

**Council on Ethics, Bylaws and Judicial Affairs
Unofficial Report of Major Actions
March 24-25, 2022 Meeting**

The Council met in person on Thursday and Friday, March 24-25, 2022, during which it considered and discussed the following matters and took the following major actions:

1. Dr. William D. Cranford, Jr., chair of the administrative and policy review subcommittee, indicated that two (2) policies on which the Council has been assigned as the primary reviewer pursuant to 170H-2012 are scheduled for periodic review this year. It was reported that the subcommittee will complete its review of the two policies (Guidelines for Dental Advertising (*Trans.* 1979:647) and Freedom of Choice (*Trans.* 1994:667)) in April 2022 and report its recommendations on retention, revision or rescission of the policies to the Council thereafter. In addition, the Council is listed on twelve additional policies believed to be due for periodic review in 2022 where the Council is named as a secondary reviewer, and has written to the councils having primary review responsibility on those policies offering the Council's assistance.
2. Dr. Cranford also reported that the administrative and policy review subcommittee is, at the request of President Sabates, considering whether there exists a need to develop and publish a reminder statement to the Association's membership that, pursuant to the ADA *Principles of Ethics and Code of Professional Conduct*, any products and treatments recommended by dentists should be based on accepted scientific knowledge and research and be safe and effective for the purpose intended. Dr. Cranford indicated that the subcommittee will advise the Council in July whether such a reminder is recommended.
3. In the subcommittee's report to the Council, Dr. Cranford indicated that the subcommittee is considering whether a need exists for a statement that discusses the ethical issues and implications of the treatment of patients having infectious diseases having unknown or uncertain transmission specifications so that patients, dentists and allied personnel and their families are protected from inadvertent disease transmission occurring during oral health care encounters.
4. Dr. Gary S. Davis, Bylaws subcommittee chair, delivered the Bylaws subcommittee report of its activities to the Council. One of the items reported on was the subcommittee's consideration of amendments to the Association's governance documents to foster inclusivity, with the subcommittee recommending that such amendments be adopted by the Council as conforming amendments under Chapter VIII., Section K.6.b.ii. of the *Governance*

Manual. The resolution implementing the subcommittee's recommendation was unanimously adopted by the Council.

5. The subcommittee, through Dr. Davis, also recommended that the heading "Association Membership" to Chapter I, Section 20.B.a of the *Bylaws* be deleted so that that the format of that subsection conforms to the formatting of the remainder of the subsections in *Bylaws* Chapter I., Section 20. A resolution implementing that recommendation was unanimously adopted by the Council pursuant to Chapter VIII., Section K.6.b.ii. of the *Governance Manual*.
6. Dr. Davis also reported that the subcommittee had conducted its periodic review of approximately twenty-five percent (25%) of the ADA Bylaws and Governance Manual so that editorial errors could be corrected and conforming edits could be made. On behalf of the subcommittee, Dr. Davis moved the subcommittee's recommended resolution for the adoption of the revisions proposed by the subcommittee pursuant to Chapter VIII., Section K.6.b.ii. of the *Governance Manual*, and that resolution was unanimously adopted by the Council.
7. Dr. Davis also provided a status report of the subcommittee's work in complying with the directive of Resolution 106H-2021 to develop proposed revisions to the delegate reapportionment formula found in the *Manual of the House of Delegates*, indicating that the subcommittee will be considering proposed amendments at its April meeting, and anticipates providing a recommendation to the Council at its July 2022 meeting.
8. Dr. Davis also reported to the Council that the subcommittee is engaged in reviewing Chapter XI. of the *Governance Manual* (Principles of Ethics and Code of Professional Conduct, Member Conduct Policy and Judicial Procedures) with the goal of rewriting the chapter so it is more concise and easier for Association members to understand. Dr. Davis expressed the hope that the subcommittee's work on this project would be completed in time to present the results to the Council for consideration at its July 2022 meeting.
9. Dr. Ansley H. Depp, continuing education subcommittee chair, reported on the deliberations of the subcommittee concerning the development of a podcast series that would be designed to highlight ethics and the Council's "Ethical Moment" series of articles that have appeared in *The Journal of the American Dental Association* for approximately eighteen (18) years. She reported that the subcommittee is in discussions with the ADA's Integrated Marketing and Communications division concerning the Council's ethics-based podcast becoming one of several other ADA created podcasts on various subjects on an ADA

podcast channel and said that those talks are continuing. Following an extended and spirited discussion, the Council expressed its strong support for developing the podcast described by Dr. Depp, and authorized the subcommittee to develop a pilot podcast that incorporates the subcommittee's vision. Dr. Depp promised to provide updates for the Council when they are available.

10. The Council received presentations from Dawn McEvoy and Lynette Buchanan from the Division of Conferences and Continuing Education and Dr. Peter Shatz and Dr. Robert Skinner from the Committee on Annual Meetings concerning potential avenues of Council involvement during SmileCon™ 2022 in Houston, Texas, including the possibilities of presenting a continuing education course relating to ethics and other ethics-based activities to engage members visiting SmileCon 2022. Dr. Depp indicated that the subcommittee will discuss its participation options at a subcommittee meeting and determine what role will be played during the annual meeting.
11. The Council discussed the Ethical Moment feature with Dr. Tim Wright, JADA editor, and reaffirmed its commitment to authoring Ethical Moment articles for JADA. The Council and Dr. Wright discussed other ways in which the Council could collaborate with JADA.
12. The Ethics Subcommittee, through its chair, Dr. Renee Pappas, with the assistance of council manager Nanette Elster, reported to the Council on the status of Ethical Moment article submissions and the article template that has been developed as an aid to Council members in developing articles for publication. The article submission process was summarized by Ms. Elster for the benefit of new Council members. Dr. Meredith Bailey, Council chair, stated that the Council would begin issuing a monthly report on Ethical Moment article submissions so that the members could track the number of articles in process.
13. The Council was given a status report on its annual Student Ethics Video Contest and was told that marketing material for the 2022 contest will be distributed via, among other channels, the American Student Dental Association and the Student Professionalism & Ethics Association as well as the ADA's office of student affairs. Members were requested to encourage dental students in their districts to develop and submit entries for the contest and to publicize the contest to the constituent and component dental societies and dental schools in their districts. The following link will bring up the ethics page on the ADA YouTube channel, where student ethics videos can be accessed:
<https://www.youtube.com/watch?v=0VCcymTKG6U&list=PLgVW4hDBH0pertw4BUhQqcDU2r3w5gOhD>.

14. Dr. Pappas also reported on the project to develop Ethical Moment facilitator guidelines designed to assist in the use of Ethical Moment articles as the backbone of preparing and presenting continuing ethics education courses by constituent and component dental societies, study clubs and dental schools.
15. The chair, Dr. Bailey, announced the formation of a workgroup to review the Campaign Rules as they relate to social media. Dr. Johnson will chair the workgroup, and Dr. Peters, Dr. Reavis and Dr. Mellion will serve as members. Dr. Michael Eggnatz, recent campaign chair for Dr. Sabates, has agreed to serve as a consultant to the workgroup.
16. The Council received a status report on the two judicial proceedings that have arisen since the Council's July 2021 meeting.
17. The Council received a presentation from the Executive Director, Dr. Raymond A. Cohlmiya, concerning revisions being undertaken in the Association's planning and budgeting activities to assist the Association in focusing on its 4 customer groups – direct to dentist, tripartite, enterprise and public and professional.
18. The Council received short presentations from several ADA council representatives concerning important initiatives and projects that have engaged the councils in 2022.