

Virginia Board of Dentistry
Policy on Sanctioning for
Failure to Meet Continuing Education Requirements

Excerpts of Applicable Law, Regulation and Guidance

- The Board shall promulgate regulations requiring continuing education for any dental license or reinstatement and may grant extensions or exemptions, §54.1-2709.E
- The Board shall promulgate regulations requiring continuing education for any dental hygiene license or reinstatement and may grant extensions or exemptions, §54.1-2729
- Dentists and dental hygienists are required to complete a minimum of 15 hours of approved continuing education, 18 VAC 60-20-50.A
- Failure to comply with continuing education requirements may subject the licensee to disciplinary action, 18 VAC 60-20-50.J
- Confidential Consent Agreements may be used to address continuing education, Guidance Document: 60-1

A. Guideline for Offering a Confidential Consent Agreement (CCA)

1. A Board member doing a probable cause review (Reviewer) shall only offer a CCA for a first offense.
2. A Reviewer shall offer a CCA to a licensee in a case where there is only one finding of probable cause and that finding is that the licensee is unable to document completion of from 1 to 5 hours of acceptable continuing education (CE).
3. In cases where there are findings of probable cause for violations in addition to missing CE, a Reviewer may offer a CCA consistent with the Policy on CCAs/Confidential Consent Agreements adopted September 13, 2013.
4. The offered CCA shall include a finding that a violation occurred and shall request the licensee's agreement to obtain the missing hours within 45 days and to henceforth comply with the CE requirements. The CCA shall state that the hours obtained pursuant to the CCA shall not count toward the next license renewal.

B. Guidelines for Imposing Disciplinary Sanctions

1. In addition to a notice of an informal conference, a Reviewer shall offer a Pre-Hearing Consent Order (PHCO) when probable cause is found that the licensee falsely certified completion of the required CE for license renewal.
2. In addition to a notice of an informal conference, a Reviewer shall offer a Pre-Hearing Consent Order (PHCO) to a licensee for a second offense where there is a finding of probable cause and that finding is that the licensee is unable to document completion of from 1 to 5 hours of acceptable CE.

3. In addition to a notice of an informal conference, a Reviewer shall offer a PHCO to a licensee for a first offense where there is a finding of probable cause and that finding is that the licensee is unable to document completion of from 6 to 15 hours of acceptable CE.
4. In cases where there are findings of probable cause for violations in addition to missing CE, a Reviewer may offer a PHCO in addition to a notice of an informal conference.
5. A Reviewer shall consider the following sanctioning guidelines in the PHCO:
 - a. For falsely certifying completion for renewal – Reprimand and \$1000 monetary penalty
 - b. For missing 1 to 5 hours – Subsequent Offenses – Reprimand, obtain the missing hours within 30 days and a \$250 monetary penalty for each missing hour
 - c. For missing 6 to 15 hours – First offense - Reprimand and obtain the missing hours within 45 days
 - d. For missing 6 to 15 hours – Subsequent offenses – Reprimand, obtain the missing hours within 45 days and a \$500 monetary penalty for each missing hour.