

DANB DANB's Appeal Policy and Procedures

Contact DANB with any questions at 1-800-367-3262 or email professionalconduct@danb.org.

Dental Assisting National Board
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Chicago, IL 60611
www.danb.org

DANB's Appeal Policy and Procedures for Adverse Decisions

I. DECISIONS SUBJECT TO APPEAL

The following adverse decisions by the Dental Assisting National Board, Inc. ("DANB") are subject to appeal in accordance with the policy and procedures set forth herein:

A. Adverse Administrative Decisions

1. Denial of a request for administrative or exam fee reduction or waiver.
2. Denial of a request for an exception to other administrative requirements.
3. Denial of a grievance regarding exam administration.

B. Adverse Substantive Decisions

1. Rejection of credentials for eligibility to sit for a DANB exam.
2. Denial of certification or recertification.
3. Denial of continuing dental education (CDE) course eligibility.
4. Failure on audit of certificant compliance with DANB's *Recertification Requirements*.
5. Other substantive decision not addressed in (1)-(4) of this section.

NO APPEAL may be taken from an adverse decision based on an individual's receipt of a failing result on a DANB exam, unless extraordinary circumstances exist, as determined solely by the DANB's Board of Directors (the "Board"); provided that a timely written *Request for Hand Scoring of Exam Results* will be granted upon submission of form and payment of a nonrefundable scoring fee.

The policies and procedures set forth herein do not apply to appeals related to disciplinary decisions. An individual who has received notice of disciplinary decision by DANB may appeal such a decision as provided for in *DANB's Disciplinary Policy & Procedures*.

II. NOTICE OF ADVERSE DECISION

An individual who has received an adverse decision shall be sent a prompt written notice of the adverse decision. The notice shall state the reason(s) for the adverse decision and shall inform the individual that he or she has the right to seek reconsideration of the adverse decision according to the Appeal Process outlined in Section III below.

III. THE APPEAL PROCESS

A. Request for Reconsideration of Adverse Administrative and Substantive Decisions (Level 1 appeal)

An individual who has received notice of an adverse Administrative or Substantive Decision by DANB may seek reconsideration of that decision by submitting a written request for appeal ("Request for Reconsideration"). To be valid, a Request for Reconsideration, along with any supporting documentation and a nonrefundable DANB appeal fee, must be sent by traceable delivery method (e.g., registered mail, FedEx, UPS, USPS, fax, email) and must be received by DANB's Director of Professional Conduct within 30 calendar days of the date of the notice of the adverse decision. Requests for a reduction or waiver of an exam-related fee, such as a processing or rescheduling fee, must be received within 30 days of the last day of the testing window for an exam. If a Request for Reconsideration is not received within 30 calendar days, the adverse decision shall constitute the FINAL decision of DANB on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by DANB.

The Request for Reconsideration must contain a statement of why the individual believes that the adverse decision was improper and must include any supporting documentation that the individual wishes to have considered as part of the

reconsideration. The Request for Reconsideration must be accompanied by a nonrefundable appeal fee payable to DANB to cover the administrative costs associated with the reconsideration process. The fee shall not be refunded, regardless of the outcome of the appeal.

DANB shall review the Request for Reconsideration and any supporting documentation, and make a decision based on applicable DANB policies.

DANB shall notify the individual in writing of the action taken, including the reasons therefor, within 30 calendar days after receipt of the Request for Reconsideration. An individual who is not satisfied with the decision of DANB on reconsideration may appeal the decision to the Candidate and Certificant Services Committee by submitting a written request for review ("Request for Review").

B. Request for Review by the Candidate and Certificant Services Committee (Level 2 appeal)

An individual who has received a notice that a Request for Reconsideration was denied by DANB may appeal the decision by submitting a written request for appeal ("Request for Review"). To be valid, a Request for Review must be postmarked within 30 calendar days of the date of the notice of decision on reconsideration. The Request for Review must contain a statement of why the individual believes that the adverse decision was improper, must include any supporting documentation that the individual wishes to have considered as part of the review, and must be accompanied by a nonrefundable appeal fee payable to DANB.

If a Request for Review is not postmarked within 30 calendar days of the date of Notice of Decision on Reconsideration, the decision on reconsideration shall constitute the FINAL decision of DANB on the matter and shall not be subject to appeal absent extraordinary circumstances, as determined solely by DANB.

1. Role of the Candidate and Certificant Services Committee

Requests for review of adverse Administrative or Substantive decisions by DANB shall be considered by the DANB Candidate and Certificant Services Committee, or a subcommittee thereof (two or three members), which shall be referred to as the "Review Committee" for such appeals.

The Review Committee shall consider the notice of adverse decision and the Request for Review, including any supporting documentation submitted by the individual or prepared by DANB staff. The Review Committee also may, at its discretion, request or receive, and review, additional information. The foregoing shall constitute the Review Record. A copy of the Review Record shall be forwarded to the individual at least 10 calendar days before the meeting of the Review Committee.

The review shall be conducted pursuant to the procedures set forth under subheading 2 of this section (for Administrative Decisions) or under subheading 3 of this section (for Substantive Decisions).

2. Final Review of Administrative Decisions

A timely Request for Review of a denial of a request for administrative or exam fee reduction or waiver or denial of a request for an exception to any other administrative requirement, will be finally reviewed by the Review Committee at its next regularly scheduled meeting, or at a special meeting convened for such purpose, occurring at least 30 calendar days after receipt of the Request for Review. The date of the Review Committee meeting will be determined at the sole discretion of DANB.

Based on its review of the Review Record, the Review Committee may, at its discretion, take one of the following actions:

- Affirm the adverse decision,
- Modify the adverse decision, or
- Reverse the adverse decision.

The individual shall be notified in writing of the Review Committee's action, including the reasons therefor, within 30 calendar days after the Review Committee reaches its decision.

The Review Committee's decision on any Administrative Decision shall constitute the FINAL decision of DANB on the matter and shall not be subject to further appeal absent extraordinary circumstances, as determined solely by DANB.

3. Review of Adverse Substantive Decisions

A timely Request for Review of an adverse Substantive Decision shall be considered by a DANB Review Committee at its next regularly scheduled meeting, or at a special meeting convened for such purpose, occurring at least 30 calendar days after DANB's receipt of the Request for Review. The date of the Review Committee meeting will be determined at the sole discretion of DANB.

Based on its review of the Review Record and consideration of testimony provided during a hearing, if any, the Review Committee may, at its discretion, take one of the following actions:

- Affirm the adverse decision,
- Modify the adverse decision, or
- Reverse the adverse decision, in which event the decision of the Review Committee shall constitute the final decision of DANB on the matter.

The individual shall be notified in writing of the Review Committee's action, including the reasons therefor, within 30 calendar days after the Review Committee reaches its decision. The Review Committee's decision on a Substantive Decision may be subject to discretionary appeal as described in Section C below.

C. Request for Discretionary Appeal of Adverse Substantive Decisions (Level 3 appeal)

1. Request for Discretionary Appeal

An individual who has received notice that an adverse Substantive Decision has been affirmed or modified by the Review Committee may appeal to the Appeal Committee of DANB's Board of Directors by submitting a written request for appeal ("Request for Discretionary Appeal") to DANB. To be valid, the Request for Discretionary Appeal must be postmarked within 30 calendar days of the date of the notice of decision and must state with specificity the grounds on which the individual is requesting the appeal. The decision to grant review of the Request for Discretionary Appeal is at the sole discretion of the Chair of the Board of Directors.

If a Request for Discretionary Appeal is not postmarked within 30 calendar days of the date of notice of decision, the Adverse Decision shall constitute the FINAL decision of DANB on the matter and shall not be subject to further appeal absent extraordinary circumstances, as determined solely by DANB.

2. Acceptable Grounds for Discretionary Appeal of Adverse Substantive Decisions

The following will be the only grounds considered for granting a Discretionary Appeal:

- a) The individual provides evidence that the Review Committee committed a procedural error that materially affected the outcome of the review process.
- b) The individual provides evidence that the decision of the Review Committee was arbitrary and capricious.

3. Discretionary Appeal Procedures

- a) Granting or Denying a Discretionary Appeal Request
 - (1) A timely Request for Discretionary Appeal from an adverse Substantive Decision affirmed or modified by the Review Committee shall be considered by the Chair of DANB's Board of Directors. If the Chair, in their discretion, determines that there are acceptable grounds for a Discretionary Appeal, the Discretionary Appeal will be heard by the Appeal Committee at the next regularly scheduled meeting of DANB's Board of Directors occurring at least 30 calendar days after DANB's receipt of the Request for Discretionary Appeal.
- b) Appeal Process

- (1) The Appeal Committee shall consider the Review Record, the Notice of Affirmation or Modification of Adverse Decision, the Request for Discretionary Appeal, and any record of the hearing if one was conducted before the Review Committee. The foregoing shall constitute the Appeal Record. The Appeal Committee shall render its decision solely on the Appeal Record.
- (2) There shall be no hearing, whether telephonic or otherwise, before the Appeal Committee.

A decision by the Appeal Committee to ratify, reverse or modify an adverse decision shall constitute the FINAL decision of DANB on the matter and shall not be subject to further appeal.

IV. SUBMISSIONS TO DANB

Whenever there is a requirement for a written notice, request or other writing to be submitted to DANB, such writing shall be addressed to the following:

Director of Professional Conduct
Dental Assisting National Board, Inc.
444 N. Michigan Ave., Suite 900
Chicago, IL 60611
professionalconduct@danb.org

All such written notices must be sent by a traceable delivery method (e.g., registered mail, FedEx, UPS, USPS, fax, email). Failure of delivery of written communications caused by improper addressing or delivery method may not be considered as the basis for appeal or reconsideration of any decision or the extension of any time period provided for Petitioner's reply to a notice from DANB in connection with any review or appeal proceeding.

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The procedures set forth above for the review and appeal of adverse decisions may be subject to an expedited schedule when deemed necessary by DANB.