

**Virginia Board of Dentistry**  
**Policy on Sanctioning for**  
**Failure to Comply with Insurance and Billing Practices**

Excerpts of Applicable Law, Regulation and Guidance

- The Board may sanction any licensee for any unprofessional conduct likely to defraud or to deceive the public or patients, §54.1-2706(4)
- The Board may sanction any licensee for intentional or negligent conduct in the practice of dentistry or dental hygiene which causes or is likely to cause injury to a patient or patients, §54.1-2706(5)
- The Board may sanction any licensee for conducting his practice in a manner contrary to the standards of ethics of dentistry or dental hygiene, §54.1-2706(10)
- A dentist shall not obtain, attempt to obtain or cooperate with others in obtaining payment for services by misrepresenting procedures performed, dates of service, or status of treatment, 18VAC60-21-60.B
- If a disciplinary proceeding will not be instituted, a board may send an Advisory Letter to the subject of a complaint or report, §54.1-2400.2(F)
- Confidential Consent Agreements (“CCA’s”) may be used to address minor or technical violations, Guidance Document 60-1

A. Guidelines for Sending an Advisory Letter

1. The reviewing Board member or staff (the “Reviewer”) should only request an Advisory Letter when there is not clear and convincing evidence to support a finding that a violation of law or regulation has occurred.
2. Advisory letters may be used to close cases when the Reviewer is concerned that the presenting information indicates that the licensee may be acting in ignorance of the applicable law and regulations.

B. Guidelines for Offering a Confidential Consent Agreement

1. The Reviewer shall offer a CCA for a first offense where there is only one finding of probable cause for fraudulent insurance and/or billing practices.
2. In cases where there are findings of probable cause for violations in addition to a single first offense of fraudulent insurance/billing practice violation, the Reviewer may offer a CCA consistent with Guidance Document 60-1.
3. The offered CCA shall include a finding that a violation occurred, shall request that the license cease and desist the fraudulent insurance and/or billing practices, and shall require continuing education in recordkeeping.

C. Guidelines for Imposing Disciplinary Sanctions

1. The Reviewer may offer a Pre-Hearing Consent Order (“PHCO”) or request an informal fact finding conference when probable cause is found that the licensee has prior insurance and/or billing practice violations.
2. The Reviewer may offer a PHCO or request an informal fact finding conference when probable cause is found that there were multiple patients affected by the licensee’s fraudulent insurance and/or billing practice violations.
3. The Reviewer shall offer a PHCO or request an informal fact finding conference when probable cause is found that there were fraudulent insurance and/or billing practice violations.
4. The Reviewer shall consider the following sanctioning guidelines:
  - a. A \$1,000.00 monetary penalty per violation, and continuing education in recordkeeping and risk management for a second single offense of fraudulent insurance and/or billing practices; or a first offense where there were multiple patients affected by the fraudulent insurance and/or billing practices
  - b. A \$5,000.00 monetary penalty per violation, a reprimand and continuing education in ethics for a third offense of fraudulent insurance and/or billing practices.
5. In cases where there are findings of probable cause for violations in addition to fraudulent insurance and/or billing violations, the Reviewer may offer a PHCO or request an informal fact finding conference.