Ethics Policy

PURPOSE

These procedures are designed to assist in promoting the highest level of professional conduct by diplomates, candidates, and applicants of ABPD and resolving disputes related to allegations of misconduct against diplomates, candidates, and applicants of ABPD. They are intended to resolve disputes and allegations in an expeditious manner while at the same time affording the diplomate, candidate, or applicant a fair opportunity to rebut them.

ETHICS COMMITTEE

The Ethics Committee shall enforce the Code of Professionalism and Professional Conduct. The Ethics Committee shall have all such powers and duties as established herein, as well as all powers reasonably necessary to perform those duties. The Ethics Committee shall have the flexibility to conduct its business in a manner that it determines is most appropriate to achieve its objectives, which shall be consistent with the policies and procedures set forth herein.

REVOCATION OF CERTIFICATION; RESTRICTION OF LICENSE

- ABPD diplomates, candidates, and applicants must hold an active, unrestricted license to engage in the practice of dentistry in all states and territories in which they are licensed, subject to the exceptions described herein.
- A license shall be deemed "restricted" for purposes of this policy if a licensing jurisdiction or State Dental Board has taken any of the following actions against it:
    - Revocation;
    - Surrender in lieu of or to avoid revocation, suspension, probation, or special conditions;
    - Suspension;
    - Probation; or
    - Subjected to special conditions or requirements that are still in effect (e.g., supervision or practice restrictions), regardless of whether the conditions are the result of a voluntary agreement between the dentist and State Dental Board. • If a diplomate, candidate, or applicant has a license that has been revoked, suspended, or surrendered as set forth above, the individual no longer qualifies to hold ABPD certification or status and shall be automatically revoked without further Investigation or Hearing.
- If a diplomate, candidate, or applicant holds a license in more than one state or jurisdiction, the revocation, suspension, or surrender of a license in one state or jurisdiction shall be sufficient for automatic revocation of ABPD certification or status.
- If a diplomate, candidate, or applicant has a license that has been otherwise restricted, as herein defined, ABPD has the authority and may, at its discretion, undertake disciplinary proceedings, consistent with due process, to revoke the diplomate's board certification or candidate's or applicant's status.
- Revocation of a certification and/or status based on a diplomate, candidate, or applicant's failure to meet minimum requirements by having a restricted license is a final decision not subject to further appeal or review.

- Reinstatement of a diplomate's board certification or a candidate's or applicant's status, and the license is no longer restricted, is at the sole discretion of ABPD.

INVESTIGATION AND HEARING OF DISCIPLINARY MATTERS INITATING AND CONDUCTING PROCEEDINGS

- Complaints alleging a violation of ABPD's Standards of Conduct ("misconduct") by or against a diplomate, candidate, or applicant shall be directed to the Ethics Committee Chair. ABPD does not investigate complaints involving allegations of malpractice, negligence, dissatisfaction with treatment or services, financial disputes regarding fees, or alleged criminal acts.
- After receiving a complaint, the Ethics Committee Chair shall appoint an "Investigation Team."
- It shall be the duty of the Investigation Team to conduct a thorough and discreet investigation of the matter before making a recommendation. In conducting its investigation, the Investigation Team has the authority and discretion to determine who to contact regarding the complaint and what information is needed to complete the investigation.
- The Investigation Team shall issue its "Findings and Recommendations," which shall include its determination regarding the dispute or allegation and any recommended sanction. The Investigation Team shall summarize in writing the evidence that supports the Findings and Recommendations and shall send this summary to the Ethics Committee Chair.
- If the Investigation Team determines that misconduct has occurred and a sanction should be imposed, the Chairperson of the Ethics Committee shall convene the Ethics Committee to hear the matter.
- If the Investigation Team determines that misconduct has occurred but does not warrant a sanction, the Ethics Committee shall arrange for a Letter of Concern or Letter of Warning to be sent to the diplomate, candidate, or applicant.
- If the Investigation Team determines that no misconduct has occurred, then the Ethics Committee shall arrange for the matter to be dismissed or deferred.

SANCTIONS

- In cases of candidate or applicant misconduct, the Ethics Committee may do any of the following:
- Exclude the candidate or applicant from further participation in the examination process.
- Impose such conditions on that candidate's or applicant's further participation as it deems appropriate.
- Preclude the candidate or applicant from reapplying for the examination process or impose conditions on the candidate's or applicant's right to reapply.
- In cases of diplomate, candidate, or applicant misconduct, the Ethics Committee may do any of the following:
    - Reprimand. The Ethics Committee, in its discretion, may issue a reprimand, which may be entered on the permanent record of the diplomate, candidate, or applicant.
    - Suspension. The Ethics Committee, in its discretion, may suspend a diplomate's board certification or a candidate's or applicant's status. Suspensions may be imposed for a definite or indefinite term. The Ethics Committee may order that a suspended diplomate, candidate, or applicant take corrective measures and document satisfactory completion of those measures within a specified period of time or risk indefinite suspension.
    - Revocation. The Ethics Committee, in its discretion, may revoke a diplomate's board certification or a candidate's or applicant's status.

NON-LIABILITY

- The diplomate, candidate, or applicant shall agree that neither ABPD nor its officers, directors, or agents shall be liable for any action taken or decision rendered pursuant to these Procedures.