

119TH CONGRESS
2D SESSION

H. R. 9829

To provide for the safety of patients receiving dental services through telehealth, and for other services.

IN THE HOUSE OF REPRESENTATIVES

JULY 22, 2026

Mr. BABIN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for the safety of patients receiving dental services through telehealth, and for other services.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oversight of Respon-
5 sible Teledentistry for Healthy Outcomes Act” or the
6 “ORTHO Act”.

7 **SEC. 2. TELEDENTRISTY SAFETY.**

8 (a) REQUIREMENT FOR TELEDENTISTRY.—Not later
9 than 180 days after the date of the enactment of this Act,
10 the Federal Trade Commission shall promulgate regula-

1 tions under section 553 of title 5, United States Code,
2 that require the following:

3 (1) Except as provided in paragraphs (2) and
4 (3), a dentist to perform an in-person examination
5 of a patient before the dentist may provide dental
6 services or medical devices to that patient through
7 teledentistry.

8 (2) A provider to establish a relationship with
9 a patient through teledentistry only—

10 (A) for the purpose of emergent care;

11 (B) as part of a public health program; or

12 (C) to make an initial diagnosis of a mal-
13 position of teeth and a determination of the
14 need for an orthodontic appliance by a dentist
15 exercising independent clinical judgment, and
16 not solely through automated or algorithmic
17 processes.

18 (3) Any initial diagnosis and determination de-
19 scribed in paragraph (2)(C) to be made or affirmed
20 by a dentist exercising independent clinical judgment
21 and to be confirmed through an in-person visit and
22 review of any radiographic record of the patient be-
23 fore the patient begins using the orthodontic appli-
24 ance.

1 (b) RULEMAKING BY COMMISSION.—Rules so pre-
2 scribed shall be exempt from the requirements of the Mag-
3 nuson-Moss Warranty—Federal Trade Commission Im-
4 provement Act (15 U.S.C. 2301 et seq.). Any such regula-
5 tions shall be issued in accordance with section 553 of title
6 5, United States Code.

7 (c) ENFORCEMENT BY FEDERAL TRADE COMMIS-
8 SION.—

9 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
10 TICES.—A violation of subsection (a) or a regulation
11 promulgated under such subsection shall be treated
12 as a violation of a regulation under section
13 18(a)(1)(B) of the Federal Trade Commission Act
14 (15 U.S.C. 57a(a)(1)(B)) regarding unfair or decep-
15 tive acts or practices.

16 (2) POWERS OF COMMISSION.—The Commis-
17 sion shall enforce this section and any regulation
18 promulgated under this section in the same manner,
19 by the same means, and with the same jurisdiction,
20 powers, and duties as though all applicable terms
21 and provisions of the Federal Trade Commission Act
22 (15 U.S.C. 41 et seq.) were incorporated into and
23 made a part of this section. Any person who violates
24 this section or a regulation promulgated under this
25 section shall be subject to the penalties and entitled

1 to the privileges and immunities provided in the
2 Federal Trade Commission Act.

3 (d) ENFORCEMENT BY STATES.—

4 (1) IN GENERAL.—In any case in which the at-
5 torney general of a State, or an official or agency of
6 a State, has reason to believe that an interest of the
7 residents of that State has been or is threatened or
8 adversely affected by an act or practice in violation
9 of subsection (a) or a regulation promulgated under
10 such subsection, the attorney general, official, or
11 agency of the State, as *parens patriae*, may bring a
12 civil action on behalf of the residents of the State in
13 an appropriate district court of the United States—

14 (A) to enjoin such act or practice; or

15 (B) to obtain damages on behalf of resi-
16 dents of the State, in an amount equal to the
17 greater of—

18 (i) the actual monetary loss suffered
19 by such residents; or

20 (ii) the amount determined under
21 paragraph (4).

22 (2) NOTICE.—Before filing an action under this
23 subsection, the attorney general, official, or agency
24 of the State involved shall provide to the Commis-
25 sion a written notice of such action and a copy of

1 the complaint for such action. If the attorney gen-
2 eral, official, or agency determines that it is not fea-
3 sible to provide the notice described in this para-
4 graph before the filing of the action, the attorney
5 general, official, or agency shall provide written no-
6 tice of the action and a copy of the complaint to the
7 Commission immediately upon the filing of the ac-
8 tion.

9 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
10 SION.—

11 (A) IN GENERAL.—On receiving notice
12 under paragraph (2) of an action under this
13 subsection, the Commission shall have the
14 right—

15 (i) to intervene in the action;

16 (ii) upon so intervening, to be heard
17 on all matters arising therein; and

18 (iii) to file petitions for appeal.

19 (B) LIMITATION ON STATE ACTION WHILE
20 FEDERAL ACTION IS PENDING.—If Commission
21 or the Attorney General of the United States
22 has instituted a civil action for violation of sub-
23 section (a) or a regulation promulgated under
24 such subsection (referred to in this paragraph
25 as the “Federal action”), no State attorney

1 general, official, or agency may bring an action
2 under this subsection during the pendency of
3 the Federal action against any defendant
4 named in the complaint in the Federal action
5 for any violation of such subsection or regula-
6 tion alleged in such complaint.

7 (C) TOLLING OF STATUTE OF LIMITATIONS
8 DURING FEDERAL ACTION.—If the Commission
9 or the Attorney General institutes a civil action
10 under this paragraph, the time limit for filing
11 such civil action for a State attorney general,
12 official, or agency shall be tolled during the
13 pendency of the Federal action.

14 (4) STATUTORY DAMAGES.—For purposes of
15 paragraph (1)(B)(ii), the amount determined under
16 this paragraph is the amount calculated by multi-
17 plying the number of violations (each separate re-
18 mote visit or service provided to an individual in vio-
19 lation of subsection (a) shall be 1 violation) by
20 \$1,000. The court may increase a damage award to
21 an amount equal to not more than three times the
22 amount otherwise available under this paragraph if
23 the court determines that the defendant committed
24 the violation willfully and knowingly.

1 (5) ATTORNEY FEES.—In the case of any suc-
2 cessful action under paragraph (1), the court, in its
3 discretion, may award the costs of the action and
4 reasonable attorney fees to the State.

5 (e) DEFINITIONS.—In this section:

6 (1) ASYNCHRONOUS TRANSMISSION.—The term
7 “asynchronous transmission” means store and for-
8 ward technology that allows a provider to transmit
9 the health information of a patient to another pro-
10 vider for viewing at a later time.

11 (2) COMMISSION.—The term “Commission”
12 means the Federal Trade Commission.

13 (3) DENTAL SERVICES.—The term “dental
14 services” means diagnostic, preventive, or corrective
15 procedures provided by or under the supervision of
16 a dentist, including treatment of—

17 (A) the teeth and associated structures of
18 the oral cavity; and

19 (B) disease, injury, or impairment that
20 may affect the oral or general health of an indi-
21 vidual.

22 (4) DENTIST.—The term “dentist” means an
23 individual licensed to practice dentistry or dental
24 surgery.

1 (5) DISTANT SITE.—The term “distant site”
2 means the location of the dentist who is providing
3 teledentistry services to a patient located at an origi-
4 nating site.

5 (6) EMERGENT CARE.—The term “emergent
6 care”—

7 (A) means the provision of dental services
8 for the treatment of pain, infection, or any
9 other intraoral or perioral condition which pre-
10 sents immediate harm to the well-being of the
11 individual and for which treatment cannot be
12 postponed using electronic or telecommuni-
13 cation technology; and

14 (B) includes patient education related to
15 such dental services and the administration of
16 such dental services.

17 (7) MEDICAL DEVICE.—The term “medical de-
18 vice” has the meaning given the term “device” in
19 section 201 of the Federal Food, Drug, and Cos-
20 metic Act (21 U.S.C. 321).

21 (8) ORIGINATING SITE.—The term “originating
22 site” means the location of the site where a patient
23 is receiving teledentistry services from a dentist lo-
24 cated at a distant site.

1 (9) PUBLIC HEALTH PROGRAM.—The term
2 “public health program” means a program for den-
3 tal services approved by a State Dental Board or
4 any health program administered by—

5 (A) the United States Department of
6 Health and Human Services; or

7 (B) a health district or State health de-
8 partment.

9 (10) STATE.—The term “State” means each of
10 the several States, the District of Columbia, each
11 commonwealth, territory, or possession of the United
12 States, and each federally recognized Indian Tribe.

13 (11) TELEDENTISTRY.—The term “teleden-
14 tistry”—

15 (A) means the use of telehealth by a den-
16 tist who is located at a distant site to facilitate
17 the diagnosis, treatment, education, care man-
18 agement, and self-management of or consulta-
19 tion with a patient who is located at an origi-
20 nating site; and

21 (B) includes, without limitation—

22 (i) real-time interactions between a
23 patient at an originating site and a pro-
24 vider at a distant site;

1 (ii) the asynchronous transmission of
2 medical and dental information concerning
3 a patient from an originating site to a pro-
4 vider at a distant site;

5 (iii) interaction between a provider at
6 a distant site who is providing dental serv-
7 ices to a patient at an originating site and
8 another provider at the originating site;
9 and

10 (iv) monitoring of a patient at an
11 originating site by a provider at a distant
12 site.

13 (f) RELATIONSHIP WITH STATE LAW.—This section
14 does not prohibit a State from adopting or enforcing sup-
15 plemental law or regulation that is consistent with this
16 section, including any criminal, civil, or administrative fine
17 for a violation of any such law or regulation.

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