Legal Bite Question of the Issue

What the heck is D-PREP?

By Frank Recker, DDS, JD

Q. Because of a patient complaint, my state board has taken issue with my endo and crown and bridge involved with implant treatment. To resolve the matter, they are proposing a “D-PREP” program or “assessment” operated by the national organization of dental boards, or a “refresher” course through an entity called Oral Health Enrichment, located in Cleveland, Ohio. Which one should I choose?

A. Neither.

D-PREP is a new program developed by the American Association of Dental Boards (AADB). If you sign an agreement to complete the D-PREP program, you will encounter a world of total subjectivity, uncertainty, bias, a proposed “remediation” plan, and be forced to sign an agreement (not with the Board, but with D-PREP) wherein you waive all of your rights and agree to indemnify D-PREP and the AADB against any and everything that could possibly happen. As an aside, it is very expensive.

I would rather see a client go to a formal hearing in any state over any issue than agree to get involved with D-PREP, at least as it is currently operated. I also sense a potential conflict of interest with a dental board (comprised of individual board members who are also members of the AADB) requiring the completion of a program operated and profited by the organization to which they belong.

As to Oral Health Enrichment, it is a CE provider based in Cleveland, Ohio, which is currently involved in a federal probe relating to its operations, relations with state boards, and other related activities. The FBI has issued multiple subpoenas and search warrants related to its investigation. Included in one subpoena is the production of all communications with all state dental boards. A client recently issued a certified check for $15,000 to OHE at the recommendation of a state dental board. Now the client cannot recover her
money and cannot complete her “refresher” course that was recommended by the board.

When any state dental board refers, recommends or suggests any particular course of action to “resolve” any issue, be certain you perform due diligence to ensure that the entity is reputable, speak to others who have gone through the program, and find out what contracts, agreements or waivers they require you to sign as a condition of obtaining their services. It would be much wiser to not “blink” and simply proceed to a formal administrative hearing rather than agree to jump into a black hole.