

1 **STATUTES**

2 **36-6A-1. Definitions.**

3 Terms used in this chapter mean:

4 .....

5 (18) "Direct supervision," the supervision of a dental hygienist or registered dental  
6 assistant requiring that a dentist diagnose the condition to be treated, a dentist authorize  
7 the procedure to be performed, a dentist remain in the dental clinic while the procedure is  
8 performed, and before dismissal of the patient a dentist approve the work performed by the  
9 dental hygienist or registered dental assistant. A dentist may provide direct supervision via  
10 live video. A dentist must appear upon request using live video with a response time  
11 similar to what would be expected if the dentist were present in the dental clinic;

12 ...

13 (21) "Indirect supervision," the supervision of a dental hygienist or registered dental  
14 assistant requiring that a dentist authorize the procedures and a dentist be in the dental  
15 clinic while the procedures are performed by the registered dental assistant or dental  
16 hygienist. A dentist may provide indirect supervision via live video. A dentist must appear  
17 upon request using live video with a response time similar to what would be expected if the  
18 dentist were present in the dental clinic;

19 ...

20 (31) "Teledentistry," the practice of dentistry via telehealth as outlined in SDCL 34-52  
21 ~~where the patient and the dentist are not in the same physical location, and which utilizes~~  
22 ~~the exchange of clinical information and images over remote distances.~~

Source: SL 2015, ch 199, § 1; SL 2016, ch 193, § 1.

**~~36-6A-49.4. Teledentistry services to comply with chapter as if services provided in person standards.~~**

Any services provided by a licensee or registrant through teledentistry ~~or electronic means~~ shall comply with the provisions of this chapter to the same standard of competence as if the services were provided in person by a licensee or registrant. A dentist shall not conduct an evaluation using teledentistry if the standard of competence or the evidence based standards of practice to sufficiently establish an informed diagnosis necessitates an in person evaluation. A licensee or registrant utilizing teledentistry shall:

(1) Establish protocols for technological failures.

(2) Ensure appropriate follow up care for a patient in a reasonable timeframe following a teledentistry encounter; and

(3) Refer a patient to an acute care facility or an emergency department when referral is necessary for the safety of the patient or in the case of emergency.

Source: SL 2015, ch 199, § 61.

***ADMINISTRATIVE RULES***

**20:43:11:01. Content.** A dentist who treats patients shall maintain legible, complete, and accurate medical records. The medical record must contain the patient's clinical and financial record. The clinical record must contain the following information:

(1) For each clinical record entry note:

(a) The signature, initials, or electronic verification of the individual that made the entry note; and

(b) If treatment was provided, the name and the signature, initials, or electronic verification of the individual that provided treatment and the name of the supervising dentist;

(2) The date of each patient record entry, document, radiograph or model;

(3) The examination findings documented by subjective complaints, objective findings, an assessment or diagnosis of the patient's condition, and proposed treatment options;

(4) Current dental and medical history that may affect dental treatment;

(5) Any images, radiographs, test results or other diagnostic aid used to aid in the diagnosis. All film or digital radiographs must be of diagnostic quality. Retention of molds or study models is at the discretion of the dentist, except for molds or study models for orthodontia or full mouth reconstruction that must be retained as part of the clinical record;

(6) An agreed upon treatment plan based on the assessment or diagnosis of the patient's condition;

(7) A complete description of all treatment or procedures administered to the patient at each visit;

(8) A record of any medication administered or dispensed in office, or prescribed, including:

(a) The date administered, dispensed, or prescribed;

(b) The name of the patient to which the medication was administered, dispensed, or prescribed;

(c) The name of the medication; and

(d) The dosage and amount of the medication administered, dispensed, or prescribed, including refills;

(9) Referrals, patient response to referrals, and any communication to and from any health care provider regarding the patient;

(10) Notation of communication to and from the patient or patient's parent or guardian, including:

(a) Notation of informed consent, including communication of potential risks and benefits of proposed treatment, recommended tests, and alternatives to treatment, including no treatment or tests;

(b) Notation of post-treatment instructions or reference to an instruction pamphlet given to the patient;

(c) Notation regarding patient complaints or concerns associated with treatment, including complaints or concerns obtained in person, by phone call, mail, electronic communication, or digital communication; and

(d) Termination of the doctor-patient relationship; ~~and~~

(11) A copy of, or notation regarding, each laboratory order; and

(12) A dentist who provides dental services via teledentistry must also:

(a) Ensure that a teledentistry encounter is clearly characterized as such in the patient's clinical record; and

(b) Include the following in the informed consent:

(i) Consent from the patient to receive teledentistry services, including a statement that patients may decline teledentistry services;

1                   (ii) The types of dental services provided via teledentistry and methods of  
2 teledentistry delivery, including limitations on services and how privacy will be  
3 protected;

4                   (iii) The identity, contact information, practice location, licensure or  
5 registration, and credentials of all licensees and registrants involved in the patient's  
6 care;

7                   (iv) Instructions outlining how medical records can be accessed;

8                   (v) Protocol for technological failures or emergency situations; and

9                   (vi) Protocol for referral for appropriate follow up care with a dentist pursuant  
10 to an established treatment plan.