

ADA COUNCIL ON ETHICS, BYLAWS, AND JUDICIAL AFFAIRS

Minutes of July 7-8, 2023 Meeting

The regular meeting of the Council on Ethics, Bylaws, and Judicial Affairs (CEBJA or the Council) was called to order at 8:00 a.m. on July 7, 2023. Council Chair Dr. Bruce A. Burton presided at the meeting, which took place in the Boardroom on the twenty-second floor of the ADA Headquarters Building in Chicago.

Roll call: Council members in attendance for the meeting:

Dr. Bruce A. Burton, chair (11th District, Oregon), Dr. Debra A. (Deb) Peters, vice chair (9th District, Michigan), Dr. Chris L. Adkins (5th District, Georgia), Dr. Gary S. Davis (3rd District, Pennsylvania), Dr. Ansley H. Depp (6th District, Kentucky), Dr. Karen D. Foster (14th District, Colorado), Dr. Leslie E. Grant (4th District, Maryland), Dr. C. Danielle (Dani) Howell (16th District, Virginia), Dr. Kathleen M. (Kathy) Nichols (15th District, Texas), Dr. Paul A. Palo (17th District, Florida), Dr. Renee P. Pappas (8th District, Illinois), Dr. Allen B. Reavis (12th District, Kansas), Dr. Kelly A. Roth (7th District, Ohio), Dr. Richard B. (Rich) Serchuk (2nd District, New York), Dr. Jennifer A. (Jen) Torbett (1st District, Rhode Island), Dr. Amy Tran (13th District, California), Dr. Debra S. (Deb) West (10th District, Nebraska).

Following the calling of the roll, a quorum was announced to be present.

Also present for all or a portion of the entirety of the meeting were: Dr. Richard J. Rosato, Board of Trustees liaison and Mr. Nicholas (Nick) Koutrakis, American Student Dental Association Liaison.

CEBJA staff present for all or a portion of the meeting: Thomas C. Elliott, Jr., Esq., deputy general counsel and council director; Francine D. Lynch, Esq., senior manager, ethics and judicial affairs; and Daniel (Dan) Franklin, manager, CEBJA operations.

ADA personnel present for all or a portion of the meeting: Dr. George R. Shepley, president; Dr. Raymond A. Cohlma, executive director; Robert Quashie, chief operating officer; and Cathryn E. (Cathy) Albrecht, Esq., senior associate general counsel.

Invited Guests: Dr. Erik Klintmalm, co-director, Student Professionalism & Ethics Association in Dentistry (via Zoom) (presentation of SPEA functions and goals as well as potential coordination with ADA and CEBJA).

Participant Disclosures: The ADA Disclosure Policy in the agenda was referenced and members were requested to disclose potential conflicts when appropriate. No disclosures were made during the meeting.

Confidentiality: The Confidentiality Statement in the agenda was referenced, Council members were reminded that any sensitive or confidential information or material that is disclosed or discussed during the meeting must remain confidential and members shall not disclose that sensitive or confidential information to any individual or entity to whom access has not been provided by the ADA in the ordinary course of its operations and dealings.

Call for New Business: Dr. Burton asked whether there were any items of new business; the Council requested clarification on the tripartite structure and policies related to that structure, as well as any information concerning developments related to the pending motion of a constituent. Mr. Elliott conveyed that he would later discuss what the ADA's governing documents contain concerning the tripartite structure.

Adoption of Agenda: By voice vote, the Council adopted the agenda for the meeting.

Resolved, that the printed agenda of the July 7-8, 2023, meeting of the Council on Ethics, Bylaws, and Judicial Affairs be adopted as the official order of business with the stipulation that the chair is authorized to change the order of items for discussion to expedite the business of the Council and to accommodate scheduling issues and special presentations.

Adoption of Consent Calendar: A consent calendar was prepared to expedite the business of the Council. By voice vote, the Council adopted the consent agenda for the meeting, with the exception of three items noted in the following resolution:

Resolved, that the items of business marked on the agenda as being on consent for the July 7-8, 2023 meeting of the Council on Ethics, Bylaws, and Judicial Affairs and listed below be approved, the reports thereon filed and any resolutions therein adopted, except for items 6.4.1., 6.2.2., and 6.2.3, to be discussed later in the meeting.

Items on Consent:

Item 3.6 Report on Mail Ballots—Approval of Minutes of the April 27-28 2023 Council meeting.

Resolved, that the minutes of the April 27-28 meeting of the Council on Ethics, Bylaws and Judicial Affairs be approved.

Item 5.4 Council Member Reports on Matters of Interest within Their Trustee Districts—Members reported to the Council on their efforts as CEBJA ambassadors to the component and constituent dental societies in their respective trustee districts.

Item 5.5 Report of the New Dentist Committee Member—Informational report concerning developments within the New Dentist Committee since CEBJA's April meeting.

Item 5.6 Report of the ASDA Liaison—Informational report concerning developments within the ASDA since CEBJA's April meeting, delivered by ASDA liaison Dr. Nicholas Koutrakis.

Item 5.7 Council on Dental Education and Licensure CE Committee Liaison Report—Dr. Debra West, CEBJA liaison to the CE committee of the Council on Dental Education and Licensure, reported on the activities of the committee since the Council's April meeting.

Item 6.1.1 Report of the Administrative and Policy Review Subcommittee on Establishing a Schedule for Periodic Review of CEBJA Statements—The Council received a report from the Administrative and Policy Review subcommittee and adopted a schedule for periodic review of statements authored by the Council to ensure that statements continue to be relevant and viable.

Resolved, that a five-year cycle be adopted for statements issued by the Council, with the first review for each policy to occur as listed below:

Statement Title	First Five-Year Review to Occur in
Statement Regarding the Employment of a Dentist	2023
Announcement of Credentials in General Dentistry	2026
Dental Tourism	2025
Ethical Aspects of Dental Practice Arrangements	2025
Ethical Considerations When Using Patients in the Examination Process	2024
The Ethics of Temporary Charitable Events	2025
General Practitioner Announcement of Credentials in Non-Specialty Interest Areas	2024
Gift Giving to Dentists from Patients, Colleagues and Industry	2025
Marketing or Sale of Products or Procedures	2027
Patient Rights and Responsibilities	2024
Reporting Abuse and Neglect	2025
Specialist Announcement of Credentials in Non-Specialty Interest Areas	2024
Statement on the Ethics of the Measles Crisis	2024
Treating Patients with Infectious Diseases Having Unknown Transmission Parameters	2027
Unearned Nonhealth Degrees	2026

Resolved, that the year that any CEBJA statement is reviewed and the result of the review be reflected in the list of statements included in the *Principles of Ethics & Code of Professional Conduct*.

Resolved, that the statement by the Council on Ethics, Bylaws and Judicial Affairs entitled “Statement Regarding the Employment of a Dentist” be retained as written.

Item 6.1.2 Report of the Administrative and Policy Review Subcommittee on the Adoption of Statement of CEBJA Core Values—Reconsideration of subcommittee’s proposal for the Council’s core values and approval of the subcommittee’s recommendation that Integrity, Dedicated, Inclusive, Purposeful, Mutual Respect and Engaged Communication be adopted as the core values of the Council.

Resolved, that the following are adopted as the core values of the Council on Ethics, Bylaws and Judicial Affairs:

INTEGRITY

DEDICATED

INCLUSIVE

PURPOSEFUL

MUTUAL RESPECT

ENGAGED COMMUNICATION

and be it further

Resolved, that the current Guiding Principles of the Council on Ethics, Bylaws and Judicial Affairs be rescinded.

Item 6.1.3 Report of the Administrative and Policy Review Subcommittee on Recommendation for Participation in the 2024 Self-Assessment Survey—Council agreed that data for the Council’s periodic self-assessment, next due in 2024, be collected from members of the Council on Ethics, Bylaws and Judicial Affairs who are in their second, third and fourth years of services on the Council and from the class of immediate past Council members.

Resolved, that data collected for the Council’s periodic self-assessments be gathered from members of the Council on Ethics, Bylaws and Judicial Affairs who are in their second, third and fourth years of service in the Council when the survey is distributed and from the class of immediate past Council members.

Item 6.1.4 Report of the Administrative and Policy Review Subcommittee on Proposed Council Logos—Consideration of three alternatives for a CEBJA logo and selection of revised logo as the logo for the Council.

Resolved, that the Council adopt logo option 3 as its official logo, with revisions to bring ADA to the image’s foreground and to list all terms of the Council’s name within the image, as well as to enlarge CEBJA at the logo’s bottom.

Resolved, that the Council will next forward the logo to the appropriate agencies within the ADA for review prior to any further action.

Item 6.1.5 Report on the Status of the 2023 Student Ethics Video Contest—Informational report on the status of the 2023 Student Ethics Video Contest along with reminder for members to promote the contest to students and dental schools within their trustee districts. Contest is open until September 6, 2023.

Item 6.2.1 Report on the Bylaws Subcommittee on Request to Amend Chapters VIII and IX of the Governance and Organizational Manual of the American Dental Association—Results of Bylaws Subcommittee's review of request by Education and Professional Affairs division of the ADA to revise Chapter VIII, Section B and Chapter IX, Section G of the *Governance and Organizational Manual of the American Dental Association*. The subcommittee requests additions of subsections to the proposed Chapter VIII revision and cannot support the requested revision to Chapter IX.

Item 6.3.1 Status Report of the Council's 2023 Ethics Offering for SmileCon® 2023—Presentation of informational status report concerning two continuing education courses to be offered at 2023 SmileCon® concerning ethical issues related to the treatment of geriatric and pediatric patients.

Item 6.3.2 Report of Ethics and Continuing Education Subcommittee on Adoption of "Ethics Toolkit"—Informational report as to the status of toolkits to be used by constituent and component dental societies to develop ethics continuing education presentations. Discussion of ADA's continuing education department's interest in reviewing samples of the toolkits for inclusion to its CE offerings.

Resolved, that the developing collection of continuing education units consisting of an Ethical Moment article, a podcast episode that discusses the scenario presented in the Ethical Moment article and a Presentation and Discussion Guide centered on a particular ethical topic found in the article being assembled by the Council, be branded and marketed as "Ethics Toolkit."

Item 6.3.3 Report of the Ethics Committee on the Development of Discussion Guides for Use in the Ethics Toolkits—Informational report on the status of Presentation and Discussion Guides developed to date for inclusion to Ethics Toolkit modules.

Resolved, that the Presentation and Discussion Guide, together with copies of the Ethical Moment article and Dental Dilemmas™ podcast discussed in the Presentation and Discussion Guide, form the elements of the "Ethics Toolkit" being assembled.

Item 6.4.2 Status Report on Ethical Moment Article Development and Publication—Informational report on the status of Ethical Moment articles submitted to *The Journal of the American Dental Association* as well as episodes of the Dental Dilemmas™ podcast produced to date for current year. Encouragement of members who have not submitted an article within the past six months to begin development and submission of an article for eventual publication.

Item 7.2 Standing Committee on Constitution and Bylaws—Informational report on the selection expectations of the Standing Committee on Constitution and Bylaws members for the 2023 session of the House of Delegates.

For the Good of the Council: Council members expressed items of personal importance as well as their appreciation for work of the Council in the current year thus far.

SPECIAL PRESENTATIONS

President's Presentation: Dr. Shepley mentioned building bridges with deans of dental schools and spoke at length regarding a pending action from a constituent, including what it would entail, its implications, and the American Dental Association's options for a response.

Executive Director's Update: Dr. Cohlmiya spoke regarding structural changes being made at the American Dental Association pursuant to implementing the practice of strategic forecasting and Agile methodologies. He responded to questions posed by the Council, including what the role of ethics would be with regard to those changes.

Chief Operating Officer's Presentation: Mr. Quashie delivered an update on the progress of the implementation of the strategic forecasting model, mission-based accounting, and the organization's division into customer groups. He also fielded any questions that the Council had.

Introduction and Ethics Presentation: Dr. Francine Lynch, Esq. formally introduced herself to the Council and tied her background in the legal field to a presentation regarding ethical considerations in treating the aging population.

Coping with and Embracing Change: Dr. Burton delivered a presentation concerning the difficulties of accepting change and effective strategies for thriving in changing environments. He challenged the Council with a series of questions to apply those strategies to changes that are occurring at the ADA as well as areas where the Council might consider adjusting to improve its effectiveness.

Co-Executive Director of the Student Professionalism & Ethics Association in Dentistry Presentation: Dr. Erik Klintmalm spoke about the founding, mission, and structure of the Student Professionalism & Ethics Association in Dentistry (SPEA). Dr. Klintmalm expressed an eagerness for SPEA's members to have access to CEBJA members' experience and knowledge. The Council interacted with Dr. Klintmalm concerning ways that they would like to see SPEA and CEBJA work together and directed any questions that they had toward Dr. Klintmalm.

Ethical Moment Breakout Workshop: Council members formed into small groups in accordance with topics selected at previous meeting in order to generate material for their prospective Ethical Moment articles on ethical issues related to the use of artificial intelligence in dentistry. Council staff and leadership assisted the groups with any concerns as they worked to complete templates to plan the structure of their articles.

COUNCIL LEADERSHIP AND STAFF REPORTS

Report of the Chair: Dr. Burton welcomed attendees to the meeting.

Report of the Board of Trustees Liaison: Dr. Rosato conveyed that he wishes to stress a message of unity and the importance of listening to constituents. Dr. Rosato yielded the remainder of his time to Dr. Tran and Dr. Shepley.

Report of the Vice Chair: Dr. Peters thanked the outgoing members. She requested that those outgoing members mentor their replacements to ensure a seamless transition. Finally, she inquired as to what the Council would want to do more of and what the Council would want to do less of.

Report on the Standing Committee on Constitution and Bylaws: Mr. Elliott delivered an explanation of the duties of the Standing Committee on Constitution and Bylaws as well as preparation for the Committee's general procedures at the 2023 annual meeting.

COUNCIL BUSINESS

Future Meeting Dates:

Item 3.5, concerning existing and proposed future meeting dates. The Council discussed potentially moving in-person meeting dates to meet initially earlier after a new Council year begins and to move the second in-person meeting earlier than it currently is as well. The Council expressed a general preference for January and June dates. Council staff will research available dates and present them to the Council in the coming weeks.

Administrative and Policy Review Subcommittee Reports:

Items 6.1.1, 6.1.2, 6.1.3, 6.1.4 and 6.1.5 motioned and seconded on consent (including any Resolutions contained therein)

Bylaws Subcommittee Reports:

Item 6.2.1 was motioned and seconded on consent (including any Resolutions contained therein).

Item 6.2.2, proposing amendments to add mandatory mediation and recusal of the Council in member conduct cases where either party is a current or recent member of CEBJA was discussed; general agreement with the matters presented in the report was expressed. Following discussion, it was duly moved and seconded that a resolution approving the restructuring of Chapter XI of the Governance Manual be postponed definitely until the 2023-2024 term of the Council.

Item 6.2.3, concerning research into board codes of conduct was discussed. Board Codes of Conduct used by other organizations were reviewed and the development of a Board Code of Conduct template was suggested. Following discussion, the following resolutions were moved and adopted by voice vote:

Resolved, that the Bylaws subcommittee undertake a study of codes of conduct used by boards of directors and boards of trustees of non-profit organizations to determine the value and benefits that the adoption of such codes may provide and the provisions that such codes contain, and be it further

Resolved, that should the subcommittee believe that a board code of conduct would provide value and benefit to the Association, undertake the development of a template code of conduct useable by the boards of component and constituent dental societies and the Board of Trustees of the American Dental Association, and be it further

Resolved, that the Bylaws subcommittee report to the Council at its next in-person meeting on its examination of board codes of conduct and the potential development of a template board of conduct for use within the American Dental Association tripartite.

Ethics and Continuing Education Subcommittee Reports:

Items 6.3.1, 6.3.2, and 6.3.3 were motioned and seconded on consent (including any Resolutions contained therein).

Ethical Moment and Dental Dilemmas™ Podcast Subcommittee Report:

Item 6.4.2 was motioned and seconded on consent (including any Resolutions contained therein).

Item 6.4.1, concerning the status of the Dental Dilemmas™ podcast and plans for its direction in the coming year and beyond that. Following discussion, the following resolution was moved and adopted by voice vote:

Resolved, that the Council will appoint a small workgroup to meet with the ADA's Integrated Marketing department to discuss options to continue the Dental Dilemmas™ podcast within the ADA structure.

Presentation of Service Plaques: Plaques were presented to Dr. Gary S. Davis, Dr. Ansley H. Depp, Dr. Renee P. Pappas, Dr. Allen B. Reavis, and Dr. Bruce A. Burton to commemorate their years of service to the Council, the American Dental Association, and the profession of dentistry. A plaque commemorating the service of Dr. Nicholas Koutrakis on the Council as the ASDA liaison to the Council was mentioned and forwarded to D. Koutrakis, who appeared at the Council meeting remotely.

Selection of Council Chair: Dr. Debra A. Peters (9th District, Michigan) was selected as chair of the Council for the 2023-2024 term.

Selection of Council Vice Chair: Dr. Kelly Roth (7th District, Ohio) was elected as vice chair of the Council for the 2023-2024 term.

NEW BUSINESS

Clarification of ADA Governance Documents on the Tripartite: At the request of Dr. Davis, Mr. Elliott conveyed the portions of the ADA *Bylaws* that discuss or have implications for matters related to the tripartite structure.

CONCLUDING DISCUSSIONS

The retiring members of the Council briefly spoke concerning their tenure on the Council. Council and the Council Staff then closed the meeting by mentioning what for them was the most consequential subject discussed at the meeting and what they most anticipate from the Council in the future.

ADJOURNMENT

On motion duly seconded, there being no remaining business on the Council's meeting agenda, the chair declared the meeting adjourned at approximately 11:30 am on July 8, 2023.