

## DANB's Review & Appeal Policy & Procedures



Dental Assisting National Board, Inc. (DANB)  
444 N. Michigan Ave., Suite. 900  
Chicago, IL 60611  
Phone: 1-800-367-3262 Fax: 1-312-642-1475  
Email: danbmail@danb.org Website: www.danb.org

### DANB's Review & Appeal Policy & Procedures for Adverse Decisions

## I. DECISIONS SUBJECT TO REVIEW OR APPEAL

The following adverse decisions by the Dental Assisting National Board, Inc. ("DANB") are subject to review or appeal:

### 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 examination administration.

### B. Adverse Substantive Decisions

1. Rejection of credentials for eligibility to sit for a DANB examination.
2. Denial of Certification or recertification.
3. Denial of continuing dental education (CDE) course eligibility.
4. Failure on CDE audit.
5. Other substantive decision not addressed in (1)-(4) of this section.

### C. Adverse Disciplinary Decisions based on:

1. Irregular behavior in connection with a DANB examination, as defined in Section I.A., Irregular Behavior, of DANB's Policy and Procedures for Disciplinary Review and Appeal.
2. Failure to meet obligations to DANB at any time, as defined in Section I.A., Irregular Behavior, of DANB's Policy and Procedures for Disciplinary Review and Appeal.
3. Manufacture or use of fraudulent DANB credentials.
4. Legal, regulatory or credentialing action.

NO APPEAL may be taken from an adverse decision based on an individual's receipt of a failing score 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 an exam answer sheet will be granted upon payment of a \$25.00 scoring fee.

DANB does accept appeals of the results of Arizona and Oregon Clinical Radiologic Proficiency Examinations and other clinical examinations administered by DANB. However, the policies and procedures set forth herein do not apply to appeals of clinical examination results. DANB's policy and procedures for appeals related to failure of a clinical radiography exam may be found in "DANB's Policy and Procedures For Appeals of Clinical Examination Results."

## II. CONFLICT OF INTEREST POLICY

DANB Board Directors shall not participate in discussions of, or vote on, any review or appeal in which the Director has or has had a substantial personal or professional relationship with the individual requesting the review or appeal.

### **III. 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 Review Process outlined in Section IV, below.

### **IV. THE REVIEW PROCESS**

#### **A. Review of Adverse Disciplinary Decisions**

An individual who has received notice of an adverse disciplinary decision by DANB may appeal the adverse disciplinary decision as provided for in DANB's Policy and Procedures for Disciplinary Review and Appeal.

#### **B. Review of Adverse Administrative and Substantive Decisions**

##### **1. Request for Reconsideration by DANB**

An individual who has received notice of an adverse administrative or substantive decision by DANB may seek reconsideration of that decision by sending a written request for reconsideration to DANB. To be valid, the request for reconsideration, along with any supporting documentation and a \$25.00 DANB Appeal Fee, must be sent by registered mail, overnight courier, or fax, and must be received by DANB's Executive Director within 30 calendar days after receipt by the individual of notice of the adverse decision. If a request for reconsideration is not received within 30 days, the adverse decision shall constitute the final decision of DANB on the matter.

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 a written exam or within 30 days of the ending eligibility date for a computerized exam. 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 \$25.00 nonrefundable fee payable by check, money order, or credit card 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 based on established DANB policy may take one of the following actions:

1. Affirm the adverse decision; or
2. Reverse the adverse decision; or
3. Seek further information from the individual.

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 may appeal the decision to a Review Panel by filing a written Request for Review.

##### **2. Review by a Review Panel**

###### **(a) Request for Review**

To be valid, a Request for Review must be postmarked within 30 calendar days after the date of the notice of adverse decision. The Request 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 Review Fee in the form of a check for \$100.00 made payable to the Dental Assisting National Board, Inc. Additionally, if the individual desires a hearing before the Review Panel, as described more fully under subheading (b) of this section, the individual's intent to appear personally before the Review Panel or to address the Review Panel by telephone must be expressed in the Request for Review.

**If a Request for Review is not postmarked 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.**

**(b) Telephonic or In-Person Hearings**

An individual requesting review of an adverse decision may submit a timely request for a hearing before the Review Panel. The hearing may be conducted in person or by telephone. Not less than 30 calendar days prior to the scheduled date of the hearing, DANB shall notify the individual in writing of the date, time, and place of the hearing.

If the individual will be accompanied by legal counsel, DANB must be so notified in writing no less than 15 days prior to the date of the hearing. An individual who chooses to appear before the Review Panel in person or by telephone shall be given the opportunity to make a statement summarizing the individual's position. At the discretion of the Review Panel, the individual's legal counsel may make an opening or closing statement. At the conclusion of the individual's statement, members of the Review Panel and DANB's legal counsel may ask the individual to respond to questions. The Review Panel shall not be bound by technical rules of evidence usually employed in legal proceedings, but may consider any evidence it deems appropriate.

All expenses incurred by the individual in connection with the hearing shall be borne by the individual. If the individual requests a hearing and, without good cause, fails to appear or fails to advise DANB in writing more than 7 calendar days before the scheduled date of the hearing that he or she will not appear at the hearing, the individual may forfeit his or her opportunity for a hearing, and the Review Panel may proceed with its deliberations in the matter.

Following the hearing, the Review Panel shall determine, by majority vote of those members present, whether to ratify, reverse, or modify the adverse decision. The individual shall be notified in writing of the decision, including the reasons therefor, within 30 calendar days after the Review Panel reaches its decision.

**(c) Composition and Role of the Review Panel**

Requests for review of denial of eligibility for a DANB exam, denial of a fee reduction or waiver, denial of a request for an exception to another administrative requirement, or any other adverse decision received by a DANB exam candidate or other individual who is not Certified by DANB shall be considered by a subcommittee of the DANB Candidate Services Committee, which shall serve as the Review Panel for such appeals.

Requests for review of denial of CDE course eligibility, failure on a CDE audit, or any other adverse decision received by a DANB Certificant shall be addressed to a subcommittee of the DANB Certificant Services Committee, which shall serve as the Review Committee for such appeals.

The Review Panel 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 Panel 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 Panel.

The review shall be conducted pursuant to the procedures set forth under subheading (d) of this section (for administrative decisions) or under subheading (e) of this section (for substantive decisions).

**(d) 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 DANB Review Panel 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 Panel meeting will be determined at the sole discretion of DANB.

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

- (1) Affirm the adverse decision,
- (2) Modify the adverse decision, or
- (3) Reverse the adverse decision.

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

THE REVIEW PANEL'S DECISION ON ADMINISTRATIVE MATTERS 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.

**(e) Review of Adverse Substantive or Disciplinary Decisions**

A timely Request for Review of an adverse substantive or disciplinary decision shall be considered by a DANB Review Panel 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 Panel 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 Panel may, at its discretion, take one of the following actions:

- (1) Affirm the Adverse Decision,
- (2) Modify the Adverse Decision, or
- (3) Reverse the Adverse Decision, in which event the decision of the Review Panel shall constitute the final decision of DANB on the matter.

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

## **V. THE APPEAL PROCESS**

### **A. Request for Appeal**

An individual who has received notice that an adverse substantive decision has been affirmed or modified by the Review Panel may appeal to the Appeal Committee of DANB's Board of Directors by filing a written Request for Appeal with DANB. To be valid, the Request for Appeal must be postmarked within 30 calendar days after 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 an Appeal is at the sole discretion of the Chair of the Board of Directors.

**If a Request for Appeal is not postmarked 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.**

### **B. Acceptable Grounds for Appeal**

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

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

### **C. Consideration of an Appeal**

a. A timely Request for Appeal from an adverse substantive decision affirmed or modified by the Review Panel shall be considered by the Chair of DANB's Board of Directors. If the Chair, in his or her discretion, determines that an Appeal should be granted, the 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 receipt of the Request for Appeal.

- b. The Appeal Committee shall consist of all DANB Directors who did not participate in prior consideration of the matter under appeal. DANB's Board Chair will chair the Appeal Committee.
- c. The Appeal Committee shall consider the Review Record, the Notice of Affirmation or Modification of Adverse Decision, the Request for Appeal, and the record of the hearing if one was conducted before the Review Panel. The foregoing shall constitute the Appeal Record.
- d. The Respondent may request consideration of evidence, documentation, or written testimony not previously submitted to the Review Panel only if he or she can demonstrate that such evidence, documentation, or written testimony was not available at the time that the Review Panel considered the matter. If the Appeal Committee grants the Respondent's request to submit new evidence, the matter will be referred back to the Review Panel for reconsideration.
- e. If the Appeal is being considered due to an alleged procedural error made by the Review Panel, the matter will be referred back to the Review Panel for reconsideration.
- f. If the Appeal is being requested due both to an alleged procedural error and to an allegation that the original decision was arbitrary and capricious, the matter will first be referred back to the Review Panel for reconsideration and correction of the procedural error and the Respondent will be notified of the Review Panel's determination. If the Respondent continues to believe that the Review Panel's determination is arbitrary and capricious, the Respondent may, within 30 days following receipt of notice of the Review Panel's determination, submit a written request that the Appeal Committee review the Review Panel's decision on these grounds.
- g. A record of the Appeal Committee meeting shall be kept. A copy of the Appeal Committee meeting record shall be made available to the Respondent upon payment of a reasonable cost of reproduction.
- h. The Appeal Committee shall carefully consider all of the information presented in the Appeal Record. After due and thorough deliberation and upon the affirmative vote of a majority of the Appeal Committee, the Appeal Committee shall determine whether to ratify, reverse, or modify the Review Panel's decision or whether to refer the matter back to the Review Panel for reconsideration.
- i. The individual shall be notified in writing of the decision, including the reasons therefor, within 30 calendar days after the Appeal Committee reaches its decision.

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.

## V. 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:

Cynthia C. Durley, MEd, MBA  
Executive Director  
Dental Assisting National Board, Inc.  
444 N. Michigan Ave., Suite 900  
Chicago, IL 60611

Fax: 312-642-8507

\* \* \*

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.

Dental Assisting National Board, Inc. (DANB)

Request for Reconsideration Under DANB's Review and Appeal Process



This form must be completed by individuals requesting reconsideration of a decision made by the Dental Assisting National Board, Inc. The current DANB Review and Appeal Policy is detailed on pages 1-5 of this packet. Contact Krin Klein with any questions at 1-800-367-3262, ext. 462. Please provide a statement in the space below and attach any supporting documentation to this request form. Fax this form and attachments, along with your payment information, to DANB, Attn: Cynthia Durley/DANB Executive Director, at 312-642-8507 or mail to DANB

Attn: Cynthia Durley/Executive Director
444 N. Michigan Ave., Suite 900
Chicago, IL 60611

Requesting Reconsideration by DANB

Check Box Here



I hereby officially request an appeal to a decision (indicated below) from the Dental Assisting National Board, Inc. I understand a \$25 nonrefundable DANB Appeal Fee is required. My payment information is detailed below.

Please check all reasons for your Appeal that apply:

- Rejection of credentials for eligibility to sit for a DANB exam
Denial of a request for an exception to an administrative requirement
Denial of DANB Certification or Recertification
Denial of Continuing Dental Education (CDE) course eligibility
Failure on CDE audit
Denial of a grievance regarding exam
Denial of a request for administrative or exam fee reduction or waiver administration
Other

Please briefly include rationale for your appeal here:

Attach any other supporting documentation that you would like DANB to consider to this completed form.

I hereby attest the above information to be true.

Candidate/Certificant Signature

Date

Candidate/Certificant Information

SSN - - Date Exam(s) Taken or DANB Certification Number

Name (print or type)

Name, if different, at time of exam application

Address

City State Zip

Phone Number ( ) E-mail

Select Payment Option

Candidate/Certificant Name SSN or Certification Number

- Check/Money Order payable to the Dental Assisting National Board, Inc. or DANB
VISA MASTERCARD DISCOVER AMERICAN EXPRESS

Credit Card Authorization: Allows DANB to charge your credit card account. Please complete all information.

Credit Card # Expiration Date / / Amount \$

Cardholder's Name Cardholder's Signature

Cardholder's Billing Address

City/State/Zip Phone Number ( )

By signing, the cardholder acknowledges purchase of the aforementioned services by DANB in the amount of the total shown hereon and agrees to perform the obligations set forth in the cardholder's agreement with the issuer. Furthermore, the cardholder understands that the signature obtained on this form shall be used to indicate receipt of purchase of the services by DANB.