

National Commission Complaint Policy and Procedures

September 2024



National Commission on Recognition of
Dental Specialties and Certifying Boards

Policy Regarding Complaints

- A complaint is defined by the National Commission as one alleging that a recognized specialty sponsoring organization or certifying board may not be in compliance with a (the) *Requirements for Recognition of Dental Specialties and National Certifying Boards for Dental Specialists* and/or National Commission policies and procedures.
- The National Commission will only consider written, signed complaints that present relevant evidence/documentation that clearly identifies the specific *Requirement(s) for Recognition* and/or National Commission policies and procedures with which the recognized organization may be in non-compliance.
- Anonymous comments/complaints or oral comments/complaints will not be considered.
- In accordance with its responsibilities to determine compliance with the *Requirements for Recognition* and/or National Commission policies and procedures, the National Commission:
 - does not act as a mediator
 - does not intervene on behalf of any organizations and/or individuals
 - does not act as an arbitrator between disputing organizations and complainants.
- The National Commission maintains an investigative role when considering complaints and in adjudicating whether the recognized specialty sponsoring organization or recognized certifying board **is or is not** in compliance.



Policy Regarding Complaints

- A complaint should only be submitted to the National Commission after the complainant has exhausted all other avenues to reconcile issues/concerns with the recognized organization.
- As part of the evidence submitted with the complaint, the National Commission requires the complainant submit documentation showing that the complainant attempted to resolve the issue/concern with the recognized organization.
- Complaints that are outside of the National Commission's purview will not be investigated.
- Examples of concerns/issues that are outside of the National Commission's jurisdiction are as follows:
 - ❖ Recognized specialty sponsoring organization or certifying board elections for leadership positions
 - ❖ Volunteers/Diplomates that are appointed by the recognized specialty sponsoring organization or certifying board to serve on committees and/or administer examinations
 - ❖ Incidents that occurred prior to the establishment of the National Commission
- The National Commission **will not** consider any complaint that is currently being and/or has been previously litigated.



Policy Regarding Complaints

- The National Commission can only consider a recognized organization's **current compliance** with the *Requirements for Recognition* and/or National Commission policies and procedures.
- Complaints must be submitted to the National Commission within six (6) months of the alleged non-compliance.
- If a submitted complaint is related to a recognized specialty certifying board and the allegations are egregious enough to place the recognition of the recognized specialty sponsoring organization and recognized certifying board in jeopardy, the National Commission reserves the right to contact the recognized specialty sponsoring organization.
- The Complaint Policy does not apply to applicants for specialty sponsoring organization or certifying board recognition, as the determination of whether an applicant meets the *Requirements for Recognition* and/or National Commission policies and procedures is determined through the application policies and processes.



Procedures Regarding the Investigation of Complaints

- When an inquiry about filing a complaint is received by the National Commission, the inquirer is provided with a copy of the *Requirements for Recognition*, along with a copy of the National Commission's Complaint Policy.
- If the inquirer makes the determination to submit a complaint, the complaint must be a written, signed statement that specifically identifies which *Requirement(s) for Recognition* or National Commission policies and procedures the complainant believes the recognized specialty sponsoring organization or certifying board is not in compliance with.
- It is the responsibility of the complainant to identify which *Requirement(s) for Recognition* or National Commission policies and procedures they believe the organization is not in compliance with. It is **not** the role of the National Commission to make this determination.
- Submission of documentation that supports the noncompliance is **mandatory**. If no supporting documentation is included, the complaint will not be investigated and will be returned to the complainant.
- The documentation is reviewed by the National Commission Director and Legal Counsel to ensure all required documentation has been submitted and is completed within thirty (30) business days.



Procedures Regarding the Investigation of Complaints

- Initial investigation of a complaint may reveal that the National Commission is already aware of the non-compliance and is monitoring the specialty sponsoring organization or certifying board progress to demonstrate compliance. In this case, the complainant is notified that the National Commission is currently addressing the non-compliance issue noted in the complaint.
- Examples of potential non-compliances being addressed by the National Commission are as follows:
 - a. The National Commission has recently determined a non-compliance exists on the *Periodic Review of Dental Specialty Education and Practice* and is currently working with the recognized organization to correct the non-compliance.
 - b. The National Commission has recently determined a non-compliance exists on the *Annual Survey of the Recognized Certifying Boards* and is currently working with the recognized organization to correct the non-compliance.
 - c. The National Commission has recently determined a non-compliance exists based on the recent investigation of a complaint and is currently working with the recognized organization to correct the non-compliance.



Procedures Regarding the Investigation of Complaints

- If the complaint is deemed to not contain the proper and relevant evidence/documentation, the complaint will be returned with the request to submit the requested documentation. The complainant will have ten (10) business days to resubmit the complaint.
- If the requested documentation is not submitted within ten (10) business days, the complaint will become null and void and no further action will be taken.
- After a complaint has been deemed to fall within the National Commission's jurisdiction and contain the required documentation, the complaint becomes the property of the National Commission and may not be withdrawn by the complainant.
- If a complaint is received, and it is determined the complaint may contain new evidence that is relevant to the current non-compliance or addresses new potential non-compliance issues with the current non-compliance, the National Commission Chair, Chair of the respective Review Committee, National Commission Director, and Legal Counsel will make the determination as whether the complaint is considered a new complaint.



Procedures Regarding the Investigation of Complaints

- If it is determined the complaint does not contain new evidence regarding the current non-compliance, the complainant is so advised, and no further action is taken.
- If the complaint is related to an alleged non-compliance the National Commission is not aware, the appropriate Review Committee will be convened within thirty (30) business days after the complaint has been determined to fall within the National Commission's jurisdiction and contain all of the required documentation.
- A Review Committee member appointed by the recognized specialty sponsoring organization that is identified in the complaint or the recognized certifying board that provides examinations for the specialty that is identified in the complaint will withdraw from all discussions and recommendations concerning the complaint.
- The National Commission Chair will temporarily appoint another Commissioner to serve as a replacement for that Review Committee member.
- If the Review Committee determines the complaint **does not** provide sufficient, evidence/documentation of non-compliance with a (the) *Requirement(s) for Recognition* and/or National Commission policies and procedures, the complainant is so advised, and no further action is taken.



Procedures Regarding the Investigation of Complaints

If the Review Committee determines **there is** sufficient evidence of non-compliance with established a (the) *Requirement(s) for Recognition* and/or National Commission policies and procedures:

- ❖ The National Commission will inform the chief administrative officer (CAO) of the recognized organization in writing that the National Commission has received a complaint with evidence/documentation indicating that the organization may no longer be in compliance.
- ❖ If the recognized organization is currently addressing a non-compliance and the National Commission has changed the organization's recognition status from Recognition, the organization will be advised that there may be a continued non-compliance, and the organizations recognition status could be further changed.
- The recognized organization will be provided with a redacted copy of the complaint and documentation to ensure anonymity of the complainant and evidence submitted by the complainant, a copy of the *Requirements for Recognition*, a copy of the National Commission Policy on Complaints and if applicable a copy of the specific National Commission policy that has been identified.



Procedures Regarding the Investigation of Complaints

- The recognized organization is required to address all allegations of non-compliance with a (the) *Requirement(s) for Recognition* in and/or National Commission policies and procedures in question and submit a written response with appropriate documentation and evidence within thirty (**30**) business days of receiving the complaint and accompanying materials.
- If the recognized organization requires an extension, they must contact the National Commission. If the National Commission grants an extension, the extension will only be for an additional fifteen (**15**) business days.
- The National Commission will only grant **one (1)** extension.
- The respective Review Committee will consider the recognized organization's written response within thirty (30) business days of its receipt in the National Commission office.



Final Considerations and Actions

- After consideration of the recognized organization's response, the Review Committee may make one of the following recommendations to the Board of Commissioners for consideration:
 - a. The recognized specialty sponsoring organization or recognized certifying board continues to comply with the Requirement(s) for Recognition and/or National Commission policies and procedures and no further action is required.
 - b. The recognized specialty sponsoring organization or certifying board is not in compliance with a (the) *Requirement(s) for Recognition* and/or National Commission policies and procedures.
- If there is a non-compliance, the Review Committee will describe the scope and nature of the non-compliance and recommend the required corrective action.
- Within thirty (30) business days of receipt of the Review Committee recommendation, the Board of Commissioners will convene and act on the recommendation of the Review Committee.
- The recognized organization and the complainant will be informed of the Board of Commissioners' decision within five (5) business days.



Final Considerations and Actions

- If the Board of Commissioners determines that the recognized organization **continues to comply** with the *Requirements for Recognition* and/or National Commission policies and procedures, the recognized organization and the complainant will be informed, no further action is required, and the complaint process ends.
- In such circumstances, the complainant is only allowed to re-submit the complaint, if there is new and relevant evidence that had not been previously submitted with the original complaint.
- If the Board of Commissioners determines that the organization **is not** in compliance with a (the) *Requirements for Recognition* and/or National Commission policies and procedures, the National Commission will inform the recognized organization of:
 - a. the scope and nature of the non-compliance
 - b. the required corrective action
 - c. the required documentation to be submitted based on the National Commission Guidelines for Preparation of Progress Reports and the submission date for the compliance report and documentation.
- The National Commission will establish a deadline to come into compliance based on the nature and severity of the non-compliance(s).



Final Considerations and Actions

- The National Commission will make a change to the organization's recognition status (See Recognition Status Definitions on National Commission website <https://ncrdscb.ada.org/policies-and-procedures>)
- Inform the complainant of the scope and nature of the non-compliance and that the National Commission does provide a reasonable amount of time for the organization to come into full compliance with the *Requirements for Recognition* and/or National Commission policies and procedures.
- Inform the complainant that the compliant is no longer active.
- The National Commission will not provide the complainant with details related to the Board of Commissioners' findings or the National Commission's further actions in regard to the recognized organization.



In Summary

- All recognition decisions made by the Board of Commissioners are based solely on compliance with the *Requirements for Recognition*.
- By having a policy on how to handle complaints, the National Commission is providing transparency in its procedures and conveying the message to the recognized sponsoring organizations, certifying boards, the profession and the public that specialty recognition is not taken for granted and that there are checks and balances within the system to ensure all recognized organizations remain in compliance with the *Requirements for Recognition*.

