



May 29, 2024

Governor JB Pritzker
Office of the Governor
401 S. Spring St.
Springfield, IL 62704

RE: ATA ACTION REQUEST FOR VETO OF SB 2586

Dear Governor Pritzker,

On behalf of ATA Action, I am writing to you to express our concerns with Senate Bill 2586 relating to teledentistry practice in Illinois and request that you 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 coverage and fair payment 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.

ATA Action has concerns with amendments that SB 2586 would make to the Illinois Dental Practice Act, specifically the “patient of record” requirements and the requirement to provide patients with a physical address.

SB 2586 would be detrimental to the provision of tele-dental services in Illinois, limiting provider flexibility and, by restricting access to telehealth care, reducing patient choice. Of primary concern is the definition and restrictions that accompany the term “patient of record” in section 17.2. As the term is currently defined, dentists would be prohibited from treating a patient unless they have performed a physical examination within the last year or obtained records from an in-person examination within the previous 12 months from another dentist, including a review of the patient's most recent x-rays.

While for many patients this may be a reasonably simple hurdle, the requirement represents an unprecedented and unnecessary intrusion into dental practice and provider discretion in Illinois. Our organization believes that Illinois licensed dentists, not state legislators, should be empowered to decide what care patients need and when it is needed. If the condition presented by the patient necessitates a physical examination or review of recent x-rays, then the dentist is already obligated under the standard of care to ensure that those steps are taken or to refer the patient to an in-person care provider. However, in situations where that is not necessary to meet the standard of care, there is no reason for the legislature to override the discretion of Illinois dentists.

Additionally, statutory language encouraging annual dental x-rays contravenes the recommendation of the American Dental Association (ADA) and creates a different standard of care for teledentistry than in-person care. If SB 2586 is enacted, patients seeking teledentistry services may receive x-ray exams for no

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other reason than Illinois law appears to require them to be taken. In other words, administration of x-ray exams will be directed by state law rather than the standard of care. But this is not the recommendation of both the ADA and the U.S. Department of Health and Human Services, who state that “Radiographs should be taken only when there is an expectation that the diagnostic yield will affect patient care” and that information such as patient medical history, environmental factors and clinical examinations should guide the dentist in the frequency and type of imaging used.¹ Once again, the law must leave patient care decisions to the discretion of Illinois dentists based on individual patient needs.

Furthermore, these proposed restrictions on teledentistry, which have no similar corollary in the Illinois Telehealth Act, appear to be a solution in search of a problem that will make it harder to provide teledentistry services in the state. Teledentistry can be an innovative tool for providing patients with lower-cost, effective virtual care as an alternative to traditional, brick-and-mortar practice. Teledentistry can also help address workforce shortages and reduce healthcare disparities, especially for rural and urban underserved and disadvantaged populations. Unfortunately, SB 2586 would burden these services by requiring in-person services when unnecessary and reduce the efficiency of providing virtual teledentistry options to Illinois patients. These added costs could affect the number of teledentistry offerings in the state.

Finally, SB 2586 would require dentists to give patients their “physical practice address” to patients prior to the teledentistry encounter. However, although all teledentistry dentists seeing patients in Illinois must be Illinois licensed, not all of them will have an Illinois physical practice address or may be delivering teledentistry services from a home office, therefore possibly requiring dentists to divulge a personal property address. ATA Action discourages such an outcome as a risk to provider safety. Instead, ATA Action would recommend the legislation require providers only need disclose a “business address” at which patients can send any written communications.

Thank you for your support of telehealth. We urge you to veto this legislation to ensure that all Illinois patients have access to high-quality teledentistry care. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Illinois. If you have any questions or would like to engage in additional discussion regarding the telehealth industry’s perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", written in a cursive style.

Kyle Zebley
Executive Director
ATA Action

¹ DENTAL RADIOGRAPHIC EXAMINATIONS: RECOMMENDATIONS FOR PATIENT SELECTION AND LIMITING RADIATION EXPOSURE, American Dental Association, Council on Scientific Affairs, revised 2012. <https://www.fda.gov/media/84818/download>.