

**Council on Ethics, Bylaws and Judicial Affairs
Unofficial Report of Major Actions
July 24, 2020 Meeting**

The Council met via videoconference on Friday, July 24, 2020, considered and discussed the following matters and took the following major actions:

1. Dr. Seth W. Griffin, chair of the Administrative and Policy Review Subcommittee, reported on the subcommittee's consideration and recommended proposals for revising the CEBJA statement entitled Ethical Considerations When Using Patients in the Examination Process. The Council concurred with the proposed revisions and staff was directed to post the revised statement in the appropriate venues.
2. Dr. Griffin reported on the Administrative and Policy Review Subcommittee conduct of a review of the policy entitled Member Conduct Policy. As a result of that review, the subcommittee recommended revisions to the policy that, among other things, make the policy less ambiguous by removing the phrase "disruptive behavior;" emphasizes the need to be courteous and respectful when discussing modes of practice and to show restraint and professionalism when considering the practice choices of dentists; and reminds members that they should abide by and respect the decisions and policies of the Association and that any criticism or challenges to existing Association policies or decisions should be undertaken in a professional manner. Following discussion of the subcommittee's report and amending the subcommittee's recommendations in certain respects, the Council adopted the amended recommended revisions and requested that a resolution to amend the policy be forwarded to the House of Delegates.
3. Dr. Robert J. Wilson, Jr., counsel vice chair and chair of the Bylaws Subcommittee reported on the subcommittee's *Bylaws* review and its recommendation of a proposed amendment and simplification of Chapter I., Section 20.B. of the ADA *Bylaws*. Following discussion of the subcommittee's report and recommendation, the Council adopted the recommendations to amend Chapter I, Section 20.B. of the ADA *Bylaws* and requested that a resolution to so amend the *Bylaws* forwarded to the House of Delegates.
4. Dr. Wilson also presented the report and recommendation of the Bylaws Subcommittee to amend Chapter III., Section 120 of the ADA *Bylaws* to simplify language and make the section easier to understand by rank and file members of the Association. Following discussion of the subcommittee's report and recommendation, the Council adopted the subcommittee's recommendation to amend Chapter III., Section 120. of the ADA *Bylaws* and requested that a resolution to so amend the *Bylaws* forwarded to the

House of Delegates.

5. Dr. Wilson reported that the Bylaws Subcommittee also reviewed Chapter XII. of *the Governance and Organizational Manual of the American Dental Association (Governance Manual)* and as a result, recommended revising Section A. to allow retired members to pay member dues in installments and thus align retired members with active and life members. Following discussion of the subcommittee's report and recommendation, the Council adopted the subcommittee's recommendation to amend Chapter XII., Section A. of the *Governance Manual* and requested that a resolution to so amend the *Bylaws* forwarded to the House of Delegates.

6. Dr. Wilson also reported on the Bylaws Subcommittee's consideration of the provisions in the *ADA Bylaws* and the *Governance Manual* relating to declarations of extraordinary emergency and the subcommittee's recommendation to consolidate provisions found in the *Governance Manual* into Chapter III., Section 60. of the *Bylaws*. Following discussion of the subcommittee's report and recommendation, the Council adopted the subcommittee's recommendation. However, later in the meeting, the Council considered a request from the Governance Committee of the Board of Trustees to amend the *Bylaws* to add provisions relating to the operation of the Association during times of extraordinary emergency. That request ultimately was referred to the Council's Bylaws Subcommittee with a request that a report on the referral be given to the Council in sufficient time that it can be reviewed by the Council and forwarded to the Board of Trustees in time for the Board's consideration during its August 23-25, 2020 meeting. Because of the possibility of the merging revisions proposed in response to the request of the Governance Committee with the amendments of Chapter III., Section 60. approved by the Council, the request to forward to the House of Delegates the approved Chapter III, Section 60. amendment was postponed until the report of the Bylaws Subcommittee on the Council's referral is considered by the Council.

7. Dr. Donald F. Cohen, chair of the Ethics Subcommittee, assisted by subcommittee member Guenter J. Jonke, reported on the subcommittee's review of Section 3.A. of the *ADA Principles of Ethics and Code of Professional Conduct (ADA Code of Ethics)* that resulted in the subcommittee's recommendation that the word "dental" be stricken from the phrase "the dental health of the public." Following discussion of the subcommittee's report and recommendation, the Council adopted the recommendation of the subcommittee to amend Section 3.A. of the *ADA Code of Ethics*, and requested that a resolution to so amend the *ADA Code of Ethics* be forwarded to the House of Delegates.

8. Dr. Cohen, assisted by Dr. Jonke, also reported to the Council on the subcommittee's continued development of a white paper dealing with vaccination of children against the measles. In view of the outbreak of coronavirus and the COVID-19 pandemic, the subcommittee suggested that a white paper dealing with vaccinations generally and promoting the ability of dentists to administer vaccinations would be timely if issued in the near future. After considering and discussing the subcommittee's request and comments, the Council agreed and requested that the subcommittee proceed to finalize a white paper draft of expanded scope so that the draft white paper could be reviewed and discussed by the Council in the near future.
9. The Council discussed the potential advisability of including an ADA *Code of Ethics* Advisory Opinion to address the reasons for the shifting in ethical priorities that may occur during a public health crisis. For example, while the ADA *Code of Ethics* puts the welfare of the patient as the primary ethical concern, during the early stages of the pandemic, dentists were ethically obligated to defer non-urgent and non-emergency patient treatment out of concern for the public health risks associated with that care during the early stages of the pandemic. The Council approved the Ethics Subcommittee proceeding with a draft of the Advisory Opinion for review by the full Council.
10. The Council received status reports on the Council's Ethical Moment article submissions to The Journal of the American Dental Association and the Council's annual student ethics video contest. With respect to the latter project, the Council approved going forward with the contest this year.
11. Dr. Kristi M. Soileau, chair of the Continuing Education Subcommittee, reported that the Council's CE presentation scheduled for the 2020 annual session has been canceled. The subcommittee is investigating the possibility of developing a webinar using the material developed for the 2020 meeting. The Council was also informed that an application to present a continuing education offering at the 2021 annual meeting has also been made.
12. The Council was also briefed on the two continuing education webinars that have been recently been given by Dr. Jonke, Dr. Soileau and ADA staff in collaboration with the American College of Dentists and Dentsply Sirona.
13. The Council received a report from its representative to the CDEL CE Oversight Committee, Dr. Alma J. Clark.
14. The Council received an update on the Standing Committee for Constitution and Bylaws, which will be virtually held shortly before the convening of the 2020 House of Delegates.

15. Plaques were virtually presented to the outgoing Council members, Dr. Larry F. Browder, Dr. Donald F. Cohen, Dr. Seth W. Griffin, Dr. Kristi M. Soileau, New Dentist member Dr. Daniel W. Hall, chair Dr. Michael A. Kurkowski and ASDA Liaison Dr. Anisha Pandya, and the Council thanked them for their service to the ADA, the Council and the profession of dentistry.
16. The Council received a presentation from Dr. Kathleen T. O'Loughlin on the ADA's activities since the beginning of the pandemic and the effect that the pandemic has had on the ADA's 2020 budget and the preparation of the 2021 ADA budget.
17. Dr. Robert J. Wilson, Jr. (4th District, Maryland) was selected as the Council chair for the 2020-2021 term.
18. Dr. Meredith A. Bailey was elected as vice chair of the Council for the 2020-2021 term.