

# Overview of Enforcement Program and Process



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## Mission Statement

The Dental Board of California's mission is to protect and promote the health and safety of consumers of the State of California.

## Vision Statement

The Dental Board of California will be the leader in public protection, promotion of oral health, and access to care.



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# Enforcement Program

- Complaint and Compliance Unit (CCU)
- Inspections/Probation Section
- Investigations
  - ❖ Investigation Unit: Sworn Investigators
  - ❖ Investigative Analysis Unit (IAU): Non-Sworn
- Discipline Coordination Unit (DCU)



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# Complaint and Compliance Unit (CCU)

- CCU receives approximately 4,000 pieces of correspondence each year. Complaints, subsequent arrest reports, insurance settlements, and reports of hospitalization or death all come through the CCU.
- CCU receives correspondence by web portal, physical mail, email, and telephone.
- A complaint can be filed by anyone who believes that a licensee of the Board has engaged in illegal activities that violate the Dental Practice Act (BPC § 1680):
  - ❖ Consumers
  - ❖ Insurance companies
  - ❖ Dental practitioners
  - ❖ Law enforcement



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# Complaint and Compliance Unit

## Common reasons for complaints

- ❖ Quality of Care
- ❖ Substance use/abuse
- ❖ Improper advertising
- ❖ Fraud
- ❖ Sexual misconduct
- ❖ Infection control
- ❖ False or fictitious name use
- ❖ Unlicensed activity



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# Complaint and Compliance Unit

- Collects all dental records related to the complaint from dentists and physicians.
- Obtains the opinion of a dental consultant to determine if a violation of the Dental Practice Act occurred.
- Forwards substantiated cases to Investigations.
- Closes unsubstantiated cases.



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# Inspection Program

Provide a response to conditions affecting the health, safety, and welfare of the dental consumer.

Per California Code of Regulations, title 16, section 1005, "Minimum Standards for Infection Control," subdivision (a)(1)



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# Inspection Program

Business and Professions Code (BPC) section 1611.5:

(a) The board may inspect the books, records, and premises of any dentist . . . in response to a complaint.

(b) Failure to allow an inspection . . . shall be grounds for suspension or revocation of the license or permit in accordance with Section 1670.



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# Inspection Program

Complaints may concern:

- Unsanitary conditions
- Auxiliary staff working out of their scope of duties
- Failure to file an address change
- Working with an expired license
- Operating without a fictitious name permit
- Owning more than one office without additional permits



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# Inspection Program

## What can Inspectors do?

- Issue written warnings (Notice to Correct)
- Issue Citations
- Refer to Attorney General's Office for discipline



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# Inspection Program

## BEFORE

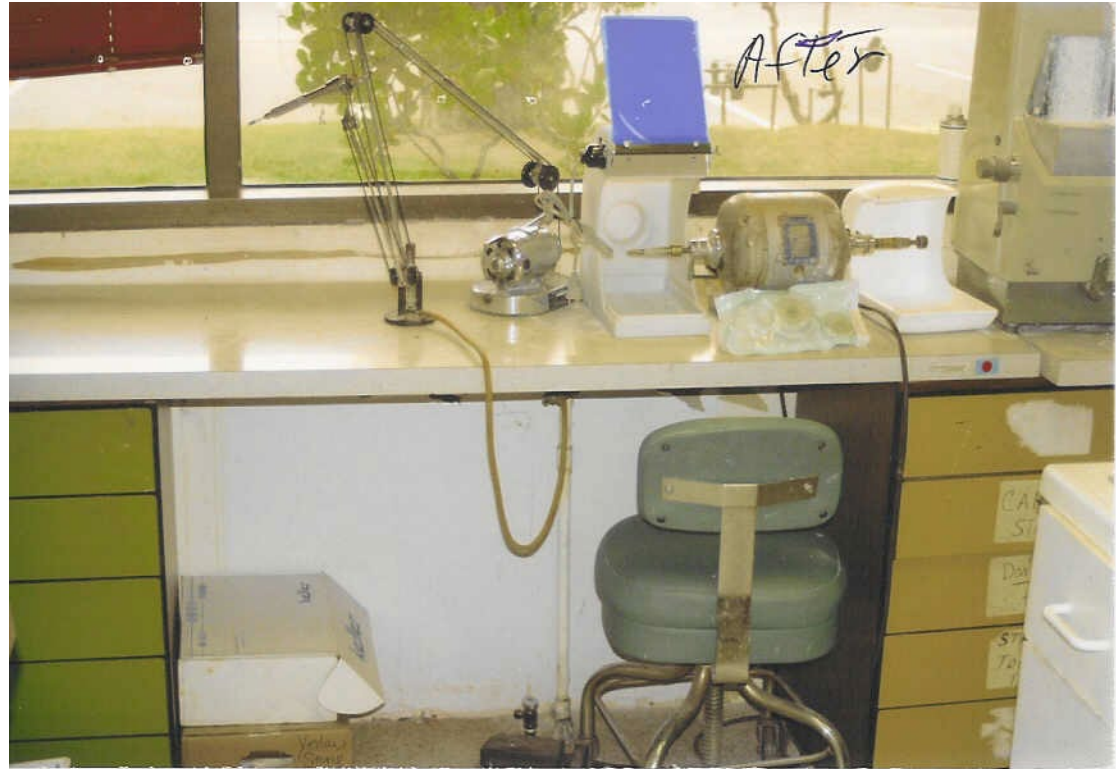


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# Inspection Program

AFTER



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CALIFORNIA DEPARTMENT OF  
**CONSUMER**  
AFFAIRS

# Investigations



**Investigation Unit:** Highly trained team of investigators who are sworn peace officers. This team provides law enforcement investigative services and develops information for criminal or administrative filings.

**IAU:** Highly trained team of civilian investigators. This team investigates general unprofessional conduct or general negligence / incompetence resulting in no injury or minor patient harm, in addition to appeals for denials of licenses/permits (SOIs).



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# Investigation Unit



## What does an investigator do?

- Gathers facts, records, and evidence
- Interviews witnesses
- Evaluates and sends reports to experts for review
- Makes arrests (Sworn Investigators)
- Serves search warrants (Sworn Investigators)
- Drafts and serves Administrative Subpoenas
- Issues Administrative Citations
- Files with the Attorney General (AG) or District Attorney



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# Investigation Unit

## Case outcomes

- Close as no violation
- Request criminal filing
- Transmit to the AG's Office
  - ❖ Public Reprimand
  - ❖ Probation
  - ❖ Revocation/surrender of a license



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# Discipline Coordination Unit (DCU)



## Responsibilities:

- Transmits investigative cases that require formal disciplinary action to the AG's Office.
- Acts as a liaison between the Executive Officer (EO) of the Board and the AG's Office.



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# Discipline Coordination Unit

Three categories of initial administrative actions:

- **Accusation:** A pleading that is filed when an agency (Board) wants to discipline a license that has already been issued.
- **Statement of Issues (SOI):** A pleading that is filed when the agency determines that an applicant for licensure should not be issued a license. The SOI is filed when an applicant has been denied a license through the agency and is appealing that denial.
- **Petition to Revoke Probation (PTR):** A pleading that is filed when a probationary licensee violates a term or condition of probation. This can also be filed alongside an Accusation because conduct that violates probation is often conduct that forms an independent basis to discipline a license.



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## Discipline Coordination Unit

After a case is referred to the AG's Office, and a pleading is filed, the case can result in one of the following decisions:

- **Stipulated Settlement:** This results from discussion between the DAG, the Board EO, and the Respondent, and it can include probation, public reproof, or surrender.
- **Proposed Decision:** This results from a hearing, and it is issued by an ALJ within 30 days after a hearing concludes.
- **Default Decision:** This results from the failure of a Respondent to file a Notice of Defense within 15 days after a pleading is filed and served on the Respondent.



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# Probation Unit



Board may discipline a licensee by placing their license on probation.

- Probation results from an accusation filed against the licensee.
- Probation is for a specified time period with terms and conditions.
- The probation order is based on a stipulated agreement or upon a proposed decision rendered by an ALJ.

Authority: BPC § 1670



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# Probation Unit

## Responsibilities:

- Monitor licensees whose licenses are on probation due to sustained administrative discipline.
- The Board's probation monitors verify that the public is protected and that dental probationers are complying with the terms and conditions of their probation.
- Dental probationers who violate their probation orders may have their licenses revoked.



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# For More Information

Email us at:

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