



April 30, 2024

The Honorable Brian P. Kemp  
Governor, State of Georgia  
Office of the Governor  
206 Washington Street Suite 203, State Capitol  
Atlanta, GA 30334

**RE: ATA ACTION REQUEST FOR A VETO OF HB 441**

Dear Governor Kemp.

On behalf of ATA Action, I am writing to you to express our strong opposition to HB 441 and encourage you to veto this legislation.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services – including teledentistry – across the care continuum. ATA Action supports the enactment of state and federal telehealth policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

House Bill 441 would implement a massive step backward for teledentistry in Georgia. This is for two reasons: first, the legislation establishes a separate, anti-competitive standard of care for in-person and teledentistry services; and second, it would force Georgians to undergo unnecessary in-person dental examinations that contravene the discretion of Georgia licensed dentists. In the interest of ensuring Georgia patients' continued access to innovative teledentistry care options we encourage you to veto this legislation.

First, national telehealth best practices encourage states to always apply the same standard of care for both in-person and telehealth/teledentistry care. This ensures both clear guidelines for providers and similar high-quality treatment for patients, no matter where they are receiving services. This also gives innovative telehealth providers the ability to offer a wide range of services to patients in addition to traditional, brick-and-mortar providers, so long as those services meet the same high-level standard of care as their in-person counterparts.

Unfortunately, HB 441 bucks these national best practices by creating a separate standard of care for teledentistry compared to an in-person care, stating "a teledentistry interaction shall not constitute or be considered the equivalent of an in-person clinical examination by a licensed dentist." ATA Action categorically rejects the notion that just because services are provided by teledentistry the patient is receiving a substandard form of care; in fact, state law should be clear

**ATA ACTION**

901 N. Glebe Road, Ste 850 | Arlington, VA 22203  
Info@ataaction.org



in holding providers to the same standards, ethical obligations and legal duties no matter how care is provided.

Worse, by stating teledentistry cannot ever meet the same standard of care as in-person services, HB 441 would largely restrict the range of teledentistry services capable of being offered to Georgians. This would be a far greater restriction on Georgia's free market for dental services than the law among any of Georgia's neighboring states.

Our organization believes patients and providers should be empowered to choose any available care modalities that will meet the standard of care for the condition presented by the patient, not limited by statutory definitions. We agree with the *American Dental Association* that "examinations performed using teledentistry can be an effective way to extend the reach of dental professionals, increasing access to care by reducing the effect of distance barriers to care."<sup>1</sup> State governments should seek to empower licensed providers to be able to offer patients safe access to the full market of available healthcare services, rather than arbitrarily pick winners and losers.

Furthermore, ATA Action urges you to reject HB 441's in-person restrictions on teledentistry care. Section (e)(2)(B) of HB 441 (lines 93-97) creates a new requirement for an in-person examination and consultation to be conducted before providing teledentistry care, along with the requirement for an in-person clinical examination at least every 12 months. There is no clinical justification for these requirements, which would significantly limit access to teledentistry care, at the cost of patient flexibility, time and personal cost. Many Georgia patients would no longer have access to innovative new dental technologies that are solely virtual, such as on-demand emergency visits or platforms that offer teledentistry products prescribed by Georgia licensed tele-dentists.

Curiously, HB 441 would still allow non-competitive providers (such as government operated health facilities and clinics) to provide teledentistry services unhindered. Are teledentistry services offered through government funded clinics less safe than teledentistry services offered by Georgia licensed dentists over competitive market, for-profit teledentistry platforms?

ATA Action has several other concerns with HB 441. There are onerous referral requirements placed on teledentistry providers not included for in-person care. The definition of teledentistry preferences synchronous teledentistry options rather than a modality neutral approach. Finally, HB 441 forces teledentistry providers to tell patients that teledentistry is a substandard version of care; this false assertion would deter patients from seeking these services and unfairly harms the ability of teledentistry practitioners to provide safe, cost-effective services in Georgia.

Thank you for the opportunity to comment on this legislation. In order to preserve patient access to teledentistry, ensure continued innovation in the healthcare field and provide for the highest

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<sup>1</sup> ADA Policy on Teledentistry, <https://www.ada.org/en/about/governance/current-policies/ada-policy-on-teledentistry>.



levels of patient choice, we encourage you to veto this legislation. This regressive bill would disrupt care for patients currently receiving teledentistry in Georgia and exacerbate existing provider shortages and other barriers to patient care. If you have any questions or would like to discuss the telemedicine industry's perspective further, please contact me at [kzebley@ataaction.org](mailto:kzebley@ataaction.org).

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", is written over a faint, light-colored rectangular background.

Kyle Zebley  
Executive Director  
ATA Action