

The Rhode Island Dental Association

A constituent of the American Dental Association established by an act of the Rhode Island State Legislature in 1878.

“The object of the Association is to improve the dental health of the public and to promote the art and science of dentistry.”

Peer Review is the quality assurance process for the dental professional association in Rhode Island. Members of the Rhode Island Dental Association (RIDA) are required to participate and to abide by the decisions rendered by the Peer Review Committee.

This guide provides a summary of the policies and procedures for RIDA’s Peer Review and Quality Assurance program. Additional information regarding the Peer Review process is available from RIDA.

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What You Need To Know

Peer Review is an alternative way to settle complaints about dental treatment provided by dentists who are RIDA members.

- **Complaint Resolution Option:** Peer Review is one of several ways which may be available to resolve a patient's complaint. Peer Review cannot resolve complaints under review or resolved by the courts or other regulatory agencies.
- **Fair:** Peer Review is an impartial, confidential way to resolve complaints about the appropriateness of care and quality of treatment performed by RIDA member dentists.
- **Convenient and Timely:** Peer Review is provided by each of RIDA's 7 component dental societies. This allows patients to participate in the geographic area where treatment was performed.
- **Uniform Protocols:** Peer Review is conducted by a committee of volunteer dentists in accordance with the RIDA Peer Review Manual and the RIDA Agreement to Submit to Peer Review.
- **Free:** There is no charge for this service.
- **Decision Based on Quality of Treatment:** Peer Review decisions are based on the quality of the treatment provided as determined by an impartial committee of volunteer dentists.
- **If the Peer Review Committee Finds in Favor of The Patient:** The dentists must refund the fees paid for the treatment. No refund can be greater than the amount the patient actually paid for treatment. If the Peer Review Committee finds that treatment is appropriate and of acceptable quality, the dentist will keep the fees charged.
- **Fees:** Patients are required to deposit any outstanding fees owed to the dentist in an escrow account with RIDA pending the outcome of the Peer Review.
- **Accounts in Collection:** If the dentist has commenced a collection action relating to the fees for the treatment that is the subject of the complaint, the dentist is required to withdraw/cease the collection action. The dentist's failure to do so will result in termination of the Peer Review with the dentist being deemed out-of-compliance with the Peer Review process and RIDA policy.
- **Patient Examinations:** Because decisions are based on a clinical evaluation by members of the Peer Review Committee, patients are required to attend the Peer Review Hearing and be examined by members of the Peer Review Committee in Rhode Island. If the patient is unwilling to attend a Peer Review hearing, he/she will be deemed out-of-compliance with the Rhode Island Dental Association's *Agreement to Submit to Peer Review*. The case then will be closed with a finding in favor of the dentist because the patient has failed to substantiate the claim.

Rhode Island Dental Association's *Agreement to Submit to Peer Review*

- The Rhode Island Dental Association's *Agreement to Submit to Peer Review* is a legally binding contract.
- Peer Review is a form of common-law, contractual arbitration. Both patients and dentists agree that the decision and award of the Peer Review Committee shall be binding.
- RIDA's Peer Review process has been upheld by Rhode Island State's courts as a matter of contract law.
- All participants agree to waive the right to sue the other party on the facts or issues decided by the Peer Review Committee in any court action or proceedings.
- Please read the *Agreement to Submit to Peer Review* carefully before signing and submitting to the RIDA.
- Parties are urged to consult with their attorneys prior to signing the *Agreement to Submit to Peer Review*.

Peer Review Can Resolve My Complaint:

- If the dentist is a member of the Rhode Island Dental Association when the *Agreement to Submit to Peer Review* is submitted.
- If the complaint is about appropriateness of treatment or quality of care.

When Peer Review Cannot Resolve A Complaint:

- The dentist involved or his/her employer-dentist is not a RIDA member and refuses to participate in the Peer Review process.
- The treatment was performed in a dental school, clinic, or hospital, or paid for by Medicaid or Medicare.
- More than 3 years have passed since the treatment submitted for Peer Review was completed.
- The complaint is ONLY about the fees charged for the treatment, not the quality of care.

- The patient refuses to place any outstanding balance for the treatment in question in the RIDA's escrow account pending the outcome of the Peer Review.
- The patient has submitted a complaint about the same treatment to the Rhode Island Board of Dental Examiners and that complaint has not been dismissed on jurisdictional grounds.
- The patient has signed a valid "release from liability" or other waiver of future action relating to the treatment that is the subject of the complaint.
- Either the patient or the dentist has commenced litigation against the other, the subject of which is the matter submitted for Peer Review or a matter related to the one submitted to Peer Review, and such litigation is ongoing or resolved.

Confidentiality and Disclosure

Peer Review proceedings are confidential. RIDA does not report the outcome of a Peer Review to any party or agency. Both patients and dentists agree to keep the Peer Review proceedings in strict confidence in accordance with the provisions specified in the *Agreement to Submit to Peer Review*. The confidential nature of the Peer Review proceedings is further protected by Rhode Island General Law 5-37.3.

All parties to the Peer Review receive copies of the *Agreement* and decision letter. You should keep these materials for your own records. At the conclusion of a Peer Review, the RIDA will destroy all records with the exception of the *Agreement to Submit to Peer Review* and the decision letter.

Frequently Asked Questions

Q: Is Peer Review fair?

A: The Peer Review Committee is impartial and committed to improving the quality of dental treatment.

Q: How does a Peer Review begin?

A: To begin the Peer Review process, the patient must submit an *Agreement to Submit to Peer Review* to the RIDA. In the spaces provided for the “Patient’s Statement” on the *Agreement*, the patient explains what dental treatment was performed, who performed the treatment, what the complaint is, how much it cost, and when he/she was treated. The patient should enclose copies of any documentation of the charges and payments (e.g., insurance statements, bills, canceled checks, etc.). If seen by any other dentists, patients should ask those dentists to send copies of related records and x-rays to the RIDA.

Q: What does the RIDA do when it receives an *Agreement to Submit to Peer Review* from a patient?

A: The RIDA sends the *Agreement* to the dentist the patient is complaining about for his/her statement and signature. RIDA member dentists are required to participate in Peer Review. The dentist must return copies of the patient’s treatment records and financial information to the RIDA with the *Agreement*.

Q: What happens next?

A: The Peer Review Committee then determines whether the complaint can be resolved by Peer Review. If eligible for Peer Review, mediation will be conducted. A mediator will contact both the patient and the dentist. If the dentist offers a full refund, the patient will receive the refund and the case will be closed. No refund can be greater than the amount the patient actually paid for the treatment. If the dentist offers less than the fees paid and the offer is acceptable to the patient, the case will be closed. If the complaint is not settled by mediation, a hearing will be held.

Q: Do I need an attorney?

A: The *Agreement to Submit to Peer Review* is a contract. You are encouraged to have an attorney review the *Agreement* before you sign. You have the right to be represented by a lawyer, but it is not required. Peer Review hearings focus only on the Peer Review Committee’s evaluation of the dental treatment. Both the patient and dentist waive the right to “cross examine”. If you are being represented by an attorney, your attorney must notify the Rhode Island Dental Association. Peer Review will not award money to cover the attorney’s charges.

Q: What if the patient owes the dentist money for the treatment?

A: If the patient has an outstanding balance for the cost of the treatment, the patient is required to place that amount in the RIDA's escrow account at the start of Peer Review.

Q: What if the patient wants the dentist to pay for new treatment?

A: If Peer Review settles the complaint, either by mediation or a hearing, the most money the dentist can return to the patient is the actual amount of the fees charged. Peer Review cannot result in awards greater than the fees actually charged.

Q: Who comes to the Peer Review hearing?

A: Peer Review hearings are attended only by the patient, the dentist(s), the Peer Review Committee chairperson, and three examining Committee members. RIDA support staff and a non-dentist patient advocate may also attend. If you are represented by an attorney, your attorney may attend and represent you at the hearing. Sometimes, the chairperson may invite others to attend, e.g., translators, aids, or committee trainees. These people do not participate in the hearing.

Q: What happens at a Peer Review hearing?

A: Hearings are conducted at the local RIDA office or another clinic location. You will be notified in writing of the date and time, and who will serve on the Peer Review Committee. You should notify the RIDA if you have reason to believe any Committee member may not be impartial. The patient should notify the RIDA if any member of the Committee has treated them.

At the hearing, the patient will explain their complaint and the dentist can respond. There is no "cross examination". The Peer Review Committee will review all of the records and materials submitted. Each Committee member will examine the patient. After the Peer Review Committee reaches a decision, you will be notified of the decision in writing.

Q: What happens if the Peer Review Committee finds in favor of the patient?

A: If the Committee finds in the patient's favor (the complaint is upheld), the dentist must refund the fees paid for the treatment. No refund can be greater than the amount the patient actually paid for treatment. If the Peer Review Committee finds that treatment is appropriate and of acceptable quality, the dentist will keep the fees charged.

Q: What if the patient's insurance company paid for all or part of the treatment?

A: All fee refunds are made to the patient. If required, the patient is responsible for notifying an insurer of any refund.

Q: What if the patient decides to withdraw from the Peer Review?

A: If the patient violates the *Agreement to Submit to Peer Review* by withdrawing the complaint, any money in the Rhode Island Dental Association's escrow account will be returned to the treating dentist.

Q: Should the patient discuss Peer Review with their new dentist?

A: Peer Review is confidential. A patient cannot discuss Peer Review with their new dentist.

Q: What if you disagree with the Peer Review Committee's decision?

A: The dentist or patient may appeal the decision of the Peer Review Committee within thirty (30) calendar days after the date of the decision letter reporting the finds of the Peer Review Committee. Appeals are considered on the basis of:

- A significant prejudicial, procedural irregularity that would be likely to affect the outcome of the case, or:
- The discovery of significant new evidence that, with due diligence, could not have been available at the time of the hearing and would have been likely to affect the outcome of the case.

Requests for appeal must include documentation of the specific procedural irregularity and/or the actual new evidence upon which the request for appeal is based. Even where an appeal is granted, the prior decision remains in full force and effect until a final decision is rendered on a rehearing.

Dentist requests for appeal will be considered only when any fees required for refund have been deposited in the RIDA's escrow account.

Requests for appeal are reviewed and granted by the RIDA's Council on Peer Review. This council is composed of a chairperson and one representative from each of the seven (7) component dental societies.

Requests for appeal are submitted to:

Chairman, Council on Peer Review
Rhode Island Dental Association
875 Centerville Rd.
Bldg. 4, Suite 12
Warwick, RI 02886

Q: After Peer Review, can the patient sue the dentist?

A: The outcome of the Peer Review is final. The Peer Review is based on an *Agreement to Submit to Peer Review* signed by both the patient and the dentist. This *Agreement* is a contract. In the contract, both agree to a list of conditions included on the back page of the *Agreement*. You both agree to use Peer Review to resolve the complaint, to accept the decision of the Peer Review Committee, and not to sue the other party.

Notes

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