



3.24.2020

Re: Open Letter to Clients Regarding Teledentistry During the Coronavirus Pandemic
– Revised and Updated 4.10.2020

Dear Doctor,

On March 23, 2020, the American Dental Association published Coding and Billing Interim Guidance regarding the unprecedented and extraordinary circumstances presented by the COVID-19 crisis. This publication provides information to dentists and dental professionals concerning the use of and benefits to providing care to patients through telecommunications. The ADA details guidance on coding, HIPAA and Telecommunication Technology, and billing. We have attached this publication and the ADA Policy on Teledentistry for your review.

While coding and billing depend on the patient and payor, respectively, and should be reviewed in detail, it is also important to understand that HIPAA regulations restricting the use of telecommunication technology have been relaxed to help providers in their efforts to provide continued care to their patients during this crisis.

The Centers for Medicare and Medicaid Services and the Office for Civil Rights (OCR) have stated that the OCR will not impose penalties for violations of HIPAA if providers have attempted to provide Teledentistry services to patients in good faith.

Although you are instructed to review this publication carefully, you should consider the following should you choose to begin offering Teledentistry services:

- Health care providers may use non-public facing internet apps to communicate with their patients, including Apple FaceTime, Facebook Messenger, Google Hangouts video, or Skype.¹

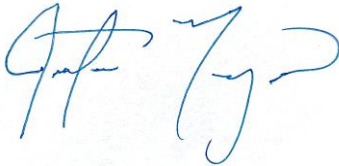
¹ At present, we recommend not using Zoom as a method of communicating with your patients as numerous security issues have recently been discovered.

- Do not use public facing internet apps like Facebook Live, Twitch, Tik Tok, or other forms of communication that may violate the privacy rights of your patient.
- Regardless of relaxed HIPAA compliance standards, consider creating a new, HIPAA compliant email account to communicate with and obtain information from patients. The following article reviews some of the best HIPAA compliant email encryption services: <https://www.totalhipaa.com/hipaa-compliant-email-encryption-services/>. While I cannot guarantee the quality or services provided by any of these providers, I have offered this information to guide your own research and decision-making to support your clients.
- Speak to an attorney to determine whether Teledentistry is permitted under applicable state law.

This information is meant to help you get started should you decide to use telecommunication as a means to communicate with your patients. Wood and Delgado urges you to contact us to discuss your plans further.

Please stay safe, sane, and strong. We will be publishing information throughout this unprecedented time to provide our continued support the dental community and its constituents

Sincerely,

A handwritten signature in blue ink, appearing to read "Justin J. S. Morgan". The signature is stylized and cursive.

Justin J. S. Morgan, Esq.

The information provided in this open letter is for informational purposes only and not for the purpose of providing legal advice. You should either contact us or your attorney to obtain advice with respect to any issue or problem. The review and use of this information does not create an attorney-client relationship between Wood and Delgado and the recipient. The opinions expressed in this letter are the opinions of the author and may not reflect the opinions of the firm or any individual attorney.

Wood and Delgado advises and consults with dentists and private practice healthcare providers throughout the country regarding their business needs. Our practice focuses on mergers, acquisitions, partnership agreements, dental support organizations, and other general business matters. While our attorneys hold valid legal licenses in the States of California and Texas, among others, we work with clients throughout the country and consult with local counsel when issues of state law arise.

www.DentalAttorneys.com