

# PENNSYLVANIA STATE BOARD OF DENTISTRY



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## Filing a Complaint with the State Board of Dentistry

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The State Board of Dentistry often receives inquiries from dental health professionals and members of the public on how complaints are handled from inception to resolution. Although each complaint filed is unique, the process a complaint follows is a well-defined pathway, with a different direction for each complaint depending on the outcome at each stage of the process. The following is a general overview of how a complaint moves through the system.

However, several points are important to note before a Statement of Complaint is actually filed with the Professional Compliance Office:

- The State Board of Dentistry, which is part of the Bureau of Professional and Occupational Affairs under the Pennsylvania Department of State, does NOT act in a monetary dispute unless it involves an allegation that services were billed for but not rendered, or if there is evidence of other billing or insurance fraud.
- The State Board of Dentistry cannot impose prison sentences or other criminal penalties, nor may the board order payment to individuals for losses, pain and suffering or other attendant claims. Such actions can only take place through the civil or criminal court process. The board may order restitution of money or property gained through violations of the Dental Law or Board Regulations, provided any monetary restitution is no more than what the licensee received.
- Decisions about prosecution are governed by laws, rules and regulations which specifically define offenses for which the board may discipline a Pennsylvania licensee. Conduct or activity that does not constitute an offense defined by those laws, rules or regulations is beyond the jurisdiction of the State Board of Dentistry.

- If a complaint is filed, it may be necessary for the person filing to attend a formal hearing to provide testimony in support of the complaint.

A Statement of Complaint may be filed online or by completing and returning a form available from the Department of State, Office of Professional Compliance. Once the complaint is received by the Professional Compliance Office, it is reviewed to ensure the matter falls within the jurisdiction of the State Board of Dentistry. The person filing will receive written acknowledgment of receipt of the complaint, and will be informed of the final disposition.

When a complaint is determined to be within the jurisdiction of the board, a file is opened and the complaint is forwarded to a paralegal who reviews the issues and determines if a formal investigation is required. A prosecuting attorney may also be consulted during this stage.

Some complaints are sufficient in themselves to determine that a violation has occurred, and require no further investigation. Most complaints involve issues of credibility, and require that witnesses be interviewed and/or documents or other evidence be obtained by the Bureau of Enforcement and Investigation (BEI). Those complaints are forwarded to BEI requesting investigators to obtain all information necessary to determine if there are grounds for charges to be filed.

Once the investigation is completed, BEI forwards a report to the Professional Compliance Office where the results of the investigation are evaluated to determine if disciplinary charges should be brought against the licensee. The case may be closed at that point, with a letter to both the person filing the complaint and the licensee to inform them of that action; if evidence supports the need for disciplinary action, a prosecutor will prepare and file an Order to Show Cause setting forth the allegations and directing the licensee to file a written answer to those allegations within 30 days.

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When an answer is filed the matter is generally scheduled for a hearing; following the hearing a proposed Adjudication and Order is issued by the hearing examiner, usually within six months after the evidentiary record has been closed. The State Board of Dentistry reviews this proposed adjudication which they may accept in whole, reject in whole and offer their own opinion or modify. If the licensee is unhappy with the board's Final Adjudication and Order, he/she may appeal the board's decision to Commonwealth Court.

Some matters are amenable to settlement by means of a Consent Agreement and Order, and either the board prosecutor or the licensee may approach the other about a possible settlement. In reaching a settlement, the parties negotiate the facts to which they will agree for purposes of settlement, and also negotiate an agreed-upon penalty that they believe will be acceptable to the board. All Consent Agreements and Orders must be presented to the board and receive approval of the members to become final.

Final Adjudications and Orders and board-approved Consent Agreements and Orders reflect disciplinary action of some sort against the licensee or an unlicensed individual. All disciplinary actions become a permanent part of the licensee's record on file with the board. Disciplinary actions are a matter of public record and may be released by the Pennsylvania Department of State Office of Communications and Press to news agencies, as well as to other entities such as the U.S. Department of Health and Human Services and the general public.

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