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**S. 453**

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Summary: Teledentistry

**HISTORY OF LEGISLATIVE ACTIONS**

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View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=453&session=126&summary=B)  at the website

**VERSIONS OF THIS BILL**

[03/13/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/453_20250313.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING ARTICLE 5 TO TITLE 40, CHAPTER 15, SO AS TO PROVIDE GUIDELINES FOR THE PRACTICE OF TELEDENTISTRY IN THIS STATE, TO OUTLINE UNPROFESSIONAL CONDUCT, AND TO PROVIDE DEFINITIONS RELATED TO TELEDENTISTRY.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 15, Title 40 of the S.C. Code is amended by adding:

Article 5

Teledentistry

Section 40‑15‑500. As used in this chapter:

(1) “Asynchronous transmission” means store and forward technology that allows a licensee to transmit a patient’s health information to another licensee for viewing at a later time.

(2) “Current radiographic records” means radiographs or images taken contemporaneously with an in‑person examination.

(3) “Distant site” means the location of the site where a licensee is providing teledentistry services to a patient located at an originating site.

(4) “Emergent care” means treatment of pain, infection, or any other intraoral or perioral condition that presents immediate harm to the well‑being of the patient and for which treatment cannot be postponed.

(5) “Originating site” means the location of the site where a patient is receiving teledentistry services from a licensee at a distant site.

(6) “Public health program” means a program approved by the board or any program administered by:

(a) the Department of Health and Human Services;

(b) a health district; or

(c) a school district.

(7) “Teledentistry” has the same meaning and may be used interchangeably with the term “Telehealth” as defined in Section 40‑42‑10(5). The term includes, without limitation:

(a) real‑time interactions between a patient at an originating site and a licensee at a distant site;

(b) the asynchronous transmission of medical and dental information concerning a patient from an originating site to a licensee at a distant site;

(c) interaction between a licensee who is providing dental services to a patient at an originating site and another licensee at the originating site; and

(d) monitoring of a patient at an originating site by a licensee at a distant site.

Section 40‑15‑510. In addition to the standard of care requirement provided for in Section 40‑42‑20(2), a licensee shall not:

(1) provide treatment for any condition based solely on the results of an online questionnaire;

(2) delegate to a dental hygienist, dental assistant, or any other individual any act or duty through teledentistry that requires the in‑person supervision of a licensed dentist or that is otherwise outside the individual’s permissible scope of practice; or

(3) provide any treatment or service through teledentistry that is not evidence based or is otherwise experimental.

Section 40‑15‑520. Except as otherwise provided in this section, a licensee must establish a bona fide relationship with a patient before providing services to a patient through teledentistry. A bona fide relationship between a patient and a licensee shall only exist if the licensee has:

(1) reviewed the patient’s relevant history, medical records, diagnostic records, and, if treatment is for the correction of a malposition of teeth, the patient’s current radiographic records;

(2) performed an appropriate, in‑person, physical examination of the patient for the purpose of diagnosing, assessing, developing a treatment plan, or determining the patient’s current medical or dental condition; and

(3) a reasonable expectation that the licensee will provide in‑person follow‑up care and treatment to the patient on a regular basis.

Section 40‑15‑530. Notwithstanding the limitations provided in Section 40‑15‑540, a licensee may establish a relationship with a patient through teledentistry only:

(1) for the purpose of emergent care;

(2) in connection with a public health program; or

(3) to make an initial diagnosis of a malposition of teeth and to determine the need for an orthodontic appliance. An initial diagnosis and determination made pursuant to this item must be confirmed through an in‑person visit and review of the patient’s current radiographic records before the patient begins using the orthodontic appliance.

Section 40‑15‑540. Prior to the provision of services to a patient through teledentistry, a licensee shall:

(1) confirm the patient’s identity;

(2) if the patient is a minor who is not authorized by law to consent to the services, confirm that the parent or legal guardian of the patient is present;

(3) confirm that the patient is located in a jurisdiction where the provider is licensed or otherwise authorized to practice and document the patient’s location in the patient’s record;

(4) obtain:

(a) informed written consent that meets the requirements of Section 40‑15‑580 from a patient who is an adult or a minor authorized by law to provide consent; or

(b) informed written consent that meets the requirements of Section 40‑15‑580 from the parent or guardian of a patient who is a minor and is not authorized by law to provide consent; and

(5) document the informed consent provided pursuant to subsection (4) in the patient’s record.

Section 40‑15‑550. Prior to providing services through teledentistry and upon the request of a patient to whom services are provided, a licensee or any partnership, corporation, or other entity through which a licensee provides services shall make available to the patient proof of the licensee’s identity, the licensee’s telephone number, the address at which the licensee practices, the licensee’s license number, and any other relevant information concerning the licensee’s qualifications and any other licensee who will be involved in providing the services through teledentistry.

Section 40‑15‑560. Informed consent to the provision of services through teledentistry requires the patient or his parent or guardian, as applicable, to be informed of:

(1) the types of services that will be provided through teledentistry and any limitations on the provision of those services through teledentistry;

(2) the information prescribed by Section 40‑15‑550 for each provider who will provide services through teledentistry;

(3) precautions that will be taken in the event of a technological failure or an emergency; and

(4) any other information prescribed by regulation.

Section 40‑15‑570. Except in situations requiring emergency treatment, a dentist of record is required for all patients being treated through teledentistry. The dentist of record will remain primarily responsible for all of the patient’s dental treatment, regardless of whether treatment has been delegated to a teledentistry provider.

Section 40‑15‑580. An advertisement of dental services provided through teledentistry must include a disclaimer that reads, in a clearly legible font and size, “An in‑person examination with a dentist licensed under Title 40 Chapter 15 of the South Carolina Code of Laws is recommended before beginning telehealth treatment in order to prevent injury or harm” for services involving:

(1) the taking of an impression or the digital scanning of the human tooth, teeth, or jaws, directly or indirectly and by any means or method;

(2) furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, or appliance or any other structure designed to be worn in the human mouth;

(3) placing an appliance or structure in the human mouth or adjusting or attempting to adjust the appliance or structure; or

(4) correcting or attempting to correct malformations of teeth or jaws.

Section 40‑15‑590. A dentist may only delegate tasks to auxiliaries, including, but not limited to, dental hygienists and dental assistants, to the extent permitted by law, including the Dental Practice Act.

Section 40‑15‑600. A licensee who provides services through teledentistry shall refer a patient to the emergency department of a hospital or another licensee of acute care in an emergency or any other situation where the provision of acute care is necessary to protect the health and safety of the patient.

Section 40‑15‑610. The board shall adopt regulations governing the provision of dental services through teledentistry.

Section 40‑15‑620. It shall be considered unprofessional conduct for a licensee to require a patient to enter into an agreement that restricts the ability of the patient to submit a complaint to the board, file a lawsuit, join a class action lawsuit, make reports to any governmental entity, require the patient to submit to binding arbitration, or otherwise limit or prohibit the patient from obtaining relief for deficiencies in the treatment or services they have received.

SECTION 2. If any provisions within this act conflict with Title 40 of Chapter 42 of the South Carolina Code of Laws (“Telehealth and Telemedicine Modernization Act”), then this act shall govern, as it relates to dental licensees.

SECTION 3. This act takes effect upon approval by the Governor.

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