

**Council on Ethics, Bylaws and Judicial Affairs
Unofficial Report of Major Actions
April 4-5, 2019 Meeting**

The Council met in Chicago on Thursday and Friday, April 4-5, 2019 and considered and discussed the following matters and took the following major actions:

1. Dr. M. Elwood Rice, chair of the Administrative and Policy Review Committee, reported on the committee's review of policies up for review this term under the provisions of Res. 170H-2012. The committee reported that it reviewed three policies -- The Dentist's Pledge (Trans.1991:598; 2014:479); Election of Delegates (Trans.1979:646); and Patient Rights and Responsibilities (Trans.2009:477). The committee determined that all the policies should be maintained without revision. The Council concurred, and approved resolutions to continue each of the policies without amendment.
2. Dr. Rice also provided an informational report to the Council on the status of the Council's 2020 budget which is in the process of being formulated. James A. Smith, chair, provided a recap of the 2018 House of Delegates meeting for those Council members not in attendance, focusing on those issues and resolutions that are in the scope of the Council's responsibilities.
3. Dr. Rice reported that the Administrative and Policy Review Committee is working on a draft of the Council's self-assessment report based on the members' 90 page compilation of comments provided in response to a self-assessment survey. Following the committee's completion and approval of the draft report, it will be distributed to the Council for comments and, ultimately, approval.
4. Dr. Michael Kurkowski, Council vice chair and chair of the Bylaws Committee, reported on the committee's assessment of a proposed amendment to the Governance Manual by which reports on pilot programs will be limited to those pilot programs that are in conflict with the ADA *Bylaws*. Following discussion and an appearance by Mr. Jerry Bowman, ADA Chief of Governance and Strategy Management, to explain the rationale for the requested revision, the Council approved the form of amendment forwarded by the committee. The Council requested, however, that the background statement in the draft resolution worksheet presented be reviewed and revised by Mr. Bowman to ensure that the rationale for the amendment is correctly stated, following which the worksheet will be distributed to the Council for approval.

5. Dr. Kurkowski reported on the Bylaws Committee's consideration of a periodic review of the Bylaws, Governance Manual and Manual of the House of Delegates. It was reported that a tentative schedule for such a review over four year intervals had been developed by the committee, and the committee recommended that the schedule be ratified by the Council. The Council approved the review schedule as recommended by the committee.
6. Dr. Kurkowski also reported that the Bylaws Committee had performed preliminary work on a revision of the committee structure as found in the ADA governing documents. It was reported that the committee will continue working on that project in collaboration with the Speaker of the House of Delegates with an eye toward presenting the Council with a recommendation for governance document amendments in time for submission to the 2019 House of Delegates.
7. Dr. Vishruti Patel, chair of the Ethics Committee, reported on the Ethics Committee's work on clarifying the distinction between therapy animals and emotional support animals. She reported that an Ethical Moment on therapy animals has been drafted by Dr. Wilson and will be submitted to JADA. The Ethics Committee members are jointly working to produce an Ethical Moment on the differentiating ethical considerations of emotional support animals that will also be submitted to JADA.
8. Dr. Vishruti Patel reviewed for the Council the Ethics Committee's discussion of organizational ethics and its recommendation that the development of a code of organizational ethics not be pursued at this time. During that discussion, Dr. Patel called the Council's attention to the statement of Core Precepts and Core Values that the ADA has developed. In light of the committee's report, the council decided to take no further action on the request to develop a code of organizational ethics and directed staff to prepare an appropriate notice of that decision to send to the individual who originally brought the request to the Council.
9. The Council discussed the request from the Board of Trustees to review the ADPAC Philosophy of Giving to determine if any amendments to the ADPAC's Philosophy of Giving are necessary to align the stated philosophy with the policies, mission and values of the Association. From that discussion, the Council's consensus was that no amendments to the Philosophy of Giving are needed, but that it be suggested that the ADA statement of Core Precepts and Core Values be called to the ADPAC's attention. Staff was requested to develop a notice to the Board of Trustees of the results of the Council's review; such a communication was subsequently approved by the Council.

10. Dr. Vishruti Patel, discussed The Committee's consideration of ways to clarify Advisory Opinion 5.F.3. Unearned, Nonhealth Degrees. The Committee determined that "unearned," may have some negative connotations and thus developed several options for clarification that were presented to the Council. The Council unanimously approved changing the term "unearned" to "non-accredited" or "unaccredited".
11. Dr. Thomas Howley, chair of the CE Committee, assisted by the Council's manager for ethics outreach, provided an informational report to the Council on (1) the preparation and development of a CE course on the ethical issues associated with social media and electronic communication to be given at ADA 2019 in San Francisco, (2) the submission of abstracts for two continuing education courses to be provided by the Council at ADA 2020 on the treatment of minors and disaster preparedness. Dr. Howley's report also indicated that the CE Committee has started considering continuing education topics for ADA 2021.
12. The Council was informed of the meeting of the ad-hoc CEBJA / CDEL workgroup meeting concerning the referral of Res. 21H-2018 (Use of the Term "Specialty") and the workgroup's recommendation of a resolution amending the policy in question. Following a review of the workgroup's recommended resolution worksheet, the Council approved the worksheet and its resolution and requested the staff forward the worksheet and resolution to the CDEL for its consideration at its upcoming meeting.
13. Mr. Earl Sewell, Council coordinator, provided the Council with a report on the status of the 2019 Student Ethics Video Contest.
14. The Council renewed its consideration of the ethical issues surrounding vaccinations in light of the measles outbreaks that are occurring across the country. The Council requested the development of a white paper on the topic for the Council's consideration at an upcoming meeting.
15. At the request of the Council on Dental Practice (CDP), the Council reviewed proposed revisions to the statement entitled "ADA Employment of a Dentist." Following its review, the Council agreed to suggest to CDP that Section II.d. of the statement mirror the list of protected characteristics found in Section 4.A. of the *ADA Principles of Ethics and Code of Professional Conduct*. Staff was requested to draft correspondence to the CDP chair informing CDP of the outcome of the Council's review.
16. At the request of the member from the 1st Trustee District, members of the Council provided their comments concerning the resolution to amend the President-elect election provisions in the *Constitution, Bylaws and Governance Manual*.

17. The member from the 2nd Trustee District brought an article reporting on the use of dental radiographs as an immigration forensic tool.
18. The Council received reports from the Executive Director on the first quarter operational results and the strategic plan for 2020-2025 that has been approved by the Board of Trustees.
19. The Council received a legal and compliance briefing from the General Council and took the opportunity to thank Mr. Busey on his service to the Association and congratulate him on his announced retirement.
20. The Council selected Dr. Michael Kurkowski (10th TD, Minnesota) as the Council's chair for the 2019-2020 term.
21. The Council elected Dr. Robert J. Wilson (4th TD, Maryland) as the Council's vice chair for the 2019-2020 term.