

Managing Professional Risks

ADA Guidelines for Practice Success™ (GPS™)

ADA Tip Sheet on Dental Board Complaints

A complaint against a dentist can be filed with the state dental board at any time and can even be generated by a patient who has been a patient of record in your practice for many years. Dentists should be aware that the statute of limitation for filing board complaints may differ from state to state, and that the permissible time period for filing a complaint with the dental board could be longer than the time period allowed for a civil lawsuit.

- ✓ Dental board complaints occur when patients contact the state dental board directly regarding what they perceive to be mistreatment, or maltreatment, by a dentist or a member of the clinical staff.
- ✓ Each state has its own definition of a dental board complaint.
 - Be proactive and educate yourself about what constitutes a dental board in your state before you need to know.
- ✓ Dental board complaints can be filed or triggered by:
 - Patients
 - Insurance or benefit administration companies
 - Clinical or non-clinical staff in the practice
 - Other practitioners
 - Anonymous sources
 - Pharmacists
 - Criminal or professional indictments such as driving under the influence (DUI)
 - Allegations of fraud
 - The filing of a malpractice claim or judgment
 - Not complying with the terms of agreements to repay student loans
 - Self-reporting of issues during the license renewal process
 - Failure to complete required diversion program, such as those dealing with substance abuse
 - Self-reporting of untoward events, sometimes called sentinel events, that occurred in the practice and resulted in harm to the patient, such as hospitalization or the patient's death
- ✓ Complaints filed by patients with state dental boards often involve allegations of fraud or criminal activity.
- ✓ If a complaint against you is filed with your state's dental board:
 - The board will notify you, either by a letter, a phone call, or an in-person visit from an investigator.
- ✓ Follow these steps if a complaint against you is filed with the state dental board:
 - Be careful about what you say since it can be used against you during proceedings.
 - Do not attempt to answer or respond to the complaint by yourself.
 - Do not speak with an investigator unless you are accompanied by an attorney who is experienced in state dental board matters.
 - If you are notified of the complaint by letter, contact a qualified attorney immediately.
 - If you are notified of the complaint in person or by phone, politely ask to reschedule the conversation until your attorney can be present.

- ✓ Notify your professional liability carrier for guidance to determine what coverage may be available to you and to find out if they can offer information about developing a legal defense strategy.
 - Be aware that the professional liability plans of some insurers do not protect subscribers named in dental board complaints.

- ✓ Always preserve the integrity of your records.
 - Do not attempt to change your records in any way.
 - Do not communicate with the patient who filed the complaint.
 - Develop a narrative to outline your recollection of what took place only if directed to do so by your attorney. Keep that information separate from all clinical records.

- ✓ Possible outcomes of a dental board complaint include:
 - Dismissal without review if the claim is determined to be without merit.
 - Review without action.
 - Review with a decision to take any, or several, of the following actions:
 - Sending the dentist an official letter of reprimand
 - Imposing a penalty
 - Imposing remediation, a fine, or community service
 - Limiting your privileges within the practice
 - Requiring monitoring or supervision
 - Revoking or suspending your license
 - Requiring medical and/or psychological evaluations in the charges involve substance abuse issues
 - Revoking drug prescribing privileges
 - Immediate suspension without a hearing if the dentist is determined to be an imminent danger to the public
 - Ordering that the patient receive a total or partial refund of fees paid for the treatment that is the basis of the complaint
 - Referring the matter to the U.S. attorney or district attorney

- ✓ Always comply with any rulings or sanctions issued by your state dental board.

- ✓ You are required to notify the dental boards in other states where you are licensed to practice of any final order and actions taken in the case.

Resource:

- [Dental Board Complaints](#)

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