORS 109.640, provision of any other medical or dental diagnosis and treatment shall be provided to any person 15 years of age or older without consent of parent or legal guardian.
- Services provided using a teledentistry platform shall comply with Health Insurance Portability and Accountability Act (HIPAA) and with the OHA's Privacy and Confidentiality Rules (Chapter 943 Division 14) except as noted below.
- The patient enrollee may be located in the community or in a health care setting.

- Providers may be located in any location where privacy can be ensured.
- Persons providing interpretive services and supports shall be in any location where patient enrollee privacy and confidentiality can be ensured.

C. Provider Reimbursement

The DCO reimbursement to network providers offering teledentistry services meet the following requirements:

- a. Services provided are medically and clinically appropriate for covered conditions within the Health Evidence Review Commission's (HERC) prioritized list and in compliance with relevant guideline notes;
- b. Dependent on individual certification or licensing board's scope of practice standards, telehealth delivered services for covered conditions are covered when an established relationship exists between a provider and patient as defined by a patient who has received in person professional services from the physician or other qualified health care professional within the same practice within the past three years, and for establishing a patient-provider relationship;
- c. For all telehealth services including dental, the DCO ensures that encounter submissions include Place of Service code 02;
- d. All teledentistry services except School Based Health Services (SBHS) include Place of Service code 02;
- e. When provision of the same service via synchronous audio and video is not available or feasible, e.g. the patient enrollee declines to enable video, or necessary consents cannot reasonably be obtained with appropriate documentation in enrollee patient's medical record, then encounter submissions does not include any modifiers but continues billing Place of Service as 02.

D. Emergency Declaration/Change in Federal Requirements

In the event of a declared emergency or changes in federal requirements, the OHA may adopt flexibilities to remove administrative barriers and support teledentistry delivered services:

- The OHA will follow guidance from the US Department of Health and Human Services (HHS) Office for Civil Rights (OCR) which may allow enforcement discretion related to privacy or security requirements;
- The OHA may expand network capacity through remote care and telehealth services provided across state lines;
- Should the OHA exercise options in this section all DCO obligations for Network Adequacy requirements as described in OAR 410-141-3515 remain in full effect.

DEFINITIONS

“**Asynchronous**” means an interaction between a provider and an enrollee that does not occur at the same time using an interactive telecommunication technology. This may include audio and video, audio, or patient portal and may include transmission of data from remote monitoring devices. Communications may be between providers, or between one or more providers and one or more patients, family members /caregivers /guardians.

“**Audio only**” means the use of devices for a teledentistry encounter without inclusion of any video component. This may be due to lack of device capacity, Internet access, or enrollee choice.

“**Meaningful access**” means enrollee-centered access reflecting the following statute / standards:

“**Synchronous**” means an interaction between a provider and a enrollee that occurs at the same time using an interactive technology. This may include audio only, video only, or audio and video and may include transmission

of data from remote monitoring devices. Communications may be between providers, or between one or more providers and one or more patients, family members /caregivers /guardians.

“**Telecommunication technologies**” means the use of devices and services for teledentistry delivered services. These may include services with information transmitted via landlines and wireless communications, including the Internet and telephone networks.

“**Telehealth**” may also be used interchangeable with teledentistry. Telehealth also includes the use of electronic information and telecommunications technologies to support and promote remote enrollee and professional health-related education, public health, and health administration.

“**Teledentistry**” means the mode of delivering oral health services using information and telecommunication technologies to provide consultation and education or to facilitate diagnosis, treatment, care management or self-management of an enrollee’s oral health care.

“**Trauma informed approach**” means approach undertaken by providers and healthcare or human services programs, organizations, or systems in providing mental health and substance use disorders treatment wherein there is a recognition and understanding of the signs and symptoms of trauma in, and the intensity of such trauma on, individuals, families, and others involved within a program, organization, or system and then takes into account those signs, symptoms, and their intensity and fully integrating that knowledge when implementing and providing potential paths for recovery from mental health or substance use disorders. The Trauma Informed Approach also means that providers and healthcare or human services programs, organizations, or systems and actively resist re-traumatization of the individuals being served within their respective entities.

“**Trauma informed services**” means those services provided using a Trauma Informed Approach.

REFERENCES

410-141-3566 Telemedicine/Telehealth Service and Reimbursement Requirements

410-141-3500 Definitions

410-123-1265 Teledentistry

Date:	Description
11/16/2021	Approval and adoption.