

**DEPARTMENT OF HEALTH  
HEALTH PROFESSIONS AND FACILITIES  
BOARD OF DENTURISTS  
POLICY**

<b>TITLE:</b>	Initial Assessment Thresholds	<b>NUMBER:</b> DN 07
<b>REFERENCE:</b>	Chapter 18.130 RCW - Uniform Disciplinary Act and Chapter 18.39 RCW – Denturist	
<b>CONTACT:</b>	Blake Maresh, Executive Director	
<b>EFFECTIVE DATE:</b>	September 26, 2013	
<b>SUPERSEDES:</b>		
<b>APPROVED:</b>	Michael Gillispie	
	Chairperson, Board of Denturists	

**POLICY STATEMENT**

This policy provides criteria for consistent, fair and uniform assessment of reports and complaints.

Any report that is classified below threshold may be reconsidered for investigation if new documentation is received, if a pattern of the violation occurs, or if the Board of Denturists (board) otherwise deems that an investigation is appropriate.

Reports that are not within the board’s statutorily mandated jurisdiction shall be classified as No Jurisdiction.

**DEFINITION**

A report may be classified as “Below Threshold” when one or more of the following are true:

- When the allegation set forth in a report or violation poses minimal risk of harm or impact to the public health safety or welfare.

**OR**

- If investigated, would likely not result in a Statement of Charges or Stipulation to Informal Disposition, but may result in a closure with No Cause for Action or Notice of Correction.

## **I. REPORTS REQUIRING INVESTIGATION**

A board panel determines when an investigation is required of a report received.

The following have been identified as **not** appropriate for a below threshold disposition: If a report falls into one of these categories as well as one of the below threshold complaint categories it will be investigated.

- All complaints concerning a patient death.
- Alleged violations that are moderate or severe in nature.
- Alleged violations that result in moderate or severe injury.
- Alleged violations that create a moderate or severe risk of harm.
- Convictions of a gross misdemeanor or felony.
- Alleged violations of fraud.
- Alleged violations of physical abuse.
- Alleged violations of injury (mental or physical).
- Alleged violations of sexual misconduct.

## **II. BELOW THRESHOLD DETERMINATION**

A board panel determines when a report is considered below threshold. Before a report is closed without investigation, the board panel must consider prior discipline and any previous complaints regarding the practitioner.

The following have been identified as possible criteria for a below threshold determination. To assign the below threshold disposition to a report, the alleged violation must be at least one of the following classes of violations:

### **1. No Violation**

Complaints that are received but the board determines there is no violation identified.

### **2. Advertising**

Advertising that does not appear to be false, fraudulent or misleading. To be considered fraudulent, an advertisement must contain all of the 5 elements listed below in number 3.

### **3. Communication and Personality Issues**

Report appears to be the result of *unintentional* miscommunications, or mistake of fact. This includes, *but is not limited to*, personality disputes that involve rudeness or minor verbal abuse.

### **4. Aged or Outdated**

Reports where the alleged issue occurred more than a year ago and no steps were taken by the complainant to resolve the issue.

### **5. Risk Minimal and Not Likely to Reoccur**

An incident not likely to happen again.

### **6. Lack of Complainant Credibility**

The complainant has previously demonstrated a lack of credibility.

### **7. Complaint Withdrawn**

The complainant withdraws report.

### **8. Billing/Fee Disputes**

This category involves complaints where the complainant *asserts* unfair business practices related to billings and fee disputes. This category does not include fraud or *additional* misrepresentation. To prove fraud the allegation must contain all the following 5 elements.

- A. A representation must be made by the respondent.
- B. The respondent's representation must be false.
- C. The respondent's representation must be material.
- D. The respondent's representation must be made with knowledge (either know that the representation is false or is without knowledge as to its truth or honesty).
- E. The respondent's intent must be to knowingly deprive the person of something of value permanently (either through design or reckless disregard for the truth).

### **9. Practice on an Expired Credential (License, Certification, or Registration)**

Reports of allegedly practicing on an expired credential where the credential was renewed within 14 days of expiration date and there is no allegation of patient harm. The following factors may be considered: length of time credential has been active, first time license has expired, method of report, effect on other licensees, billing, and remorse.

**10. Profession Specific Threshold**

- A. Violating confidentiality
- B. Inappropriate delegation to unlicensed person that does not involve invasive procedures or piercing of skin
- C. Failure to supervise resulting in no harm or minor harm to a patient
- D. Isolated incidents which suggest little or no patient harm, not likely to reoccur.

**11. Otherwise Resolved**

Reports where a complaint has been remedied by another state agency, federal government or entity.

**12. No Jurisdiction**

Reports in which board has no jurisdiction over respondent.

**13. Insufficient Information (must specify what information is needed)**

Complaint that does not contain enough information to make a determination.

**14. If Allegations are True, No Violation of Law Occurred**

A report that contains relevant information, but there is no violation within the allegation.

**15. Referral to Another Program or Agency**

Reports that the board would not investigate as the issue falls under a separate program or agency.