

## Virginia Board of Dentistry

### Policy on Auditing Continuing Education and Sanctioning for Failure to Meet the Requirements

#### Excerpts of Applicable Law and Regulation

- The Board shall promulgate regulations requiring continuing education (CE) 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 18VAC60-21-250.A and 18VAC60-25-190.A and
  - maintain the required documentation of completion for a minimum of four years following each renewal. 18VAC60-21-250.G and 18VAC60-25-190.D.4.
- The board may grant an exemption for all or part of the continuing education requirements due to circumstances beyond the control of the licensee, such as temporary disability, mandatory military service, or officially declared disasters. A written request with supporting documents must be submitted prior to renewal of the license. 18VAC60-21-250.D and 18VAC60-25-190.E.2.
- Failure to comply with continuing education requirements may subject the licensee to disciplinary action, 18VAC60--21-250.J and 18VAC60-25-190.D.5.

#### Extension and Exemption Requests

- The Executive Director or designee may grant an extension request for up to one year for completion of continuing education upon receipt of a written request with an explanation which is submitted prior to the renewal date.
- The Executive Director or designee may grant an exemption request for up to one year for all or part of the required 15 hours upon receipt of a written request with supporting documents which is submitted prior to the renewal date.

#### Scope of Audits

The Board may biennially conduct an audit of compliance with CE requirements on a random sample of licensees selected from MLO by the DHP IT Department. The sample size shall be 1% of the total number of licensees. The Board may also audit the following:

- Active licensees who have completed the terms of a CCA or a Board Order which required completion of CE in addition to the 15 hours requirement per year;
- Active licensees who failed to respond, or responded “no”, to the CE renewal question on the annual renewal form, and/or requested an exemption after license renewal;
- Active licensees who were granted an extension to meet their CE requirement.

Auditing CE

- Selected licensees will be notified by email to submit the necessary documentation to verify CE completion. A second notice will be sent by USPS if there is no response.
- Documentation submitted to verify CE completion will be reviewed by Board staff for compliance with the regulations.
- Licensees who have met the CE requirements will be sent an acknowledgement of completion.
- Licensees who have not complied with the audit notification or CE requirements will be referred for possible disciplinary action.

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

1. The reviewing Board member or designated staff may review the documentation received for probable cause and may only offer a CCA for a first offense when:
  - 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).
  - there are findings of probable cause for violations in addition to missing CE consistent with Guidance Document 60-1, Policy on CCAs/Confidential Consent Agreements.
2. The offered CCA may include a finding that a violation occurred and may request the licensee's agreement to obtain the missing hours within 45 days and to henceforth comply with the CE requirements. The CCA may 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 licensee may be offered a Pre-Hearing Consent Order (PHCO) when the licensee:
  - falsely certified completion of the required CE for license renewal.
  - is unable to document completion of from 1 to 5 hours of acceptable CE in a subsequent audit.
  - is unable to document completion of from 6 to 15 hours of acceptable CE.
2. In cases where there are findings of probable cause for violations in addition to missing CE, a PHCO may be offered with a notice of an informal conference.
3. The following sanctioning guidelines may be included 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.