

<p>GEORGIA DEPARTMENT OF CORRECTIONS</p> <p>Standard Operating Procedures</p>		
<p>Policy Name: Peer Review (Dental Only)</p>		
<p>Policy Number: 507.05.14</p>	<p>Effective Date: 10/8/2019</p>	<p>Page Number: 1 of 7</p>
<p>Authority: Commissioner</p>	<p>Originating Division: Health Services Division (Dental Health)</p>	<p>Access Listing: Level I: All Access</p>

I. Introduction and Summary:

The Dental Peer Review Committee investigates complaints of improper conduct or treatment of patients filed against dental professionals in the course of their official duties. The purpose of the committee is to evaluate and improve the quality and efficiency of health care rendered and/or reducing morbidity. This procedure is applicable to all facilities that house Georgia Department of Corrections (GDC) offenders to include county and private prisons.

II. Authority:

A. ACA Standards: 4-4411 and 4-ALDF-4D-25 (Mandatory).

III. Definitions:

A. **Subject** - The individual against whom the complaint is filed.

IV. Statement of Policy and Applicable Procedures:

A. Composition:

1. The Dental Peer Review Committee is composed of three (3) dentists;
2. The Statewide Dental Director will chair the committee and the two (2) remaining dentists will be full-time employees of the GDC or contract provider with at least two (2) years' experience each; and
3. The Statewide Dental Director will appoint these two (2) committee members.

B. Term:

1. The Statewide Dental Director is permanently assigned to the Dental Peer Review Committee; and
2. All other members are appointed on an Ad Hoc basis and will serve a term as long as the committee is in session regarding a particular case or as directed by the Statewide Dental Director.

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C. Filing of Complaint(s):

1. Prior to the filing of any complaints by designated facility staff with the Dental Peer Review Committee, efforts will be made to resolve the issue(s) at the facility level;
2. If the issue(s) cannot be resolved at the facility level, the complaint(s) will be sent directly to the Statewide Dental Director; and
3. The following information must be provided:
 - a. Name of the Subject;
 - b. Facility name;
 - c. Name(s) of third parties involved, including ID number(s);
 - d. Date(s) of all alleged misconduct;
 - e. Collaborating data; and
 - f. Signature of the individual submitting the complaint(s) and the date of filing.
4. The complaint(s) will be submitted on the form "Witness Statement" (PI 515) and the person submitting will complete the affidavit section; and
5. All complaint(s) and supporting material(s) will be forwarded to the Statewide Dental Director and copies will be provided to the appropriate individuals at the facility (Warden, D/W Care & Treatment, Medical Administrator and/or Director);

D. Who May File Complaint(s):

1. The following staff may file complaint(s):
 - a. Dental staff;

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- b. Warden/Superintendent;
- c. Deputy Warden for Care and Treatment; and
- d. Responsible Facility Health Authority.

E. Handling of Complaint(s):

1. The Statewide Dental Director, upon receiving the complaint(s), will send a copy to each of the two (2) other committee members;
2. All committee members will review the information provided and agree on a course of action. The choices are:
 - a. Investigation by the Statewide Dental Director or a Dental Peer Review Committee member designated by him; or
 - b. Investigation by the entire committee.
3. All committee members will make the decision on a course of action within two (2) weeks of receipt of the complaint.

F. Notifying the “Subject” of the Complaint:

1. The Statewide Dental Director will notify the Subject and will send copies of the complaint to him/her at the same time that copies are sent to the other committee members;
2. The Subject will have a maximum of one (1) week from date of receipt to voluntarily respond to the complaint allegations; and
3. Any response should be forwarded to the Statewide Dental Director only.

G. Investigation of the Complaint(s):

1. The Statewide Dental Director, his designee, or the entire committee will visit the facility for the investigation where they will review:

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- a. All pertinent data;
 - b. Conduct relevant interviews;
 - c. Examine any patient(s) necessary; and
 - d. Evaluate anything else deemed appropriate.
2. During any interviews or other aspects of the investigation, an individual may have present legal counsel and/or witnesses who they feel may strengthen their position;
 3. The individual is directly responsible for any compensation to their legal counsel and/or witnesses;
 4. The GDC will assume no responsibility for the compensation of anyone other than that provided by their merit position or contract with the GDC;
 5. If the committee believes that expert testimony is necessary to fully evaluate the complaint(s), it must arrange for such testimony in coordination with the GDC Health Services Administrator; and
 6. If the committee requires expert testimony to fully evaluate the complaint(s), The Statewide Dental Director must arrange for such testimony in coordination with the GDC Health Services Administrator.

H. Report of the Investigation:

1. The individual(s) who conduct the investigation will submit a written report of their findings, conclusions and recommendations within thirty (30) days of completion of the investigation to the Statewide Dental Director;
2. The Statewide Dental Director will distribute copies of this report to:
 - a. The Subject;
 - b. State Health Services Director;

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- c. Warden/Superintendent of the facility;
 - d. Office of Health Services; and
 - e. To any other boards, organizations, or individuals who might find it necessary to have a copy of the report to enforce the recommendations of the committee.
3. The distribution of the report to anyone other than the Subject (i.e. any organization, the Health Services Director, the Warden/Superintendent and the Office of Health Services Assistant Commissioner) requires a unanimous vote of the committee and that vote must be recorded in writing, signed and dated by all committee members.
 4. Any discussion of the report, its findings or recommendations by a committee member will be:
 - a. Included in the report;
 - b. Signed;
 - c. Dated; and
 - d. GDC Legal Services must review all recommendations before said recommendations can be distributed outside the GDC.

I. Actions Recommended by the Committee:

1. The committee may recommend any of the following actions:
 - a. The Subject is exonerated of all charges;
 - b. The Subject alters certain aspects of their dentistry practice or the way they practice dentistry;
 - c. The Subject be suspended from practicing dentistry in their current correctional position(s) pending further investigation and recommendations;

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- d. The Subject receive additional training approved by the committee; and/or
 - e. A reprimand.
2. Follow-up site visits to the facility will be performed to ascertain the status of the committee’s recommendations;
 3. These visits may be on a scheduled basis or unannounced and will be done by a member of the investigating committee;
 4. That the recommendations be forwarded to the GDC hiring authority or contractor for further action in accordance with the State Merit System Rules or other contractual provisions; and
 5. That the case be reviewed by the State Board of Dentistry.

J. Appeals:

1. Any individual investigated by the committee and against whom any action is recommended may appeal the findings within two (2) weeks;
2. The reasons for the appeal are to be submitted in writing, dated and signed by the Subject;
3. The appeal is to be submitted to a committee composed of three (3) other dentists appointed by the Office of Health Services Administrator;
4. These new appointees will meet the original committee assignment criteria of employment and experience; and
5. The assignment term will be for the period of the appeal.

K. Access to the Report:

1. When an investigation is completed, access to the Report will be limited to:
 - a. The Statewide Dental Director:

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- b. The Office of Health Services Administrator;
- c. Health Services Director;
- d. GDC Legal Services; and
- e. To those whom the above named determine have the need for such information.

L. Liability of Committee Members:

- 1. All committee members have immunity from both civil and criminal liability under Georgia Statute 43-11-16 (Cross reference 31-7-130ET seq.): Liability of Committee Members.

Note: All forms shall be utilized per the SOP, until such time the SOP is revised or becomes obsolete.

V. Attachments: None

VI. Record Retention of Forms Relevant to this Policy: The Statewide Dental Director will keep the Report on file for a period of seven (7) years.