



## The Process and Role of the Peer Review Chair

When a patient wishes to bring a case to Peer Review, the first step is to bring their complaint to the attention of the New York County Dental Society. The patient is asked to complete an Agreement to Submit to Peer Review which, once received by the Dental Society, is sent to the dentist to be completed and signed. The case is then presented to the chair of Peer Review to determine if the case is eligible for the process. The treatment in question would need to have been performed in Manhattan within the last two and a half years, and the dentist must be a member of the New York State Dental Association (NYSDA).

As part of the process the patient agrees not to engage in litigation or file a complaint with the Office of Professional Discipline. Once escrow is collected, the Peer Review chair has the option to try to mediate the case prior to a hearing or assign the case to a mediator. If the chair attempts to mediate the case and fails, he or she would recuse himself from the hearing and assign an acting chair. The chair then chooses three committee members to participate in the hearing. If the treatment is done by a specialist, three specialists would be chosen. The committee members are screened for any conflict of interest. Records, radiographs, and any pertinent information is provided to the committee and chair (and all parties that signed the Agreement) prior to the hearing. During the hearing the doctor and patient must direct all questions and comments through the chair and not confront one another. A hearing always includes a clinical examination of the patient by the hearing committee members, who then record their findings on the appropriate work sheets. The chair is present during the examination but does not examine the patient. The treating dentist is

also present during the examination and may be asked to confirm if the treatment in the patient's mouth has been altered since last seen by the dentist who is the subject of Peer Review.

The committee members may ask additional questions after the examination. Following the hearing, after the doctor and patient leave (together to avoid any one-sided conversations) the committee will go into executive session. The chair remains present during deliberations; however, he/she has no vote and is only there to answer any questions the committee members may have regarding the process. The chair does not express an opinion regarding the treatment.

Although the chair writes the decision letter, the letter reflects the opinion of the committee, not that of the chair. An appeal may be filed based on new evidence or a procedural irregularity. The appeal is submitted to NYSDA and is reviewed by the chairs of three different component societies, not including the component in which the case was heard. If the appeal is granted, it is once again heard by NYCDS but with three different committee members. The same chair may choose to preside or recuse him/herself and appoint a new chair. In any event the chair is only there to ensure the fairness of the process and not to pass judgment.

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